



**City Council Workshop & Meeting
March 2, 2020
Agenda**

5:30 P.M. City Council Workshop

- A. Community Advisory Committee's CDBG 5-year plan goals – Zachary Lenhart (15 minutes)
- B. Recycling Committee – Recycling Committee (15 minutes)
- C. Conduct at Meetings – Phil Crowell (15 minutes)
- D. City Charter – Phil Crowell and Sue Clements-Dallaire (15 minutes)
- E. Comprehensive Plan – Michael Chammings and Eric Cousens (15 minutes)

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

Pledge of Allegiance

- I. **Consent Items** - All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.
 - 1. **Order 35-03022020***
Accepting the Audit Report for Fiscal Year 2019 and placing it on file.
- II. **Minutes** – February 24, 2020 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - **Communication** – City Council Student Representatives - Phil Crowell
 - **Communication** – Draft Transit Study Update – Marsha Bennett, Lewiston-Auburn Transit Coordinator and Jennifer Williams Transportation/MPO Director for the Androscoggin Transportation Resource Center and Androscoggin Valley Council of Governments
 - **Communication** – Western Maine Transportation Services (WMTS) Update – Sandy Buchanan, General Manager for WMTS
- IV. **Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.
- V. **Unfinished Business**
 - 1. **Order 24-02032020**
Authorizing the sale of the Tax Acquired Property at 301 Stevens Mill Road, PID# 217-048.

At the Regular Council meeting of February 3, 2020, this item was postponed to tonight's meeting. Action is no longer required as Taxes on this property have been paid in full.

2. Ordinance 01-02242020

Amending the City of Auburn Ordinances, Appendix A, Fees and Charges to reduce the building permit fees for Agricultural Barns and Buildings. Second reading.

3. Ordinance 02-02242020

Amending the City of Auburn Ordinances for Solar Energy Generating Systems in the Industrial District (Chapter 60, Sec. 60-578 and Article XVIII Solar Energy Generating Systems). Second reading.

VI. New Business

1. Order 36-03022020

Approving the employment agreement and appointing Phil Crowell as the new City Manager of Auburn effective July 1, 2020.

2. Order 37-03022020

Approving the revolving renovation fund loan for the Auburn School Department. First reading.

3. Order 38-03022020

Appointing two City Councilors to serve on the Mayor's Ad hoc Committee on Board's, Committee's, and Commissions of the City.

VII. Reports

a. Mayor's Report

b. City Councilors' Reports

c. City Manager Report

d. Jill Eastman, Finance Director – January 2020 Monthly Finance Report

VIII. Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

IX. Executive Session – Economic development matter, pursuant to 1 M.R.S.A. Sec. 405 (6)(C)

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 02, 2020

Author: Zachary Lenhert

Subject: Five Year Consolidated Plan Goals

Information: The five-year Consolidated Plan describes the jurisdiction's community development priorities and multiyear goals based on an assessment of housing and community development needs, an analysis of housing and economic market conditions and available resources.

The attached "Goals" for the 2020-2024 Consolidated Plan are based on, and refer to, the recently adopted Auburn Strategic Plan. The Citizen's Advisory Committee believes that aligning the goals of the Consolidated Plan with the goals of the Auburn Strategic Plan will ensure that the City of Auburn is using resources where they are needed the most and providing the most impact for its residents.

City Budgetary Impacts: Grant Funds

Staff Recommended Action: Review Consolidated Plan Goals and offer comments

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Cichetto".

Attachments: 2020-2024 Consolidated Plan Goals



City of Auburn, Maine

Community Development

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6600

February 27, 2020

Consolidated Plan Goals:

- 1. Provide Safe and Affordable Housing:** Increase, maintain, and improve the supply of safe, lead-free, and affordable housing for individuals and families with extremely low to moderate incomes.
 1. Growth 5 – Housing: Efficiently utilize current housing stock and sustainable targeted residential development that supports and attracts growth, residents and workforce.
- 2. Promote Economic Opportunities:** Create economic opportunities for individuals and families with low to moderate incomes.
 1. Quality 1 – Employment Opportunities: Attract quality businesses by creating an environment where business can succeed. Collaborate with existing partners to ensure and foster a sustainable and satisfying lifestyle.
 2. Quality 2 – Education: Continue to improve access to training programs designed to address workforce gaps; provide diverse, well-rounded education by partnering with available resources and businesses. Protect funding and support for educators, facilities, and accessibility.
- 3. Improve Public Infrastructure and Facilities and Eliminate Blight:** Preserve and improve public facilities and infrastructure that serve low to moderate-income neighborhoods or special needs residents and prevent or eliminate blight.
 1. Growth 1 – Recreation/Natural Resources: Create, support and market an accessible, connected, and diverse network of recreation and natural resources that provides both destinations and pathways for residents and visitors.
 2. Growth 2 – Downtown & Business Park: Develop clear identities for Auburn's downtown and industrial park that considers scale, connectivity, use (including mixed) and integrity to maximize their appeal.



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3. Growth 4 – Directed Public Infrastructure: Invest in and maintain the infrastructure necessary to provide a sustainable, safe and livable environment.
4. Quality 3 – Community Connections: Support all residents by fostering a sense of unity while honoring diversity & coordinating community resources and assets to provide wraparound support to all residents.
5. Quality 5 – Entertainment/Cultural Opportunities & Historic Preservation: Recognize the value of historic, cultural, and artistic assets and activities in enriching people's lives and promoting community life. Support the development of future opportunities in culture and the arts.

4. Provide Essential Services: Provide essential public services to improve quality of life for individuals and families with low-moderate incomes, including presumed benefit populations of abused children, battered spouses, elderly persons, severely disabled adults, homeless persons, illiterate adults, persons living with AIDS and migrant farm workers.

1. Growth 3 – Education: Develop education strategies for all stages of life that are dynamic, innovative, and collaborative to develop a foundation for economic and personal development.
2. Quality 1 – Employment Opportunities: Attract quality businesses by creating an environment where business can succeed. Collaborate with existing partners to ensure and foster a sustainable and satisfying lifestyle.
3. Quality 2 – Education: Continue to improve access to training programs designed to address workforce gaps; provide diverse, well-rounded education by partnering with available resources and businesses. Protect funding and support for educators, facilities, and accessibility.
4. Quality 3 – Community Connections: Support all residents by fostering a sense of unity while honoring diversity and coordinating community resources and assets to provide wraparound support to all residents.
5. Quality 5 – Entertainment/Cultural Opportunities & Historic Preservation: Recognize the value of historic, cultural, and artistic assets and activities in enriching people's lives and promoting community life. Support the development of future opportunities in culture and the arts.



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5. Planning and Admin

- a. Salaries, supplies, legal fees, training, etc.
- b. Fair Housing



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: City Council Workshop 3/2/2020

Author: Phil Crowell, Assistant City Manager

Subject: Ad-hoc Recycling Committee Update

Information:

The city council adopted a resolve to create a Recycling ad-hoc committee on June 24, 2019. The committee was delayed with appointments and was not able to start their work until October 31, 2019. The committee provided an update to the council at the December 2, 2019 meeting and was provided an extension of time for their work to be completed by May 1, 2020.

The committee is prepared to provide the council with an update of their work. The committee has met twice a month starting on October 31, 2019. The committee will share information about the work they have completed to date and what they know will be accomplished for the update to the council at the April 27, 2020 meeting.

The adopted resolve has four main areas of outcomes required by the committee.

The city council appointed the committee to study, recommend, and report on four areas listed below:

- 1. Identify the key impacts of the current recycling program;*
- 2. Compare the current model with different models we could adopt;*
- 3. Identify our current costs for recycling and compare with other municipalities which have adapted to the changing market; and*
- 4. Create a public education and awareness campaign for the recommended changes.*

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings: 5/13/2019 Workshop discussion, 5/20/2019 Resolve to create the Recycling Ad-hoc Committee was approved, 6/3/19 purpose, composition, term, and outcomes were reviewed, 6/24/19 approved the order to begin the ad-hoc committee, 12/2/19 committee update to the council, 12/9/19 the council approved to extend the term of the committee.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Crowell", is written over a horizontal line.

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: Workshop March 2, 2020

Author: Phil Crowell, Assistant City Manager

Subject: Rules and Procedures governing open session/public comment

Information: There are current rules and procedures governing the open session and public comment for city council meetings adopted several years ago. At the city council retreat, the attached document was shared and reviewed by the council as an update to those rules which align with current best practice.

At the retreat, it was decided that we would workshop this topic and present a change in the council meeting format which will include the first open session to be limited to 15 minutes and for the second open session to occur if needed.

City Budgetary Impacts: None at this time.

Staff Recommended Action: Discussion

Previous Meetings and History: City Council Retreat December 2020

City Manager Comments:

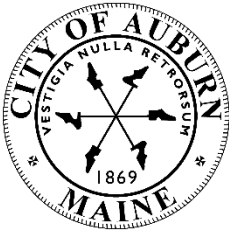
I concur with the recommendation.

Signature:

A handwritten signature in blue ink, which appears to read "Peter J. Crockett".

Attachments:

Rules and Procedures governing open session/public comment



RULES & PROCEDURES GOVERNING OPEN SESSION/PUBLIC COMMENT

City Council meetings are conducted to carry on the official business of the City of Auburn. All meetings of the City Council, except Executive Sessions, are open to the public. The public is cordially invited to attend City Council meetings, and to participate in them consistent with the provisions of this policy and with the exception of Council workshops, which are primarily intended for the

Council and staff to review and discuss items prior to their appearance on a regular City Council meeting.

The intent of this policy is to allow a fair and adequate opportunity for the public to be heard, to express opinions and concerns related to the business of the City, and to provide adequate time for the City Council to obtain information and opinions on subjects before it while ensuring that the time allowed for public input does not interfere with the addressing the scheduled agenda.

To carry out these purposes, the following rules and procedures shall govern the public comment period at all Auburn city council meetings:

GENERAL OPEN SESSION

An open session, or public comment period, shall be conducted near the beginning and end of all regular City Council meetings, at which time Auburn residents will have the opportunity to be heard on matters directly relating to City business that ARE NOT included on the regular agenda. Individuals addressing the Council during the public comment period will limit their comments to (3) three minutes. Up to fifteen (15) minutes will be allocated for general public comment periods. If the general public comment period exceeds 15 minutes, the public comment period will be suspended by the Mayor to allow the Council to conduct its business and out of courtesy for those attending the meeting for a specific agenda item. If needed, the open session will continue at end of the meeting as listed in the agenda. The Council will not engage in dialogue with the public during this time. Questions posed during the public comment period will be followed up upon after the meeting. Individuals requesting further information should leave their contact information with the City Clerk.

Open session will not be conducted at workshops, emergency meetings, or special meetings of the City Council.

ADDRESSING SPECIFIC AGENDA ITEMS

Public comments will be allowed during a meeting on those items requiring a public hearing and on other items appearing on the agenda. These comments should be DIRECTLY related to the specific agenda item being addressed. Public comments will not be taken during workshops unless a request is made to the Mayor by an individual Councilor.

RULES GOVERNING OPEN SESSION

1. Since meetings are broadcast and recorded, persons wishing to speak must use the public podium located to the left side of the audience, and speakers must preface their comments by giving their full name and address.
2. Comments must be limited to issues or concerns DIRECTLY related to Auburn municipal government. Public comment on matters not related to the City business will not be allowed, so as

to make sure that all meetings are carried out in a productive and efficient time and in keeping with the interests of all who attend and participate in a Council meeting.

3. Per state law, found in Title 1, Section 408, complaints or charges from the public about an individual employee will not be permitted. Such comments should be directed to the City Manager for their immediate follow-up and review.
4. Comments related to the following will be ruled out of order by the Mayor:
 - a. Specific situations that are in litigation, including those in which the City is a party (issues of a criminal or legal nature should be addressed with the Auburn Police Department or other criminal justice agency). Individual employees and/or employee groups will not be permitted to discuss matters for which complaint or grievance procedures are provided;
 - b. Personal disputes between the speaker and other private residents not germane to City business; or
 - c. Support for or opposition to any candidate for political office.
5. Individuals will be restricted to speaking once during the general public comment period and once per public comment period for each specific agenda item.
6. Individuals addressing the Council shall direct their remarks exclusively to the Mayor. No person other than the elected officials and the individual at the podium shall be permitted to enter into any discussion, either directly or through members of the Council. The public comment period is an opportunity for residents to express their views on matters relating to City business.
7. As a limited designated public forum, the City Council does not have the right to prohibit disparaging, rude and other remarks of a personal nature. But, because of the potential implications, including personal liability of the speakers, speakers are encouraged to strive to be accurate in their statements and avoid making personal, rude, or provocative remarks.
8. All statements should respect the dignity and seriousness of the proceeding.
9. Persons present at Council meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting, except for those instances that are listed on the Council Agenda under Public Recognition where the Mayor or a City Councilor are formally recognizing an individual or group for their accomplishments.

FAILURE TO FOLLOW GUIDELINES

The Mayor will limit commentary that is determined not to be germane to City business or the topic at hand, or which violates any of the guidelines listed above. The Mayor will direct any individual not operating in accord with these guidelines to cease such action or risk being asked to be seated or removed. If such conduct continues, the Mayor will call a recess, request the removal of such person(s) from the Chambers, adjourn the meeting, or take other such appropriate action. Repeated violations by any individual will result in the Mayor revoking that individual's right to speak at future meetings. Should the Mayor fail to take action, any Councilor may move that the Mayor enforce the rules and guidelines and, if denied, request that the Council vote on the motion.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 2, 2020

Author: Sue Clements-Dallaire, City Clerk

Subject: Discuss City Charter Review

Information: The current City Charter was adopted in 2005. Sec. 2.8. - Review of Charter and ordinances states: The city council shall provide for the review of the city's Charter and ordinances in their entirety at least once every 15 years.

30-A §2102 (1) Municipal Officers. The municipal officers may determine that the revision of the municipal charter be considered or that adoption of a new municipal charter be considered and, by order, provide for the establishment of a charter commission to carry out that purpose as provided in this chapter.

30-A §2102 (5) Election procedure. Within 30 days after the adoption of an order under subsection 1 the municipal officers shall by order submit the question for the establishment of a charter commission to the voters at the next regular or special municipal election held at least 90 days after this order.

A. The question to be submitted to the voters shall be in substance as follows:

“Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?”

City Budgetary Impacts: N/A

Staff Recommended Action: Discussion only with future direction provided by council

Previous Meetings and History: The current Charter was adopted in 2005.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Cuddeback".

Attachments:

30-A §2102, §2103, §2104, §2105

Legal Note – Charter Revision or Charter Amendment?

Maine Revised Statutes
Title 30-A: MUNICIPALITIES AND COUNTIES
Chapter 111: HOME RULE

§2102. CHARTER REVISIONS, ADOPTIONS, PROCEDURE

1. Municipal officers. The municipal officers may determine that the revision of the municipal charter be considered or that adoption of a new municipal charter be considered and, by order, provide for the establishment of a charter commission to carry out that purpose as provided in this chapter.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Petition by voters. On the written petition of a number of voters equal to at least 20% of the number of votes cast in the municipality at the last gubernatorial election, but in no case less than 10, the municipal officers, by order, shall provide for the establishment of a charter commission for the revision of the municipal charter or the preparation of a new municipal charter as provided in this chapter.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Petition procedure. The following procedure shall be used in the alternative method set out in subsection 2.

A. Any 5 voters of the municipality may file an affidavit with the municipal clerk stating:

- (1) That the 5 voters will constitute the petitioners' committee;
- (2) The names and addresses of the 5 voters;
- (3) The address to which all notices to the committee are to be sent; and
- (4) That the 5 voters will circulate the petition and file it in proper form.

The petitioners' committee may designate additional voters of the municipality, who are not members of the committee, to circulate the petition.

Promptly after the affidavit is filed, the clerk shall issue petition blanks to the committee. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The municipal clerk shall prepare the petition forms at the municipality's expense. The petition forms shall be printed on paper of uniform size and may consist of as many individual sheets as are reasonably necessary.

- (1) Petition forms shall carry the following legend in bold lettering at the top of the face of each form.

"Municipality of"

"Each of the undersigned voters respectfully requests the municipal officers to establish a Charter Commission for the purpose of revising the Municipal Charter or preparing a New Municipal Charter."

Each signature to a petition must be in ink or other indelible instrument and must be followed by the residence of the voter with street and number, if any. No petition may contain any party or political designation.

(2) The clerk shall note the date of each petition form issued. All petitions must be filed within 120 days of the date of issue or they are void.

(3) Each petition form shall have printed on its back an affidavit to be executed by the circulator, stating:

- (a) That the circulator personally circulated the form;
- (b) The number of signatures on the form;
- (c) That all the signatures were signed in the circulator's presence;
- (d) That the circulator believes them to be genuine signatures of the persons whose names they purport to be;
- (e) That each signer has signed no more than one petition; and
- (f) That each signer had an opportunity to read the petition before signing. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Petition forms shall be assembled as one instrument and filed at one time with the clerk. The clerk shall note the date of filing on the forms. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

4. Procedure after filing. Within 20 days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars which render it defective. The clerk shall promptly send a copy of the certificate to the petitioners' committee by mail and shall file a copy with the municipal officers.

A. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of the clerk's certificate.

Within 10 days after this notice of intention is filed, the committee may file a supplementary petition to correct the deficiencies in the original. This supplementary petition, in form and content, must comply with the requirements for an original petition under subsection 3. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Within 5 days after a supplementary petition is filed, the clerk shall complete and file a certificate as to its sufficiency in the manner provided for an original petition. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. When an original or supplementary petition has been certified insufficient, the committee, within 2 days after receiving the copy of the clerk's certificate, may file a request with the municipal officers for review.

The municipal officers shall inspect the petitions in substantially the same form and manner as a recount under section 2531-B and shall make due certificate of that inspection. The municipal officers shall file a copy of that certificate with the municipal clerk and mail a copy to the committee. The certificate of the municipal officers is a final determination of the sufficiency of the petitions. [2011, c. 255, §1 (AMD) .]

D. Any petition finally determined to be insufficient is void. The clerk shall stamp the petition void and seal and retain it in the manner required for secret ballots. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[2011, c. 255, §1 (AMD) .]

5. Election procedure. Within 30 days after the adoption of an order under subsection 1 or the receipt of a certificate or final determination of sufficiency under subsection 4, the municipal officers shall by order submit the question for the establishment of a charter commission to the voters at the next regular or special municipal election held at least 90 days after this order.

A. The question to be submitted to the voters shall be in substance as follows:

"Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?"

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, Pt. A, §2 (NEW). 1987, c. 737, Pt. C, §106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, Pt. C, §§8, 10 (AMD). 1993, c. 608, §4 (AMD). 2011, c. 255, §1 (AMD).

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Maine Revised Statutes
Title 30-A: MUNICIPALITIES AND COUNTIES
Chapter 111: HOME RULE

§2103. CHARTER COMMISSION, MEMBERSHIP, PROCEDURE

1. Membership. The charter commission shall consist of several voters in the municipality, elected under paragraph A, and 3 members appointed by the municipal officers under paragraph B.

A. Voter members must be elected by one of the following methods:

- (1) Six voter members are elected in the same manner as the municipal officers, except that they must be elected at-large and without party designations;
- (2) One voter member is elected from each voting district or ward in the same manner as municipal officers, except that the voter member must be elected without party designation; or
- (3) Voter members are elected both at-large and by district or ward, as long as the number of voter members is the same as the number of municipal officers on the board or council of that municipality and the voter members are elected in the same manner as the municipal officers, except that they must be elected without party designation.

Election of voter members may be held either at the same municipal election as the referendum for the charter commission or at the next scheduled regular or special municipal or state election. The names of the candidates on the ballot must be arranged alphabetically by last name. If the elections are held at the same time, the names of the candidates must appear immediately below the question relating to the charter commission. [2009, c. 52, §1 (AMD); 2009, c. 52, §2 (AFF).]

B. Appointive members need not be residents of the municipality, but only one may be a municipal officer. The municipal officers shall make the appointments in accordance with municipal custom or bylaws within 30 days after the election approving the establishment of the charter commission. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[2007, c. 495, §1 (AMD); 2009, c. 52, §1 (AMD); 2009, c. 52, §2 (AFF) .]

2. Organization. Immediately after receiving notice of the appointment of the members by the municipal officers, the municipal clerk shall notify the appointed and elected members of the charter commission of the date, time and place of the charter commission's organizational meeting. The clerk shall set the date, time and place of the meeting and give at least 7 days' notice of the meeting.

The charter commission shall organize by electing from its members a chairman, vice-chairman and a secretary and shall file notice of these elections with the municipal clerk. Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the municipality, except that a vacancy among appointive members shall be promptly filled by the municipal officers. Members shall serve without compensation, but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Regulations, staff. The charter commission may adopt regulations governing the conduct of its meetings and proceedings and may employ any necessary legal, research, clerical or other employees and consultants within the limits of its budget.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

4. Funding. A municipality shall provide its charter commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to the commission and shall permit it to consult with and obtain advice and information from municipal officers, officials and employees during ordinary working hours. Within 20 days after the members of a charter commission are elected and appointed, the municipal officers shall credit \$100 to the charter commission account. A municipality, from time to time, may appropriate additional funds to the charter commission account. These funds may be raised by taxation, borrowed or transferred from surplus.

A. In addition to funds made available by a municipality, the charter commission account may receive funds from any other source, public or private, except that no contribution of more than \$5 may be accepted from any source other than the municipality, unless the name and address of the person or agency making the contribution and the amount of the contribution are disclosed in writing filed with the clerk. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Prior to its termination, the charter commission shall file with the clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the municipality's surplus account. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

5. Hearings, reports, time limits. The following requirements regarding hearings, reports and time limits apply to a charter commission.

A. Within 30 days after its organizational meeting, the charter commission shall hold a public meeting to receive information, views, comments and other material relating to its functions. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The charter commission shall hold its public hearings within the municipality at the times and places set by the commission. At least 10 days before a hearing, the charter commission shall publish the date, time and place of the hearing in a notice in a newspaper having general circulation in the municipality. Hearings may be adjourned from time to time without further published notice. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Within 9 months after its election, the charter commission shall:

- (1) Prepare a preliminary report including the text of the charter or charter revision which the commission intends to submit to the voters and any explanatory information the commission considers desirable;
- (2) Have the report printed and circulated throughout the municipality; and

(3) Provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting a copy. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Within 12 months after its election, the charter commission shall submit its final report to the municipal officers. This report must include:

- (1) The full text and an explanation of the proposed new charter or charter revision;
- (2) Any comments that the commission considers desirable;
- (3) An indication of the major differences between the current and proposed charters; and
- (4) A written opinion by an attorney admitted to the bar of this State that the proposed charter or charter revision does not contain any provision prohibited by the United States Constitution, the Constitution of Maine or the general laws.

Minority reports if filed may not exceed 1,000 words. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

E. The municipal officers may extend the time limits for the preparation and submission of preliminary and final reports of the charter commission for up to 24 months after the election of the commission if the extension is necessary to:

- (1) Properly complete the reports;
- (2) Have them printed or circulated; or
- (3) Obtain the written opinion of an attorney. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

6. Election. When the final report is filed, the municipal officers shall order the proposed new charter or charter revision to be submitted to the voters at the next regular or special municipal election held at least 35 days after the final report is filed.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

7. Charter modification summaries. When a proposed charter revision is submitted to the voters in separate questions as charter modifications under section 2105, subsection 1, paragraph A, and the municipal officers, with the advice of an attorney, determine that it is not practical to print the proposed charter modification on the ballot and that a summary would not misrepresent the subject matter of the proposed modification, a summary of the modification may be substituted for the text of the proposed modification in the same manner as a summary is substituted for a proposed amendment under section 2104, subsection 6.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

8. Termination. Except as provided in paragraph A, the charter commission shall continue in existence for 30 days after submitting its final report to the municipal officers for the purpose of winding up its affairs.

A. If judicial review is sought under section 2108, the charter commission shall continue in existence until that review and any appeals are finally completed for the purpose of intervening in those proceedings. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 2007, c. 495, §1 (AMD). 2009, c. 52, §1 (AMD). 2009, c. 52, §2 (AFF).

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Maine Revised Statutes
Title 30-A: MUNICIPALITIES AND COUNTIES
Chapter 111: HOME RULE

§2104. CHARTER AMENDMENTS; PROCEDURE

1. Municipal officers. The municipal officers may determine that amendments to the municipal charter should be considered and, by order, provide for notice and hearing on them in the same manner as provided in subsection 5, paragraph A. Within 7 days after the hearing, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election held at least 30 days after the order is passed; or they may order a special election to be held at least 30 days from the date of the order for the purpose of voting on the proposed amendments.

A. Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Alternative statements of a single amendment are prohibited. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Petition by voters. On the written petition of a number of voters equal to at least 20% of the number of votes cast in a municipality at the last gubernatorial election, but in no case less than 10, the municipal officers, by order, shall provide that proposed amendments to the municipal charter be placed on a ballot in accordance with paragraphs A and B.

A. Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Alternative statements of a single amendment are prohibited. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Petition procedure. The petition forms shall carry the following legend in bold lettering at the top of the face of each form.

"Municipality of"

"Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment of the municipal charter as set out below."

No more than one subject may be included in a petition.

In all other respects, the form, content and procedures governing amendment petitions shall be the same as provided for charter revision and adoption petitions under section 2102, including procedures relating to filing, sufficiency and amendments.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

4. Amendment constituting revision. At the request of the petitioners' committee, the petition form shall also contain the following language:

"Each of the undersigned voters further requests that if the municipal officers determine that the amendment set out below would, if adopted, constitute a revision of the charter, then this petition shall be treated as a request for a charter commission."

Upon receipt of a petition containing this language, the municipal officers, if they determine with the advice of an attorney that the proposed amendment would constitute a revision of the charter, shall treat the petition as a request for a charter commission and follow the procedures applicable to such a request.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

5. Action on petition. The following procedures shall be followed upon receipt of a petition certified to be sufficient.

A. Within 10 days after a petition is determined to be sufficient, the municipal officers, by order, shall provide for a public hearing on the proposed amendment. At least 7 days before the hearing, they shall publish a notice of the hearing in a newspaper having general circulation in the municipality. The notice must contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Within 7 days after the public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this State that the proposed amendment does not contain any provision prohibited by the general laws, the United States Constitution or the Constitution of Maine. In the case of a committee report, a copy shall also be filed with the municipal officers. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. On all petitions filed more than 120 days before the end of the current municipal year, the municipal officers shall order the proposed amendment to be submitted to the voters at the next regular or special municipal election held within that year after the final report is filed. If no such election will be held before the end of the current municipal year, the municipal officers shall order a special election to be held before the end of the current municipal year for the purpose of voting on the proposed amendment. Unrelated charter amendments shall be submitted to the voters as separate questions. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

6. Summary of amendment. When the municipal officers determine that it is not practical to print the proposed amendment on the ballot and that a summary would not misrepresent the subject matter of the proposed amendment, the municipal officers shall include in their order a summary of the proposed amendment, prepared subject to the requirements of section 2105, subsection 3, paragraph C, and instruction to the clerk to include the summary on the ballot instead of the text of the proposed amendment.

[1991, c. 622, Pt. X, §10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 1991, c. 622, §X10 (AMD).

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Maine Revised Statutes
Title 30-A: MUNICIPALITIES AND COUNTIES
Chapter 111: HOME RULE

§2105. SUBMISSION TO VOTERS

The method of voting at municipal elections, when a question relating to a charter adoption, a charter revision, a charter modification or a charter amendment is involved, shall be in the manner prescribed for municipal elections under sections 2528 to 2532, even if the municipality has not accepted the provisions of section 2528. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Charter revision or adoption. Except as provided in paragraph A, in the case of a charter revision or a charter adoption, the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the (charter revision) (new charter) recommended by the charter commission?"

A. If the charter commission, in its final report under section 2103, subsection 5, recommends that the present charter continue in force with only minor modifications, those modifications may be submitted to the voters in as many separate questions as the commission finds practicable. The determination to submit the charter revision in separate questions under this paragraph and the number and content of these questions must be made by a majority of the charter commission.

(1) If a charter commission decides to submit the charter revision in separate questions under this paragraph, each question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter modification recommended by the charter commission and reprinted (summarized) below?"

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Charter amendment. In the case of a charter amendment the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter amendment reprinted (summarized) below?"

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Voter information. Reports shall be made available and summaries prepared and made available as follows.

A. In the case of a charter revision or charter adoption, at least 2 weeks before the election, the municipal officers shall:

- (1) Have the final report of the charter commission printed;
- (2) Make copies of the report available to the voters in the clerk's office; and

(3) Post the report in the same manner that proposed ordinances are posted. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. In the case of a charter amendment, at least 2 weeks before the election, the municipal officers shall:

(1) Have the proposed amendment and any summary of the amendment prepared under this section printed;

(2) Make copies available to the voters in the clerk's office; and

(3) Post the amendment and any summary of that amendment in the same manner that proposed ordinances are posted. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Any summary must fairly describe the content of the proposed amendment and may not contain information designed to promote or oppose the amendment. [1991, c. 622, Pt. X, §11 (AMD).]

[1991, c. 622, Pt. X, §11 (AMD) .]

4. Effective date. If a majority of the ballots cast on any question under subsection 1 or 2 favor acceptance, the new charter, charter revision, charter modification or charter amendment becomes effective as provided in this subsection, provided the total number of votes cast for and against the question equals or exceeds 30% of the total votes cast in the municipality at the last gubernatorial election.

A. Except as provided in subparagraph (1), new charters, charter revisions or charter modifications adopted by the voters take effect on the first day of the next succeeding municipal year.

(1) New charters, charter revisions or charter modifications take effect immediately for the purpose of conducting any elections required by the new provisions. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Charter amendments adopted by the voters take effect on the date determined by the municipal officers, but not later than the first day of the next municipal year. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 1991, c. 622, §X11 (AMD).

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from Legal Notes Archive Collection

Charter Revision or Charter Amendment?
(from *Maine Townsman*, "Legal Notes," May 1982)
by William Livengood, MMA's Director of Legal Services

Please Note: Despite this article's original publication date, it remains a valid resource on the relevant subject matter. Recent cases and statutory changes are footnoted to reflect current law. (9/03)

Question: What is the difference between a charter revision and a charter amendment?

Answer: The provisions of Title 30 MRSA Sections 1911-1920 (Home Rule)[Now found at 30-A M.R.S.A. § 2101-2109.], provide two separate and distinct procedures for change of a municipal charter. Section 1912[Now Section 2102.] relating to "charter revisions" requires the establishment of a charter commission, while Section 1914[Now Section 2104.] relating to "charter amendments" does not. Unfortunately, no distinction is made in the statute itself between these two concepts, nor are there any reported Maine cases which define these two terms. For these reasons, one must resort to the generally accepted meanings of these two terms and presumed legislative intent in order to determine which procedure is applicable to any given situation.

Obviously, both "revision" and amendment" connote change; any distinction between the two must be based upon the degree of change contemplated. In the case of *Kelly v. Laing*, 242 N. W. 891 259 Mich 212, the Supreme Court of Michigan made the following comparison of the two terms:

"Revision" and "amendment" have the common characteristics of working changes in the charter, and are sometimes used in exactly the same sense but there is an essential difference between them.

"Revision" implies a reexamination of the whole law and a redraft without obligation to maintain the form, scheme, or structure of the old. As applied to fundamental law, such as a constitution or charter, it suggests a convention to examine the whole subject and to prepare and submit a new instrument whether the desired changes from the old are few or many. Amendment implies continuance of the general plan and purpose of the law, with corrections to better accomplish its purpose. Basically, revision suggests fundamental change, while amendment is a correction of detail.

Although there is some authority which indicates that a change in a city's form of government may be accomplished by a process of "amendment," the cases which so hold seem to involve statutes which only distinguish between amendment and totally new charters. *State v. Orange* [Tex. x. Civ. App.] 300 SW 2d 705, *People v. Perkins* 137 P. 55. However, as in Maine law, where the statute authorizing the changes distinguishes between "charter amendment" and "charter revision," it has been held that "(a) change in the form of government of a home rule city may be made only by revision of the city charter not by its amendment." *City of Midland v Arbury* 38 Mich App. 771, 197 N.W. 2d 134.

City of Midland v. Arbury involved a situation in which the change sought consisted of the addition of the appointed city manager to the list of officers subject to removal by popular vote. When reviewing the vote which accepted this change as an "amendment" the court reasoned that:

. . . if the proposed change only amends, alters, or improves within the lines of the original charter, it is an amendment and the passage by the city electorate was valid. But, if the proposed change totally disrupts, cancels, abrogates, or makes inoperable the original charter, it is a revision and the amendment procedure and vote is subject to reversal.

Because the effect of the proposed "amendment" in the Arbury case was to change the fundamental professional administrator concept of the Commissioner-City Manager form of government, the court held that "revision" procedures should have been followed, and declared the vote void.

In summary, it would seem that any major change in governmental form and scheme would probably be interpreted as a charter revision and should be achieved through the more thorough process of deliberation afforded by establishment of a charter commission under 30 MRSA § 1912[30-A M.R.S.A. § 2102].

Since the process chosen (revision or amendment) may effect the legality of a charter change, the 110th Legislature recently enacted P.L. 1982 c. 687 to provide that persons petitioning for a charter "amendment" under 30 MRSA § 1914[30-A M.R.S.A. § 2104], may include language in the petition which requires that the petition be treated as a request for a charter commission if the municipal officers. . . "determine, with the advice of an attorney, that the proposed amendment would constitute a revision of the charter." The intent of this statute is to avoid the frustration which petitioners might experience if their requested change proves to be more fundamental than they had envisioned.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 2, 2020

Author: Brett Sawyer, Economic Development Specialist

Subject: Comprehensive Plan Overview

Information: The Economic and Community Development Office will provide a brief high-level overview of the purpose and history of the Comprehensive Plan. This overview will also include the key elements of a Comprehensive Plan and the current status of the plan including needed future amendments.

City Budgetary Impacts: None

Staff Recommended Action: The City's Comprehensive Plan has sections that need to be updated soon. At this time, staff is recommending updating the needed sections only and not conducting a full Comprehensive Plan update.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Calkins".

Attachments:

Comprehensive Plan

History, Purpose & Overview

March 2, 2020





Comprehensive Plan Origins

Comp plans are the legal underpinning of zoning ordinances.

Zoning ordinances to help direct growth and protect neighborhoods.

Auburn was FIRST to write a Comp Plan in 1918.

Legal History

Maine enacted requirement for comprehensive planning as the basis for zoning in 1943:

"A zoning ordinance shall be drafted as an integral part of a comprehensive plan for municipal development, and promotion of the health, safety and general welfare of the residents of the municipality."

Comprehensive Planning & Land Use Act of 1988

- Adopted in 1988 in response to “sprawl:”
 - Spreading growth
 - Rising taxes
 - Congested roads
 - Loss of rural character
- Includes Growth Management Program

Comprehensive Planning & Land Use Act of 1988

Governed by 30-A MRSA Chapter 187

- New dimension: *prevent development sprawl*
- Direct anticipated growth to designated areas (away from rural areas)
- *Build neighborhoods and commercial centers to accommodate and stimulate economic growth, while conserving rural territories as working landscapes and natural gems*

A State Compliant Comp Plan

Allows legitimate zoning

Impact Fees

Rate of growth ordinances

State compliance with local
zoning standards

Preferred status (grants)

State growth-related capital

SLDA exemptions

Relaxed DOT traffic permit
standards

Authority to issue NRPA &
SLDA permits

Comp Plan Elements

- Topographies, Soils, Water
- Habitats/Natural Resources
- Hazard Mitigation
- Historic/Archaeological
- Agriculture & Forestry
- Marine Resources
- The Economy
- Population & Demographics
- Land Use Patterns
- Housing
- Transportation
- Recreation & Open Space
- Public Facilities
- Government & Fiscal Capacity
- Future Land Use Plan

Two Plans to Guide Auburn

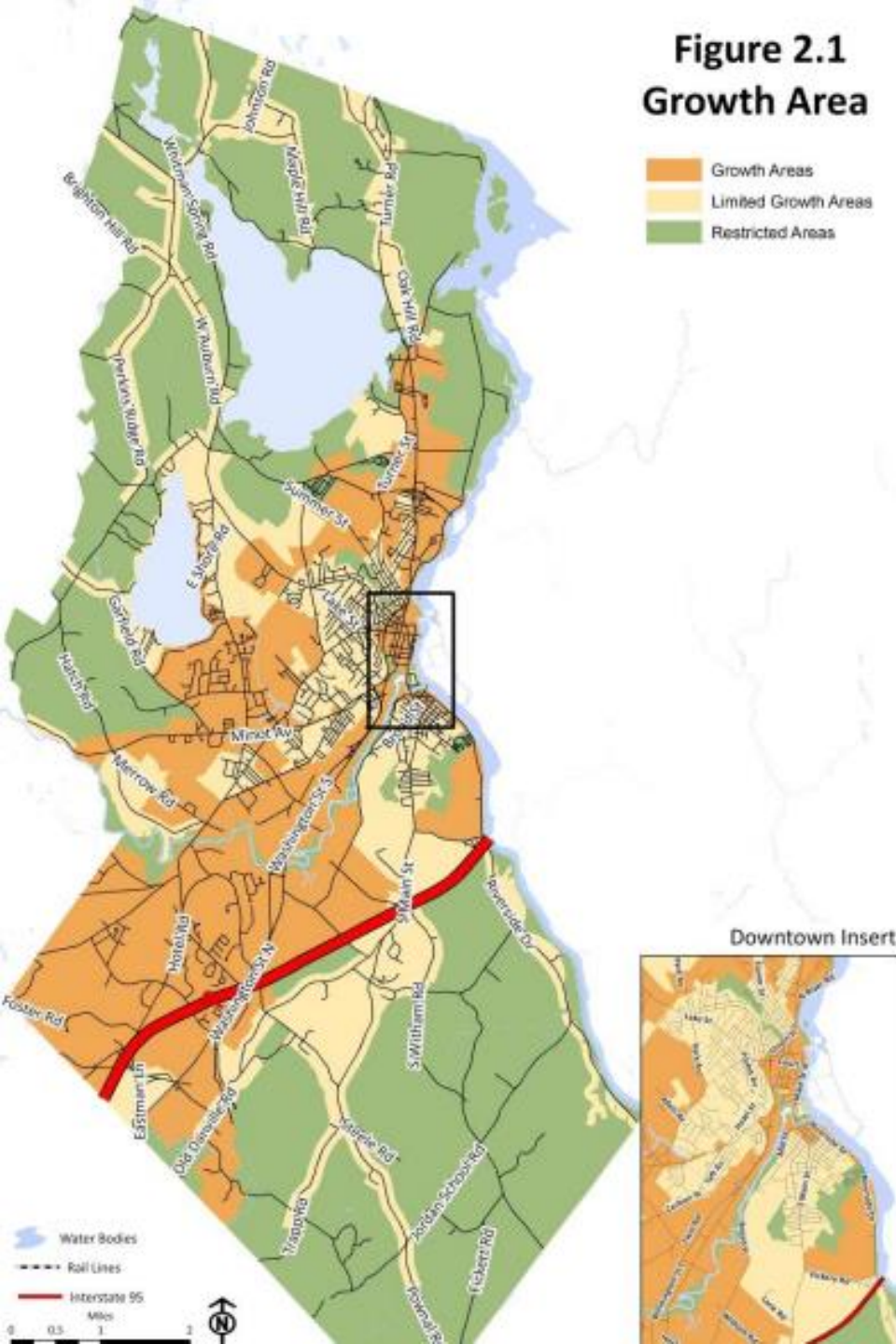
Comprehensive Plan:

The legal guide to develop the City; directed by State Statute and approved by the State.

Strategic Plan:

A community-built roadmap that supports the Comp Plan and provides specific, measurable goals.

Figure 2.1
Growth Area



Auburn's Comprehensive Plan

- Last Comp Plan enacted in 2010-11
- Updates required within one year
- Council input in upcoming months



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 2, 2020

Order: 35-03022020

Author: Jill Eastman, Finance Director

Subject: FY 19 Audit and Comprehensive Annual Financial Report

Information: The audit for FY 19 has been completed and the Auditors for Runyon Kersteen Ouellette have gone over the report with you.

City Budgetary Impacts: None

Staff Recommended Action: Accept report and place on file at the March 2, 2020, City Council meeting

Previous Meetings and History: Review of the reports by Casey Leonard and Timothy Gill of Runyon Kersteen and Ouellette on February 24, 2020.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Calkins".

Attachments: Copy of the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2019 was provided electronically for the meeting on Monday, February 24, 2020.

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 35-030220200

ORDERED, that the City Council hereby accepts and places on file the Audit Report for Fiscal Year 2019.

IN COUNCIL REGULAR MEETING FEBRUARY 24, 2020 VOL. 36 PAGE 16

Mayor Levesque 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 Carrier had an excused absence. All other Councilors were present.

Pledge of Allegiance

Motion was made by Councilor Gerry and seconded by Councilor Walker to enter into executive session to discuss a personnel matter, pursuant to 1 M.R.S.A. Sec. 405 (6)(A).

Passage 6-0, time 7:02 PM.

Council was declared out of executive session at 7:19 PM.

I. Consent Items:

1. Order 27-02242020*

Appointing Maegan Kyllonen as a Civilian Process Server, without a firearm, on behalf of the Auburn Police Department for 2020.

2. Order 28-02242020*

Appointing Wardens and Ward Clerks for a two-year term (2020-2022).

3. Order 29-02242020*

Accepting the transfer of \$2,601.00 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-19-1023 Bruce Fournier).

4. Order 30-02242020*

Accepting the transfer of \$1,690.00 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-19-649 Antwan Gildersleeve).

Motion was made by Councilor Boss and seconded by Councilor MacLeod for passage of the four consent items. Passage 6-0.

II. Minutes – February 3, 2020 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Milks to approve the minutes of the February 3, 2020 Regular Council Meeting. Passage 6-0.

III. Communications, Presentations and Recognitions

- **Communication** – Auburn School Department - Revolving Renovation Fund Loan (Adam Hanson)
- **Presentation** – Opportunity Zone Overview (Michael Chammings and Brett Sawyer)
- **Department Orientation**
 - Office of the City Clerk – Sue Clements-Dallaire
 - Finance Department – Jill Eastman
 - Office of the City Manager – Peter Crichton

IV. **Open Session** – Linda Wooten, stated that she would like to see Auburn become a sanctuary city protecting unborn children in Auburn. She said she has prepared a draft ordinance that she would like the Council to review and consider. Handouts were provided to the Council.

V. **Unfinished Business** - None

VI. **New Business**

1. **Order 31-02242020**

Re-appointing Bettyann Sheats to the Airport Board with a term expiration of 01/01/2023.

Motion was made by Councilor Boss and seconded by Councilor MacLeod for passage.

Public comment – no one from the public spoke.

Passage 6-0.

2. **Ordinance 01-02242020**

Amending the City of Auburn Ordinances, Appendix A, Fees and Charges to reduce the building permit fees for Agricultural Barns and Buildings. Public hearing and first reading.

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

Public hearing – no one from the public spoke.

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

3. **Ordinance 02-02242020**

Amending the City of Auburn Ordinances for Solar Energy Generating Systems in the Industrial District (Chapter 60, Sec. 60-578 and Article XVIII Solar Energy Generating Systems). Public hearing and first reading.

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

Public hearing – no one from the public spoke.

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

4. **Order 32-02242020**

Authorizing the City Manager to create an Opportunity Zone working group to draft recommended ordinance, zoning, and policy changes.

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

Public comment – no one from the public spoke.

Passage 6-0.

5. Order 33-02242020

Approving the extension of the City Manager's employment agreement through June 30, 2020.

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

Public comment – no one from the public spoke.

Passage 6-0.

6. Order 34-02242020

Authorizing the City Manager or his designee to execute the gravel pit lease with JIG Aggregates, LLC.

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

Public comment – no one from the public spoke.

Passage 5-1 (Councilor Walker opposed).

VII. Reports

Mayor Levesque – reported that he is watching legislation closely and will provide updates.

Councilor Boss – announced that tomorrow at 6:00 PM in the Community Room a public forum will be held on the Court Street Study, and on Friday the Auburn Public Library will be holding their annual Homestead Goods and Farmers Market will be held from 4:30 PM to 6:30 PM at the Library.

Councilor Walker – announced that Thursday at noon they will provide a beef stew lunch with a movie to follow at Auburn Senior Community Center.

Councilor Milks – reported on the Citizen's Advisory Committee meeting that was held noting that they will be meeting again tomorrow at 5:30 PM. He also provided an update on the Sewer and Water District meetings that were held last week.

Councilor MacLeod – announced that there will be a School Building Committee meeting tomorrow, he provided an update on the Cable TV Advisory meeting, and he reported that he rode the LATC bus last week from the Senior Center with Councilors Gerry and Walker on a public transit trip.

Councilor Lasagna - reported that the School Building Committee meeting will be held tomorrow at 6:00 PM, the Recycling Committee will be presenting to the Council at the March 2nd meeting on their progress. Their next meeting is at 7:00 AM on March 27th. She added that the Senior Center provides an excellent lunch for seniors and it's a great way to meet people.

Councilor - Gerry, no report

City Manager Crichton – reported that he has started a conversation with the Lewiston Administrator regarding 911. Staff is working on the FY21 budget, department workshops will be starting soon and he will present the City Manager Budget sometime in April. There will be a strategic plan workshop March 16th at 4:00 PM at the Library, the remainder of Mondays in March there are meetings scheduled.

Jill Eastman, Finance Director – January 2020 Monthly Finance Report (due to Network issues at Auburn Hall, this item was postponed until the March 2, 2020 Council meeting)

VIII. Open Session – no one from the public spoke.

IX. Executive Session

- Legal consultation, pursuant to 1 M.R.S.A. Sec. 405 (6)(E)

Motion was made by Councilor Boss and seconded by Councilor Gerry to enter into executive session. Passage 6-0, time 8:50 PM.

Council was declared out of executive session at 9:08 PM.

- Economic development matter, pursuant to 1 M.R.S.A. Sec. 405 (6)(C) – *this item will be taken up at another time.*
- Personnel matter, pursuant to 1 M.R.S.A. Sec. 405 (6)(A) – *this item was taken up at the beginning of the meeting*

X. Adjournment

Motion was made by Councilor Boss and seconded by Councilor Walker to adjourn. All were in favor, the meeting adjourned at 9:09 PM.

A TRUE COPY

ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 2, 2020

Author: Phil Crowell, Assistant City Manager

Subject: City Council Student Representative

Information: The city council has mentioned in previous meetings the desire to engage youth in local government opportunities. This opportunity will help prepare a young person to be a future civic leader. Many communities have student representatives, including the provision in our charter and it has proven to be very successful.

City Charter Article 2 - City Council Sec. 2.1 Powers and duties.

The City Council may appoint by rule non-voting student representatives to serve with the City Council.

The proposed student representative program will allow two students (one senior and one junior) to be an ex-officio representative on the City Council. The students will be the liaison between the City and the youth in our community.

The purpose of the staggered terms will allow for continuity with the students.

Timeline for Program Implementation

- March 2nd – Workshop with the City Council – feedback and consideration to move forward
- March TBD - School Committee review
- March 16th – City Council Meeting - 1st Reading
- April 6th – City Council Meeting – 2nd Reading
- April 13th – May 8th Applications for student representatives are accepted (current juniors and sophomores)
- May/June – Appointment Committee meets to review applications
- June 15th – City Council Appoints the Student Representatives
- July 6th – Student Representatives attend first meeting

City Budgetary Impacts: N/A

Staff Recommended Action: Review the proposed ordinance, student application, and timeline.

Previous Meetings: None

Recent History: None

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Crowell".

Attachments: Proposed City Ordinance Article II Mayor and City Council Division 3 – City Council Student Representative and Student Representative Application.

ARTICLE II. - MAYOR AND CITY COUNCIL

NEW

DIVISION 3. – CITY COUNCIL STUDENT REPRESENTATIVE

Secs. 2-67 - Position.

There is hereby designated and created the positions of student representatives as ex-officio representatives on the City Council of the City of Auburn, not to exceed two positions. The student representatives may be students at Edward Little High School or youth residents enrolled in another educational program and will serve as a liaison between the City and youth in the community.

Secs. 2-68 - Appointment.

Students wishing to serve shall make application through the high school principal or the city clerk. The high school shall provide the nominations for student representatives, all other applications shall be submitted to the city clerk. The city clerk shall submit the applications to the City Council Appointment Committee for recommendations for final approval of the City Council. The Auburn School Department will be responsible for retention of all documents pertaining to the application and selection process for Edward Little students and the city clerk will be responsible for the retention of all other applications.

Secs. 2-69 – Duties and responsibilities.

- a. The student representatives shall be seated with the City Council and encouraged to participate in discussions on issues before the council.
- b. The agenda for City Council meetings shall provide a regular opportunity under the heading of reports for comments from the student representatives concerning activities and events at the high school or items of interest to the youth in the community.
- c. The student representatives will receive notification of an agenda packet availability on the city website for each regular and special Council meeting, except meetings solely devoted to an executive session. The student representatives will receive a copy of all notices of public hearings deemed by the City Manager to be directly related to interests or activities of youth and

students in the community. Should these disclose issues that directly impact and involve students or youth in the community, the student representatives will be encouraged to participate at the meeting or hearing to the same extent and same fashion as members of the public.

d. The student representatives shall be governed by and comply with all the provisions of the City Council Rules of Procedure.

Secs. 2-70 – Term of office.

The student representatives (one senior and one junior) shall serve a two-year term with one vacancy for a junior available annually in July for the graduating senior. With the exception being the initial year, the senior will only serve one-year. Terms shall start July 1st and end June 30th.

CITY COUNCIL STUDENT REPRESENTATIVE

Applicant Information:

Name: _____

Home Address: _____

E-mail Address: _____

Phone Number: _____

School: _____ Current Grade: _____

Applicant Experience: *Please list activities in which you have participated. Include organizations, school-related activities, and community activities.*

Name of Organization: _____

Title or Position: _____

Period of Involvement: _____ Hours per week: _____

Name of Sponsor: _____ Phone Number: _____

Name of Organization: _____

Title or Position: _____

Period of Involvement: _____ Hours per week: _____

Name of Sponsor: _____ Phone Number: _____

Employment: *Beginning with your present or most recent job if any, please list your employment history.*

Name of Employer: _____ **Phone Number:** _____

Type of Work: _____

Period of Work: _____ Hours per week: _____

Name of Employer: _____ **Phone Number:** _____

Type of Work: _____

Period of Work: _____ Hours per week: _____

Personal References: (Teachers, Coaches, or Counselor - please attach a separate sheet)

Student Essay

To give each applicant the opportunity to demonstrate his or her eligibility for the City Council Student Representative, answer the following questions limiting each response to 100 words or less.

Use separate sheet of paper if necessary and attach response sheet to the application and submit together.

1. Why do you believe that you would be a good candidate for the City Council? Any special qualities?

2. What do you envision a Student Representative as being? Why should there be one?

3. In your opinion, what is the most critical issue facing youth in your school, in your neighborhood, and in our city? What can a Student Representative do to solve such a problem?

Applicant Statement

I hereby certify that the information I have given is true and correct to the best of my knowledge. I understand that provision of false information may disqualify my consideration. I authorize the release of this information for verification purposes and understand it will be used only to process my application. I also understand that by submitting this form, I am submitting an application to participate as a member of the Auburn City Council Student Representative and that said application is only complete upon receipt of the Parental/Guardian Consent and Liability Release form. Upon submission of the application, I understand that I will be considered for membership with all other applicants and that I may or may not be selected as a representative. If selected, I agree to attend all meetings and events and understand that I will be removed from membership for failure to do so.

Signature

Date

Parental Consent

I, the undersigned, do hereby consent to my child's participation in the Auburn City Council. I acknowledge that I have read and understand the Auburn City Council Ordinance and allow my child to attend all meetings and events relative to this program; and that I understand that my child will be removed from membership for failure to do so. I also acknowledge that upon submission of the application, my child will be considered for membership with all other applicants and that my child may or may not be selected for membership. I further acknowledge that my child's participation in this program is voluntary and I agree to release the City of Auburn and all of their employees, officials, and any and all individuals and organizations assisting or participating in the program from any and all claims for personal injuries and property damage which my child may suffer while participating as a member of the Auburn Youth Council.

Signature of Parent or Guardian

Date



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 2, 2020

Author: Peter Crichton, City Manager

Subject: Transit Study Update to the City Council and Mayor

Information: The Lewiston-Auburn Transit Coordinator Marsha Bennett and Jennifer Williams, the Transportation/MPO Director for the Androscoggin Transportation Resource Center and Androscoggin Valley Council of Governments will present an update on the current DRAFT of the Transit Study that is being done, including the objectives, scope and goals of the study. Both Marsha and Jennifer work on behalf of AVCOG to assist the City of Auburn and the other participating municipalities on transit and transportation issues. They are looking forward to receiving input from Councilors and the Mayor, as well as answer any questions. They will also be giving a projected timeline for the process. The Auburn representatives to the LATC are Councilor Tim Macleod and City Manager Peter Crichton. The Study is being funded through the ATRC and LATC and is intended to look at what we would do for a bus system if we were starting at the very beginning without any transit, except for a bus transportation center in each City.

City Budgetary Impacts: None at this time.

Staff Recommended Action: Presentation, Questions, and Answers.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation.

Signature:

A handwritten signature in blue ink that reads "Peter J. Crichton".

Attachments:

Draft Transit Study

DRAFT

Scope of Work for Lewiston-Auburn Area Transit Study

Background and Objective

Background

The Androscoggin Transportation Resource Center (ATRC), as the federally designated Metropolitan Planning Organization (MPO) for the urbanized area of Lewiston-Auburn, Maine, is seeking the services of qualified consulting firm(s) to conduct an assessment of the transit needs and system recommendations for transit in the Lewiston-Auburn area. This study will be funded, in part, with Federal Highway Administration (FHWA) Urban Planning (PL) funds and Federal Transit Administration (FTA) Planning funds, allocated to ATRC.

Citylink has been operating at some level of a hub and spoke system since it began in 1976. Currently, this service is provided under contract with Western Maine Transportation Services (WMTS). Though the level of service has fluctuated some over the years, the current system operates Monday through Friday, generally 6:00 AM to 6:00 PM, with a modified Saturday schedule, 9:15 AM to 5:15 PM. Citylink currently operates out of two hubs – Oak Street, Lewiston, and Great Falls Plaza, Auburn.

Over the years, various studies have been conducted and route changes implemented. However, the overall transit needs and system structure for the Lewiston-Auburn area has not been studied in depth. At this point in time, we do not feel that the current transit system is functioning as efficiently as it should, in order to meet the transit needs of the area.

Other public transportation in the region includes:

- Concord Coach provides regularly scheduled daily services to and from the Lewiston-Auburn area to Portland, Boston, and Logan Airport.
- Greyhound provides two trips per day out of Lewiston
- Lisbon Connection, operated by WMTS, providing connection Monday through Friday from Lisbon to the Oak Street Station in Lewiston.
- WMTS operates various commuter services between Lewiston-Auburn and the Farmington area, including connections to the Rumford area, and the Bath-Brunswick area.

Objective

The current system design concept, routes, schedules, operating days and times has been generally unchanged since the inception of the citylink transit system. The goal of the study is to determine the most efficient and effective transit system for the ATRC area, in order to enhance reliability and accessibility for riders, limit the time required to travel between important origin and destination points, and provide service in geographical areas on days and times with the highest demand for transit service. Rather than just asking for an update to our existing transit system, we are asking for a look at a “blank slate” to determine what the transit system and structure should be for our region’s needs.

This study shall evaluate the current overall transit needs and demand and recommend a system and

structure that will create a framework for short-range and long-range strategic plans aimed at managing and operating a transit system in the most efficient and effective manner. The study shall address internal and external factors influencing the use of public transit, including parking supply, policy, fares, schedules, route design (including ease of use by riders by limiting transfers), amenities, marketing, development, etc. In addition, the study shall address how to best make use of all available resources, to eliminate duplication of services, and to leverage and receive all FTA funds available to the ATRC area.

The consultant shall provide recommendations regarding program goals and objectives, expanding and/or enhancing operations/service design, capital improvement planning, funding models for various scenarios for expanded and enhanced service, management structure, partnership opportunities for connecting with other public transportation services coming into the area, marketing, and any related policy and procedure issues. This element shall also illustrate how the transit system can be a viable transportation choice in the Lewiston-Auburn urbanized area under a fiscally constrained model, as well as under a funding model that would sustain the full implementation of recommendations for service design and operation changes, and, if appropriate, a phased approach.

Scope of Services

Public Participation and Community Stakeholder Involvement

Consultant shall hold and facilitate meetings with the public and stakeholders. Specifically, ATRC will utilize a transit study advisory committee that includes transit riders, business owners, non-profits, municipal partners, elected officials, and employees and staff of citylink and WMTS, among others.

- Consultant shall hold at least one public stakeholder forum to launch the study, discuss the process and solicit input from the public.
- Consultant shall facilitate two public meetings. One to present the interim report and solicit public comment and one to present the final report.
- Consultant shall meet with staff and the transit advisory committee, established by ATRC, at key intervals of the study process and solicit input in the development of goals and recommendations.

In conjunction with this study, there is an opportunity to work with a group of local college students, for one of their courses, on data collection and analysis.

Examine and Analyze Demographics and Service Area

- Conduct an analysis of the demographics in the ATRC area. The ATRC area encompasses the four communities of Lewiston, Auburn, Lisbon, and Sabattus.
- Identify public transit demand (i.e., employment centers, medical facilities, educational institutions, human service agencies, housing developments, retail and food establishments, and civic, social, and religious organizations, etc.).
- This task will include meeting the planning and/or economic development staff of the ATRC communities to gather information and insight.

Examine and Analyze Alternative Service Models and System Designs

The study will examine various service models and system designs in relation to the identified transit

needs of the ATRC area, identifying opportunities for implementation.

The consultant shall examine and analyze these various service models, considering, at a minimum:

- Utilization of Existing Bus Stations (Federally funded assets)
- Fleet Size
- Equipment
- Maintenance Plans
- Fare Systems and Fare Programs
- Ridership
- Operating and Capital Funding
- Connectivity to Other Transportation Links in the Region
- Marketing and Advertising Strategy
- Ridership Demand Analysis
- Geographical Areas Served
- Routes and Route schedules
- On Time Performance
- Operating Days and Times
- ADA Complementary Paratransit Service
- Impacts to Small Transit Intensive Cities (STIC) funding criteria
- Use of Technology – fare collections, routes/schedules, etc
- Administrative Structure

Outcomes and Goals

The consultant shall develop recommendations that include short, medium and long- range strategies, enhancements, projects and policies, with estimated costs related to:

- Administrative and Staffing Structure
- Service area
- System design concept and route configurations
- Service operating hours and days,
- Schedules and Service Frequencies
- Bus stop type and locations.
- Connections to other transportation links within the Lewiston-Auburn urbanized area.
- Strategy to Enhance Marketing, Advertising, Public Outreach and Communication Efforts.
- Fare structures and Fare Programs.
- 10-Year Capital Improvement Plan with schedules and cost estimates for replacement, expansion and introduction of new technologies which includes, at a minimum, the following elements:
 - i. Buses
 - ii. Bus Shelters/Stop
 - iii. Bus Hubs/Transfer Stations
 - iv. Information Systems
 - v. Other Technologies
 - vi. Cost Neutral Improvements

- 5-Year Financial Plan projecting operating costs and revenues on an annual basis for each proposed service change and for proposed capital improvements.

The consultant shall also provide industry standards and best practice guidance related to:

- Attracting and Retaining Ridership
- Transit equipment needs and maintenance Practices
- Management and Administrative Structure
- Transit Marketing and Advertising
- Fare Structure and Fare Programs
- Public Involvement and Outreach Practices
- Financial and Capital Planning

Schedule

The project shall be completed by January 31, 2021. Respondents may suggest alternative schedules.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 2, 2020

Author: Peter Crichton, City Manager

Subject: Western Maine Transportation System (WMTS) Presentation to the City Council and Mayor

Information: As additional background for the presentation on the DRAFT Transit Study, the General Manager for Western Maine Transportation System Sandy Buchanan will be presenting information to the City Council and Mayor on the work being done by WMTS. As a member of the LATC, I view this work by Sandy and her team as being very entrepreneurial, visionary and forward looking. New ideas that have been implemented over the past three years include a service for Central Maine Community College in collaboration with the LATC, as well as a route by WMTS to Sugarloaf called the Sugarloaf Express, and other innovative ideas that are making the bus system a more integral part of the economy of Auburn, Lewiston, and the greater region. Sandy Buchanan recently was honored by the Lewiston-Auburn METRO Chamber of Commerce with the 2020 Theresa Samson Women's Business Leadership Award recipient.

City Budgetary Impacts: None at this time.

Staff Recommended Action: Presentation, Questions, and Answers.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation.

Signature: 

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: February 03, 2020

Order: 24-02032020

Author: Kelsey Earle, Executive Assistant to the City Manager

Subject: Disposition of Tax Acquired and City Owned Property

Information:

Previously presented properties for Council decision:

The Tax Acquired Committee recommended two (2) properties for disposition with a combined total \$17,629 in property taxes and CDBG balances owed to the City.

301 Stevens Mill Road- *Action no longer requested as the taxes have been paid in full and the property is now in the possession of an heir of the previous owner.

Newly presented properties:

None.

Whenever possible, we work with taxpayers to get properties back in their possession. Over the last two years, of the thirty-seven (37) properties the City no longer has possession of, twenty-two (22) of those were returned to previous owners.

City Budgetary Impacts:

Staff Recommended Action: Action is no longer needed on this item.

Previous Meetings and History: January 27, 2020 Workshop.

City Manager Comments: I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Calkins".

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 2, 2020

Ordinance: 01-02242020

Author: Eric J. Cousens, Deputy Director of Economic and Community Development

Subject: Agricultural Building Permit Fees Second and Final Reading

Information: The City's permit fee schedule does not differentiate between commercial agricultural buildings and other commercial buildings. The fee for new commercial building permits is \$25 plus \$.35 per square foot of the new structure area. The fee for residential accessory structures is \$25 plus \$.07 per square foot of floor area. Minot and Winslow have a \$30 base fee with an additional charge of \$.05 and \$.10 per square foot of floor area, respectively. Agricultural buildings and barns can be large structures that result in a large permit fee. Agricultural buildings and barns are generally less complex from an inspection perspective than offices, retail and industrial buildings that are currently in the same commercial permit category. Some communities have chosen to charge a smaller permit fee for agricultural buildings or structures that are unfinished on the interior to promote agriculture and to recognize the smaller cost of inspection services related to the proposed buildings. Recent changes to State law exempt some agricultural buildings from inspection and compliance with the Maine Uniform Building and Energy codes, which further reduces actual inspection costs. This fee change would apply to agricultural buildings in any zoning district used for the storage of crops or the housing of livestock and would not include buildings used for marijuana related businesses.

Attached are permit fee examples from Minot, Winslow and one using Auburn's Accessory Structure fee for Agricultural Buildings. It has become apparent that some AG buildings, where a single-family home is also present, have been permitted as residential accessory structures over the term of available data.

City Budgetary Impacts: Data from the past 12 years is provided to show the budget impacts if the Council wishes to consider a fee change. The loss in revenues over the 12 years of data averaged between \$196 to \$376 based on the three options provided by staff.

Staff Recommended Action: Hold a public hearing and consider adopting permit fees for agricultural buildings that are consistent with current Residential Accessory Structure fees at \$25 plus \$.07 per square foot. Vote to approve second and final reading.

Previous Meetings and History: January 6 and 27, 2020 workshops, public hearing and passage of first reading on February 24, 2020.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Coughlin".

Attachments: Ordinance language with tracked changes, Auburn permit fee data, average annual difference with various options and example town fee structures.

Appendix A - FEES AND CHARGES^[1]

Administrative

Notary fee 10.00

Copy fee, per page 1.00

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 and additions 25.00 base + 0.25 per sf

Accessory structure 25.00 base + 0.07 per sf

Renovation < \$2,500.00 25.00

Renovation > \$2,500.00 25.00 base + 5.00 per \$1,000.00 value

Building Permit—Multi-family:

New construction and additions 25.00 base + 0.30 per sf

Renovations 25.00 base + 5.00 per \$1,000 value

Building Permit—Mobile homes:

New or used 25.00 base + 0.15 per sf

Additions 25.00 base + 0.25 per sf

Building Permit—Commercial:

New construction 25.00 base + 0.35 per sf (per floor)

Renovation 25.00 base + 7.00 per \$1,000 value

Foundation only 20.00 base + 5.00 per \$1,000 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:

Above ground 35.00

In-ground 80.00

Building Permit—Other:

Fences 25.00

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 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

< 1,000 sf 27.00

> 1,000 sf and < 5,000 sf 80.00 + 0.02 per sf

> 5,000 sf 210.00 + 0.02 per sf

Related 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

Farm / Barn Permits

	B	E	F	J	K	L	M	N	O
1	<u>Work Class</u>	<u>Description</u>	<u>Permit Issue Date</u>	<u>Estimated Cost of Construction</u>	<u>Sq Ft</u>	<u>Past Auburn Fee Total</u>	<u>Minot Fee Total</u>	<u>Winslow Fee Total</u>	<u>Auburn AG/Accessory Building Option</u>
2	Addition	Building Addition for Storage Area	12/13/2007	\$175,000.00	7200	\$1,246.00	\$390.00	\$750.00	\$529.00
3	New	Pole Barn	11/21/2011	\$20,000.00	3600	\$1,100.00	\$210.00	\$390.00	\$277.00
4	Addition	Adding potato storage	7/24/2013	\$420,355.00	7730	\$1,644.00	\$416.50	\$803.00	\$566.10
5	Addition	Addition to the dairy barn 12x17.3	7/10/2018	\$5,000.00	207	\$98.00	\$40.35	\$50.70	\$39.49
6	New	Rebuilding burned barn	5/8/2019	\$175,000.00	3600	\$1,285.00	\$210.00	\$390.00	\$277.00
7	New	new storage building 60x150	11/28/2016	\$150,000.00	9000	\$655.00	\$480.00	\$930.00	\$655.00
8	New	new storage building	1/17/2019	\$150,000.00	11880	\$857.00	\$624.00	\$1,218.00	\$856.60
9			Totals	\$1,095,355.00	43217.00	\$6,885.00	\$2,370.85	\$4,531.70	\$3,200.19
10			Reduction in total Revenues over 12 years			0	\$4,514.15	\$2,353.30	\$3,684.81
11			<u>Average Reduction in Annual permit fee revenues</u>			<u>0</u>	<u>\$376.18</u>	<u>\$196.11</u>	<u>\$307.07</u>

			Auburn Residential					Winslow
	Auburn		Accessory	Auburn	Minot			Unfinished
City/ Town	Residential		Structure	Commercial	Agricultural			Interior
Base Fee	\$ 25.00	\$ 25.00	\$ 25.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 30.00	
Fee per								
square foot								
of floor area	\$ 0.25	\$ 0.07	\$ 0.35	\$ 0.05	\$ 0.10	\$ 0.10	\$ 0.10	

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 01-02242020

Amending the City of Auburn Ordinances, Appendix A, Fees and Charges

BE IT ORDAINED, that the City Council hereby amends the City of Auburn Ordinances, Appendix A, Fees and Charges to reduce the building permit fees for Agricultural Barns and Buildings as attached.

Appendix A - FEES AND CHARGES^{[\[1\]](#)}

Administrative

Notary fee 10.00

Copy fee, per page 1.00

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 and additions 25.00 base + 0.25 per sf

Accessory structure 25.00 base + 0.07 per sf

Renovation < \$2,500.00 25.00

Renovation > \$2,500.00 25.00 base + 5.00 per \$1,000.00 value

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

Building Permit—Multi-family:

New construction and additions 25.00 base + 0.30 per sf

Renovations 25.00 base + 5.00 per \$1,000 value

Building Permit—Mobile homes:

New or used 25.00 base + 0.15 per sf

Additions 25.00 base + 0.25 per sf

Building Permit—Commercial:

New construction 25.00 base + 0.35 per sf (per floor)

Renovation 25.00 base + 7.00 per \$1,000 value

Foundation only 20.00 base + 5.00 per \$1,000 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:

Above ground 35.00

In-ground 80.00



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 2, 2020

Ordinance: 02-02242020

Author: Megan Norwood, City Planner II and Eric Cousens, Deputy Director of Economic and Community Development

Subject: Solar Energy Generating System Ordinance for Industrial Zone Recommendation by Planning Board

Information: The Economic and Community Development Department has been fielding inquiries from Developers exploring opportunities for commercial solar installation projects in the City. The way the ordinance is currently written, the only Zoning District that would allow these installations would be the Industrial District using the umbrella of *“Electric Generating Plants”* coupled with *“uses similar to those in this section and not elsewhere named in the following subsections, provided that the use will not be noxious.”* The Ordinance does not currently have any performance standards regulating commercial solar installation projects.

The Planning Board deliberated and created the attached ordinance to regulate ground-mounted and dual-use Solar Energy Generating Systems greater than one acre in total land area which is defined as the total area of the parcel(s) physically occupied by the Solar Energy Generating System installation.

The ordinance includes the creation of a new article (XVIII) under Chapter 60 for Solar Energy Generating Systems. Once adopted, the Administrative Procedures Section and Approval Standards under the proposed Article XVIII can be amended to accommodate other Zoning Districts as the framework for the ordinance will already exist.

City Budgetary Impacts: None. Potential for new tax revenues.

Staff Recommended Action: Staff recommends the City Council hold a public hearing and approve the Planning Boards recommendation to:

- (1) Add to #22 under Sec. 60-578(a) Permitted Uses in the Industrial District: Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants including ground-mounted and dual use Solar Energy Generating Systems less than one acre in total land area as defined in Sec. 60-1425 in accordance with applicable FAA regulations if within the Airport Overlay Zone.
 - (2) Add #37 under Sec. 60-578(b) Special Exception Uses in the Industrial District: Ground-Mounted and Dual-Use Solar Energy Generating Systems Greater than one acre in total land area as defined in Sec. 60-1425.
 - (3) Adopt the proposed Article XVIII under Chapter 60: Solar Energy Generating Systems.
-

Previous Meetings and History:

- September 16, 2019 City Council Workshop;
 - October 8, 2019 Planning Board Discussion Item;
 - November 12, 2019 Planning Board Public Hearing & Discussion Item;
 - December 10, 2019 Planning Board Public Hearing & Discussion Item;
 - January 14, 2020 Planning Board Public Hearing and Formal Recommendation Made to City Council.
 - Public hearing and passage of first reading on 2/24/2020.
-



City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, reading "Peter J. Cichetto".

Attachments: Planning Board Recommendation, Recommended Ordinance Changes, January 2020 Staff Report from the Planning Department to the Planning Board



City of Auburn, Maine

Office of Economic & Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

PLANNING BOARD REPORT to the CITY COUNCIL

To: Mayor Levesque and Honorable Members of the Auburn City Council
From: Auburn Planning Board
Re: Planning Board Recommended Language on the Creation of Chapter 60, Article XVIII – Solar Energy Generating Systems
Date: January 14, 2020

- A. **PUBLIC HEARING AND DELIBERATION** – The proposed creation of a Solar Energy Generating Systems ordinance is the result of an influx in large scale solar projects proposed in the City’s Industrial District. The Industrial District currently permits solar projects under “electric generating plants” but the ordinance does not have specific standards to regulate the use. Any proposed solar energy projects would be reviewed using the Special Exception Standards in the Ordinance.

The City Council workshopped this item at the September 16, 2019 meeting and requested the Planning Board create an ordinance for Solar Energy Generating Systems in the Industrial District. The Planning Board held the first meeting to discuss the ordinance on October 8, 2019. At the October meeting, Staff presented examples of Performance Standards commonly used for solar projects in other communities and gathered a list of the types of standards the Planning Board finds to be most applicable for the City. Staff provided the first draft of the ordinance at the November 12, 2019 meeting. The Planning Board reviewed and did not feel they had enough information to make a comprehensive decision, so the discussion was tabled to the December meeting where there was more time to discuss. At the December 10, 2019 meeting, the Planning Board held a public hearing and had lengthy discussion about what the final draft of the ordinance should look like and ultimately voted to make a favorable recommendation to the City Council on its adoption at the January 14, 2020 Planning Board meeting.

- B. **PLANNING BOARD RECOMMENDATIONS** – The primary intent of the proposed ordinance is to regulate large scale “commercial” solar projects that are not accessory to a home/business on the subject property. Under Sec. 60-578(a) permitted uses for the Industrial District, ground-mounted and dual use Solar Energy Generating Systems less than one acre in surface area defined as “*the total airspace over the ground, footprint of accessways and any appurtenant structures associated with the ‘Solar Energy Generating System’*” are permitted without Planning Board approval (#22). Special Exception review by the Planning Board is triggered when a project encompasses one-acre or more in surface area (as defined above) (#37 under Sec. 60-578(b)).

The Planning Board reviewed figures presented by Staff in the attached Staff Report to come up with the one-acre threshold for Special Exception Review. The rough figures of course vary depending on the type of land proposed for the solar development and the energy usage of individual homes. However, one nearly perfect acre could theoretically produce about 1/10 of a MW and power about 20 homes (assuming they are not large energy consumers). The one-acre threshold is based on the total land area of the system defined as the “*total area of the parcel(s) physically occupied by the Solar Energy Generating System installation.*” If a parcel is 5 acres, but the land area proposed to be used by the Solar Energy Generating System less than one acre, it would not be required to be reviewed as a Special Exception by the Planning Board.

The Planning Board recommends the City Council adopt the proposed ordinance as attached. The ordinance includes the creation of a new article (XVIII) under Chapter 60 for Solar Energy Generating Systems. Once adopted, the Administrative Procedures Section and Approval Standards under the proposed Article XVIII can be amended to accommodate other Zoning Districts as the framework for the ordinance will already exist. Below are some highlights of the proposed ordinance:

The proposed ordinance does not apply to the following Solar Energy Generating Systems:

- Solar Energy Generating Systems for Municipal Use;
- Building Integrated and Roof-Mounted Solar Energy Generating Systems which are permitted by right in all Zoning Districts in accordance with applicable FAA regulations if within the Airport Overlay Zone;
- Non-structural maintenance, like-kind repair or reconstruction of equipment, provided that it does not constitute an expansion of a Solar Energy Generating System. Expansion being a change in the land area of the system or its associated equipment as defined under Sec. 60-45(a). Sec. 60-45(a) does not allow projects requiring Site Plan review to be expanded, extended or enlarged to occupy additional land greater than 10% of the original area of one-half acre, whichever is less.
- Ground-mounted Solar Energy Generating Systems intended to satisfy the electricity needs of the principal use of the lot provided the Owner/Operator completes FAA requirements if within the Airport Overlay Zone.

The Planning Board recognizes a potential pitfall with the “by-right” installations and those that are less than one-acre in terms of impacts to the airport. There is still the possibility for glare impacts, as there would be today if a homeowner installed solar panels on their roof. Often, the airport does not receive the necessary analyses when solar panels are sited in the Airport Overlay, potentially because the regulations are not clearly spelled out in an Ordinance. The Planning Board recommends including the language in the bullets above as a reminder in the Ordinance about the FAA regulations. However, the board recommends the City Council direct the City Manager to ask Staff to include checking with the Airport as part of the review procedures for these types of projects.

Planning Board review is not required for the replacement and repair of equipment or physical modifications to an existing and permitted Solar Energy Generating System under the proposed ordinance as long as equipment repair/physical modifications do not alter the total land area of the system and its equipment. The ordinance language recommended by the Planning Board includes a reference to the Special Exception language for project expansions that require additional Planning Board approval: An expansion, extension or enlargement to occupy additional land area greater than 10% of the original area or one-half acre, whichever is less.

The Ordinance also contains a proposed Sec. 60-1430(b) which requires the “permitted by right” installations not listed as exempt (i.e. the replacement/repair or physical modifications to an existing system) to be reviewed by Planning, Code Enforcement, Fire, Auburn/Lewiston Municipal Airport and a representative of the Lewiston-Auburn 911 Committee.

The bulk of the ordinance are the Performance Standards under Sec. 60-1430(a) which pertain to the following:

- | | |
|---------------------------------------|--|
| • Setback Requirements | • Visual Impact Considerations |
| • Lot Coverage | • Lighting Requirements |
| • Height Regulations | • Maintaining Permeability of the Ground |
| • Technical and Safety Considerations | • Operation and Maintenance Plan Requirement |
| • Maintenance Requirements | • Compliance with NFPA |
| • Glare Mitigation | |

Please see the attached Staff Report for a breakdown of these sections and a review of the types of standards used in solar ordinances in other communities.



City of Auburn, Maine

Office of Economic & Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

Lastly, the ordinance contains an important section regarding abandonment and decommissioning and the requirement for a Performance Guarantee should the Owner/Operator walk away from the project.

OVERALL RECOMMENDATIONS:

The Planning Board recommends the City Council adopt the proposed changes to ordinance:

- (1) Add to #22 under Sec. 60-578(a) Permitted Uses in the Industrial District: Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants including ground-mounted and dual use Solar Energy Generating Systems less than one acre in total land area as defined in Sec. 60-1425 in accordance with applicable FAA regulations if within the Airport Overlay Zone.
- (2) Add #37 under Sec. 60-578(b) Special Exception Uses in the Industrial District: Ground-Mounted and Dual-Use Solar Energy Generating Systems Greater than one acre in total land area as defined in Sec. 60-1425.
- (3) Adopt the proposed Article XVIII under Chapter 60: Solar Energy Generating Systems.

Evan Cyr
Chair, Auburn Planning Board

Cc: Evan Cyr, Chair Auburn Planning Board
File

DIVISION 15. – INDUSTRIAL DISTRICT

Sec. 60-578. - Use regulations.

- (a) *Permitted uses.* The following uses are permitted, provided that the use proposed will not be noxious, offensive or detrimental to the neighborhood or to the city by reason of danger of fire or explosion; pollution of waterways or groundwater; vibration; emission of corrosive, toxic or unhealthful fumes, gas, smoke, soot obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics:
- (1) Farming of field crops, row crops, orchards and truck gardens.
 - (2) Plant and tree nurseries, wholesale nurseries, landscape services and greenhouses; on-premises sales permitted.
 - (3) Farm dwellings on premises actively farmed.
 - (4) Financial institutions.
 - (5) Office buildings.
 - (6) Post offices.
 - (7) Telephone exchanges or telephone business offices.
 - (8) Public transportation passenger stations.
 - (9) Churches or temples.
 - (10) Municipal uses buildings.
 - (11) Airports.
 - (12) Wholesale businesses, warehouses, trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious material.
 - (13) Manufacture, compounding, processing or packaging of foods and food products, except uses approved by resolution of the city council allowing review and recommendation of the planning board in the same manner as a special exception.
 - (14) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber textiles or cloth products, tobacco, or wood, bark or wood products.
 - (15) Manufacture of ceramic products, brick and cinder blocks.
 - (16) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products, office equipment.
 - (17) Building material sales yard and contractor's equipment storage yard and plant.
 - (18) Research, experimental or testing laboratories.
 - (19) Lumber yard, including planning, milling and other processing.
 - (20) Ice manufacturing and storage plant.
 - (21) Beverage bottling plants.
 - (22) Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants including ground-mounted and dual use Solar Energy Generating Systems less than one acre in total land area as defined in Sec. 60-1425 in accordance with applicable FAA regulations if within the Airport Overlay Zone.
 - (23) Accessory uses and buildings, including but not limited to:
 - a. Retail sales of products manufactured on premises.
 - b. Dwellings used as living quarters for caretakers or watchmen and their families.
 - c. Storage boxes or space trailers as defined in section 60-666(12) used for the storage of nonhazardous material by the commercial or industrial use which occupies the property.

- (24) Training schools.
 - (25) Uses similar to those in this subsection (a) and not elsewhere named in the following subsections, provided that the use will not be noxious.
 - (26) Any new or existing building proposed as a complex of three or more business and/or offices provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.
 - (27) Adult use and medical marijuana cultivation, manufacturing and testing facilities subject to the requirements of chapter 11, article 14 of the City of Auburn Ordinances.
 - (28) Adult use and medical marijuana stores subject to the requirements of chapter 11, article 14 of the City of Auburn Ordinances, provided that the store is located on the same parcel of land as a marijuana cultivation facility or marijuana manufacturing facility.
- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:
- (1) Uses similar to those found in subsection (a) of this section and not elsewhere named in the following subsection; that in the determination of the municipal officer charged with enforcement do not meet the requirements subsection (a) of this section.
 - (2) Automobile filling stations.
 - (3) Automobile and marine repair and service stations, automobile and marine paint and body repair shops.
 - (4) Restaurants and diners, including drive-in and carry-out restaurants.
 - (5) Retail food stores.
 - (6) Microwave, radio, radar, television or radio-telephone transmitting or broadcasting towers, including studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than 1½ times its height from the nearest property line.
 - (7) Motels and hotels.
 - (8) Automobile scrap yards.
 - (9) Off-street parking accessory, to a permitted use whether or not located on the same lot.
 - (10) Outdoor advertising.
 - (11) Junkyard.
 - (12) Airplane manufacture or assembly.
 - (13) Alcohol, methanol, or ethanol manufacture.
 - (14) Automobile or automotive manufacture or assembly.
 - (15) Brewery or distillery.
 - (16) Manufacture, or bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
 - (17) Machinery and machine tool manufacture.
 - (18) Metal fabrication plant.
 - (19) Municipal incinerator or sewage treatment plant.
 - (20) Manufacture of cosmetics, toiletries and pharmaceuticals.
 - (21) Asphalt batching plant.

- (22) Grain processing and storage.
- (23) Concrete or cement products manufacture.
- (24) Coal distillation and derivation of coal products.
- (25) Iron or steel foundry.
- (26) Meat products manufacture.
- (27) Packinghouse, including meat and poultry canning and curing, processing or freezing.
- (28) Plastic and pyroxylin manufacture.
- (29) Uses similar to the uses of this section and not elsewhere named in the following subsections.
- (30) Accessory uses building and structures, including but not limited to:
 - a. Retail sales of products manufactured on the premises and products accessory to the industry.
 - b. A single dwelling unit for security personnel. Such dwelling unit shall be located in the principal building.
- (31) Hospital.
- (32) Automobile and marine sales lots and agencies.
- (33) Child day care centers over 5,000 square feet (building area).
- (34) Outpatient addiction treatment clinics.
- (35) Any new building of 10,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 10,000 square feet or more.
- (36) Adaptive reuse of structures of community significance.
- (37) Ground-Mounted and Dual-Use Solar Energy Generating Systems Greater than one acre in total land area as defined in Sec. 60-1425.

Chapter 60, Article XVIII Solar Energy Generating Systems.

Sec. 60-1425. – Definitions

Abandonment: The date at which any part of a Solar Energy Generating System has been out of service for a continuous period of 12 months.

Airport Overlay Zone: The area that lays within a 2 nautical mile radius of the centerline of the nearest runway of the Auburn Lewiston Airport.

Dual-Use Systems: Solar energy systems where photo-voltaic panels are attached to structures or buildings without any impact on the primary use (E.g. photo-voltaic panels on structures cantilevered over parked cars or benches; solar panels located on a piece of infrastructure such as a sign or light).

Ground mounted Solar Energy Generating System (also known as free-standing solar energy systems): A solar energy system that is structurally mounted to the ground. The panels may be stationary or revolving and of any size.

Operations and Maintenance Plan: A plan outlining the operations and maintenance of a solar energy system, to include safety measures and procedures for maintenance.

Roof Mounted and Building integrated solar energy generating systems: A solar energy system in which solar panels are mounted on top of the roof of a structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle. The definition also includes a solar energy system that is an integral part of a principal or accessory building and include, but are not

limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.

Solar Access: Space open to the sun and clear of overhangs or shade, including orientation of streets and lots to the sun, so as to permit the use of active and/or passive Solar Energy Generating Systems on individual properties.

Solar Energy Generating System: A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment, intended to provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems, these may be ground-mounted, dual-use, roof-mounted and building-integrated systems.

Surface Area: The total airspace projected over the ground, footprint of accessways and any appurtenant structures associated with the Solar Energy Generating System.

Total height of solar energy system: The total vertical distance as measured from the average elevation of the finished grade adjacent to the fixed base of the support structure, to the highest part of the system.

Total Land Area of the System: The total area of a parcel(s) physically occupied by the Solar Energy Generating System installation.

Total rated capacity: The maximum rated output of electrical power production of the photovoltaic system in watts of Direct Current (DC).

Sec. 60-1426. – Purpose.

The purpose of this section is to allow for the construction and operation of private and public Solar Energy Generating Systems designed to produce energy for use on site or off site, by establishing appropriate standards to ensure safe, effective and efficient use of solar energy systems compatible with surrounding uses.

Sec. 60-1427. – Applicability.

This section shall apply to all Solar Energy Generating Systems except the following:

- a. Solar Energy Generating Systems for municipal use.
- b. Building Integrated and Roof-Mounted Solar Energy Generating Systems which are permitted by right in all Zoning Districts in accordance with applicable FAA regulations if within the Airport Overlay Zone.
- c. Non-structural maintenance, like-kind repair or reconstruction of equipment, provided that it does not constitute an expansion of a Solar Energy Generating System. For the purposes of this section, expansion of a Solar Energy Generating System means a change in the total land area of the system or its associated equipment.
- d. Ground-Mounted Solar Energy Generating Systems intended to satisfy the electricity needs of the principal use of the lot provided the Owner or Operator completes FAA requirements if within the Airport Overlay Zone.

Sec. 60-1428. – Administrative Procedures.

- (a) The installation of ground-mounted and dual-use Solar Energy Generating Systems or devices occupying greater than 1 acre in total land area shall be permitted by special exception in the Industrial District after approval by the Planning Board in accordance with the provisions of Division 3 of Article XVI of this chapter as well as the supplemental provisions described in these regulations.

- (b) Unless subject to the provisions of subsection (a) of this section or listed as an exempt activity in Sec. 60-1427, any other Solar Energy Generating Systems, including the replacement and repair of equipment, physical modifications to an existing and permitted Solar Energy Generating Systems provided they do not alter the total land area of the system and its associated equipment as defined under Sec. 60-45(a) shall be permitted by right in the Industrial District and subject to review and approval in accordance with Sec. 60-1430(b).

Sec. 60-1429. – Application Requirements.

- (a) *Solar Energy Generating Systems permitted by special exception.* In addition to the submission requirements of site plan review, an application for a Solar Energy Generating Systems permitted as a special exception shall contain the following information:
- (1) All Solar Energy Generating Systems permitted by Special Exception shall be subject to the Special Exception and Site Plan Review procedures specified in Article XVI, Divisions 2 and 3 of this chapter.
 - (2) A narrative describing the proposed Solar Energy Generating System, including an overview of the project; the project location; the total rated capacity of the solar energy system; dimensions of all components and respective manufacturers; and a description of associated facilities and how the system and associated facilities comply with the standards of this ordinance.
 - (3) An accurate scaled site plan of the subject property showing the planned location of the proposed Solar Energy Generating System and all associated facilities; property lines, adjoining streets and access; topographic contour lines; existing and proposed buildings; fencing; structures; potential shade from nearby trees and structures; vegetation; driveways, parking and curb cuts on the subject property; specifications for all proposed electrical cabling/transmission lines, accessor equipment and landscaping, including the tallest finished height of the solar collectors and name, address, phone number and signature of the project proponent, as well as co-proponents or property owners, if any, the names, contact information and signature of any agents representing the project proponent. The site plan shall show any proposed off-site modifications to provide grid connections, access the installation, or to maintain the proposed solar energy system.
 - (4) Information on any connections to the grid including evidence of meeting the local electric utility's transmission and distribution interconnection requirements (this may be a condition of approval if a copy of the application for interconnection with the electric utility provider is submitted).
 - (5) Documentation that the solar generation equipment has been approved under the UL certification program and that the system complies with all applicable local, state and federal codes/regulations with the standards regarding signal interference. Electrical component and connection information shall be in sufficient detail to allow for a determination that it meets Maine electrical codes.
 - (6) All parcels within a 2 nautical mile radius of the Auburn Lewiston Municipal Airport, as measured based on the runway centerline closest to the location in question, shall submit a Solar Glare Hazard Analysis Tool (SGHAT) report, outlining solar panel glare and ocular impacts, for each point of measurement approved by the Airport Manager at the time of application to the Planning Board.

Sec. 60-1430. – Approval.

- (a) *Solar Energy Generating Systems permitted by special exception.* The planning board is authorized to retain experts at the applicant's expense to evaluate technical information or conduct studies that it finds necessary in order to determine whether these standards will be met. In addition to the criteria in sections 60-1277 and 60-1336, the planning board shall consider the following standards:
- (1) *Yard requirements.*
 - (a) The setbacks for Solar Energy Generating System installations, including appurtenant structures and parking areas, shall be subject to the dimensional regulations under Sec. 60-579(3)(a)(b)(c).
 - (b) All Solar Energy Generating System installations shall be regulated by the dimensional setback regulations, stipulated in Article XII, Division 5, Shoreland Overlay District, or a prescribed in other sections of this ordinance.
 - (2) *Lot Coverage.* The paved, mounting block, or otherwise impervious areas of sites on which ground mounted solar energy systems are installed shall comply with the lot coverage standards as defined in section 60-579(2). For the purposes of this section, photovoltaic cells, panels, arrays, and inverters shall not be considered impervious areas provided the soil underneath the collector is not compacted and remains vegetated.
 - (3) *Height Regulations.* The total height of the Solar Energy Generating System and all appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations shall not exceed thirty (30) feet.
 - (4) *Technical and Safety.* A copy of the As-Built Site Plan for the Solar Energy Generating System shall be provided to the local Fire Prevention Officer. All means of shutting down the Solar Energy Generating System shall be clearly marked.
 - (5) *Maintenance.* The Owner or Operator of the Solar Energy Generating System shall maintain the facility in good condition. Proper maintenance of the facility means that it is operating as designed and approved. Maintenance shall include, but not be limited to, painting, structural repairs, repairing damaged panels and integrity of security measures. The Solar Energy Generating System must be properly maintained and kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. Site access shall be maintained to a level acceptable by the local Fire Prevention Officer for emergency response. The owner or operator shall be responsible for the cost of maintaining the Solar Energy Generating System and any access road(s), unless accepted as a public way.
 - (6) *Glare.* Solar panels are designed to absorb (not reflect) sunlight and are generally less reflective than other varnished or glass exterior materials. However, solar panel placement should minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system. Parcels located within a 2 nautical mile radius of the Auburn Lewiston Municipal Airport, as measured based on the runway centerline closest to the location in question shall comply with Sec. 60-1429(a)(6).
 - (7) *Visual Impact.* An Applicant shall make reasonable efforts, as determined by the Planning Board, to minimize visual impacts associated with the installation of a Solar Energy Generating System. The Board shall consider the size, location and topography of the site, the characteristics of the surrounding property and the amount and type of development on said properties in determining the amount and type of screening and buffering that it deems appropriate.
 - (8) *Lighting.* Ground-mounted Solar Energy Generating System lighting shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be

- reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
- (9) Where possible, in unbuilt areas, Solar Energy Generating System installations shall maintain the permeability of the ground. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Energy Generating System or as otherwise prescribed by applicable laws, regulations and bylaws/ordinances.
- (10) *Operation & Maintenance Plan.* The Owner or Operator shall submit a plan for the operation and maintenance of ground-mounted and dual-use solar energy systems, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
- (11) All Solar Energy Generating System installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection Association (NFPA) 1, Fire Prevention Code. All wiring shall be installed in compliance with the photovoltaic systems standards identified in the latest edition of the National Electrical Code (NFPA 70).
- (b) *Solar Energy Generating Systems permitted by right.* An application for a Solar Energy Generating System permitted by right shall require review and approval by the following departments: Planning, Engineering, Fire, Code Enforcement, Auburn Lewiston Municipal Airport and a representative of Lewiston-Auburn 911 committee.

Sec. 60-1431. – Abandonment or Decommissioning.

- (a) *Abandonment and Removal of Ground Mounted and Dual Use Solar Energy Systems.*
1. The Owner or Operator shall, at their expense, complete the removal of the solar energy system within 6 months of the end of the useful life of the solar energy system or within 6 months of the date of abandonment as defined in Sec. 60-1425. The Owner or Operator shall notify the Economic and Community Development Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - a. Physical removal of all ground-mounted Solar Energy Generating Systems including solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Economic and Community Development Department, in conformance with applicable regulations, may allow the Owner or Operator to leave existing landscaping or specifically designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.
 2. The City shall revoke any approvals and/or pursue removal of the solar energy system at the Owner or Operator's expense in the following circumstances:
 - a. The solar energy system is not installed and functioning within 12-months from the date of approval under this ordinance; or
 - b. The solar energy system is at any time left in an unsafe condition in respect to federal, state or local safety standards (as determined by the City); or
 - c. The solar energy system has not been brought back to a safe condition/operation or removed from the site within the required timeframe; or

- d. The solar energy system is defective or abandoned and has not been removed from the site within required timeframe.

3. *Financial Surety.* Before the start of construction, the Owner or Operator of a solar energy system shall provide a form of surety, either through escrow account, performance bond or letter of credit from a creditable financial institution, in an amount sufficient to cover the cost of decommissioning in the event the City determines the solar energy system to be abandoned in accordance with Sec. 60-1431(a)(2) above. The financial guarantee shall include a provision granting and guaranteeing the City the authority to access the funds and property and perform the decommissioning should the facility be abandoned and the owner or operator fails to meet their obligations to remove the solar energy system. This amount shall be based upon a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, and submitted to the Planning Board at the time of application. The amount shall include a mechanism for calculating increasing removal costs due to inflation.

4. If the Owner or Operator of the Solar Energy Generating System fails to remove the installation in accordance with requirements of this section within 6 months of abandonment of the end of the useful life or date of abandonment, the City retains the right to use the performance guarantee and all other available means to cause an abandoned, hazardous or decommissioned Solar Energy Generating System to be removed.

Sec. 60-1432. – Appeals.

- (a) An appeal from a decision of the planning board on a Solar Energy Generating System permitted by special exception shall be in accordance with the provisions of Division 5 of Article XVI of this chapter.
- (b) An appeal from a decision of the staff review committee on a Solar Energy Generating System permitted by right shall be to the board of appeals. The board of appeals is authorized to retain experts at the applicant's expense to evaluate technical information or conduct studies that the board of appeals determines may be necessary in order to render a decision on the appeal.



City of Auburn, Maine

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207.333.6601

To: Auburn Planning Board
From: Megan Norwood, City Planner II
Re: Solar Energy Generating Systems: Review Draft Ordinance
Date: January 14, 2020

I. ORDINANCE OVERVIEW & UPDATES – At the December meeting the Planning Board discussed the draft Solar Energy Generating Systems Ordinance and posed several questions for Staff to research, answer (*or in some instances pose a follow-up question for clarification from the board*) and ultimately incorporate into the latest draft. Amendments to the draft are in red, underlined track changes. There are also 4 attachments to this Staff Report. These are tables Staff prepared for the Planning Board to more effectively compare the language in other communities on various solar standards (Attachment #1: Height Standards, Attachment #2: Buffering Standards, Attachment #3: Lot Coverage Standards Attachment #4: Performance Bond Requirements.

The questions below are organized based on the order they appear in the draft ordinance to make the review process easier for the Planning Board. Staff recommends the Planning Board review this Staff Report with the draft ordinance while keeping in mind the following overarching questions and suggestions:

- Does the Planning Board feel that the ordinance fits in with the rest of the Zoning Ordinance (Chapter 60)?
- Does the Planning Board feel that the ordinance achieves what it is intended to: To continue to allow “commercial” solar developments in the Industrial District while laying out reasonable standards for the use?
- Read through the ordinance through the eyes of the public, solar developers, a member of the Planning Board and Staff trying to implement the ordinance.
 - Does it make sense?
 - What questions would you have if you were new to the City as a Planning Board member, Staff, Developer or the Public and you picked up the ordinance and were trying to decipher what the rules are with no insight into the drafting process?
 - Are the standards clear and unambiguous?
 - Are the items that are left to the Planning Board to decide reasonable? For example, items that say, “as approved by the Planning Board.” (namely the visual impacts and accessway sections).
 - Are there items that should be left up to the Planning Board to decide but are not? Perhaps the regulations as drafted are too stringent and there should be some leeway?
 - What about from a Staff perspective? If an Applicant dropped off a proposal for a Solar Project and Staff had to decide the type of review process it required and what the standards are for that, are they clear? What questions would you have as a Staff person?
 - Would you feel your property is adequately protected from adverse impacts as an abutter or member of the public?

Questions from the Planning Board at the December Meeting

1. ***Sec. 60-1425. – Definitions.*** The PB was seeking additional information on what sort of height restrictions should be in place for ground-mounted panels and what impacts this could/should have on buffering requirements. The proposed draft under Sec. 60-1425. – defines total height of a solar energy system as “*the total vertical distance as measured from the average elevation of the*

finished grade adjacent to the fixed base of the support structure, to the highest part of the system.”
Attachment # 1 are examples of height restrictions imposed by other communities.

Most of the communities researched in Massachusetts cap ground mounted solar projects at 15 feet in height and have separate standards for appurtenant structures. For example, Canton Massachusetts requires equipment shelters, storage facilities, transformers, and substations to be architecturally compatible with each other and they are subject to *reasonable regulations* concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. This allows the Planning Board the flexibility to determine what a *reasonable regulation* would be in terms of space and bulk requirements which can be a good or a bad thing. Does the Planning Board want that type of flexibility or would the Planning Board rather have standards spelled out directly in the ordinance that the Board can point to?

A lot of ordinances are also silent on height requirements while others regulate both the height of ground-mounted installations and the height of roof mounted installations. The average height of a ground mounted solar panel varies based on the type of model used. Staff spoke to Revision Energy who does a lot of work in Maine and the average height of their installations are 3 feet off the ground and up to 12 feet tall. Due to the amount of snow in Maine, using an estimate from a Maine-based company is a good figure to base an ordinance on. Most solar companies estimate 5-7 feet in height for their panels so 12 feet is a conservative figure.

The Industrial District allows buildings to be 75 feet in height, except in the airport approach zone where Federal Aviation Administration height regulations apply. Staff believes the Planning Board should be more restrictive when it comes to the height limit for solar installations, whether it is 15 feet which is commonly used or 30 feet which is a little more lenient. Staff proposes the following draft language based on research of other communities:

Sec. 60-1425(3) Height Regulations: The total height of the Solar Energy Generating System and all appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations shall not exceed thirty (30) feet.

This language limits the height of Solar Energy Generating Systems as well as appurtenant structures (equipment shelters, storage facilities, transformers and substations) associated with them to 30 feet. Without this standard, the ordinance would prevail and could allow solar projects to be 75 feet in height.

2. **The Planning Board was fortunate enough to have the Airport Manager present at the meeting in December. The Board asked Staff to discuss the comments from the Airport Manager and include language in the draft to address applicable FAA regulations and glare analyses.** The Airport Manager thinks solar projects are compatible uses with the airport. However, wants there to be clear standards in the ordinance so that Owners and Operators understand applicable FAA regulations for both by-right (rooftop/accessory ground mounted uses) and larger solar projects regulated by the Planning Board under Special Exception. Staff recommends including the following in the draft ordinance to address the concerns by the Auburn Lewiston Airport:

Under Sec. 60-1427. – Applicability. (b) This section shall apply to all Solar Energy Generating Systems except the following: (b) Building Integrated and Roof-Mounted Solar Energy Generating Systems which are permitted by right in all Zoning Districts in accordance with applicable FAA regulations if within the Airport Overlay Zone.

Under Sec. 60-1427. – Applicability. (d) This section shall apply to all Solar Energy Generating Systems except the following: Ground-Mounted Solar Energy Generating Systems intended to satisfy the electricity needs of the principal use of the lot provided the Owner or Operator completes FAA requirements if within the Airport Overlay Zone.

Under Sec. 60-1426. – Application Requirements. (6) All parcels within a 2 nautical mile radius of the Auburn Lewiston Municipal Airport, as measured based on the runway centerline closest to the location in question, shall submit a Solar Glare Hazard Analysis Tool (SGHAT) report, outlining solar panel glare and ocular impacts, for each point of measurement approved by the Airport Manager at the time of application to the Planning Board.

3. **Sec. 60-1427. – Applicability. The Planning Board wanted “expansion” defined as it pertains to “an expansion of a Solar Energy Generating System” under the exemptions.** Many other communities have defined “expansion” as being a change in the land area or location of the system and its associated equipment. A change in the land area could be expanding the Solar Energy System to occupy an area not currently used or simply the construction of a new access road. This definition would also require someone moving the solar project around on the site, but not actually expanding the project to come back for Planning Board review so it is twofold in what “changes” would trigger Special Exception review. However, should the public be notified if a project is amended and proposed to occupy an area not originally proposed at the Planning Board meeting? Staff proposes the following draft language based on research of other communities:

Sec. 60-1427(c): This section shall apply to all Solar Energy Generating Systems except the following: (c) Non-Structural maintenance, like-kind repair or reconstruction of equipment, provided that it does not constitute an expansion of a Solar Energy Generating System. *For the purposes of this section, expansion of a Solar Energy Generating System means a change in the land area or location of the system and its associated equipment.*

4. ***Sec. 60-1430 (a)(1) The PB wanted to know what language already exists for buffering of Solar projects and if the buffer requirement should be altered based on the height of the panels and associated equipment. The Planning Board wondered if a buffer should even be necessary unless a project is proposed adjacent to a residence.*** The buffering language is currently included under “yard requirements” of the draft ordinance. It is the same language that is used under the landscaping provisions for the Industrial District for projects on lots that abut the side or rear lot lines in residential and nonresidential districts/uses. **Attachment #2** to the Staff Report are some examples of buffering requirements for other communities.

Several ordinances require the Solar Energy Generating Systems to be located *at least* 50 feet from a property line. Some mention side/rear property lines while others mention front property lines. The current setbacks for the Industrial District are Rear (50Ft), Side (35Ft) and Front (35Ft). It is the opinion of Staff that setback requirements for solar installations should not be **more** stringent than the setback requirements for a structure in the Industrial District and propose the following draft language for the Planning Board to review:

Sec. 60-1430(a)(1)(a): The setbacks for Solar Energy Generating System installations, including appurtenant structures and parking areas, shall be subject to the dimensional regulations under Sec. 60-579(3)(a)(b)(c).

The setback area referenced by Sec. 60-579(3)(a)(b)(c) above are the setback requirements of the Industrial District.

In addition, Sec. 60-1430(a)(7) of the proposed ordinance addresses visual impacts associated with solar projects. A lot of communities use the same boiler plate language for a visual impact section. However, Belfast incorporated specific screening measures such as preserving natural vegetation, planting new vegetation, fencing, etc. as examples that Staff thought might be important for the PB to consider.

Westerly, RI also included specific choices for buffering such as: A 50-foot wooded buffer, 25-foot partial landscape screen, 10-foot full landscape screen, or fencing with design and materials appropriate to the surrounding and natural built environment.

Does the Planning Board want to leave this section vague enough to allow the Board the flexibility to choose what types of buffering the board “deems appropriate,” on a case-by-case basis or would the PB like there to be specific types of buffering available for choose from explicitly listed in the ordinance

language? Visual impacts vary greatly depending on the type, magnitude and location of the proposed project. Staff recommends the Planning Board leave this section vague enough to review on a case-by-case basis with the following language:

Sec. 60-1430(a)(8) Visual Impact. An applicant shall make reasonable efforts, as determined by the Planning Board, to minimize visual impacts associated with the installation of a Solar Energy Generating System. The Board shall consider the size, location and topography of the site, the characteristics of the surrounding property and the amount of type of development on said properties in determining the amount and type of screening and buffering that it deems appropriate. Screening measures shall include but are not limited to the following: Preserving natural vegetation, planting new vegetation,

In addition, some communities regulate buffering based on the height of the solar panels. **Attachment #2** has language from Belfast where they are proposing to do this. All small and medium projects over 16 feet in height have a 20-35-foot setback difference than those less than 16 feet in height. If the Planning Board is in favor of the 30-foot height limit and following the same setbacks as required in the Industrial District, the ordinance would not necessarily need a setback that is based on project height because buildings in the Industrial District could be up to 75 feet in height and solar installations would be capped at 30 feet.

5. ***Sec. 60-1430(a)(1)(b): Yard Requirements. The Planning Board was inquiring about the status of Portland's Ordinance and if it required State review?***

Portland's ordinance was adopted in November of 2016. Staff reached out to Portland but has not heard back at the time of writing this Staff Report regarding the review process for the ordinance. However, York recently went through the process of creating an ordinance for Solar projects and as part of that process, they coordinated with DEP regarding how they review solar installations within shoreland zones. Like York, Staff recommends including the following language in the Staff Report to address any projects in the Shoreland Zone as there are parcels in the Industrial Zone that are also in the Shoreland Zone (Hotel Road area):

Sec. 60-1430(a)(1)(b) Yard Requirements: All Solar Energy Generating System installations shall be regulated by the dimensional setback regulations, stipulated in Article XII, Division 5, Shoreland Overlay District, or a prescribed in other sections of this ordinance.

6. ***Sec. 60-1430 (a)(2) The Planning Board wanted more information on how DEP reviews impervious area for solar projects.*** Staff discussed this with DEP in December and they consider "impervious area" for solar projects to be the access row and pipes, not the panel surface. DEP also said that if the Owner/Operator does not mow the area underneath the panels more than 2 times per

year, they consider it to be a “meadow buffer” and therefore, look at solar installations as “self-treating” projects.

- a. Along this same thought, **the Planning Board wanted to spend more time reviewing the lot coverage requirement. For example, how do Portland and other communities review lot coverage for solar installations?** The language in the draft currently exempts solar installations from lot coverage requirements of the Industrial District. **Attachment #3** includes examples for the Planning Board to consider when it comes to lot coverage for solar energy systems. There are several communities that do not mention lot coverage in their solar ordinances. Staff thought the best example is a combination of the Belfast, Dekalb County, Illinois and Delaware ordinances highlighted in **Attachment #3** and proposes the following draft language:

Sec. 60-1430. – Approval. (2) Lot Coverage. The paved, mounting block, or otherwise impervious areas of sites on which ground mounted solar energy systems are installed shall comply with the lot coverage standards as defined in section 60-579(2). For the purposes of this section, photovoltaic cells, panels, arrays, and inverters shall not be considered impervious areas provided the soil underneath the collector is not compacted and remains vegetated.

The reason for this recommendation is that it remains consistent with how DEP is reviewing these projects. It is also important, whichever option the PB chooses to pursue, that the board ensures the standard is measurable and reasonably straight forward for Staff, the board and Applicant to understand and implement when reviewing proposals. The references Sec. 60-579(2) are the lot coverage standards for the Industrial District which allows for up to 40% lot coverage. Only counting the mounting blocks, access roads and other structures associated with the solar project should not approach this amount and seems reasonable.

7. **Under the proposed Sec. 60-1430. – Approval(a)(5): Maintenance – The PB wanted this section to say that proper maintenance of the system means that it is operating as designed and intended.** As proposed, the Owner or Operator of the Solar Energy Generating System is required to maintain the facility in good condition, the maintenance section also includes types of maintenance (i.e. repairing damaged panels) and site access provisions. The latest draft also adds in the italicized language below:

The other ordinances that Staff reviewed for “maintenance” requirements included similar language to what is in the proposed draft.

Sec. 60-1430(a)(5) Maintenance. The Owner or Operator of the Solar Energy Generating System shall maintain the facility in good condition. *Proper maintenance of the facility means that it is operating as designed and approved.* Maintenance shall include, but not be limited to, painting, structural repairs, *repairing damaged panels* and integrity of security measures. *The Solar Energy Generating System must be properly maintained and kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.* Site access shall be maintained to a level acceptable by the local Fire Prevention Officer *for emergency response*. The owner or operator shall be responsible for the cost of maintaining the Solar Energy Generating System and any access road(s), unless accepted as a public way.

8. ***Sec. 60-1430(a)(10) – Approval.*** The Planning Board wanted to know what materials should be required for the road network, the board did not want impervious road materials internal to the development itself. Research into *several* other communities revealed that none regulate the specific types of materials used for access networks within solar projects. The communities in Maine, Massachusetts and Rhode Island are all subject to stormwater permits as promulgated by the Clean Water Act yet none require pervious materials for the road networks. Several communities do require the area under and around the solar panels to be pervious and that the soils not be compacted.

In speaking with different solar companies, traffic is not a concern with these types of projects because there is very minimal traffic after the system is functioning. It is usually one small vehicle every month to perform maintenance on the system, everything else, maintenance related, is handled remotely. There is an added cost associated with pervious road materials and most solar companies propose to use gravel accessways, some accessways already exist as old skid roads like the project proposed on Lewiston Junction Road.

The Planning Board could require “the use of permeable surfaces as approved by the Planning Board” which would give the Planning Board some leeway into the type of material proposed based on the project. If the Planning Board is set on requiring pervious materials for the road network, Staff has included the following draft language in the ordinance that achieves this:

Sec. 60-1430(a)(10) In unbuilt areas, where possible, Solar Energy Generating System installations shall maintain the permeability of the ground. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Energy Generating System or as otherwise prescribed by applicable laws, regulations and bylaws/ordinances. *Any internal accessways shall consist of permeable surfaces as approved by the Planning Board.*

9. ***Under the Proposed Sec. 60-1431. – Abandonment or Decommissioning.*** The Planning Board wanted there to be a requirement for a bond in place for removal of the solar project. This bond should include a contingency for the unpredictable cost of removal in the future. The Planning Board also wanted “abandonment” to be defined differently. Staff discussed a standard like this with a solar company interested in doing a project in the City and their recommendation was that the requirements for the bond subtract out the cost of materials on site, for example, copper piping which is salvageable. Staff could not find examples where communities have included salvage materials in abandonment provisions. **Attachment #4** is a comparison among communities on how they handle abandonment of solar projects and the requirements for performance bonds. Each community alters the percentage they require for a Performance Bond and leaves the decision on the adequacy of the amount up to either the Planning Board, Public Works Director or Code Officer.

The Wireless Telecommunications ordinance for the City requires an estimated cost of construction and removal of a facility to be prepared by a professional engineer registered in the State of Maine and evidence from the Owner/Operator of financial capacity to construct and operate the facility. It also requires a letter of commitment from a financial institution agreeing to provide an irrevocable letter of

credit sufficient to cover the cost of removal of the facility. Using this language and the language in other communities specific to solar projects, Staff proposes the following draft language:

Sec. 60-1431(a)(3) Financial Surety: Before the start of construction, the Owner or Operator of a solar energy system shall provide a form of surety, either through escrow account, performance bond or letter of credit from a creditable financial institution, in an amount sufficient to cover the cost of decommissioning in the event the City determines the solar energy system to be abandoned in accordance with Sec. 60-1431(a)(2) above. The financial guarantee shall include a provision granting and guaranteeing the City the authority to access the funds and property and perform the decommissioning should the facility be abandoned and the owner or operator fails to meet their obligations to remove the solar energy system. This amount shall be based upon a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, and submitted to the Planning Board at the time of application. The amount shall include a mechanism for calculating increasing removal costs due to inflation.

Bridgewater, Massachusetts requires the Owner or Operator to physically remove the installation within a specified timeframe of discontinuance, as proposed in the draft ordinance and standard among communities. However, they further say that the Owner or Operator must notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. In Auburn's case, this could be the Economic and Community Development Department. Bridgewater also provides a bulleted list of what decommissioning should consist of. Staff recommends including the following language which will address the Planning Board concerns about defining abandonment:

The "Abandonment" definition under Sec. 60-1425 was also amended to say, "the date at which *any part* of a Solar Energy Generating System has been out of service for a continuous period of 12 months."

Doing the math, a solar project could technically be out of service for 12 months, be classified as "abandoned" and then have 6 months to decommission which seems like an ample amount of time before the City uses the performance bond to do the work.

Sec. 60-1431. – Abandonment or Decommissioning.

(a) *Abandonment and Removal of Ground Mounted and Dual Use Solar Energy Systems.*

1. The Owner or Operator shall, at their expense, complete the removal of the solar energy system within 6 months of the end of the useful life of the solar energy system or within 6 months of the date of abandonment *as defined in Sec. 60-1425. The Owner or Operator shall notify the Economic and Community Development Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:*
 - a. *Physical removal of all ground-mounted Solar Energy Generating Systems including solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.*
 - b. *Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.*
 - c. *Stabilization or re-vegetation of the site as necessary to minimize erosion. The Economic and Community Development Department, in conformance with applicable regulations, may allow the Owner or Operator to leave existing landscaping or specifically designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.*

10. **The Planning Board wanted there to be a clear definition as to what the 1-acre threshold should include. Should it include panels, equipment, AND access roads? Should it be inclusive of required setbacks and buffers? What about the area underneath the panels/bases, should that be included? Or just the square footage of the actual panels? The Board recommended the 1-acre threshold also be grounded on a technical basis.** Depending on the type of module used, each panel is roughly 3' x 6'. Staff has spoken to a few different solar companies interested in doing an installation in the City and each one presents different figures in terms of how many MW of solar energy can be generated per acre and how many homes that powers.

The reason for this being that each site is different in terms of topography, sun exposure and the angle needed for the solar panels, other site constraints such as wetlands and soils, space for the road network and access in between panels, buffering/fencing, and appurtenant equipment. The figures we have received:

Comparable: EXAMPLE 1: 1MW is 200-250 homes and 3-4 acres & **EXAMPLE 2:** 2MW is 10 acres

Low Acreage Requirement: EXAMPLE 3: 5MW is 700-1,000 homes and 7-10 acres

High Acreage Requirement: EXAMPLE 4: 5MW is 45 acres

ACTUAL PROPOSED SOLAR FARM on Lewiston Junction Road: 14.6MW and 137 acres with 36,072 panels

The first and second examples are comparable and would seem to require the *least* amount of space per MW. The first example averaging about 4 acres per MW and the second about 5 acres per MW.

The third example does not require a lot of land area with about 2 acres per MW.

The fourth example requires a lot of land area with about 9 acres per MW.

An application was recently submitted for a Solar Farm off Lewiston Junction Road. The project is split between Auburn and Poland and is proposed to occupy 137 acres for the 14.6MW project. BD Solar Auburn is proposing to install 36,072 panels on the parcel. Doing the math, that is about 263 panels per acre and 9 acres per MW. This equals 2,367 panels on 9 acres and will generate 1MW of power for 200 homes. Of course, the 200 homes per MW threshold is a conservative assumption and varies largely upon the energy use of individual homes.

The Planning Board is tasked with determining a reasonable threshold to trigger Planning Board review for Solar Projects and what that acreage figure should include. At the last meeting, some Board members suggested the easiest measurement might be *just* the face of the solar panels. With each panel measuring roughly 3 x 6, theoretically there may be up to 1,500 panels on one acre (43,560SF/18SF and subtracting out some space between the panels, etc.) This is also assuming a perfect site with no topographical constraints, perfect sun exposure, space for access roads and a low amount of required equipment. Using the math for the proposed BD Solar Auburn project, one acre could theoretically produce about 1/10 of a MW and power about 20 homes (assuming the homes are not large energy consumers).

All of the solar companies Staff has met with so far are proposing to occupy, at a minimum 10-acre sites. The question for the Planning Board is, using this information/math: ***Does a 1-acre threshold make sense if the intent is to regulate large-scale “commercial solar projects?”*** The table below summarizes the research Staff conducted of other communities. For larger scale projects, which is where the majority of the “commercial projects” would fall, most communities are bringing them under a more stringent review process once they hit between 1 – 4 acres. Also noteworthy is that several communities regulate solar projects based on their rated nameplate capacity and amount of electricity generated. Rated nameplate capacity is the *maximum* amount of electric power production for the solar project.

As discussed with the Board last month, the original draft language incorporated electricity generation as well as a square footage/acreage threshold. However, the overarching objective of the Planning Board is to regulate land uses so should the Planning Board be concerned with *how much electricity* the project is going to generate other than to use that figure as a technical basis to solidify the acreage threshold?


Staff reached out to the other communities for their input on this and the comments back were that there really is no clear understanding as to what should require Planning Board review for solar projects. Belfast did have concerns about the amount of acreage covered in relation to rated nameplate capacity as the technology continues to develop and we see improved electrical production out of the same amount of space.

The easiest way to measure the land area of a solar project would be to use the total size of the parcel occupied. However, this would also bring a lot of projects before the Planning Board and may be prohibitive to companies interested in pursuing smaller projects in the City. As discussed below, quite a few communities use “surface area” or “physical size” for the acreage threshold. This could be defined as the “*total airspace projected over the ground, footprint of accessways and any appurtenant structures associated with the Solar Energy Generating System.*” The definition would be different from the “lot coverage” definition proposed in the draft ordinance which is consistent with DEP standards for impervious area. However, by including the square footage of only the impervious areas (mounting posts, access roads, equipment, etc.), many large scale projects could fall under the less than an acre permitted by right category and the ordinance would not achieve its intended purpose of regulating the “*large-scale commercial solar projects.*” Included in the draft is that definition for surface area under Sec. 60-1425 Definitions. The Industrial District Permitted Uses and Special Exception Uses were also updated by adding the following:

Sec. 60-578 – Use Regulations (a)

Permitted uses. Public utility uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants *including ground-mounted and dual use Solar Energy Generating Systems less than one acre in surface area as defined in Sec. 60-1425.*

Sec. 60-578 – Use Regulations (b) Special exception uses. *Ground-Mounted and Dual-Use Solar Energy Generating Systems Greater than one acre in surface area as defined in Sec. 60-1425.*

Ground Mounted Solar Installations & Threshold for Review: A Community Survey			
	Small Scale	Medium Scale	Large Scale
Agawam, MA	1,750SF of surface area of less. Less than 10kW DC Rated Nameplate Capacity	More than 1,750SF of surface area but less than 1 acre. 10-250kW DC Rated Nameplate Capacity	More than 1 Acre of Surface Area 250kW DC Rated Nameplate Capacity
Belfast, ME	Physical Size Based on Total Airspace Projected Over the Ground less than 20,000SF and generated nameplate capacity of 125kw or less.	Physical Size Based on Total Airspace Projected Over the Ground Equal to or Greater than 20,000SW but less than 4 Acres and generated nameplate capacity of 125kw to 1MW	Physical Size Based on Total Airspace Projected Over the Ground Equal to or Greater than 4 Acres and generated nameplate capacity of 1MW or greater
Bridgewater, MA	Review Required for all Small/Medium Scale Located on a Parcel of Land that Contains the Required Min. Lot Size & Large Scale on a Parcel that Contains a Minimum of 5 acres.		
Canton, MA	Any installation with 250kW or larger of rated nameplate capacity		
Dekalb, IL	Single ground, roof or bldg. integrated Solar System is permitted as an Accessory Use in all districts where there is a principal structure. Solar gardens ⁱ (up to 20 acres) require a Special Use permit whether accessory or principal use. Solar Farms ⁱⁱ in certain districts require Special Use permit		
Middleborough, MA	Town is split into two "SOLAR Districts," one requires Special Use permit for large scale installations and the other does not. <i>Large-scale installation</i> is defined as: A solar powered Photovoltaic system that is structurally mounted on the ground (not roof mounted) and has a nameplate capacity of 50kW or greater. <i>Nameplate Capacity</i> defined as the maximum rated output of the electric power production of the photovoltaic system stated in Kilowatts Direct Current (kWDC)		
Portland, ME	20kW or less & < 1,000SF Physical Size ⁱⁱⁱ	20-250kW & 1,001-9,999SF Physical Size ³	Over 250kW & 10,000SF or Greater Physical Size ³
Thorndike, ME	(Accessory) 1,750SF or less of surface area (equivalent to a rated nameplate capacity of about 10kW DC or less)	More than 1,750SF but less than 40,000SF of surface area (equivalent to a rated nameplate capacity of 10-250kW DC)	More than 40,000SF of surface area (equivalent to a rated nameplate capacity of 250kW DC or greater)
Westerly, RI	Review required for all solar installations except accessory installations which are incidental and subordinate to the principal use(s) of the parcel and generate no more than 125% of the energy necessary to support the principal use of the parcel.		
York, ME	1,750SF or less of surface area measured by the total surface area of the solar collector at a maximum tile that occupies a given space.	1,750SF – 40,000SF of surface area measured by the total surface area of the solar collector at a maximum tile that occupies a given space. 	More than 40,000SF of surface area measured by the total surface area of the solar collector at a maximum tile that occupies a given space.

II. STAFF RECOMMENDATIONS –

Staff recommends the Planning Board review this Staff Report and the draft ordinance side by side while keeping in mind the overarching questions prefaced at the beginning of the Staff Report.

There are ten items Staff has made recommendations on based on research of other communities and direction given by the Planning Board at the December meeting as to what this ordinance should entail.

1. The Planning Board should be more restrictive than the Industrial District when it comes to height limitations for solar installations which is 75 feet. Staff proposes capping the height of solar installations at 30 feet.
2. The Planning Board should incorporate language based on the FAA regulations and glare concerns posed by the Airport Manager. Staff recommends incorporating language under exemptions to address “by-right” installations and also under the application requirements for Special Exception, ensuring the Planning Board has a copy of the SGHAT report required by the Airport and knows it has been completed at the time of project review.
3. Staff proposes defining expansion of a Solar Energy Generating System as a change in the land area or location of the system and its associated equipment.
4. The Planning Board should not be more stringent in terms of setback requirements than the requirements for structures in the Industrial District. Staff recommends the setback requirements be the same as for structures in the Industrial District and that “Visual Impact” standards be included in the draft to give the Planning Board leeway to review solar installations on a case-by-case basis.
5. Staff recommends including language to ensure solar installations comply with applicable Shoreland Zoning regulations as there are properties in the Industrial District that are within the Shoreland Zone. This clears up any ambiguity associated with whether a solar panel is a “structure” in the Shoreland Zone.
6. Staff recommends keeping the lot coverage definition consistent with how DEP is reviewing impervious coverage associated with solar projects and using the same 40% lot coverage restriction as imposed by the Industrial District which should be easily attainable if it only includes the mounting posts, access roads and appurtenant structures associated with solar installations.
7. Staff recommends additional language under the Maintenance section to incorporate safety measures as well as ensure the facility is operating as designed and intended.
8. The Planning Board will have to decide the type of material that should be required for the internal road network. As discussed, communities do not include standards for road materials in their ordinances. If the Planning Board does want to require pervious surfaces, Staff recommends adding language in the draft ordinance that says “the use of permeable surfaces as approved by the Planning Board” which would give the Planning Board some leeway into the type of material used based on the size/scope and amount of access was proposed for the project.
9. Staff recommends including language that requires a performance bond for the City to decommission the facility if it is to be abandoned. The draft language requires the amount to be submitted before construction and for it to be based on an estimate prepared by a Qualified

Engineer and submitted to the Planning Board for review. The draft language also includes provisions for what “decommissioning” should entail, in the event a facility is “half-decommissioned” or only the salvageable parts that have value are removed.

10. Staff recommends basing the 1-acre threshold for requiring Planning Board review off of the “surface area” of the panels which is defined as the total airspace projected over the ground, footprint of accessways and any appurtenant structures associated with the Solar Energy Generating System. The definition is different from the “lot coverage” definition. However, by using only the “lot coverage” definition, many large-scale projects could fall under the “less than an acre” permitted by right category because the calculation would only include mounting posts, access roads, appurtenant equipment, etc. as opposed to the actual surface area of the panels.

As the Planning Board is aware, there are several large-scale solar projects pending. The Planning Board may see one in February that will not be subject to this new ordinance. Ideally at this meeting the Planning Board will make any changes decided during deliberations to this proposed draft and formulate a recommendation to the City Council.



Megan Norwood
City Planner II

ⁱ Solar Garden is defined as a commercial solar-electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.

ⁱⁱ A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

ⁱⁱⁱ Portland defines “physical size” as: The size of the system will be based on the physical size of the panels based on total airspace occupied over the ground, or the grid area for ground mounted arrays. It should be noted that the physical size as defined here is different from the area that would be the basis for calculating the impervious surface associated with the system.

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IN CITY COUNCIL

ORDINANCE 02-02242020

Amending the City of Auburn Ordinances, for Solar Energy Generating Systems in the Industrial District (Chapter 60, Sec. 60-578 and Article XVIII Solar Energy Generating Systems

BE IT ORDAINED, that the City Council hereby amends the City of Auburn Ordinances, Chapter 60, Sec. 60-578 and Article XVIII Solar Energy Generating Systems as outlined below:

DIVISION 15. – INDUSTRIAL DISTRICT

Sec. 60-578. - Use regulations.

- (a) *Permitted uses.* The following uses are permitted, provided that the use proposed will not be noxious, offensive or detrimental to the neighborhood or to the city by reason of danger of fire or explosion; pollution of waterways or groundwater; vibration; emission of corrosive, toxic or unhealthful fumes, gas, smoke, soot obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics:
- (1) Farming of field crops, row crops, orchards and truck gardens.
 - (2) Plant and tree nurseries, wholesale nurseries, landscape services and greenhouses; on-premises sales permitted.
 - (3) Farm dwellings on premises actively farmed.
 - (4) Financial institutions.
 - (5) Office buildings.
 - (6) Post offices.
 - (7) Telephone exchanges or telephone business offices.
 - (8) Public transportation passenger stations.
 - (9) Churches or temples.
 - (10) Municipal uses buildings.
 - (11) Airports.
 - (12) Wholesale businesses, warehouses, trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious material.
 - (13) Manufacture, compounding, processing or packaging of foods and food products, except uses approved by resolution of the city council allowing review and recommendation of the planning board in the same manner as a special exception.
 - (14) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber textiles or cloth products, tobacco, or wood, bark or wood products.
 - (15) Manufacture of ceramic products, brick and cinder blocks.

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- (16) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products, office equipment.
 - (17) Building material sales yard and contractor's equipment storage yard and plant.
 - (18) Research, experimental or testing laboratories.
 - (19) Lumber yard, including planning, milling and other processing.
 - (20) Ice manufacturing and storage plant.
 - (21) Beverage bottling plants.
 - (22) Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants including ground-mounted and dual use Solar Energy Generating Systems less than one acre in total land area as defined in Sec. 60-1425 in accordance with applicable FAA regulations if within the Airport Overlay Zone.
 - (23) Accessory uses and buildings, including but not limited to:
 - a. Retail sales of products manufactured on premises.
 - b. Dwellings used as living quarters for caretakers or watchmen and their families.
 - c. Storage boxes or space trailers as defined in section 60-666(12) used for the storage of nonhazardous material by the commercial or industrial use which occupies the property.
 - (24) Training schools.
 - (25) Uses similar to those in this subsection (a) and not elsewhere named in the following subsections, provided that the use will not be noxious.
 - (26) Any new or existing building proposed as a complex of three or more business and/or offices provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.
 - (27) Adult use and medical marijuana cultivation, manufacturing and testing facilities subject to the requirements of chapter 11, article 14 of the City of Auburn Ordinances.
 - (28) Adult use and medical marijuana stores subject to the requirements of chapter 11, article 14 of the City of Auburn Ordinances, provided that the store is located on the same parcel of land as a marijuana cultivation facility or marijuana manufacturing facility.
- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:
- (1) Uses similar to those found in subsection (a) of this section and not elsewhere named in the following subsection; that in the determination of the municipal officer charged with enforcement do not meet the requirements subsection (a) of this section.
 - (2) Automobile filling stations.
 - (3) Automobile and marine repair and service stations, automobile and marine paint and body repair shops.
 - (4) Restaurants and diners, including drive-in and carry-out restaurants.

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- (5) Retail food stores.
- (6) Microwave, radio, radar, television or radio-telephone transmitting or broadcasting towers, including studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than 1½ times its height from the nearest property line.
- (7) Motels and hotels.
- (8) Automobile scrap yards.
- (9) Off-street parking accessory, to a permitted use whether or not located on the same lot.
- (10) Outdoor advertising.
- (11) Junkyard.
- (12) Airplane manufacture or assembly.
- (13) Alcohol, methanol, or ethanol manufacture.
- (14) Automobile or automotive manufacture or assembly.
- (15) Brewery or distillery.
- (16) Manufacture, or bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
- (17) Machinery and machine tool manufacture.
- (18) Metal fabrication plant.
- (19) Municipal incinerator or sewage treatment plant.
- (20) Manufacture of cosmetics, toiletries and pharmaceuticals.
- (21) Asphalt batching plant.
- (22) Grain processing and storage.
- (23) Concrete or cement products manufacture.
- (24) Coal distillation and derivation of coal products.
- (25) Iron or steel foundry.
- (26) Meat products manufacture.
- (27) Packinghouse, including meat and poultry canning and curing, processing or freezing.
- (28) Plastic and pyroxylin manufacture.
- (29) Uses similar to the uses of this section and not elsewhere named in the following subsections.
- (30) Accessory uses building and structures, including but not limited to:
 - a. Retail sales of products manufactured on the premises and products accessory to the industry.
 - b. A single dwelling unit for security personnel. Such dwelling unit shall be located in the principal building.
- (31) Hospital.
- (32) Automobile and marine sales lots and agencies.
- (33) Child day care centers over 5,000 square feet (building area).
- (34) Outpatient addiction treatment clinics.

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- (35) Any new building of 10,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 10,000 square feet or more.
- (36) Adaptive reuse of structures of community significance.
- (37) Ground-Mounted and Dual-Use Solar Energy Generating Systems Greater than one acre in total land area as defined in Sec. 60-1425.

Chapter 60, Article XVIII Solar Energy Generating Systems.

Sec. 60-1425. – Definitions

Abandonment: The date at which any part of a Solar Energy Generating System has been out of service for a continuous period of 12 months.

Airport Overlay Zone: The area that lays within a 2 nautical mile radius of the centerline of the nearest runway of the Auburn Lewiston Airport.

Dual-Use Systems: Solar energy systems where photo-voltaic panels are attached to structures or buildings without any impact on the primary use (E.g. photo-voltaic panels on structures cantilevered over parked cars or benches; solar panels located on a piece of infrastructure such as a sign or light).

Ground mounted Solar Energy Generating System (also known as free-standing solar energy systems): A solar energy system that is structurally mounted to the ground. The panels may be stationary or revolving and of any size.

Operations and Maintenance Plan: A plan outlining the operations and maintenance of a solar energy system, to include safety measures and procedures for maintenance.

Roof Mounted and Building integrated solar energy generating systems: A solar energy system in which solar panels are mounted on top of the roof of a structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle. The definition also includes a solar energy system that is an integral part of a principal or accessory building and include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.

Solar Access: Space open to the sun and clear of overhangs or shade, including orientation of streets and lots to the sun, so as to permit the use of active and/or passive Solar Energy Generating Systems on individual properties.

Solar Energy Generating System: A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment, intended to provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems, these may be ground-mounted, dual-use, roof-mounted and building-integrated systems.

Surface Area: The total airspace projected over the ground, footprint of accessways and any appurtenant structures associated with the Solar Energy Generating System.

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Total height of solar energy system: The total vertical distance as measured from the average elevation of the finished grade adjacent to the fixed base of the support structure, to the highest part of the system.

Total Land Area of the System: The total area of a parcel(s) physically occupied by the Solar Energy Generating System installation.

Total rated capacity: The maximum rated output of electrical power production of the photovoltaic system in watts of Direct Current (DC).

Sec. 60-1426. – Purpose.

The purpose of this section is to allow for the construction and operation of private and public Solar Energy Generating Systems designed to produce energy for use on site or off site, by establishing appropriate standards to ensure safe, effective and efficient use of solar energy systems compatible with surrounding uses.

Sec. 60-1427. – Applicability.

This section shall apply to all Solar Energy Generating Systems except the following:

- a. Solar Energy Generating Systems for municipal use.
- b. Building Integrated and Roof-Mounted Solar Energy Generating Systems which are permitted by right in all Zoning Districts in accordance with applicable FAA regulations if within the Airport Overlay Zone.
- c. Non-structural maintenance, like-kind repair or reconstruction of equipment, provided that it does not constitute an expansion of a Solar Energy Generating System. For the purposes of this section, expansion of a Solar Energy Generating System means a change in the total land area of the system or its associated equipment.
- d. Ground-Mounted Solar Energy Generating Systems intended to satisfy the electricity needs of the principal use of the lot provided the Owner or Operator completes FAA requirements if within the Airport Overlay Zone.

Sec. 60-1428. – Administrative Procedures.

- (a) The installation of ground-mounted and dual-use Solar Energy Generating Systems or devices occupying greater than 1 acre in total land area shall be permitted by special exception in the Industrial District after approval by the Planning Board in accordance with the provisions of Division 3 of Article XVI of this chapter as well as the supplemental provisions described in these regulations.
- (b) Unless subject to the provisions of subsection (a) of this section or listed as an exempt activity in Sec. 60-1427, any other Solar Energy Generating Systems, including the replacement and repair of equipment, physical modifications to an existing and permitted Solar Energy Generating Systems provided they do not alter the total land area of the system and its associated equipment as defined under Sec. 60-45(a) shall be permitted by right in the Industrial District and subject to review and approval in accordance with Sec. 60-1430(b).

Sec. 60-1429. – Application Requirements.

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- (a) *Solar Energy Generating Systems permitted by special exception.* In addition to the submission requirements of site plan review, an application for a Solar Energy Generating Systems permitted as a special exception shall contain the following information:
- (1) All Solar Energy Generating Systems permitted by Special Exception shall be subject to the Special Exception and Site Plan Review procedures specified in Article XVI, Divisions 2 and 3 of this chapter.
 - (2) A narrative describing the proposed Solar Energy Generating System, including an overview of the project; the project location; the total rated capacity of the solar energy system; dimensions of all components and respective manufacturers; and a description of associated facilities and how the system and associated facilities comply with the standards of this ordinance.
 - (3) An accurate scaled site plan of the subject property showing the planned location of the proposed Solar Energy Generating System and all associated facilities; property lines, adjoining streets and access; topographic contour lines; existing and proposed buildings; fencing; structures; potential shade from nearby trees and structures; vegetation; driveways, parking and curb cuts on the subject property; specifications for all proposed electrical cabling/transmission lines, accessor equipment and landscaping, including the tallest finished height of the solar collectors and name, address, phone number and signature of the project proponent, as well as co-proponents or property owners, if any, the names, contact information and signature of any agents representing the project proponent. The site plan shall show any proposed off-site modifications to provide grid connections, access the installation, or to maintain the proposed solar energy system.
 - (4) Information on any connections to the grid including evidence of meeting the local electric utility's transmission and distribution interconnection requirements (this may be a condition of approval if a copy of the application for interconnection with the electric utility provider is submitted).
 - (5) Documentation that the solar generation equipment has been approved under the UL certification program and that the system complies with all applicable local, state and federal codes/regulations with the standards regarding signal interference. Electrical component and connection information shall be in sufficient detail to allow for a determination that it meets Maine electrical codes.
 - (6) All parcels within a 2 nautical mile radius of the Auburn Lewiston Municipal Airport, as measured based on the runway centerline closest to the location in question, shall submit a Solar Glare Hazard Analysis Tool (SGHAT) report, outlining solar panel glare and ocular impacts, for each point of measurement approved by the Airport Manager at the time of application to the Planning Board.

Sec. 60-1430. – Approval.

- (a) *Solar Energy Generating Systems permitted by special exception.* The planning board is authorized to retain experts at the applicant's expense to evaluate technical information or conduct studies that it

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finds necessary in order to determine whether these standards will be met. In addition to the criteria in sections 60-1277 and 60-1336, the planning board shall consider the following standards:

- (1) *Yard requirements.*
 - (a) The setbacks for Solar Energy Generating System installations, including appurtenant structures and parking areas, shall be subject to the dimensional regulations under Sec. 60-579(3)(a)(b)(c).
 - (b) All Solar Energy Generating System installations shall be regulated by the dimensional setback regulations, stipulated in Article XII, Division 5, Shoreland Overlay District, or a prescribed in other sections of this ordinance.
- (2) *Lot Coverage.* The paved, mounting block, or otherwise impervious areas of sites on which ground mounted solar energy systems are installed shall comply with the lot coverage standards as defined in section 60-579(2). For the purposes of this section, photovoltaic cells, panels, arrays, and inverters shall not be considered impervious areas provided the soil underneath the collector is not compacted and remains vegetated.
- (3) *Height Regulations.* The total height of the Solar Energy Generating System and all appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations shall not exceed thirty (30) feet.
- (4) *Technical and Safety.* A copy of the As-Built Site Plan for the Solar Energy Generating System shall be provided to the local Fire Prevention Officer. All means of shutting down the Solar Energy Generating System shall be clearly marked.
- (5) *Maintenance.* The Owner or Operator of the Solar Energy Generating System shall maintain the facility in good condition. Proper maintenance of the facility means that it is operating as designed and approved. Maintenance shall include, but not be limited to, painting, structural repairs, repairing damaged panels and integrity of security measures. The Solar Energy Generating System must be properly maintained and kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. Site access shall be maintained to a level acceptable by the local Fire Prevention Officer for emergency response. The owner or operator shall be responsible for the cost of maintaining the Solar Energy Generating System and any access road(s), unless accepted as a public way.
- (6) *Glare.* Solar panels are designed to absorb (not reflect) sunlight and are generally less reflective than other varnished or glass exterior materials. However, solar panel placement should minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system. Parcels located within a 2 nautical mile radius of the Auburn Lewiston Municipal Airport, as measured based on the runway centerline closest to the location in question shall comply with Sec. 60-1429(a)(6).
- (7) *Visual Impact.* An Applicant shall make reasonable efforts, as determined by the Planning Board, to minimize visual impacts associated with the installation of a Solar Energy Generating System. The Board shall consider the size, location and topography of the site, the characteristics of the surrounding property and the amount and type of development on said properties in determining the amount and type of screening and buffering that it deems appropriate.

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- (8) *Lighting.* Ground-mounted Solar Energy Generating System lighting shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
 - (9) Where possible, in unbuilt areas, Solar Energy Generating System installations shall maintain the permeability of the ground. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Energy Generating System or as otherwise prescribed by applicable laws, regulations and bylaws/ordinances.
 - (10) *Operation & Maintenance Plan.* The Owner or Operator shall submit a plan for the operation and maintenance of ground-mounted and dual-use solar energy systems, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
 - (11) All Solar Energy Generating System installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection Association (NFPA) 1, Fire Prevention Code. All wiring shall be installed in compliance with the photovoltaic systems standards identified in the latest edition of the National Electrical Code (NFPA 70).
- (b) *Solar Energy Generating Systems permitted by right.* An application for a Solar Energy Generating System permitted by right shall require review and approval by the following departments: Planning, Engineering, Fire, Code Enforcement, Auburn Lewiston Municipal Airport and a representative of Lewiston-Auburn 911 committee.

Sec. 60-1431. – Abandonment or Decommissioning.

- (a) *Abandonment and Removal of Ground Mounted and Dual Use Solar Energy Systems.*
 - 1. The Owner or Operator shall, at their expense, complete the removal of the solar energy system within 6 months of the end of the useful life of the solar energy system or within 6 months of the date of abandonment as defined in Sec. 60-1425. The Owner or Operator shall notify the Economic and Community Development Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - a. Physical removal of all ground-mounted Solar Energy Generating Systems including solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Economic and Community Development Department, in conformance with applicable regulations, may allow the Owner or Operator to leave existing landscaping or specifically designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.

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2. The City shall revoke any approvals and/or pursue removal of the solar energy system at the Owner or Operator's expense in the following circumstances:
 - a. The solar energy system is not installed and functioning within 12-months from the date of approval under this ordinance; or
 - b. The solar energy system is at any time left in an unsafe condition in respect to federal, state or local safety standards (as determined by the City); or
 - c. The solar energy system has not been brought back to a safe condition/operation or removed from the site within the required timeframe; or
 - d. The solar energy system is defective or abandoned and has not been removed from the site within required timeframe.

3. *Financial Surety.* Before the start of construction, the Owner or Operator of a solar energy system shall provide a form of surety, either through escrow account, performance bond or letter of credit from a creditable financial institution, in an amount sufficient to cover the cost of decommissioning in the event the City determines the solar energy system to be abandoned in accordance with Sec. 60-1431(a)(2) above. The financial guarantee shall include a provision granting and guaranteeing the City the authority to access the funds and property and perform the decommissioning should the facility be abandoned and the owner or operator fails to meet their obligations to remove the solar energy system. This amount shall be based upon a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, and submitted to the Planning Board at the time of application. The amount shall include a mechanism for calculating increasing removal costs due to inflation.

4. If the Owner or Operator of the Solar Energy Generating System fails to remove the installation in accordance with requirements of this section within 6 months of abandonment of the end of the useful life or date of abandonment, the City retains the right to use the performance guarantee and all other available means to cause an abandoned, hazardous or decommissioned Solar Energy Generating System to be removed.

Sec. 60-1432. – Appeals.

- (a) An appeal from a decision of the planning board on a Solar Energy Generating System permitted by special exception shall be in accordance with the provisions of Division 5 of Article XVI of this chapter.
- (b) An appeal from a decision of the staff review committee on a Solar Energy Generating System permitted by right shall be to the board of appeals. The board of appeals is authorized to retain experts at the applicant's expense to evaluate technical information or conduct studies that the board of appeals determines may be necessary in order to render a decision on the appeal.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 2, 2020

Author: Christine M. Mumau, HR Director

Subject: Contract for City Manager Phillip J. Crowell, Jr. effective July 1, 2020

Information: Phillip L. Crowell, Jr was chosen to replace Peter J. Crichton as City Manager, who will retire with the City of Auburn on June 30, 2020. The city council has met and agreed on a contract for the new city manager to begin July 1, 2020 with a term ending June 30, 2025. All terms and conditions are outline in the contract.

City Budgetary Impacts: As outlined in the contract.

Staff Recommended Action: N/A

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Crichton".

Attachments: City Manager Contract 7/1/20 – 6/30/25



City of Auburn, Maine

Office of the City Manager

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

City of Auburn Employment Contract

This Agreement is made and entered into this 2nd day of March, 2020 by and between the City of Auburn, a municipal corporation duly organized and existing under the laws of the State of Maine (hereinafter "the City") by and through its City Council and Phillip L. Crowell, Jr., (herein referred to as the ("City Manager")).

The City Council desires to employ Phillip L. Crowell, Jr. as City Manager and Phillip L. Crowell, Jr. desires to accept employment as the City Manager of the City of Auburn. The parties desire to enter into this agreement to establish the terms and conditions of employment, as negotiated and agreed to by the parties.

Now, therefore in recognition of the foregoing and in consideration of the mutual promises and covenants thereafter set forth, the parties agree as follows:

Section 1. Duties

The City hereby agrees to employ Phillip L. Crowell, Jr. as City Manager of the City of Auburn to perform the functions and duties applicable to state statutes, including but not limited to 30-A MRSA ss 2636 and the City Charter, and Code of Ordinances as the same now exists or may be amended. The City Manager agrees to well and faithfully serve the City in said capacity and devote his time, attention and energies to the performance of his duties hereunder to the best of his ability.

Section 2. Term

The term of this agreement shall be for five years commencing on July 1, 2020 and shall continue until June 30, 2025. Upon the successful completion of an annual year-end performance evaluation, the agreement will be automatically extended an additional one (1) year after that date upon mutual agreement between the City Council and the City Manager unless terminated pursuant to this agreement or unless a specific term is provided for by a subsequent amendment to this agreement.

Section 3. Salary and Fringe Benefits

The City Manager will be compensated at an annual salary of \$130,000.00 to be paid weekly at \$2,500/week. Annual salary increases will be done in conjunction with the Council's annual performance evaluation of the City Manager. The normal work week is a minimum of 37.5 hours per week. The position is exempt from overtime and the City Manager is expected to attend Council meetings and workshops, budget meetings, and other meetings and community events which may be held during evenings, early mornings, weekends and holidays and to work the hours necessary to meet workload demands. The City Manager is also expected to be available for large scale emergencies or events that need the support of the City Manager's Office or of the Mayor and City Council. The City Manager will receive the normal benefits package as provided for full time, regular exempt Non-union employees except with the following:

Vacation- The City Manager will accrue 15.5 hours per month at the end of the month or 25 days per year. All previous balances of vacation time will carry over at the signing of this contract. The vacation accrues from year to year up to a maximum of 330 hours or 44 days, total.

Cell Phone Stipend- The City will contribute \$70.00 per month stipend toward the cost of the City Manager's personal cell phone in lieu of his participation in the City's cell phone contract.

Retirement- The employee is currently enrolled in the ICMA-RC (International City Managers Association Retirement Corporation) Executive 401 account. The City will contribute twenty percent (20%) into the account and will match the employee's contribution up to an additional 5% more.

The City Manager will receive other benefits offered to all non-union employees.

Section 4. Residency

The City Manager will be required to reside within the corporate boundaries of the City of Auburn throughout the duration of this agreement.

Section 5. CALEA Assessor

The City agrees to allow the City Manager, a CALEA Assessor, to conduct three (3) assessments per year with the City providing for 50% of time necessary for the assessment with paid time off and the City Manager will use accrued time off for the remaining absence.

Section 6. Performance Evaluation

The City Council should conduct an employment performance evaluation of the City Manager prior to the first six (6) month anniversary, and an annual evaluation at the first

anniversary and every twelve (12) months thereafter. The City Manager may elect to have other periodic evaluations if he so chooses.

Section 7. Professional Development

The City agrees to pay, within the budgetary constraints of the Manager's professional development budget, the necessary expenses for the Manager to continue his professional development, including but not limited to annual ICMA conferences, the Maine Municipal Association annual convention and other training programs, the Maine Town /City Management Association and other regional, statewide and national governmental groups or committees which the Manager serves as a member. The City Manager should be certified with the International City Manager's Association ("ICMA"), within 18 months of the effective date of this contract, unless otherwise approved by the City Council.

Section 8. Automobile Allowance

The City shall pay to the Manager a monthly automobile allowance of \$300.00. This is intended to reimburse and cover the Manager for all City business travel required on the Manager's personal automobile and will be taxed according to applicable IRS guidelines.

Section 9. Termination and Severance

The City Manager agrees to provide the City of Auburn with 60 days written notice of separation of employment. The City Manager will receive cash out for all allowable accrued time, and no severance pay. If employment is terminated for any reason other than legitimate disciplinary actions, the City Manager will be eligible for a severance equal to six months of salary and six months of health insurance coverage, and vacation time cash out. Termination of the City Manager's employment by the City Council pursuant to the applicable section of the Auburn City Charter for just cause voids the City's obligation to pay severance under this section.

Section 10. General Provisions

- A. The text herein, as well as any laws or ordinances reference herein, shall constitute the entire agreement between the parties.
- B. This agreement may only be amended or modified in writing
- C. The parties acknowledge and agree that this Agreement was freely negotiated and entered into, and that the event of a conflict between the provisions hereof and the provisions of any law or ordinance, the provisions of this Agreement shall prevail.
- D. If any provisions, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement, or portion thereof, shall not be affected thereby, and shall remain in full force and effect.

- E. Except as expressly stated or otherwise provided for in this agreement, the City Manager shall be governed by the same customs, practices and policies governing all other employees of the City of Auburn.

Date: _____

By: _____
Jason L. Levesque, Mayor

Date: _____

By: _____
Phillip L. Crowell, Jr.

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 36-03022020

ORDERED, that the City Council approves the Employment Contract for Phillip L Crowell Jr., City Manager from July 1, 2020 to June 30th, 2025.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 2, 2020

Order: 37-03022020

Author: Jill Eastman, Finance Director

Subject: School Department Revolving Renovation Fund Loan

Information: The School Department applied for and was granted approval to participate in the State's Revolving Renovation Fund. This program provides Capital dollars for projects that are approved by the State. For Auburn, the State forgives 61.06% of the loan and there is no interest charged. There are 2 projects, one at Franklin Alternative School. The project is \$1,000,000 of which we will have to pay back \$389,400 interest free over 10 years and a safety project at Auburn Middle School of \$190,000, that we will pay back \$73,986 interest free over 10 years.

City Budgetary Impacts: \$46,338.60 per year added to the School Department debt service for the next 10 years.

Staff Recommended Action: Approve Bond Order 1st reading.

Previous Meetings and History: Communication from Adam Hanson, School Business Manager at Council Meeting of February 24, 2020.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Caudito".

Attachments: Copy of the Award Letter, Copy of Bond Order



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, ME 04333-0023

JANET T. MILLS
GOVERNOR

PENDER MAKIN
COMMISSIONER

January 31, 2020

Katherine Grondin
Superintendent of Schools
Auburn School Department
P.O. Box 800
Auburn, ME 04210

RE: Eligibility Certificates – SRRF Projects #1424 and 1425

Dear Superintendent Grondin:

I am pleased to inform you that your School Revolving Renovation Fund applications for Projects #1424 and 1425 have been approved for funding for the amounts listed on the attached eligibility certificates.

The loan process for your projects must be initiated within 30 days. Please contact Toni Reed, Program Loan Officer, Maine Municipal Bond Bank at 622-9386 for assistance.

Awardees must comply with all applicable statutory and rule requirements for public improvement projects. Please see the attached post award guidance. You may contact Valerie Chiang, School Construction Coordinator, at 624-6693 for technical assistance.

Please note that failure to comply with SRRF program requirements and all applicable statutes and rules may result in revocation of your SRRF eligibility certificates and cancellation of your SRRF awards.

I wish you good luck as you complete your projects. If you have any questions regarding the School Revolving Renovation Fund, please contact Ann Pinnette at 624-6885 or ann.pinnette@maine.gov.

Sincerely,

Pender Makin
Commissioner

Enclosures: SRRF Eligibility Certificates
SRRF Post Award Information

cc: Toni Reed, Maine Municipal Bond Bank



School Revolving Renovation Fund Eligibility Certificate

School Administrative Unit	Auburn	
Facility	Edward Little High School	
Priority	1- Health, Safety and Compliance Repairs	
Project #	1424	
Scope of Work	ADA	
Amount Funded	\$1,000,000	
Maximum Loan Amount	\$1,000,000	
Portion of Loan to be Forgiven	\$610,600	61.06%
Portion of Loan to be Repaid	\$389,400	38.94%
Length of Loan	10 years	(loans over \$500,000)

This Eligibility Certificate for the above listed School Revolving Renovation Fund project is hereby approved. Work authorized under this certificate must be materially completed and all loan proceeds must be expended by July 31, 2021.

January 31, 2020

Date

Pender Makin
Commissioner



School Revolving Renovation Fund Eligibility Certificate

School Administrative Unit	Auburn	
Facility	Auburn Middle School	
Priority	1- Health, Safety and Compliance Repairs	
Project #	1425	
Scope of Work	Other - Security	
Amount Funded	\$190,000	
Maximum Loan Amount	\$190,000	
Portion of Loan to be Forgiven	\$116,014	61.06%
Portion of Loan to be Repaid	\$73,986	38.94%
Length of Loan	10 years	(loans \$500,000 or less combined with companion loans to total over \$500,000)

This Eligibility Certificate for the above listed School Revolving Renovation Fund project is hereby approved. Work authorized under this certificate must be materially completed and all loan proceeds must be expended by July 31, 2021

January 31, 2020
Date

Pender Makin
Commissioner

Information for SRRF Awardees**Professional Services Procurement and Document Development**

Project estimates, budgets and bidding documents are to be developed by licensed architects and professional engineers. These professional services shall be procured by advertising a Request for Qualifications in the Kennebec Journal and a newspaper local to the project 2 times, in 2 separate weeks. Allow a minimum of 7 days after the second advertisement for the submissions to be received. Submissions shall be evaluated based on qualifications, firms short-listed and interviewed, and a contract negotiated with the highest ranked firm. The design professional will be responsible for assisting the SAU with meeting all regulatory code requirements.

Project Budget

The Department will not revise eligibility certificates for additional funding should conditions or estimates change during the course of a project or if the project is delayed. School administrative units are responsible for project cost overruns. The final loan amount may be adjusted downward to equal the approved costs incurred at project completion. Surplus funds from a project may not be used for another project.

Construction Procurement

Projects estimated to be under \$100,000 may make use of a select list of bidders, soliciting a minimum of 3 proposals. Projects over \$100,000 must be advertised for sealed proposals. The Request for Proposals advertisements shall appear in the Kennebec Journal and a newspaper local to the project 2 times, in 2 separate weeks. Allow a minimum of 7 days after the second advertisement, or the pre-bid site walk if applicable, whichever is the latter, for the closing of bids. Proposals shall remain sealed until publicly opened and read aloud. Construction shall be awarded to the lowest responsive bidder.

Project Loan

All SAUs with approved projects must contact the Maine Municipal Bond Bank (MMBB) within 30 days of award notification to begin the loan process. Loans must be closed within 6 months of the award date of the eligibility certificate. All requisitions for loan disbursements must be submitted to the MMBB within 18 months of the award date. SAUs with awards for multiple projects must track costs separately for each individual project by assigned SRRF project number.

Project Completion

Projects must be completed within 18 months of the award date.

Statutory and Rule Requirements

SAUs must comply with all applicable statutory requirements of 5 M.R.S. Chapter 153 and Rule Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund. Failure to comply with statutes, rules and program requirements will result in revocation of the SRRF eligibility certificate and cancellation of any SRRF award.

**CITY OF AUBURN
NOTICE OF PUBLIC HEARING**

The Auburn City Council will hold a public hearing on March 16, 2020, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on an order authorizing a borrowing of up to \$1,190,000 and issuance of the City's general obligation bonds therefor. The loan will be funded through the State School Revolving Renovation Fund and will be used to finance certain renovations and improvements to Franklin School and Auburn Middle School.

The order will be available for inspection at the City Clerk's office during regular business hours.

Susan Clements-Dallaire, City Clerk

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Sr. Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 37-03022020

TITLE: ORDER - AUTHORIZING LOANS OF UP TO \$1,190,000 THROUGH THE STATE SCHOOL REVOLVING RENOVATION FUND

WHEREAS, the City desires to obtain one or more loans through the Maine Municipal Bond Bank's (the "Bond Bank") School Revolving Renovation Fund ("SRRF") under the Maine School Facilities Finance Program to finance renovations and improvements to Franklin School and Auburn Middle School; and

WHEREAS, the City expects to enter into one or more loan agreements with the Bond Bank in an aggregate amount not to exceed \$1,190,000, provided, however, that the City anticipates that 61.06% of said loan or loans (estimated to be \$726,614) will be forgiven and that the City will be obligated to repay the 38.94% balance of said loan or loans (estimated to be \$463,386);

NOW, THEREFORE, BE IT ORDERED BY THE AUBURN CITY COUNCIL, pursuant to Section 5772 of Title 30-A of the Maine Revised Statutes, as amended, the Auburn City Charter and all amendments thereof, and all other authority thereto enabling, and following a public hearing duly called and held as required by Article 8, Section 8.13 of the City Charter:

THAT the Finance Director / City Treasurer are hereby authorized to borrow an amount not to exceed \$1,190,000, of which 61.06% (estimated to be \$726,614) is expected to be forgiven and 38.94% (estimated to be \$463,386) is expected to be repaid under the terms of the SRRF program (the "SRRF Loans"), and to evidence the amount of such SRRF Loans to be repaid under the SRRF program through the issuance of the City's general obligation bonds (anticipated to be an amount not to exceed \$463,386), the proceeds of which are hereby appropriated to fund the costs of the following school renovations and improvements (including costs of issuance, capitalized interest, and any other costs related or ancillary thereto) (referred to as the "Projects"):

Amount	Description
\$1,000,000	Franklin School – ADA Compliance Renovations and Improvements (elevator installation and bathroom renovations)
\$190,000	Auburn Middle School – Health, Safety and Compliance Repairs (renovation of front entrance)

THAT the bonds shall be issued as authorized hereunder and shall be signed by the Finance Director / City Treasurer, attested by the City Clerk under the seal of the City.

THAT the bonds may be issued at one time or from time to time, either singly or in series, and the authority and discretion to fix method of sale, issue date, maturities, denominations, interest rate, place of payment, form and other details of said bonds and notes, and to take all other actions and to sign and

deliver all other documents, certificates and agreements in order to provide for the sale thereof is hereby delegated to the Finance Director / City Treasurer.

THAT the bonds authorized hereunder may be made subject to call for redemption, either with or without premium, on such terms as may be determined by the Finance Director / City Treasurer.

THAT the Finance Director / City Treasurer is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town such loan agreements, contracts, and other agreements, documents and certificates as may be necessary or appropriate as determined and approved by the Finance Director / City Treasurer in connection with the financing of the Projects (the "Financing Documents"), which Financing Documents shall be in such form and contain such terms and conditions, not inconsistent herewith, including the usual and customary terms as is required by the Bond Bank under its SRRF program, as may be approved by the Finance Director / City Treasurer such approval to be conclusively evidenced by her execution thereof.

THAT the Finance Director / City Treasurer and Clerk be, and hereby are authorized and empowered in the name of the City and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to complete the SRRF Loan and to effect the issuance, sale and delivery of the bonds hereinabove authorized.

THAT a tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year.

THAT if the Finance Director / City Treasurer or Clerk are for any reason unavailable to complete the SRRF Loan and to approve and execute the bonds or any of the Financing Documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

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

THAT the authority to issue the bonds authorized hereunder shall automatically expire 2 years from the date this Order is approved.

A public notice providing a general summary of the proposed borrowing was published the same on February 29, 2020, in the Lewiston Sun-Journal, a daily newspaper published in Androscoggin County.

A public hearing was held on March 16, 2020.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 2, 2020

Order: 38-03022020

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing two Councilors to serve on the Mayor's Ad hoc Committee on Boards, Committees, and Commissions of the City

Information: The Mayor has established an ad hoc committee to review all boards, committees, and commissions of the city in order to facilitate a more cohesive workflow, generating greater impact and efficient use of staff and volunteer time and effort. The target completion date is set for May 15th with a final report to be presented to Council no later than June 15th.

The Mayor will function as a facilitator, with two City Councilors chosen by Council, a representative from the Planning Board appointed by its Chair, and two staff members chosen by the City Manager to participate and support.

City Budgetary Impacts: None

Staff Recommended Action: Nominate and appoint two Councilors to serve on this committee.

Previous Meetings and History: Discussed at the 1/27/2020 Council meeting during Communications and voted on at the February 3rd, 2020 meeting.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Cuddeback".

Attachments: None

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 38-03022020

ORDERED, that the City Council hereby appoints the following two Councilors to serve on the Mayor's Ad hoc Committee on Boards, Committee's, and Commissions of the City.

1. Councilor _____

2. Councilor _____

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services



TO: Peter Crichton, City Manager

FROM: Jill Eastman, Finance Director

REF: January 2020 Financial Report

DATE: February 19, 2020

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

The City has completed its seventh month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 58.3% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through January 31st, including the school department were \$49,203,617 or 54.55%, of the budget. The municipal revenues including property taxes were \$33,393,298, or 53.21% of the budget which is more than the same period last year by 0.99%. The accounts listed below are noteworthy.

- A. The current year tax revenue is at 52.58% as compared to 58.51% last year. This is a \$2,615,900 reduction from last year. The reason for this difference is due to the timing of receiving the BETE (Business Equipment Tax Exemption) reimbursement from the State. Last year this was received at the end of December. We have contacted the State to find out the status and were told by the Property Tax Division that they processed it in December and sent for payment. I have reached out to the State again, to ask them to check on the status of this reimbursement and am awaiting a response. The second payment is due March 15th.
- B. Excise tax for the month of January is at 64.65%. This is a \$161,797 increase from FY 19. Our excise revenues for FY20 are 6.34% above projections as of January 31, 2020.

- C. State Revenue Sharing at the end of January is 67.86% or \$1,621,513. This is \$634,543 increase from last January.
- D. Miscellaneous Revenues are more than FY 19 by \$6,953. Sale of property and investment income both contribute to this increase.

Expenditures

City expenditures through January 2020 were \$26,745,494 or 59.63%, of the budget. This is a 0.25% increase for the same period last year. Noteworthy variances are:

- A. Administration is higher than last year by 5.94%. All administrative departments are higher this year than last year, but still where they should be at this time of the year.
- B. Public Works is lower than last year by 3.73% or \$183,817. This is primarily due to winter road maintenance accounts being less than this time last year.

Investments

This section contains an investment schedule as of January 31st. Currently the City's funds are earning an average interest rate of 1.87% compared to 1.77% in 2019.

Respectfully submitted,



Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of January 2020, December 2019, and June 2019

	UNAUDITED December 31 2019	UNAUDITED December 31 2019	Increase (Decrease)	AUDITED JUNE 30 2019
ASSETS				
CASH	\$ 9,802,689	\$ 12,209,150	\$ (2,406,461)	\$ 13,693,730
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	1,324,096	1,286,577	37,519	1,754,042
TAXES RECEIVABLE-CURRENT	20,861,490	21,329,388	(467,898)	1,090,970
DELINQUENT TAXES	948,931	971,916	(22,985)	755,527
TAX LIENS	723,501	823,890	(100,389)	533,503
NET DUE TO/FROM OTHER FUNDS	2,795,104	3,450,135	(655,031)	2,970,731
TOTAL ASSETS	\$ 36,455,810	\$ 40,071,054	\$ (3,615,244)	\$ 20,798,503
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	\$ (167,848)	\$ (298,840)	\$ 130,992	\$ (999,236)
PAYROLL LIABILITIES	211,987	214,316	(2,328)	(988,473)
ACCRUED PAYROLL	542	542	-	(3,484,840)
STATE FEES PAYABLE	(49,184)	(51,064)	1,880	-
ESCROWED AMOUNTS	(25,838)	(25,805)	(33)	(25,643)
DEFERRED REVENUE	(22,321,381)	(22,912,653)	591,272	(2,165,544)
TOTAL LIABILITIES	\$ (22,351,721)	\$ (23,073,503)	\$ 721,782	\$ (7,663,736)
FUND BALANCE - UNASSIGNED/ASSIGNED	\$ (11,068,662)	\$ (13,962,124)	\$ 2,893,462	\$ (10,099,340)
FUND BALANCE - RESTRICTED	(2,273,457)	(2,273,457)		(2,273,457)
FUND BALANCE - NON SPENDABLE	(761,970)	(761,970)	-	(761,970)
TOTAL FUND BALANCE	\$ (14,104,089)	\$ (16,997,551)	\$ 2,893,462	\$ (13,134,767)
TOTAL LIABILITIES AND FUND BALANCE	\$ (36,455,810)	\$ (40,071,054)	\$ 3,615,244	\$ (20,798,503)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH January 31, 2020 VS January 31, 2019

REVENUE SOURCE	FY 2020 BUDGET	ACTUAL REVENUES THRU JAN 2020	% OF BUDGET	FY 2019 BUDGET	ACTUAL REVENUES THRU JAN 2019	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	\$ 49,295,498	\$ 25,921,224	52.58%	\$ 48,772,945	\$ 28,537,124	58.51%	\$ (2,615,900)
PRIOR YEAR TAX REVENUE	\$ -	\$ 316,558		\$ -	\$ 602,979		\$ (286,421)
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 1,250,000	\$ 994,116	79.53%	\$ 1,190,000	\$ 997,694	83.84%	\$ (3,578)
EXCISE	\$ 3,910,000	\$ 2,527,841	64.65%	\$ 3,835,000	\$ 2,366,044	61.70%	\$ 161,797
PENALTIES & INTEREST	\$ 150,000	\$ 78,449	52.30%	\$ 150,000	\$ 81,076	54.05%	\$ (2,627)
TOTAL TAXES	\$ 54,605,498	\$ 29,838,188	54.64%	\$ 53,947,945	\$ 32,584,917	60.40%	\$ (2,746,729)
LICENSES AND PERMITS							
BUSINESS	\$ 169,000	\$ 110,351	65.30%	\$ 62,000	\$ 43,042	69.42%	\$ 67,309
NON-BUSINESS	\$ 409,000	\$ 188,519	46.09%	\$ 355,000	\$ 237,924	67.02%	\$ (49,405)
TOTAL LICENSES	\$ 578,000	\$ 298,869	51.71%	\$ 417,000	\$ 280,966	67.38%	\$ 17,903
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	\$ 400,000	\$ 417,352	104.34%	\$ 400,000	\$ 403,684	100.92%	\$ 13,668
STATE REVENUE SHARING	\$ 2,389,669	\$ 1,621,513	67.86%	\$ 1,689,669	\$ 986,970	58.41%	\$ 634,543
WELFARE REIMBURSEMENT	\$ 94,122	\$ 26,794	28.47%	\$ 103,747	\$ 20,775	20.02%	\$ 6,019
OTHER STATE AID	\$ 32,000	\$ 14,495	45.30%	\$ 32,000	\$ 14,819	46.31%	\$ (324)
CITY OF LEWISTON	\$ 228,384	\$ -	0.00%	\$ 228,384	\$ -	0.00%	\$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 3,144,175	\$ 2,080,155	66.16%	\$ 2,453,800	\$ 1,426,248	58.12%	\$ 653,907
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	\$ 148,440	\$ 62,833	42.33%	\$ 144,440	\$ 104,891	72.62%	\$ (42,058)
PUBLIC SAFETY	\$ 215,600	\$ 68,977	31.99%	\$ 236,277	\$ 104,950	44.42%	\$ (35,973)
EMS TRANSPORT	\$ 1,200,000	\$ 671,097	55.92%	\$ 1,250,000	\$ 600,677	48.05%	\$ 70,420
TOTAL CHARGE FOR SERVICES	\$ 1,564,040	\$ 802,907	51.34%	\$ 1,630,717	\$ 810,518	49.70%	\$ (7,611)
FINES							
PARKING TICKETS & MISC FINES	\$ 55,000	\$ 24,379	44.33%	\$ 70,000	\$ 27,574	39.39%	\$ (3,195)
MISCELLANEOUS							
INVESTMENT INCOME	\$ 70,000	\$ 88,965	127.09%	\$ 32,000	\$ 55,301	172.82%	\$ 33,664
RENTS	\$ 35,000	\$ 14,428	41.22%	\$ 35,000	\$ 14,453	41.29%	\$ (25)
UNCLASSIFIED	\$ 10,000	\$ 50,124	501.24%	\$ 10,000	\$ 43,171	431.71%	\$ 6,953
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 36,383		\$ -	\$ 32,528		\$ 3,855
SALE OF PROPERTY	\$ 20,000	\$ 15,917	79.59%	\$ 20,000	\$ 38,828	194.14%	\$ (22,911)
RECREATION PROGRAMS/ARENA							\$ -
MMWAC HOST FEES	\$ 225,000	\$ 134,331	59.70%	\$ 221,000	\$ 131,681	59.58%	\$ 2,650
TRANSFER IN: TIF	\$ 1,117,818	\$ -	0.00%	\$ 1,317,818	\$ -	0.00%	\$ -
TRANSFER IN: Other Funds	\$ 566,011	\$ -	0.00%	\$ 97,718	\$ -	0.00%	\$ -
ENERGY EFFICIENCY							\$ -
CDBG	\$ 214,430	\$ -	0.00%	\$ 214,430	\$ 10,250	4.78%	\$ (10,250)
UTILITY REIMBURSEMENT	\$ 20,000	\$ 8,652	43.26%	\$ 27,500	\$ 8,818	32.07%	\$ (166)
CITY FUND BALANCE CONTRIBUTION	\$ 527,500	\$ -	0.00%	\$ 527,500	\$ -	0.00%	\$ -
TOTAL MISCELLANEOUS	\$ 2,805,759	\$ 348,800	12.43%	\$ 2,502,966	\$ 335,030	13.39%	\$ 13,770
TOTAL GENERAL FUND REVENUES	\$ 62,752,472	\$ 33,393,298	53.21%	\$ 61,022,428	\$ 35,465,253	58.12%	\$ (2,071,955)
SCHOOL REVENUES							
EDUCATION SUBSIDY	\$ 25,851,656	\$ 15,479,657	59.88%	\$ 24,302,914	\$ 14,473,553	59.55%	\$ 1,006,104
EDUCATION	\$ 711,224	\$ 330,662	46.49%	\$ 674,191	\$ 338,051	50.14%	\$ (7,389)
SCHOOL FUND BALANCE CONTRIBUTION	\$ 877,296	\$ -	0.00%	\$ 719,417	\$ -	0.00%	\$ -
TOTAL SCHOOL	\$ 27,440,176	\$ 15,810,319	57.62%	\$ 25,696,522	\$ 14,811,604	57.64%	\$ 998,715
GRAND TOTAL REVENUES	\$ 90,192,648	\$ 49,203,617	54.55%	\$ 86,718,950	\$ 50,276,857	57.98%	\$ (1,073,240)

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH January 31, 2020 VS January 31, 2019

DEPARTMENT	FY 2020 BUDGET	Unaudited EXP THRU JAN 2020	% OF BUDGET	FY 2019 BUDGET	Unaudited EXP THRU JAN 2019	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	\$ 123,137	\$ 83,079	67.47%	\$ 111,610	\$ 59,566	53.37%	\$ 23,513
CITY MANAGER	\$ 582,119	\$ 338,865	58.21%	\$ 474,086	\$ 275,827	58.18%	\$ 63,038
CITY CLERK	\$ 207,139	\$ 104,157	50.28%	\$ 185,898	\$ 101,113	54.39%	\$ 3,044
FINANCIAL SERVICES	\$ 734,597	\$ 427,846	58.24%	\$ 694,109	\$ 410,756	59.18%	\$ 17,090
HUMAN RESOURCES	\$ 153,182	\$ 85,092	55.55%	\$ 149,953	\$ 83,942	55.98%	\$ 1,150
INFORMATION TECHNOLOGY	\$ 713,729	\$ 575,796	80.67%	\$ 588,403	\$ 353,795	60.13%	\$ 222,001
TOTAL ADMINISTRATION	\$ 2,513,903	\$ 1,614,835	64.24%	\$ 2,204,059	\$ 1,284,999	58.30%	\$ 329,836
COMMUNITY SERVICES							
ECONOMIC & COMMUNITY DEVELOPMENT	\$ 1,333,724	\$ 651,496	48.85%	\$ 1,471,918	\$ 609,506	41.41%	\$ 41,990
HEALTH & SOCIAL SERVICES	\$ 211,371	\$ 86,158	40.76%	\$ 223,500	\$ 89,852	40.20%	\$ (3,694)
RECREATION & SPECIAL EVENTS	\$ 448,575	\$ 302,559	67.45%	\$ 384,630	\$ 226,435	58.87%	\$ 76,124
PUBLIC LIBRARY	\$ 1,006,217	\$ 681,237	67.70%	\$ 998,189	\$ 665,459	66.67%	\$ 15,778
TOTAL COMMUNITY SERVICES	\$ 2,999,887	\$ 1,721,450	57.38%	\$ 3,078,237	\$ 1,591,252	51.69%	\$ 130,198
FISCAL SERVICES							
DEBT SERVICE	\$ 7,334,690	\$ 6,424,559	87.59%	\$ 6,702,508	\$ 6,156,417	91.85%	\$ 268,142
FACILITIES	\$ 667,128	\$ 532,598	79.83%	\$ 650,641	\$ 427,764	65.75%	\$ 104,834
WORKERS COMPENSATION	\$ 637,910	\$ -	0.00%	\$ 581,360	\$ -	0.00%	\$ -
WAGES & BENEFITS	\$ 6,797,826	\$ 3,579,568	52.66%	\$ 6,471,614	\$ 3,442,760	53.20%	\$ 136,808
EMERGENCY RESERVE (10108062-670000)	\$ 445,802	\$ -	0.00%	\$ 431,003	\$ -	0.00%	\$ -
TOTAL FISCAL SERVICES	\$ 15,883,356	\$ 10,536,725	66.34%	\$ 14,837,126	\$ 10,026,941	67.58%	\$ 509,784
PUBLIC SAFETY							
FIRE DEPARTMENT	\$ 4,515,511	\$ 2,501,906	55.41%	\$ 4,422,256	\$ 2,485,683	56.21%	\$ 16,223
FIRE EMS	\$ 695,751	\$ 448,812	64.51%	\$ 683,181	\$ 384,826	56.33%	\$ 63,986
POLICE DEPARTMENT	\$ 4,275,323	\$ 2,472,502	57.83%	\$ 4,166,631	\$ 2,350,216	56.41%	\$ 122,286
TOTAL PUBLIC SAFETY	\$ 9,486,585	\$ 5,423,220	57.17%	\$ 9,272,068	\$ 5,220,725	56.31%	\$ 202,495
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	\$ 4,836,798	\$ 2,624,207	54.26%	\$ 4,778,668	\$ 2,773,337	58.04%	\$ (149,130)
SOLID WASTE DISPOSAL	\$ 1,030,500	\$ 501,150	48.63%	\$ 988,013	\$ 535,837	54.23%	\$ (34,687)
WATER AND SEWER	\$ 645,216	\$ 474,537	73.55%	\$ 645,216	\$ 474,537	73.55%	\$ -
TOTAL PUBLIC WORKS	\$ 6,512,514	\$ 3,599,894	55.28%	\$ 6,411,897	\$ 3,783,711	59.01%	\$ (183,817)
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	\$ 191,000	\$ 189,200	99.06%	\$ 172,000	\$ 171,759	99.86%	\$ 17,441
E911 COMMUNICATION CENTER	\$ 1,134,304	\$ 840,913	74.13%	\$ 1,123,081	\$ 842,674	75.03%	\$ (1,761)
LATC-PUBLIC TRANSIT	\$ 331,138	\$ 331,138	100.00%	\$ 199,130	\$ 199,130	100.00%	\$ 132,008
TAX SHARING	\$ 270,000	\$ 5,398	2.00%	\$ 270,000	\$ 18,800	6.96%	\$ (13,402)
TOTAL INTERGOVERNMENTAL	\$ 1,926,442	\$ 1,366,649	70.94%	\$ 1,764,211	\$ 1,232,363	69.85%	\$ 134,286
COUNTY TAX	\$ 2,482,721	\$ 2,482,721	100.00%	\$ 2,407,766	\$ 2,407,765	100.00%	\$ 74,956
TIF (10108058-580000)	\$ 3,049,803	\$ -	0.00%	\$ 3,049,803	\$ -	0.00%	\$ -
OVERLAY	\$ -	\$ -		\$ -	\$ -		\$ -
TOTAL CITY DEPARTMENTS	\$ 44,855,211	\$ 26,745,494	59.63%	\$ 43,025,167	\$ 25,547,756	59.38%	\$ 1,197,738
EDUCATION DEPARTMENT	\$ 45,337,437	\$ 21,302,633	46.99%	\$ 43,693,783	\$ 20,633,674	47.22%	\$ 668,959
TOTAL GENERAL FUND EXPENDITURES	\$ 90,192,648	\$ 48,048,127	53.27%	\$ 86,718,950	\$ 46,181,430	53.25%	\$ 1,866,697

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF January 31, 2020**

INVESTMENT		FUND	BALANCE January 31, 2020	BALANCE December 31, 2019	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	\$ 3,302,800.39	\$ 4,298,061.72	1.50%
ANDROSCOGGIN BANK	502	SR-TIF	\$ 1,038,338.55	\$ 1,037,016.74	1.50%
ANDROSCOGGIN BANK	836	GENERAL FUND	\$ 3,741,311.42	\$ 5,735,410.96	1.50%
ANDROSCOGGIN BANK	801	WORKERS COMP	\$ 51,871.59	\$ 51,805.56	1.50%
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	\$ 186,495.48	\$ 186,258.06	1.50%
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	\$ 223,938.15	\$ 223,653.10	1.50%
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	\$ 60,280.84	\$ 60,204.12	1.50%
ANDROSCOGGIN BANK		ELHS CONSTRUCTION BAN	\$ 7,408,023.19	\$ 7,398,592.20	1.50%
ANDROSCOGGIN BANK	0627	ST LOUIS BELLS FUNDRAISING	\$ 15,177.75	\$ 15,158.44	1.50%
NORTHERN CAPITAL	02155	CAPITAL PROJECTS	\$ 750,000.00	\$ 750,000.00	2.30%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	2.45%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	2.00%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	2.15%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	2.30%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	2.60%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 1,000,000.00	\$ 1,000,000.00	2.55%
GRAND TOTAL			\$ 19,528,237.36	\$ 22,506,160.90	1.87%

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2019 - June 30, 2020
Report as of January 31, 2020

	Beginning Balance 01/01/20	January 2020				Write-Offs	Ending Balance 1/31/2020
		New Charges	Payments	Refunds	Adjustments		
Bluecross	\$ 2,918.78	\$ 17,758.40	\$ (4,362.64)		\$ (8,085.01)		\$ 8,229.53
Intercept	\$ 400.00		\$ (400.00)				\$ -
Medicare	\$ 64,893.36	\$ 149,651.40	\$ (43,625.13)		\$ (85,413.80)		\$ 85,505.83
Medicaid	\$ 31,346.36	\$ 38,051.60	\$ (25,070.53)		\$ (12,145.20)		\$ 32,182.23
Other/Commercial	\$ 43,780.10	\$ 28,492.40	\$ (19,888.75)	\$ 191.25	\$ (13,126.97)		\$ 39,448.03
Patient	\$ 130,427.31	\$ 13,122.60	\$ (8,535.68)	\$ 245.00	\$ 36,772.30	\$ (24,841.59)	\$ 147,189.94
Worker's Comp	\$ -	\$ 922.80			\$ (922.80)		\$ -
TOTAL	\$ 273,765.91	\$ 247,999.20	\$ (101,882.73)	\$ 436.25	\$ (82,921.48)	\$ (24,841.59)	\$ 312,555.56

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2019 - June 30, 2020
Report as of January 31, 2020

	July 2019	August 2019	Sept 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Adjustment	Totals	% of Total
No Insurance Information	\$ 1,557.40								\$ 1,557.40	0.11%
Bluecross	\$ 12,278.80	\$ 9,485.80	\$ 12,189.60	\$ 9,643.20	\$ 6,681.00	\$ 10,465.80	\$ 17,758.40		\$ 78,502.60	5.46%
Intercept			\$ 100.00	\$ 100.00	\$ 100.00				\$ 300.00	0.02%
Medicare	\$ 93,753.80	\$ 118,375.60	\$ 96,695.60	\$ 142,587.40	\$ 122,367.40	\$ 108,449.80	\$ 149,651.40		\$ 831,881.00	57.87%
Medicaid	\$ 27,506.40	\$ 38,869.20	\$ 31,700.80	\$ 49,219.40	\$ 35,495.20	\$ 45,028.80	\$ 38,051.60		\$ 265,871.40	18.50%
Other/Commercial	\$ 9,365.20	\$ 25,838.20	\$ 9,887.40	\$ 24,683.20	\$ 27,508.20	\$ 26,846.80	\$ 28,492.40		\$ 152,621.40	10.62%
Patient	\$ 10,890.80	\$ 23,643.20	\$ 10,939.60	\$ 16,513.00	\$ 14,572.80	\$ 15,168.60	\$ 13,122.60		\$ 104,850.60	7.29%
Worker's Comp	\$ -			\$ 878.00			\$ 922.80		\$ 1,800.80	0.13%
TOTAL	\$ 155,352.40	\$ 216,212.00	\$ 161,513.00	\$ 243,624.20	\$ 206,724.60	\$ 205,959.80	\$ 247,999.20	\$ -	\$ 1,437,385.20	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2019 - June 30, 2020
Report as of January 31, 2020

	July 2019	August 2019	Sept 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Adjustment	Totals	% of Total
No Insurance Information	2	0	0	0	0	0	0		2	0.11%
Bluecross	15	12	15	11	7	13	21		94	5.16%
Intercept	0	0	1	1	1	0	0		3	0.16%
Medicare	117	145	125	186	154	136	187		1050	57.66%
Medicaid	35	49	40	62	47	61	49		343	18.84%
Other/Commercial	13	35	16	32	34	34	36		200	10.98%
Patient	14	28	14	20	17	18	16		127	6.97%
Worker's Comp	0			1		0	1		2	0.11%
TOTAL	196	269	211	313	260	262	310	0	1821	100.00%

**EMS BILLING
AGING REPORT
July 1, 2019 to June 30, 2020
Report as of January 31, 2020**

	Current		31-60		61-90		91-120		121+ days		Totals	
Bluecross	\$ 8,916.06	108%	\$ -	0%	\$ -	0%	\$ -	0%	\$ (686.53)	-8%	\$ 8,229.53	2.63%
Intercept	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	0.00%
Medicare	\$ 82,060.20	96%	\$ 3,980.20	5%	\$ 71.38	0%	\$ -	0%	\$ (605.95)	-1%	\$ 85,505.83	27.36%
Medicaid	\$ 30,125.14	94%	\$ 2,172.43	7%	\$ -	0%	\$ -	0%	\$ (115.34)	0%	\$ 32,182.23	10.30%
Other/Commercial	\$ 15,215.95	39%	\$ 13,821.45	35%	\$ 4,813.22	12%	\$ 864.00	2%	\$ 4,733.41	12%	\$ 39,448.03	12.62%
Patient	\$ 45,491.97	31%	\$ 39,637.85	27%	\$ 27,671.49	19%	\$ 21,847.72	4988%	\$ 12,540.91	9%	\$ 147,189.94	47.09%
Worker's Comp	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	0.00%
TOTAL	\$ 181,809.32		\$ 59,611.93		\$ 32,556.09		\$ 22,711.72		\$ 15,866.50		\$ 312,555.56	
	58%		19%		10%		7%		5%		100%	100.00%

[illegible]

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Peter Crichton, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for January 2020



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of January 31, 2020.

INGERSOLL TURF FACILITY

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of January 31, 2020.

Current Assets:

As of the end of January 2020 the total current assets of Ingersoll Turf Facility were \$254,25. This consisted of cash and cash equivalents of \$223,653 and an interfund receivable of \$30,599132 an increase from December of \$8,638.

Noncurrent Assets:

Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of January 31, 2020 was \$144,984.

Liabilities:

Ingersoll had accounts payable of \$525 as of January 31, 2020.

Statement of Activities:

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

The operating revenues for Ingersoll Turf Facility through January 2020 are \$139,715. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through January 2020 were \$68,553. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of January 2020, Ingersoll has an operating gain of \$71,162 compared to a net gain in December of \$61,379.

As of January 31, 2020, Ingersoll has an increase in net assets of \$71,162.

The budget to actual reports for revenue and expenditures, show that the revenue for FY20 compared to FY 19.

Statement of Net Assets
Ingersoll Turf Facility
January 31, 2020
Business-type Activities - Enterprise Fund

	Jan 31, 2020	Dec 31, 2019	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 223,653	\$ 223,413	\$ 240
Interfund receivables/payables	\$ 30,599	\$ 22,201	8,398
Accounts receivable	-	-	-
Total current assets	254,252	245,614	8,638
Noncurrent assets:			
Capital assets:			
Buildings	672,279	672,279	-
Equipment	119,673	119,673	-
Land improvements	18,584	18,584	-
Less accumulated depreciation	(665,552)	(665,552)	-
Total noncurrent assets	144,984	144,984	-
Total assets	399,236	390,598	8,638
LIABILITIES			
Accounts payable	\$ 525	\$ 1,670	(1,145)
Interfund payable	\$ -	\$ -	-
Total liabilities	525	1,670	(1,145)
NET ASSETS			
Invested in capital assets	\$ 144,984	\$ 144,984	\$ -
Unrestricted	\$ 253,727	\$ 243,944	\$ 9,783
Total net assets	\$ 398,711	\$ 388,928	\$ 9,783

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
January 31, 2020

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	\$ 139,715
Operating expenses:	
Personnel	44,003
Supplies	13,180
Utilities	8,118
Repairs and maintenance	3,252
Rent	-
Depreciation	-
Capital expenses	-
Other expenses	-
Total operating expenses	68,553
Operating gain (loss)	71,162
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	71,162
Transfers out	-
Change in net assets	71,162
Total net assets, July 1	327,549
Total net assets, January 31, 2020	\$ 398,711

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through January 31, 2020 compared to January 31, 2019

REVENUE SOURCE	FY 2020 BUDGET	ACTUAL REVENUES THRU JAN 2020	% OF BUDGET	FY 2019 BUDGET	ACTUAL REVENUES THRU JAN 2019	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship	\$ 25,000	\$ 8,325	33.30%	\$ 20,500	\$ 9,300	45.37%
Batting Cages	\$ 13,000	\$ 9,075	69.81%	\$ 12,240	\$ 7,525	61.48%
Programs	\$ 90,000	\$ 60,245	66.94%	\$ 90,000	\$ 57,079	63.42%
Rental Income	\$ 102,000	\$ 61,287	60.09%	\$ 102,300	\$ 55,800	54.55%
TOTAL CHARGE FOR SERVICES	\$ 230,000	\$ 138,932	60.41%	\$ 225,040	\$ 129,704	57.64%
INTEREST ON INVESTMENTS	\$ -	\$ 783		\$ -	\$ 178	
GRAND TOTAL REVENUES	\$ 230,000	\$ 139,715	60.75%	\$ 225,040	\$ 129,882	57.72%

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through January 31, 2020 compared to January 31, 2019

DESCRIPTION	ACTUAL				ACTUAL			
	FY 2020 BUDGET	EXPENDITURES THRU JAN 2020	% OF BUDGET	FY 2019 BUDGET	EXPENDITURES THRU JAN 2019	% OF BUDGET	Difference	
Salaries & Benefits	\$ 149,331	\$ 44,003	29.47%	\$ 120,000	\$ 46,452	38.71%	\$	(2,449)
Purchased Services	\$ 18,160	\$ 3,252	17.91%	\$ 19,460	\$ 3,909	20.09%	\$	(657)
Programs	\$ 17,000	\$ 12,678	74.58%	\$ 15,220	\$ 4,047	26.59%	\$	8,631
Supplies	\$ 4,900	\$ 502	10.24%	\$ 4,600	\$ 7,679	166.93%	\$	(7,177)
Utilities	\$ 25,100	\$ 8,118	32.34%	\$ 30,920	\$ 9,129	29.52%	\$	(1,011)
Insurance Premiums	\$ -	\$ -		\$ 2,505	\$ -	0.00%	\$	-
Capital Outlay	\$ 11,000	\$ -	0.00%	\$ 30,000	\$ -	0.00%	\$	-
	\$ 225,491	\$ 68,553	30.40%	\$ 222,705	\$ 71,216	31.98%	\$	(2,663)
GRAND TOTAL EXPENDITURES	\$ 225,491	\$ 68,553	30.40%	\$ 222,705	\$ 71,216	31.98%	\$	(2,663)

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Peter Crichton, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for January 31, 2020

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of January 31, 2020.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, December 31, 2019.

Current Assets:

As of the end of January 2020 the total current assets of Norway Savings Bank Arena were (\$1,367,2777). These consisted of cash and cash equivalents of \$205,152, accounts receivable of \$215,967, and an interfund payable of \$1,788,396.

Noncurrent Assets:

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of January 31, 2020 was \$293,394.

Liabilities:

Norway Arena had accounts payable of \$7,476 as of January 31, 2020.

Statement of Activities:

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

The operating revenues for Norway Arena through January 2020 are \$613,166. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through January 2020 were \$422,270. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of January 2020, Norway Arena has an operating and net gain of \$190,896.

As of January 31, 2020, Norway Arena has an increase in net assets of \$190,896.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY20 is \$67,414 less than in FY19 and expenditures in F20 are \$310,796 less than last year in January.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
January 31, 2020
Business-type Activities - Enterprise Fund

	January 31, 2020	December 31, 2019	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 205,152	\$ 201,257	\$ 3,895
Interfund receivables	\$ (1,788,396)	\$ (1,799,836)	\$ 11,440
Prepaid Rent	\$ -	\$ -	\$ -
Accounts receivable	215,967	203,941	12,026
Total current assets	(1,367,277)	(1,394,638)	27,361
Noncurrent assets:			
Capital assets:			
Buildings	58,223	58,223	-
Equipment	514,999	514,999	-
Land improvements	-	-	-
Less accumulated depreciation	(279,828)	(279,828)	-
Total noncurrent assets	293,394	293,394	-
Total assets	(1,073,883)	(1,101,244)	27,361
LIABILITIES			
Accounts payable	\$ 7,476	\$ 1,670	\$ 5,806
Net OPEB liability	\$ 67,511	\$ 67,511	\$ -
Net pension liability	57,636	57,636	-
Total liabilities	132,623	126,817	5,806
NET ASSETS			
Invested in capital assets	\$ 293,394	\$ 293,394	\$ -
Unrestricted	\$ (1,499,900)	\$ (1,521,455)	\$ 21,555
Total net assets	\$ (1,206,506)	\$ (1,228,061)	\$ 21,555

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
January 31, 2020

	Norway Savings Arena
Operating revenues:	
Charges for services	\$ 613,166
Operating expenses:	
Personnel	174,325
Supplies	56,785
Utilities	127,986
Repairs and maintenance	31,059
Insurance Premium	25,588
Depreciation	
Capital expenses	2,000
Other expenses	4,527
Total operating expenses	422,270
Operating gain (loss)	190,896
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	190,896
Transfers out	-
Change in net assets	190,896
Total net assets, July 1	(1,397,402)
Total net assets, January 31, 2020	\$ (1,206,506)

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through January 31, 2020 compared to January 31, 2019

REVENUE SOURCE	FY 2020 BUDGET	ACTUAL REVENUES THRU JAN 2020	% OF BUDGET	FY 2019 BUDGET	ACTUAL REVENUES THRU JAN 2019	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concussions	\$ 16,500	\$ 10,500	63.64%	\$ 18,000	\$ 10,500	58.33%	\$ -
Skate Rentals	\$ 7,500	\$ -	0.00%	\$ -	\$ 1,010		\$ (1,010)
Pepsi Vending Machines	\$ 3,000	\$ 513	17.10%	\$ -	\$ 1,416		\$ (903)
Games Vending Machines	\$ 3,000	\$ 848	28.27%	\$ -	\$ 2,513		\$ (1,665)
Vending Food	\$ 3,000	\$ 321	10.70%	\$ -	\$ 514		\$ (193)
Sponsorships	\$ 230,000	\$ 135,300	58.83%	\$ 275,000	\$ 143,715	52.26%	\$ (8,415)
Pro Shop	\$ 7,000	\$ 3,680	52.57%	\$ 8,500	\$ 473	5.56%	\$ 3,207
Programs	\$ 27,500	\$ -	0.00%	\$ 31,000	\$ -	0.00%	\$ -
Rental Income	\$ 744,000	\$ 451,724	60.72%	\$ 705,250	\$ 496,434	70.39%	\$ (44,710)
Camps/Clinics	\$ 50,000	\$ 6,780	13.56%	\$ 50,000	\$ 12,480		\$ (5,700)
Tournaments	\$ 55,000	\$ 3,500	6.36%	\$ 50,000	\$ 11,525	23.05%	\$ (8,025)
TOTAL CHARGE FOR SERVICES	\$ 1,146,500	\$ 613,166	53.48%	\$ 1,137,750	\$ 680,580	59.82%	\$ (67,414)

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through January 31, 2020 compared to January 31, 2019

DESCRIPTION	ACTUAL				ACTUAL			
	FY 2020 BUDGET	EXPENDITURES THRU JAN 2020	% OF BUDGET	FY 2019 BUDGET	EXPENDITURES THRU JAN 2019	% OF BUDGET	VARIANCE	
Salaries & Benefits	\$ 347,736	\$ 174,325	50.13%	\$ 344,000	\$ 209,125	60.79%	\$	(34,800)
Purchased Services	\$ 49,500	\$ 61,174	123.58%	\$ 71,656	\$ 25,246	35.23%	\$	35,928
Supplies	\$ 68,150	\$ 56,785	83.32%	\$ 37,100	\$ 35,211	94.91%	\$	21,574
Utilities	\$ 238,000	\$ 127,986	53.78%	\$ 225,150	\$ 148,878	66.12%	\$	(20,892)
Capital Outlay	\$ 15,000	\$ 2,000	13.33%	\$ 103,500	\$ 19,156	18.51%	\$	(17,156)
Rent	\$ -	\$ -		\$ 507,000	\$ 295,449	58.27%	\$	(295,449)
	\$ 718,386	\$ 422,270	58.78%	\$ 1,288,406	\$ 733,065	56.90%	\$	(310,796)
GRAND TOTAL EXPENDITURES	\$ 718,386	\$ 422,270	58.78%	\$ 1,288,406	\$ 733,065	56.90%	\$	(310,796)



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 2, 2020

Subject: Executive Session

Information: To discuss an economic development matter, pursuant to 1 M.R.S.A. Section 405(6) (C).

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

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

(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;

(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;

(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and

(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal;

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

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

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

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

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

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

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

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