



City Council Meeting and Workshop

February 9, 2015

(Postponed meeting of February 2, 2015)

Agenda

5:30 P.M. Workshop

- A. Lead Grant match – Reine Mynahan (30 minutes)
- B. Power Construction license agreement – Roland Miller (30 minutes)
- C. New Auburn Plan – Eric Cousens (30 minutes)

After each workshop item is presented, the public will be given an opportunity to comment.

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

Pledge of Allegiance

- I. Consent Items** – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.

- 1. Order 07-02022015***
Setting the date for the Special Municipal Election for the vacant Ward 5 School Committee seat as June 9, 2015.

- II. Minutes**
- January 20, 2015 Regular Council Meeting

III. Reports*

Mayors Report

City Councilors' Reports

City Manager's Report

Committee Reports

- **Transportation**
 - Lewiston Auburn Transit – Councilor Gerry
 - Airport, Railroad – Councilor Hayes
 - Bike-Ped Committee – Councilor Lee
- **Housing**
 - Citizens Advisory Committee – Councilor Lee
 - Auburn Housing Authority – Councilor Gerry
- **Economic Development**
 - L-A Economic Growth Council, Auburn Business Development Corporation – Councilor Lee
- **Education**

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- Auburn School Committee – Councilor LaFontaine
- Auburn Public Library – Councilor LaFontaine
- Great Falls TV – Councilor Young
- Environmental Services
 - Auburn Water District, Auburn Sewerage District – Councilor Crowley
 - Mid-Maine Waste Action Corporation – Councilor Walker
- Recreation
 - Recreation and Special Events Advisory Board – Councilor Crowley
- Public Safety
 - LA 911 – Councilor Walker

IV. Communications, Presentations and Recognitions

- Community Little Theater
- LA Arts
- LA Harley and The Wolf Mass Gathering application
- Council Meeting Calendar

V. 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*. Time limit for open sessions, by ordinance, is 45 minutes.

VI. Unfinished Business

1. Order 06-01202015

Approving the proposed amendment to the 2010 Comprehensive Plan's Land Use Plan from Agricultural/Rural to Low Density Residential for the property located at 113 Woodbury Road. Public hearing and second reading.

2. Ordinance 01-01202015

Adopting the proposed amendment to Part II, Code of Ordinance, Chapter 2, Administration, Article V, Boards, Commissions and Committees, Division 4, Planning Board. Public hearing and second reading.

3. Ordinance 02-01202015

Adopting the proposed amendment to Part II, Code of Ordinance, Chapter 2, Administration, Article II, Mayor and City Council, Division 2, Rules of Procedure, Section 2-59, Order of Business. Second reading.

4. Ordinance 04-01262015

Amending the Code of Ordinances Chapter 14, Article IX - Mass Gatherings, section 14-275 – Alcoholic Beverages. Second reading.

VII. New Business

5. Order 08-02022015

Authorizing the Interim City Manager to execute all documents for a license agreement to lease property within the Auburn intermodal terminal.

6. Ordinance 05-02022015

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Adopting the proposed amendment change to Part II, Code of Ordinance, Chapter 56, Vegetation, Article II – Trees and Shrubs, Section 56.19 - Tree Maintenance. Public hearing and first reading.

7. Ordinance 06-02022015

Adopting the proposed amendment change to Part II, Code of Ordinance, Chapter 56, Vegetation, Article II – Trees and Shrubs, Section 56.21 – Shade Trees. Public hearing and first reading.

8. Ordinance 07-02022015

Adopting the proposed ordinance for a Conservation Commission (Part II – Code of Ordinance, Chapter 2 – Administration, Article V – Boards, Commissions and Committees, Division 5). Public hearing and first reading.

9. Ordinance 08-02022015

Adopting the proposed amendment change to Part II, Code of Ordinance, Chapter 2 – Administration, Article III – Officers and Employees, Division 7 – Tax Assessor, Section 2-256 (a) Powers and Duties. Public hearing and first reading.

10. Ordinance 09-02022015

Adopting the proposed amendment change to Part II, Code of Ordinance, Chapter 2 – Administration, Article IV – Departments, Division 3 – Finance, Section 2-359 -Established. Public hearing and first reading.

11. Order 09-02092015

Approving the Mass Gathering permit request for LA Harley and The Wolf Country Festival to be held August 1, and August 2, 2015 at the Auburn Lewiston Airport, pending all Ordinance requirements, applicable department approvals and conditions are met. Public hearing.

VIII. Executive Session

- Discussion regarding labor negotiations (Fire), pursuant to 1 M.R.S.A. Section 405(6)(D).

IX. 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*.

X. Adjournment

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: February 9, 2015

Author: Reine Mynahan, Community Development Director

Subject: Lead Loan Program Guidelines

Information: Last year the City of Auburn joined in an application with the City of Lewiston for a Lead Hazard Control Grant. A \$3.4 million grant was awarded in September, 2014. Lead funds will be available in Census Tracts 101, 102, 103, 104, and 105. This is an expansion of the eligible areas from the previous grant. Further, the program has been restructured to assist more single family homeowners. The partners in this grant are now accepting applications for projects.

One of the commitments made by the City when joining in this grant was to commit funding from the Community Development Program for the required match. We will need a program guideline to establish the parameters of the program. The attached Lead Program guide provides for an interest-free loan of up to \$5,000, as described in the Lead Grant application to HUD. The amortization period will be determined by the Community Development Loan Committee based on the building's cash flow.

Advantages: The lead program provides significant dollars for housing upgrades that will help with preservation of the housing stock. The grant will also result in a significant increase in working hours for employees of the abatement companies. Most importantly, the children who live in the improved units will benefit from a healthier place to live. In addition to making homes lead safe, each unit will be considered for a healthy homes intervention.

Disadvantages: None

City Budgetary Impacts: 3 years of dedicated funding towards this effort from the Community Development Program, approximately \$36,750 per year.

Staff Recommended Action: Approve

Previous Meetings and History: Workshops of January 22, 2013 and June 17, 2013

Attachments: Lead Program guideline

LEAD PROGRAM

A. PROGRAM GOAL

The goal of the Lead Program is to make housing lead safe. The Lead Program is funded by the Community Development Block Grant Program, and is intended as match funds to the Lead Hazard Control Grant. The program is subject to all of the Community Development Program rules.

B. ELIGIBILITY CRITERIA

1. The applicant must own the property to be improved or will own at the time of the closing.
2. The property to be improved may be an owner-occupied or investor-owned year-round residential structure
3. The occupant of the unit to be improved must have income that is less than 80% of area median income.
4. The property must be located in either Census Tracts 101, 102, 103, 104 or 105. Loan funds will be available in all areas of the City when there is a Department of Health and Human Services order for abatement because of a lead-poisoned child.
5. Improvements shall be to eliminate lead hazards in the residential unit, common area serving that unit, exterior painted surfaces, and the bare soil of the building perimeter and play areas.

C. LOAN CATEGORIES AND TERMS

1. The maximum loan amount \$5,000 per unit.
2. The interest rate shall be 0%.
3. Loan term shall be established by Community Development staff with approval of the Community Development Loan Committee based on financial capacity of the applicant. The maximum loan term is 20 years.



City Council Information Sheet

City of Auburn

Council Workshop Date: February 9, 2015

Author: Roland G. Miller

Subject: License Agreement for Power & Construction Group, Inc.

Information: Power & Construction Group currently leases approximately 2.5 acres at the Auburn Intermodal site. They store long power polls on site. The lease with the wholly owned subsidiary of Genesee & Wyoming railroad has expired so they desire to switch the License Agreement to the City of Auburn and lease approximately 1.5 additional acres for poll storage. The rental payments will net the City slightly more than \$18,000 a year. The agreement is for 2 years. Even though the agreement with the railroad has expired staff took this proposal to them for review. The railroad has approved the layout and lease concept.

Advantages: City of Auburn will receive rent for land within the intermodal facility without adversely affecting railroad operations (we continue discussions to find a path to a new agreement with the railroad).

Disadvantages: The portion of the property under this agreement will be committed to this use for two years.

Financial: Auburn will receive rent amounting to slightly more than \$18,000 per year.

Action Requested at this Meeting: Authorize the City Manager to execute the document necessary to finalize this agreement.

Previous Meetings and History: Discussed in executive session 1/20/15.

Attachments: License Agreement
Map of area to be leased

LICENSE AGREEMENT

THIS REVOCABLE LICENSE AGREEMENT, made this _____ day of _____, 2015 between CITY OF AUBURN, a Maine municipal corporation, with its principal office at 60 Court Street, Auburn, Maine 04210, (hereinafter referred to as "Licensor") and POWER & CONSTRUCTION GROUP, INC. (hereinafter referred to as "Licensee").

WITNESSETH:

WHEREAS, Licensor is the record owner of a certain lot or parcel of land located in the City of Auburn and State of Maine (the "Licensed Property"), which is depicted as the highlighted area on Exhibit A attached hereto and incorporated herein by reference and consists of 175,425 square feet; and

WHEREAS, Licensor is willing to grant to Licensee a license over the Licensed Property; and

WHEREAS, Licensee desires to utilize the Licensed Property for ingress and egress by foot and all types of vehicles and equipment, and storage and staging of equipment related to a power project in the State of Maine.

NOW THEREFORE, based upon the mutual covenants and promises contained herein, and for other good and valuable consideration, Licensor and Licensee agree as follows:

1. Definitions.

A. The term "Licensee" as used herein shall mean Power and Construction Group, Inc., its permitted successors and assigns. For all sections of this Agreement, the term "Licensee" shall also include Licensee's agents, employees, customers and invitees. All words herein referring to Licensee shall be taken to be of such number and gender as the context may require.

B. The term "Licensor" as used in this Agreement shall mean City of Auburn, its permitted successors and assigns. Said term shall also include any parent, subsidiary or affiliated company or companies of Licensor. For all sections of this Agreement, the term "Licensor" shall also include the servants, agents or employees of the undersigned Licensor and of said parent, subsidiary or affiliated company.

C. The term "satisfactory" or "satisfaction" or "consent" as used in this Agreement shall mean written approval by Licensor's duly authorized representative, which approval shall not be unreasonably withheld, conditioned or delayed.

2. Grant of License.

A. Licensor grants to Licensee a license for the sole purposes of ingress and egress by foot and all types of vehicles and equipment, and storage and staging of utility poles related to a power project in the State of Maine (the "License").

3. License Fees.

A. Licensee shall pay to Licensor the sum of One Thousand Five Hundred Seven Dollars and Fifty Cents (\$1,507.50) in advance of each month for the use of the area highlighted in green on Exhibit A, with the first installment being due before _____, 2015, and each subsequent installment being due on the first of each month.

B. Licensee shall pay Licensor's legal expenses related to the preparation of this Agreement, at the time this Agreement is executed. Licensee shall also pay all transfer taxes related to this Agreement, if any.

4. Term of License.

A. The term of the License shall be for a period of two years, unless earlier terminated based upon default of the Licensee, or a voluntary termination of the Licensee.

5. Obligations.

A. Licensee, at Licensee's sole cost and expense, shall comply with all applicable ordinances, rules, regulations, requirements and laws of any governmental authority having jurisdiction over the Licensed Property or Licensee's intended use thereof (the "Applicable Rules"), including but not limited to zoning, health, safety, building or environmental matters or public service. Licensee shall supply Licensor with copies of letters or certificates of approval of Licensee's use.

B. Licensee, at Licensee's sole cost and expense, shall comply with Licensor's safety rules and regulations, a copy of which is attached hereto as Exhibit B; and shall provide Licensor with daily safety briefs.

C. Licensee shall further defend, indemnify and hold Licensor harmless from any violation, any penalty, levy, fine or assessments due to Licensee's failure to comply with the Applicable Rules during the Term of this License, and all costs of defense of or compliance with any citation, order or violation notice(s), including any such penalties, levies, fines, assessments, compliance or remedial charge(s) during or arising after termination of the License.

6. Improvements.

A. Licensee will not create or permit any nuisance in, or about, the Licensed Property, and Licensee shall maintain the Licensed Property in a neat and clean condition.

B. Licensee will not make, or permit to be made, any improvements or alterations to the Licensed Property without the written consent of Licensor, which such consent may be subject to reasonable conditions imposed by Licensor. Approval by Licensor of any improvements or installments made by Licensee, or failure of Licensor to object to any work done or material used or the method of construction or installation, shall not be construed as an

admission of responsibility by Licensor or as a waiver of any of Licensee's obligations under this Agreement. Notwithstanding anything herein to the contrary, Licensee may place gravel or fill material on the Licensed Property without Licensor's prior consent; however, the placement of gravel or fill material on the Licensed Property by Licensee shall be subject to Licensee's receipt of any and all necessary permits, approvals and/or licenses required by any governmental authority having jurisdiction over the Licensed Property.

7. Licensor's Obligations.

Licensor will be under no obligation to furnish water, gas, sewage, electricity, heat or other services or supplies that may be necessary or desirable in connection with Licensee's use and occupancy of the Licensed Property. Should Licensor supply any utilities, at Licensee's request, which may be necessary or desirable for Licensee's use of the Licensed Property, Licensee agrees to reimburse Licensor for such expenditures within thirty (30) days upon receipt of invoice submitted by Licensor.

8. Other Uses.

Licensee shall not use any property of Licensor other than the Licensed Property described herein without first obtaining Licensor's prior written consent and complying with all requirements of Licensor applicable thereto.

9. Licensor's Reserved Rights.

Licensor shall at all times have the right to utilize the Licensed Property as long as Licensor's use does not interfere with the use of the Licensed Property by the Licensee.

10. Licensee's Obligations.

A. Licensee shall pay all debts incurred by Licensee in connection with its use of the Licensed Property, and shall satisfy and remove all liens of contractors, subcontractors, mechanics, laborers and materialmen in respect to any construction, alteration and/or repair in and to the Licensed Property and any improvements thereon, if any, and shall indemnify, defend and hold Licensor harmless against all legal costs and charges, including counsel fees reasonably incurred, in any suit involving any lien, the enforcement thereof, or encumbrance caused by the same, with respect to the Licensed Property or any part thereof. Further, Licensee shall have no authority to create any liens for labor or material on or against Licensor's interest in the Licensed Property and shall so specify in all contracts let by Licensee for any construction, erection, installation, alteration, maintenance or repair of any building or other improvement on the portions of Licensed Property described herein.

B. Licensee shall conduct its operations and work within the Licensed Property in accordance with all reasonable rules and regulations of Licensor, and Licensee's use and operation shall not interfere with the use and operation of the adjoining Intermodal Facility.

C. Neither Licensee nor Licensee's contractors shall move, locate, deposit, dispose of or maintain any explosive, flammable, combustible or other hazardous or dangerous materials, goods or commodities over or on the Licensed Property without separate prior written consent of Licensors.

11. Breach, Notices.

A. In the event of a breach of any of the covenants, terms and conditions hereof by Licensee with regard to the License, Licensors shall have the right to terminate the License immediately. All rights that Licensee may have hereunder shall cease and end upon the termination date so specified; provide, however, that termination of this Agreement shall not in any manner affect any claims and liabilities that may have arisen or accrued hereunder, and that, at the time of termination, have not been satisfied. On or before the time fixed for termination of this Agreement, unless the parties hereto otherwise agree, all equipment and/or improvements shall be removed by Licensee, and Licensee shall restore the Licensed Property to a condition satisfactory to Licensors, all at the sole cost and expense of Licensee.

B. All notices and communications concerning this Agreement shall be sent by certified mail return receipt requested addressed to Licensors and Licensee at the addresses set forth below, or at such other address as either party may designate in writing to the other party:

Licensors:
City of Auburn
Attn: Roland Miller
60 Court Street
Auburn, ME 04210

Licensee:
Power & Construction Group, Inc.
Attn: Michael Parker
601 Regiment Road
Penn Laird, VA 22846

C. Upon termination of the License by expiration of the term or by any other reason, Licensee shall remove all equipment and/or improvements (except for designated property of Licensors and except for gravel or fill material placed on the Licensed Property by the Licensee) located, stored or installed on the Licensed Property by Licensee within the time specified in any notice of termination or within twenty-four (24) hours after such termination, and Licensee shall restore the Licensed Property to its original condition, as of the date of this License, normal wear and tear and newly placed gravel or fill material excepted, all at the sole cost and expense of Licensee. Notwithstanding anything herein to the contrary, Licensee shall not be required to remove or repair any improvements or alterations to the Licensed Property made by Licensors, nor shall Licensee be required to remove any gravel or fill material placed on the Licensed Property by Licensee.

D. If Licensee shall fail to remove any of such property within thirty (30) days after termination of this License, Licensors shall have the option to elect and notify Licensee that all right, title and interest of Licensee in certain equipment and/or improvements remaining on the Licensed Property, shall be forfeited and shall vest absolutely in Licensors as of the date that is ten (10) days after Licensee's receipt of Licensors' notice of such election, if not removed prior to that date.

12. Licensee's Liability.

A. Licensee hereby assumes, and releases and waives any right to ask for or demand damages for or on account of, any loss of or damage to property of Licensee or any part thereof upon the Licensed Property, except to the extent caused by, arising out of or resulting in any manner from the fault, failure or negligence of Licensor or otherwise.

B. Licensee hereby assumes, and releases and agrees to protect, save harmless, defend and indemnify Licensor from and against the following, to the extent the same are caused by the action or inaction of Licensee during the term of this License on the Leased Property:

(i) All loss of and damage to any property whatsoever, other than said property of Licensee, including property of Licensor and of all other persons whomsoever, and the loss of or interference with any use of service thereof;

(ii) All loss and damage on account of injury to or death of any person whomsoever, including, but not limited to employees and patrons of the parties hereto and all other persons whomsoever; and

(iii) All claims and liability for loss and damage and cost and expenses (including, without limitation, attorneys fees) thereof; caused by, arising out of or resulting in any manner from the condition, existence, use or occupancy of the Licensed Property and adjoining lands of Licensor except to the extent caused by, arising out of or resulting from the fault, failure or negligence of Licensor.

C. Licensor hereby assumes, and releases and agrees to protect, save harmless, defend and indemnify Licensee from and against the following, to the extent the same are caused by the action or inaction of Licensor during the term of this License on the Licensed Property;

(i) All loss of and damage to any property whatsoever, including property of Licensee and of all other persons whomsoever, and the loss of or interference with any use or service thereon;

(ii) All loss and damage on account of injury to or death of any person whomsoever, including, but not limited to employees and patrons of the parties hereto and all other persons whomsoever; and

(iii) All claims and liability for loss and damage and cost and expenses (including, without limitation, attorneys fees) thereof; caused by, arising out of or resulting in any manner from the condition, existence, use or occupancy of the Licensed Property and adjoining lands of Licensor except to the extent caused by, arising out of or resulting from the fault, failure or negligence of Licensee.

13. Insurance.

A. Prior to commencement of occupation or use of the Licensed Property for activities provided associated with the License, Licensee at its sole cost and expense, shall procure, and shall maintain during continuance of the entire term of this License, a policy or policies of comprehensive general liability for death or injury to persons and damage to property resulting from any acts or omissions hereunder, in the minimum amount of Five Million Dollars (\$5,000,000), with such deductibles as approved by the Licensor. The insurance policy shall name the Licensor, its officers, agents, employees, contractors and attorneys as additional insureds. A certificate of such insurance coverage shall be provided to the Licensor, providing that no material alteration or cancellation shall be effective until thirty (30) days after receipt of written notice by the Licensor. If a higher limit of liability is required by Licensor, Licensor shall provide Licensee written notice of the limit required, and, within thirty (30) days thereafter, Licensee shall provide revised Certificate of Insurance for the increased required limit. Furnishing of this insurance by Licensee shall not limit Licensee's liability under this Agreement, but shall be additional security therefor.

14. Eminent Domain.

Should the Licensed Property or any part thereof be condemned, appropriated and/or acquired for public use, then this License, at the option of Licensor, shall terminate upon the date when the Licensed Property or any part thereof shall be taken. No part of any damages or award shall belong to Licensee, except to the extent of any specific award from the governmental authority for improvements and/or facilities of Licensee. Licensor's land shall be valued as of such date (or other legal date of valuation) as improved by Licensor, without consideration of this Agreement or Licensee's improvements on said land as an enhancement or detriment to said land value. Improvements of Licensee not so condemned, appropriated and/or acquired shall be removed in accordance with Section 11 hereof.

15. Binding Effect.

A. The terms, covenants and provisions hereof shall inure to the benefit of and be binding upon the successors and assigns of Licensor and the successors and assigns of Licensee.

B. Licensee shall not transfer, assign, encumber or sublet the License or any part of the Licensed Property or any rights and privileges herein granted without the express prior written consent of Licensor, except a transfer to a subsidiary, parent or common controlled affiliate of Licensee, in which instances Licensor's prior written consent is not required.

16. Applicable Law.

The laws of the State of Maine shall govern the Agreement. Licensee agrees that all actions and proceedings brought by Licensee against Licensor shall be litigated in the courts located in the State of Maine. Licensee further agrees that all actions and proceedings brought by Licensee against Licensor shall be litigated in the courts located in the Androscoggin County Superior Court. Licensee agrees that such courts are convenient forums and irrevocably submits to the personal jurisdiction of such courts. Licensee waives personal service of process and

consents to service of process by certified or registered mail at the address designated for receiving notices under the Agreement.

17. Rights.

If under the provisions hereof, Licensor or Licensee shall institute proceedings, and a compromise or settlement thereof shall be made, the same shall not constitute a permanent or general waiver of any covenant herein contained nor of any of Licensor's rights hereunder. No waiver by Licensor or Licensee of any breach of any covenant, condition or agreement herein contained shall operate as a permanent waiver of such covenant, condition or agreement itself, or of any subsequent breach thereof. No payment by Licensee or receipt by Licensor of a lesser amount than the installments of license fees herein stipulated shall be deemed to be other than on account of the earlier stipulated license fee. Nor shall any endorsement or statement on any check or letter accompanying a check for payment of license fees be deemed an accord and satisfaction, and Licensor may accept such check or payment without prejudice to Licensor's right to recover the balance of such license fees or to pursue any other remedy provided in this Agreement. No re-entry by Licensor after a breach shall be considered an acceptance of a surrender of this License.

18. Termination Upon Recordation.

If recorded in the Androscoggin County Registry of Deeds by the Licensee, this Agreement shall automatically terminate.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed, sealed and delivered in duplicate as of the day and year first above written.

LICENSOR:
City of Auburn

Witness

By: _____
Name:
Its:

STATE OF _____
COUNTY OF _____, ss.

DATE: _____

Personally appeared the above-named _____, _____,
of the City of Auburn, and acknowledged the foregoing instrument to be his/her free act and deed in said capacity and the free act and deed of the City of Auburn.

Before me,

Notary Public/Attorney at Law

LICENSEE:

Power & Construction Group, Inc.

Witness

STATE OF _____
COUNTY OF _____, ss.

By: _____

Name:

Its:

DATE: _____

Personally appeared the above-named _____,
of Power & Construction Group, Inc., and acknowledged the foregoing instrument to be his/her
free act and deed in said capacity and the free act and deed of Power & Construction Group, Inc.

Before me,

Notary Public/Attorney at Law

EXHIBIT A



EXHIBIT B

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 08-02022015

ORDERED, that the City Manager is authorized to execute all documents needed to grant a License Agreement to Power & Construction Group, Inc. to lease approximately 4.02 Acres of land, located within the auburn intermodal facility, for the purpose of storing poles. The lease obligation will be for 24 months.



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: February 9, 2015

Author: Doug Greene, City Planner

Subject: The Adoption and Implementation of the New Auburn Village Center Plan

Information: The Council is being asked to formally adopt the 2014 New Auburn Village Center Plan (NAVCP) and to endorse the initial action steps to begin implementing the Plan, include directing \$250,000 of the \$400,000 approved in last year's CIP for the implementation of the Comprehensive Plan for the design of the proposed Riverway Road. CBDG funding has already been dedicated for the design of the New Auburn Greenway and coordination of the two designs is important. The Staff will also present NAVCP implementation steps already taken, those planned in the near future and a general list of tasks for future phases.

Advantages: Council adoption of the NAVCP will make it an amendment to the 2010 Comprehensive Plan and allow its recommendations to guide policy and funding decisions. The implementation of the NAVCP will create conditions that will increase property values, increase city tax revenues, revitalize New Auburn and create a livable, desirable place to attract new businesses, residents and visitors. The endorsement of funding for the new road design will allow it to be done in concert with the Greenway design and move this recommended phase one of the NAVCP forward and allow New Auburn to be prepared for development opportunities when they are available.

Disadvantages: Adopting the NAVCP will add an amendment to the 2010 Comprehensive Plan, which will become an additional layer of goals, policies and implementation steps to track and manage. Endorsing the funds for the design of the new Riverway may take away funds for other projects.

City Budgetary Impacts: \$250,000 of funds, which are already allocated in the 2014-15 CIP budget for this type of project.

Staff Recommended Action: Staff recommends approval of adopting the 2014 New Auburn Village Center Plan as an amendment to the 2010 Comprehensive Plan and to endorse using \$250,000 of CIP (Comprehensive Plan Implementation) funds for the road design of the River Way. If there is support, we will schedule action at an upcoming meeting.

Previous Meetings and History: The draft NAVCP was endorsed by the NAVCP Committee on February 6, 2014 and the final draft was submitted by the consultant on July 25, 2014. The final draft plan was presented at a special joint meeting with the Auburn Planning Board and City Council on July 28, 2014.

Attachments:


1. Final Draft of New Auburn Village Center Plan- (Available on City web site at: <http://www.auburnmaine.gov/pages/government/new-auburn-village-center-study-auburn-maine>)
2. Memo describing the Project's implementation and timeline

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning and Development

To: Mayor LaBonte and City Council

From: Douglas M. Greene, AICP, RLA; City Planner 

Date: February 2, 2015

RE: Adoption and Implementation of New Auburn Village Center Plan

New Auburn has been a focus of planning efforts for a number of years. Most recently, a "New Auburn Village Center Plan" (NAVCP) was created over a two year period through the funding and efforts of the Androscoggin Transportation Resource Center, a Citizen Steering Committee, Staff and Consultants TY Linn and MRLD. That plan is currently a recommendation from the Committee and its recommendations need to be formally adopted by the City Council in order to make it part of and an amendment to the 2010 Comprehensive Plan. Adoption will help to guide policy, implement the plan's recommendations and help leverage grant and other outside resources. The following is the current NAVC implementation schedule:

New Auburn Village Center Implementation Plan Phases- Task (Timing)

1. Phase 1- Early Stages; Low Hanging Fruit- Accomplishments to date
 - a. New Auburn Transportation and Village Center Plan Completed (Late Summer 2014).
 - b. Barker Mill Trail Recreational Trails Grant (Submitted 11/18/14, Award notice in Feb/March 2105).
 - c. St. Louis Bells saved (December 2014).
 - d. Planning Board approves subdivision allowing the St. Louis Church to be sold to preservation group. (December 2014).
 - e. Create project working group: Planning and Development, Engineering, City Manager and Council Representative. (December 2014).
 - f. New Auburn Property Inventory of acquired properties (Jan. 2015).
 - g. New Road, i.e. "River Way" Right of Way staked (Jan. 2015).
 - h. Contacting property owners to understand their plans. (Ongoing).
 - i. Supporting local businesses. (Ongoing).
 - j. Communicating with DOT consultant regarding the Lown Bridge and encouraging replacement. (Jan. 2015).
2. Phase 2- Project Planning and Preparations- Winter/Spring 2014-15
 - a. New Auburn Greenway; CBDG Grant for design.

- RFP ready to go out (on hold until CC decides on River Way design funding).
 - Coordinate Greenway design with new “River Way” design to maximize efficiency.
- b. New Auburn presentation to Council (Feb. 2nd).
 - c. River Way Design- Request CIP (Comprehensive Plan Implementation) funding of \$250,000 at Council work session. (Feb. 2, 2015).
 - Develop RFP and coordinate with New Auburn GW RFP.
 - Release RFP and select consultant.
 - d. Initiate Form Based Code with the Planning Board for Downtown and New Auburn. (Feb. 10 Planning Board meeting).
 - e. Advocate to ATRC for Broad Street upgrades as part of Lewiston’s striping plan for the Lown Bridge. (Feb. 2015).
 - f. Develop and present Zoning Ordinance amendment to promote adaptive re-use of Historic and Community wide significant structures for the benefit of the St. Louis Church and other important buildings. (March 2015).
 - g. Outreach to business community and neighborhood (Continue on regular basis).
 - h. Prioritize intersection improvement with ATRC; scope and cost- to include underground utilities. \$1,000,000 for Mill and Broad Street.
 - i. Develop options for St. Louis Bells (Spring 2015).
3. Phase 3- Project Refinement and Initiation- Summer/Fall 2015
 - a. Design concurrently, the “River Way” and Greenway plans.
 - b. Prioritize development locations.
 - c. Advocate with Lewiston to the State DOT on relocating the Lown Bridge.
 4. Phase 4- Future Activity
 - a. Barker Mill Extension Construction- (Fall 2015- Spring 2016).
 - b. Road improvements to Broad Street, South Main Street and Riverside Drive. Utilize funding from ATRC (Summer 2017).

As you can see, there are many moving parts to the redevelopment of New Auburn. Adopting the New Auburn Village Center Plan is one of many important steps in the revitalization and redevelopment of New Auburn. The New Auburn Working Group looks forward to having regular communications with the neighborhood and Council, coordination within the city and with local governments and state agencies and a having a persistent level of effort in achieving progress. Council adoption will strengthen the Staff’s ability to advocate for implementation.



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 2/9/2015

Order 07-02022015*

Author: Sue Clements-Dallaire, City Clerk

Subject: Setting June 9, 2015 as the date for the Special Municipal Election for the Ward 5 School Committee seat.

Information:

Ward 5 School Committee member, Larry Pelletier has recently resigned. When a vacancy of a School Committee member occurs more than six months prior to the next regular election, an unexpired term shall be filled by a special election, either citywide or in the ward in which the vacancy occurs. The recommended date to hold this election would be June 9, 2015 which is the date that the School Budget Validation Referendum Election and the Special Municipal Election for the at large School Committee seat will be held.

The normal process (in accordance with our Charter) for filling this vacancy would be;

- ✓ The City Council sets the date for the election (allowing at least 120 days prior to that date to allow time for nomination papers to be taken out per our City Charter). The recommended date of the election is June 9, 2015 and nomination papers would be available by February 9, 2015.
- ✓ Nomination papers are due back in the City Clerk's office 75 days before the election (March 26, 2015).
- ✓ At least 65 days prior to the election the City Clerk certifies and makes available to the public the names and residences of candidates who have filed nomination petitions (April 3, 2015).
- ✓ Absentee ballots are available 30-45 days prior to the election (May 8, 2015).

Advantages: There is a cost savings by holding these elections at the same time.

Disadvantages: The School Committee will have 2 vacant seats until the election is held in June, however the Charter does require that we allow at least 120 days prior to the election for nomination papers to be taken out.

City Budgetary Impacts: There is a cost savings by holding this election on June 9, 2015 when the School Budget and Special Municipal Election for the vacant at large School Committee seat will be held.

Staff Recommended Action: Recommend passage of this order.

Previous Meetings and History: N/A

Attachments: Order 07-02022015

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 07-02022015

ORDERED, that the City Council hereby sets the date of Tuesday, June 9, 2015 for the Special Municipal Election for the vacant Ward 5 School Committee seat.

IN COUNCIL REGULAR MEETING JANUARY 20, 2015 VOL. 34 PAGE 93

Mayor LaBonté 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 Young had an excused absence. All other Councilors were present.

I. Consent Items

1. Order 05-01202015*

Setting June 9, 2015 as the date for the School Budget Validation Referendum and Special Municipal Election.

Motion was made by Councilor Gerry and seconded by Councilor LaFontaine to accept the one consent item as presented. Passage 6-0.

II. Minutes - January 5, 2015 Regular Council Meeting

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to accept the minutes of January 5, 2015 as presented. Passage 5-0-1 (Councilor Lee abstained as he was not present at that meeting).

III. Reports

Motion was made by Councilor Lee and seconded by Councilor LaFontaine to suspend the rules to move item III. Reports on the agenda to immediately after item VIII. Executive Session. Passage 5-1 (Councilor Crowley opposed).

IV. Communications, Presentations and Recognitions

- Introduction of John Holden, President of the Lewiston-Auburn Economic Growth Council
- EMS (Emergency Medical Services) update by Chief Roma

Public comment - Joe Gray, Sopers Mill Road with billing questions

V. Open Session – No one from the public spoke

VI. Unfinished Business - None

VII. New Business

1. Order 06-01202015

Approving the proposed amendment to the 2010 Comprehensive Plan's Land Use Plan from Agricultural/Rural to Low Density Residential for the property located at 113 Woodbury Road. First reading.

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes to approve order 06-01202015 as presented.

Public comment – no one from the public spoke

IN COUNCIL REGULAR MEETING JANUARY 20, 2015 VOL. 34 PAGE 94

Passage 4-2 (Councilors Crowley and Gerry opposed). A roll call vote was taken.

2. Ordinance 01-01202015

Adopting the proposed amendment to Part II, Code of Ordinance, Chapter 2, Administration, Article V, Boards, Commissions and Committees, Division 4, Planning Board. First reading.

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes to adopt Ordinance 01-01202015 as presented.

Public comment – no one from the public spoke

Passage 4-2 (Councilors Walker and Gerry opposed). A roll call vote was taken.

3. Ordinance 02-01202015

Adopting the proposed amendment to Part II, Code of Ordinance, Chapter 2, Administration, Article II, Mayor and City Council, Division 2, Rules of Procedure, Section 2-59, Order of Business. Public hearing and first reading.

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes to adopt Ordinance 02-01202015 as presented.

Passage 5-1 (Councilor Walker opposed). A roll call vote was taken.

4. Ordinance 03-01202015

Adopting the proposed amendment to Part II, Code of Ordinance, Chapter 2, Administration, Article V, Boards, Commissions, and Committees, Division 1, Generally. Public hearing and first reading.

Motion was made by Councilor LaFontaine and seconded by Councilor Gerry to postpone this item for a future workshop. Passage 6-0.

VIII. Executive Session - Discussion regarding real estate matter, pursuant to 1 M.R.S.A. 405(6)(C) with possible action to follow.

Motion was made by Councilor LaFontaine and seconded by Councilor Lee to enter into executive session to discuss a real estate matter, pursuant to 1 M.R.S.A. 405(6)(C) with possible action to follow. Passage 4-1 (Councilor Crowley opposed and Councilor Walker was not in the room for the vote). Time 8:19 P.M.

Council was declared out of Executive Session at 8:44 P.M. and no action was taken.

Mayor's Report – No report

City Councilor Reports

IN COUNCIL REGULAR MEETING JANUARY 20, 2015 VOL. 34 PAGE 95

Councilor LaFontaine – Teen Life Series at the Auburn Public Library and Saturday is National Read-a-thon day.

Councilor Lee – Bike Ped Committee has not met recently, LAEGC – met with John Holden, the Citizens Advisory Committee will be meeting January 27, 2015.

Councilor Gerry – no report

Councilor Walker – no report

Councilor Crowley – Dates to watch, Winter Festival, history of skiing at the Auburn Public Library, Bunko at the Women's Literary Union, Recreation Advisory Committee meeting on February 11th, Valentine's Day, Salute to Denny Sullivan Day is March 14th, no committee reports tonight, trash and recycling calls, a newspaper article in regards to follow up from her previous Sewerage report, and calls regarding Great Falls TV.

Councilor Hayes - an announcement regarding the Airport Café which is reopening.

City Manager's Report – Commended the Police Department on the well organized effort with the Lewiston Police Department, the Lisbon Police Department, the County Sheriff's office and various State and Federal agencies on the arrest of 24 individuals who were selling drugs in the area.

Finance Director, Jill Eastman - December 2014 Monthly Finance Report

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to accept and place on file the December 2014 monthly finance report. Passage 6-0.

IX. Open Session – No one from the public spoke

X. Adjournment – Motion was made by Councilor LaFontaine and seconded by Councilor Walker with a unanimous vote to adjourn. Time 9:07 P.M.

A True Copy.

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

**MID-MAINE WASTE ACTION CORPORATION
EXECUTIVE COMMITTEE MEETING**

Tuesday, January 20, 2015; 11:30 AM

Mid-Maine Waste Action Corporation
Conference Room
110 Goldthwaite Rd., Auburn

Agenda

1. Roll Call

- There are five (5) members of the Committee and three (3) members constitute a quorum.

2. Minutes

- Consider approval of the December 16, 2014 minutes

3. Monthly Activity Reports

- Consider approval of the December 2014 Monthly Activity Report

4. FY15/16 Goals

- Discuss corporate goals over the next two years

5. Investment Policy

- Review revised Investment Policy

6. Union Contract

- Discuss status

7. Updates

- FY16 Member tip fee
- 127th Legislature
- FY16 Budget schedule
- Other

Portions of the agenda of the Executive Committee meeting may be conducted in Executive Session, when appropriate, and upon a vote of the Committee.

**Draft - Minutes of the December 16, 2014
Executive Committee Meeting**

The Executive Committee of the Mid-Maine Waste Action Corp. met on Tuesday, December 16, 2014, at 11:54 AM, at MMWAC's offices in Auburn.

1. Roll Call

President Landry called the meeting to order. Members present were: Curtis Lunt, Eda Tripp and Leroy Walker, as well as Executive Director Joseph Kazar.

2. Minutes

Ms. Tripp made a motion, seconded by Mr. Walker, and approved 4/0 to accept the minutes of the November 18, 2014 Executive Committee meeting.

3. Monthly Activity Reports

Mr. Walker made a motion, seconded by Ms. Tripp, and approved 4/0 to accept the November 2014 Monthly Activity Report.

4. FY15/16 Goals

Mr. Kazar distributed an updated draft of the revised Corporate Goals. After a brief discussion it was decided that a draft will be released in advance of the next meeting and will be further discussed at that time.

5. Updates

Staff provided the following updates:

- The Union recently met with the Mediator concerning the expired labor agreement.
- The members provided comment to the draft letter to be sent to all twelve member municipalities explaining the reasons for the \$41/ton tip fee target the Board endorsed for the FY16. Mr. Kazar will release the letter this week.
- The Workers Compensation Renewal quote with MEMIC came in with a 6% premium reduction to \$55,781, due largely to our Experience Modification Factor decreasing from .85 to .78 as a result of excellent loss control. MMWAC also received a \$9,615 dividend this year, for a total of \$24,586 in dividends the past three years. Ms. Tripp made a motion,

seconded by Mr. Walker, and approved 4/0 to renew the policy with MEMIC.

- Staff is taking steps to move our banking to Androscoggin Bank as a cost cutting measure to control fees.
- Operating staff have commenced separating recyclable wood for sale to a local market from the transfer station.
- The MRC has announced plans to develop a solid waste processing facility in Hampden utilizing the Fiberright technology, one of several emerging technologies not yet in commercial operation at scale.

Mr. Walker left the meeting at this point.

Ms. Tripp made a motion, seconded by Mr. Lunt, and approved 3/0 to enter Executive Session at 1:37 PM to discuss the Executive Director's evaluation. President Landry declared the Committee in Public Session at 1:54 PM.

There being no further business Ms. Tripp made a motion, seconded by Mr. Lunt, and approved 3/0 to adjourn at 1:55 PM.

Mid-Maine Waste Action Corporation

110 Goldthwaite Road
P.O. Box 1750
Auburn, Maine 04211-1750
(207) 783-8805
Fax (207) 783-9831
www.midmainewaste.com

MEMORANDUM

To: Board of Directors
From: Joseph E. Kazar, Executive Director
Michael Daily, Finance Director
Subject: December Financial/Activity Report - Unaudited
Date: January 15, 2015

Enclosed please find the unaudited December Activity Report covering the period from December 1 through December 31, 2014.

General Summary

Plant throughput for the month was 6,371 tons processed, or about 206 tons per day and running time throughput was 209 tons per day. Operating Revenues exceeded Expenses resulting in December having an operating gain of \$93,049 (These figures do not reflect balance sheet expenses). Year-to-date operating loss is \$88,021 compared to a \$70,645 projected budget gain and a gain of \$372,428 in FY14. Cash and investments totaled \$5,935,425. Cash and investments are down \$319,078 from the start of FY15. The reserve goal established by the Board for FY15 is \$5,872,511 and is now at 101.1% of goal. The balance sheet shows current assets less liabilities at \$6,446,122, which is down \$171,578 from the beginning of the fiscal year.

Waste Deliveries/Operations

A total of 6,735 tons were delivered to the pit for an average of 217 tons per day. 7,662 tons were received from all sources for the month. Details on deliveries are presented in the following table:

Waste Type	Year-To-Date Tons		Variance	
	FY15 Actual	FY14 Actual	Tons	%
MSW Member	8,508	8,384	124	1.5%
Comm Member	7,571	7,950	(379)	-4.8%
Municipal Non-Member	11,578	11,265	313	2.8%
Gate/Hauler	8,679	8,676	3	0.0%
OBW/Res TS	4,844	4,682	162	3.5%
Other	3,957	4,153	(196)	-4.7%
Total	45,137	45,110	27	0.1%

MEMBER COMMUNITIES:

AUBURN • BOWDOIN • BUCKFIELD • LOVELL • MINOT • MONMOUTH • NEW GLOUCESTER • POLAND • RAYMOND • SUMNER • SWEDEN • WALES

Waste flows to the plant and transfer station are 0.1% above last year. Waste processed in the plant during the month was recorded at 6,371 tons, or an average of 206 tons per day. The monthly running time thruput was 209 tons. Year-to-date tons processed in the plant are equal to 196 tons per day. Running time year-to-date throughput equaled 206 tons per day. The transfer station processed 686 tons during the month from all sources and averaging 28.6 tons per day for the month, (5.5 day receiving week) and 7,816 tons year-to-date. Recyclables totaled 237 tons for the month and 1,317 tons year-to-date. Prior year and budget comparisons of processing records as follows:

	Prior Year Comparison YTD				Budget Comparison YTD			
	FY15	FY14	Variance		FY15	FY15	Variance	
	Actual	Actual	Tons	%	Actual	Budget	Tons	%
Waste-To-Energy	36,040	36,334	(294)	-0.8%	36,040	35,671	369	1.0%
Transfer Station	7,816	7,368	448	6.1%	7,816	6,678	1,138	17.0%
Recycling	1,317	1,291	26	2.0%	1,317	1,278	39	3.1%
Total	45,173	44,993	180	0.4%	45,173	43,627	1,546	3.5%

Cash Available to Operations

Cash balances in checking and investments total \$5,935,425 up \$53,769 from the prior month. The following is the status of the reserve goal:

Reserve Status		
	FY 15 Goal	As of 12/31/14
Operating	1,996,654	2,018,045
Capital Improvement	939,602	949,668
20-Year Plan	1,703,028	1,721,273
Rate Stabilization	1,233,227	1,246,439
Total	5,872,511	5,935,425

Total Cash	5,935,425
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Surplus or (Deficit)	62,914
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Revenue for the month totaled \$532,363. Major categories of revenue by month include: tipping fees, \$439,372; power contract, \$67,378; recycling, \$21,002; interest, \$3,859; other, \$752. Revenue for the month was \$73,712 below budget projections and \$64,677 below FY14. Year-to-date revenue is \$3,179,139, which is \$120,008 below budget and \$388,793 below FY14, primarily due to electric revenue declines.

MEMBER COMMUNITIES:

AUBURN • BOWDOIN • BUCKFIELD • LOVELL • MINOT • MONMOUTH • NEW GLOUCESTER • POLAND • RAYMOND • SUMNER • SWEDEN • WALES

The table below shows detail relative to electrical sale:

	Price per MWHr			Electrical Output MWHr			Electrical Revenue		
	FY14	FY15		FY14	FY15		FY14	FY15	
	Actual	Budget	Actual	Actual	Budget	Actual	Actual	Budget	Actual
Month									
Jul	\$85	\$54	\$35	1,465	1,465	1,421	\$124,723	\$79,223	\$49,759
Aug	\$93	\$38	\$32	1,525	1,525	1,514	\$141,545	\$57,549	\$48,475
Sep	\$83	\$38	\$38	1,518	1,518	1,528	\$126,235	\$57,300	\$58,184
Oct	\$87	\$41	\$34	1,401	1,401	1,256	\$121,927	\$57,347	\$42,871
Nov	\$90	\$49	\$46	1,536	1,536	1,564	\$138,618	\$75,555	\$72,501
Dec	\$93	\$100	\$45	1,488	1,488	1,503	\$138,284	\$149,538	\$67,378
YTD	\$89	\$53	\$39	8,932	8,932	8,787	\$791,332	\$476,512	\$339,168

Total gross kWh for the latest period was 2,098,441 of which 1,503,428 were sold to the grid. Net kWh per ton equaled 236, as compared to 246 for the comparable period in FY14.

Expenditures

Operating expenses in all categories total \$439,314 for the month, which is \$34,187 below budget projections, and \$5,866 below last year. Year-to-date expenses are \$3,267,160 which is \$38,658 above budget and \$71,656 above FY14.

Investments Status

As of December 31, MMWAC's investments totaled \$5,935,425. Table 8 details all of our investments.

Capital Expenditures:

There were none for the month of December.

cc: Member Municipalities
Reference No.: 03599

L/A Arts & City of Auburn Fiscal Year 2015

Supplement to Original Proposal

L/A Arts seeks \$12,691 from the City of Auburn for work already accomplished from July 1st through December 31st of 2014 (\$5,846) and an additional work planned for the second half of the fiscal year (\$6,845). During the first half of the fiscal year, L/A Arts worked closely with City staff to develop several initiatives within the scope of the original proposal and to develop several new initiatives.

This supplement to our original proposal outlines the progress made on these projects and details planned steps for the second half of fiscal year 2015.

I. General Administration

Over the past year, L/A Arts has interacted and corresponded with multiple levels of City staff to increase the depth of planning and our overall partnership with the City of Auburn on arts and cultural projects. This work has included both L/A Arts and City staff led projects. In order to build a strong relationship with the City of Auburn, we have maintained a presence and have materially participated in the major arts and cultural initiatives coming out of the City.

To further our relationship in the future, we propose to present semi-annual initiative updates to the City Council. Auburn's funding helps to compensate L/A Arts for general operating salary costs associated with planning and project implementation, as well as direct costs associated with materials, IT, and promotion.

II. New Tree Grid Sculpture Project

L/A Arts has worked with the City of Auburn to develop a strategic plan around the New Tree Grid sculpture project. The main thrust of this project is to renovate historical sculptures in Auburn and to install new and contemporary pieces from local artists in order to create a historical and cultural art-walk between the Twin Cities. In support of this goal on the Auburn side, L/A Arts has supported individual restorations campaigns of the historical Edward Little Statue and St. Louis Bells. On the Lewiston side, we have supported ongoing work for a new sculpture by local artist Charlie Hewitt (to be placed on a downtown Lewiston lot) and restoration of the Civil War statue in Kennedy Park (as part of the 150th anniversary of the Civil War). L/A Arts has also begun a full strategic plan which has sought to integrate these separate initiatives into the major sculpture artwalk.

Edward Little Statue Restoration Project – Work Completed Thus Far

1. Attended planning meetings for the restoration of the Edward Little Statue and offered its support and expertise on the process of restoration, potential re-installation site, and fundraising strategies.
2. Initiated development strategies on restoration and ceremony of rededication of the 1877 Edward Little Statue by Franklin Simmons.
3. Worked to develop parallel planning for the Edward Little Statue and the St. Louis Bells, including its inclusion in the full New Tree Grid sculpture project strategic plan.

St. Louis Bells Project – Work Completed Thus Far

1. Planning meetings and presence at St. Louis Bells dedication ceremony.
2. Promotion of St. Louis Bells through networking and social media.
3. Contribution of funding from L/A Arts to St. Louis Bells endeavor.

New Tree Grid Sculpture Project – Going Forward

L/A Arts currently awaits word from City staff on how we can further support of the St. Louis Bells redesign, and if there is financial and political support from City Auburn for the larger sculpture project, which is expected to take three years to complete. Absent this critical funding, it will be difficult for L/A Arts to complete fully or on time.

III. Arts and Culture L/A (ACLA)

L/A Arts is a founding and facilitating member of Arts and Culture Lewiston Auburn, a group of nineteen organizations in Central Maine tasked with advocating, promoting, and developing its individual and collective arts and cultural work to the public. For the first half of this FY15, L/A Arts developed audiences and public awareness of the group through ongoing social media and signage promotion, hosting public arts planning sessions in partnership with the Maine Arts Commission, updating its website with a complete events calendar, and establishing a presence at five local kiosks. It has also been working with arts partners in ACLA toward the development of a central arts building within the next five years.

For the second half of FY15, L/A Arts seeks financial support from the City to help further develop marketing and promotion by increasing its social media presence and creating a semiannual arts and culture brochure. Additionally, we will be developing an assessment of ACLA's impact on the local creative economy while advocating for the group's initiatives to the local public and municipalities. Funding will help us achieve ACLA's strategic goals and expand its arts and cultural leadership in the local economy.

Arts and Culture Lewiston Auburn – Work Completed Thus Far

1. A campaign to install arts and culture kiosks in multiple city locations - one site at the Hilton. Garden Inn - June/July 2014 (will be reinstalled at a new location), and current initiative with Chamber of Commerce for four additional kiosks.
2. ACLA signage in all major participating organizations throughout the cities.
3. Planning begun with city and arts partners in the creation of a central arts building.
4. Hosted two arts and culture strategic planning sessions with the Maine Arts Commission.

ACLA and Auburn Arts and Humanities Festival – Work Completed Thus Far

1. Developed ACLA support for the Auburn Arts and Humanities Festival concept and initial strategies behind it.
2. Arts and Humanities Festival meeting and planning sessions.
3. Research and planning - Humanities Festival artists.
4. Facilitated strategic meetings and connections with local arts leaders.

Arts and Culture Lewiston Auburn – Going Forward

1. ACLA will increase its social media presence.
2. Create a semiannual arts and culture brochure.
3. Develop a financial assessment of ACLA's impact on the local economy (more information below).
4. Reinstall its ACLA kiosk at a local public space with IT updates and support.
5. Continue advocacy for the initiatives of the group to the local public and municipalities.
6. ACLA will continue to offer its collective support for ongoing arts and culture initiatives through the city of Auburn, including the potential public arts festival event.

Economic Impact Assessment

L/A Arts will lead ACLA in developing economic impact assessments of its initiatives. The organization will begin to track data on the number of users on its website and other social media. It will similarly measure traffic on the five kiosks the organization will be on in the Twin Cities. ACLA will advance its outreach and marketing by placing arts and culture brochures and additional signage in local public establishments. It will begin to use internal surveys to determine how information from these promotions translates into actual audiences. Finally, ACLA will compile aggregate financial information on the impact of its organizations on the economy of the region through a full fiscal survey.

Summary

As we hope we have demonstrated, L/A Arts' efforts and initiatives have had and can continue to have a positive impact on the City of Auburn. Arts and cultural programs help to boost local economies first by attracting arts and culture consumers, and then, on a larger scale, by attracting new residents and new businesses to a City that is pleasant to live in and work in. This is an investment that's as important to a local economy as roads and bridges.

Attached is a schedule to help quantify the costs for fiscal year 2015 that we believe directly benefits the City and for which we seek the City's generous support.

Thank you.

For further inquiries, please contact us at:

L/A Arts
221 Lisbon Street
Lewiston, ME 04240
www.laarts.org

Josh Vink, Executive Director
josh.vink@laarts.org
(207) 782-7228

L/A Arts Expenditures
New Tree Grid Sculpture Project & ACLA
Fiscal Year 2015

Actual Expenditures - July 1, 2014 - December 31, 2014

Executive Director salary, 5% of total	\$	3,003
Office Manager salary, 2.5% of total		1,083
Office expenses and supplies, 5% of total		634
Materials for ACLA Kiosks		300
Technology fees for ACLA Kiosks		164
Signs and marketing for ACLA		662
New ACLA Kiosk space rent		<u>750</u>
Total actual expenditures		6,596

Projected Expenditures - January 1, 2015 - June 30, 2015

Executive Director salary, 5% of total		3,003
Office Manager salary, 5% of total		1,083
Office expenses and supplies, 5% of total		634
Technology fees for ACLA		1,025
Signs and marketing for ACLA		1,100
New ACLA Kiosk space rent		<u>250</u>
Total projected expenditures		<u>7,095</u>
Total expenditures	\$	<u><u>13,691</u></u>

Projected Revenues

In-kind rent for kiosks		1,000
Requested support from the City of Auburn		<u>12,691</u>
Total revenues	\$	<u><u>13,691</u></u>

Date received: 01/17/14
Date approved: _____



CITY OF AUBURN SPECIAL EVENT/MASS GATHERING APPLICATION

For any Special Event on City property that will attract up to 1,000 people, or any outdoor event with continued attendance of 1,000 or more persons for 2 or more hours.

Applications must be submitted to the Clerk at least 45 days prior to the event if the gathering is expected to attract up to 5,000 people.

Application must be submitted at least 90 days prior to the event if the gathering is expected to attract more than 5,000 people.

SPONSOR INFORMATION

Name of Sponsoring Organization: LA Harley and the Wolf
Name of Contact Person for Event: Michael Shea
Title of Contact Person: Event coordinator
Mailing Address: 883 River Rd Livermore, Me. 04253
Daytime Telephone: 320 9860 Cell Phone: 320 9860
Email Address: mg Shea 2059@hotmail.com
Contact Name and Cell Phone Number DURING the Event: Mike Shea 320-9860
Is your organization incorporated as a non-profit organization? Yes _____ No ✓
Non-Profit Number: _____

EVENT INFORMATION

Name of Event: LA Harley and the Wolf Country Festival
Type of Event (walk, festival, concert, etc.): Music Festival
Date of Event: ~~July 31~~ Aug 1, Aug 2 Rain Date: NA
Times of Event: Start Time including set-up: 6 AM Ending time including clean up: 11 PM

Actual Event Start Time: 10 AM Actual Event End Time: 9 PM

Estimated Attendance: 5000 with up to 10000

Location of Event: Auburn Airport

Have you held an event at this location within the last 12 months? Yes No ✓

If the location is a city park, have you applied for use of the property with the Parks & Recreation Department and has your request been approved?

Yes No ✓ Pending Date submitted to the Recreation Department:

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Separate fee & application, conditions & restrictions may apply	Banner across Court Street Non-profit groups only, \$100 fee per week, 2 week maximum. First come first serve basis, proof of insurance required.			✓
Separate fee and permit possible	FOOD – Will food or beverages be sold? If yes, list what types of food or beverages: <u>Food vendors will pay Rent and must provide copy of city and state license</u> Note - A food service license may be required and must be submitted 14 days prior to the event.	✓		
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: <u>yes all above including heater must provide copy of all license</u> Note - A peddler permit may be required and must be submitted 14 days prior to the event.	✓		
N/A	LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe: <u>County Festinate</u>	✓		
N/A	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound? <u>yes</u>	✓		
N/A	ALCOHOLIC BEVERAGES ARE NOT ALLOWED <u>Discussion with Police for a 1x waiver</u>	✓		
Separate fee and permit required	CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.		X	
Separate fee and permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required.		X	
N/A	PARADE – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.		X	
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc? If yes, describe route:		X	
Separate permit required	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity: Note - A permit from the Fire Department is required.		X	

N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes: <u>2 10x10 for medical and police</u> <u>20x20 provided for back stage</u>	✓		
Separate fee and permit required	ELECTRICAL POWER/EQUIPMENT – Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment? <u>when needed generators (stage)</u> <u>(Fiesta shows electrical engineers)</u>	✓		
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list:		✓	
N/A	MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a mandatory requirement for this application and must be included.	✓		
N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan? <u>up to 5000 cars</u>	✓		
N/A	TOILETS – Please list amount at event and/or nearest location: <u>up to 60 porta potties</u>	✓		
N/A	WASTE DISPOSAL – Please list process and location: <u>many trash cans scattered throughout site and a dumpster in parking lot</u>	✓		
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location: <u>up to 60 washing facilities</u>	✓		
N/A	POTABLE WATER – Please list amount at event and location: <u>water from airport and fire hydrant</u>		✓	
N/A	FIRST AID FACILITIES – Please list location at event:	✓		
\$	TOTAL FEE AMOUNT INCLUDED – Checks payable to the City of Auburn			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc. the City requires insurance coverage – general liability. The City of Auburn is to be named as additionally insured in regards to the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received at least 30 days before the event and before permits can be issued. Please have the **City of Auburn** listed as additional insured on the Certificate of Insurance (minimum coverage \$1,000,000 Bodily Injury or Death, per occurrence, and \$300,000 Property Damage, per occurrence). It should contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the City. Please have your insurance company fax a copy to: City Clerk 207-333-6623.

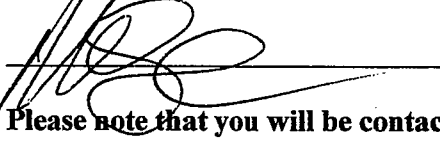
DESCRIPTION OF EVENT – Please describe what will occur during your event

Country Festival
on Friday night car, bike show and live music
no charge for tickets there will also be music
on Sat and Sun. there will be country music
played which tickets will be sold

Signature of Applicant:

Printed Name:

Date Submitted:



Michael Shep

1/16/15

Please note that you will be contacted by City Staff if you require additional permitting.

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office
60 Court Street, Suite 150
Auburn, ME 04210
FAX: 207-333-6623
EMAIL: sdallaire@auburnmaine.gov
PHONE: 207-333-6600

*****FOR STAFF USE*****

DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector				
Code Officer/Land Use & Zoning				
Fire Department				
Police Department				
Public Works Department				
Recreation Department				

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: _____

License Approved/Denied: _____ Date applicant notified: _____

Runway

Temp Seency Along Runway

Tour Bus
for hackstar
20x20 tent
car song
food

Stage

RV for hackstar

2418, 480
sq
foot

Other
Approved
to
Google maps

Beer
Tent

Police + medical
tents

Beer
Tent

Porta potties
wood
handicap parking

Construction
Dumpsters

Party

Party

Party

Wood

wood

Photo / Cam 1

S&S PRODUCTIONS

S&S Productions

Michael Shea

863 river road

Livermore, Maine 04253

207-320-9860

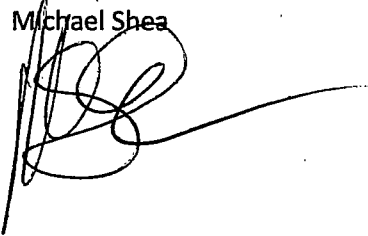
1/16/2015

Dear Deputy Chief Geoff Low

I am applying for a mass gathering permit at the Auburn Lewiston Airport for July 31 through August 2 for the LA Harley and the Wolf Country Festival. I am writing you to request your import to ensure this event is a success. I have enclosed a copy of the mass gathering application. I also have provided a copy of the mass gathering permit to Auburn Police Department and the City Clerk. I look forward to hearing from you.

Sincerely

Michael Shea

A handwritten signature in black ink, appearing to be 'Michael Shea', with a long horizontal line extending to the right.

S&S PRODUCTIONS

S&S Productions

Michael Shea

863 river road

Livermore, Maine 04253

207-320-9860

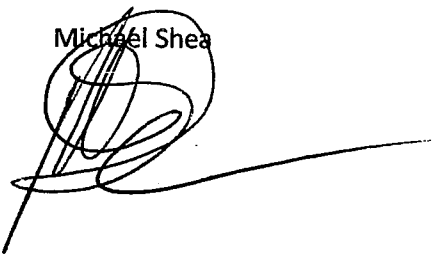
1/16/2015

Dear Lieutenant Timothy Cogle,

It was very nice talking to you yesterday. Enclosed you will find a copy of the proposed mass gathering permit. In the permit you will see my concern that I spoke about yesterday about beer sales and the opportunity to have a beer tent. Like I was explaining to you yesterday that I would like to have a local bar be able to pour their beer at the event. By having beer sold at the event will enable the event to obtain sponsorship for the event. I have also enclosed a copy of a map that I drew. I would look forward to hearing from you.

Sincerely

Michael Shea

A handwritten signature in black ink, appearing to be 'Michael Shea', with a long horizontal line extending to the right.

S&S PRODUCTIONS

S&S Productions

Michael Shea

863 river road

Livermore, Maine 04253

207-320-9860

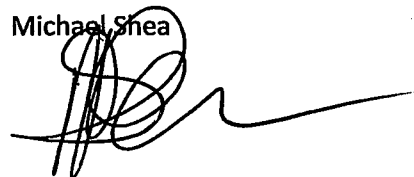
1/16/2015

Dear City Clerk Susan Clements - Dallaire,

It was very nice talking to you the other day. Enclosed you will find a copy of the proposed mass gathering permit. I have also enclosed a copy of a map that I drew. I have also enclosed a copy of letters that I have written to the Fire Department and the Police Department. I would look forward to hearing from you.

Sincerely

Michael Shea

A handwritten signature in black ink, appearing to be 'Michael Shea', with a long horizontal line extending to the right.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Manager

TO: Mayor and City Council
FROM: Howard Kroll, City Manager
DATE: January 29, 2015
RE: Tentative Council Calendar



The following is a tentative schedule for the next few months.

Date	Day	Time	Meeting	Place
February 9	Monday	5:30pm	TENTATIVE Council Workshop	Council Chambers
February 16	Monday	N/A	President's Day Holiday	N/A
February 17	Tuesday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
February 23	Monday	6:00pm	Joint Workshop – School & City	Council Chambers
CIP Presented to Council				
March 2	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
CDBG Consolidated Plan Presentation				
March 9	Monday	5:30pm	Council Workshop – Budget	Council Chambers
March 16	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
CDBG Action Plan/Budget Presentation				
March 23	Monday	5:30pm	Council Workshop - Budget	Council Chambers
School Budget & Municipal Budget Presented to Council				
March 30	Monday	5:30pm	Council Workshop – Budget	Council Chambers

City of Auburn

Council Schedule

April 6	Monday	5:30pm & 7:00pm	Council Workshop & Meeting Public Hearing: CDBG Budget and Consolidated Plan	Council Chambers
April 13	Monday	5:30pm	Council Workshop – Budget	Council Chambers
April 20	Monday	N/A	Patriots Day	N/A
April 21	Tuesday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
April 27	Monday	5:30pm	Council Workshop - Budget	Council Chambers
May 4	Monday	5:30pm & 7:00pm	Council Workshop & Meeting Adopt CDBG Consolidated Plan & CDBG Budget	Council Chambers
May 11	Monday	5:30pm & 7:00pm	Council Workshop – Budget Special Meeting – Adopt CIP & School Budget	Council Chambers
May 18	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
May 25	Monday	N/A	Memorial Day	N/A
May 26	Tuesday	5:30pm	Council Workshop - Budget	Council Chambers
June 1	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
June 8	Monday	5:30pm	Council Workshop – Budget	Council Chambers
June 9	Tuesday	All Day	School Budget Election	Community Room
June 15	Monday	5:30pm & 7:00pm	Council Workshop & Meeting Adopt Municipal Budget	Council Chambers
July 6	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
July 20	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
August 3	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers

City of Auburn

Council Schedule

August 17	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
September 7	Monday	N/A	Labor Day	N/A
September 8 – Tuesday conflict with the Planning Board. Council Meeting will need to be moved to another date				
September 21	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
October 5	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
October 19	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
November 2	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
November 16	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
December 7	Monday	5:30pm & 7:00pm	Council Workshop & Meeting	Council Chambers
December 21	Monday	5:30pm & 7:00pm	Council Workshop & Workshop	Council Chambers



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 2-9-2015 **Order** **06-01202015**

Author: Doug Greene, City Planner

Subject: An amendment to the 2010 Comprehensive Plan Future Land Use Plan for a property located at 113 Woodbury Road from Agricultural/Rural to Low Density Rural Residential.

Information: The Planning Staff has been approached by the property owner of 113 Woodbury Road (PID # 110-009) to change the future land use recommendation from Agricultural/Rural to Low Density Residential. The property is currently zoned Low Density Rural Residential. The owner is planning to develop the property in accordance with its zoning and by submitting a subdivision plan to the Planning Board for its review and consideration. . One of the criteria for approving a subdivision plan is the proposal must be in compliance with the Comprehensive Plan. The property's Agricultural/Rural land use designation is not in agreement with the current zoning of Rural Residential. That is the reason this amendment is being proposed.

The Planning Staff did extensive research (see attached staff report) to determine how and why this incompatible zoning and land use situation arose. The conclusion by staff is that this area (South Auburn/Danville) was presented to the 2010 Comprehensive Plan Committee as Low Density Residential Development and the property at 113 Woodbury Road was erroneously changed to an Agricultural/Rural land use.

No subdivision plan has been filed. All issues relating to any subdivision plan will be addressed by the Planning Board when and if such an application is filed.

Advantages: Amending the land use from Agricultural/Rural to Low Density Residential will bring the property into compliance with the existing zoning of Low Density Residential. The amendment will allow the property owner to have a subdivision plan reviewed in conjunction with its current zoning.

Disadvantages: Not amending the land use will diminish the right to develop this property as per its current zoning of Low Density Rural Residential allows.

City Budgetary Impacts: None

Staff Recommended Action: Public hearing and second reading. The Planning Board unanimously approved a motion (7-0) to forward, to the City Council, a recommendation to approve amending the 2010 Comprehensive Plan's Land Use Plan from Agricultural/Rural to Low Density Residential for the property located at 113 Woodbury Road.

Previous Meetings and History: The Planning Board initiated the amendment at its November 18, 2014 meeting and approved the motion to recommend amending the land use at its December 16, 2014 meeting. City Council workshop on 1/5/2015, and passage of first reading on 1/20/2015 (4-2-1 Councilors Gerry and Crowley opposed and Councilor Young absent).

Attachments:

1. Memo
2. Staff Report to Auburn Planning Board- December 16, 2014
3. Power Point presentation to Auburn Planning Board – December 16, 2014
4. Order 06-01202015

LEGAL NOTICE

City of Auburn

The Auburn City Council will hold a Public Hearing on Monday, February 2, 2015 at 7:00 PM in the City Council Chambers of Auburn Hall, 60 Court Street, Auburn, Maine. The following proposals will be heard:

A 2nd reading and Public Hearing to amend the 2010 Comprehensive Plan Future Land Use for a property located 113 Woodbury Road (PID # 110-009) from Agriculture/Rural to Low Density Residential Development.


A 2nd reading and Public Hearing of an amendment to the City of Auburn's Code of Ordinances, Part II, Article V., Boards, Commissions and Committees, Division 2, Planning Board. For more information contact Douglas Greene @ 333-6601 ext. 1156 or **dgreene@auburnmaine.gov**.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning and Development

To: Mayor LaBonte and City Council

From: Douglas M. Greene, AICP, RLA; City Planner 

Date: January 14, 2015

RE: Response to Council Questions

At your January 5th work session, the Planning and Development Staff presented an amendment to the 2010 Comprehensive Land Use Map in the Danville Corner Road area. At that work session, the City Council and Mayor asked some questions that the staff would like to respond in this memo.

1. Councilwoman Crowley asked staff to research building permits issued during the last 20 years in the Danville Corners area. Attached with this memo is a spreadsheet and map showing properties in the Danville Corner area, all of which are zoned Low Density Rural Residential and are outlined in red. Any building constructed since 1980 is colored in orange. 42 buildings were constructed during that period out of 115 properties. As you can see, the majority of these new homes area are concentrated along Danville Corners Road (Danbury and Musket Drives) and along Old Danville Road.
2. Councilman Young wanted to be sure that the residents in the Danville area would be made aware of the Land Use Change request as many of those folks are outside of the 500 foot notification range. Wesley Ryder has been contacted and will make the Grange members aware at their meeting on the 22nd, prior to the public hearing on February 2nd.

Other questions were raised about the potential impacts of a subdivision which has not been filed nor seen by staff. Storm water run-off, traffic impacts and safety, aquifers, access to public utilities and the number and cost of the potential new homes were brought up. These issues and others, will be thoroughly reviewed by city agencies and the Planning Board should the land use designation be changed and a subdivision plan be applied for on this property. The Council has approved review criteria to ensure these concerns are addressed in the Zoning Ordinance.

The Planning Board and Staff recommend the City Council approve the Future Land Use for the property at 113 Woodbury Road from Agricultural/Rural to Low Density Residential in order to conform to the existing zoning of Low Density Rural Residential.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Development

PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA
City Planner

Re: Request to Amend the Future Land Use Designation at 113 Woodbury Road.

Date: December 4, 2014

- I. PROPOSAL- The Planning Board voted unanimously at its November 18th meeting to initiate an amendment to the 2010 Comprehensive Plan Future Land Use Map for property located at 113 Woodbury Road (PID # 110-009). The property currently has a future land designation of Agricultural/Rural, while conversely, the entire property is zoned Low Density Rural Residential. This property was recently purchased with the intent of developing the property as its zoning would allow with 1 acre minimum lot size. The property owner had planned on submitting a subdivision plan to the Planning Board for review and approval but found out that part of the criteria for approval by the Planning Board would include a finding that the development proposal was in compliance with the Comprehensive Plan's Future Land Use Plan.

CURRENT SITUATION: The property at 113 Woodbury Road is currently zoned Low Density Rural Residential (**Attachment 1**). The 2010 Comprehensive Plan Future Land Use Map recommends Agriculture/Rural (**Attachment 2**), which is not compatible to the development proposal that the Low Density Rural Residential Zoning would allow and the owner desires. There is an incompatible situation between the current zoning and the future land use for this property.

STAFF RESEARCH- The Staff looked back at the record of the 2010 Comprehensive Plan process for evidence of how this zoning and future land use discrepancy occurred. At the May 21, 2009 Comprehensive Plan Committee meeting, the Danville/South Auburn area was discussed. **Attachment 3** shows a map of Land Use in the area. As you can see the property at 113 Woodbury Road is designated Rural Residential and Manufactured Housing. **Attachment 4** is a map of natural resources in the area. There are no significant natural features shown on the property in question.

Attachment 5 is a May 12, 2009 memo addressed to the Comprehensive Plan Committee from lead consultant Mark Eyerman, which goes into detail describing areas to be "*reserved*" for future development, "*preserved*" and/or maintained and areas to be

changed for new development”. This memo does not describe or relate 113 Woodbury Road to any of these categories. **Attachment 6** is an email correspondence with Mr. Eyerman, who provided his recollection of the discussion in that area. He mentions:

1. No specific discussion of 113 Woodbury Road.
2. The Committee’s discussion of Rural Residential Strips.
3. The availability of adequate public service (this case specifically an unimproved road).
4. Agricultural activity.
5. Fire protection.

In addition to the staff search of minutes and mapping from the 2010 Comprehensive Plan Process, former Chairman of the Comp Plan Committee, Richard Whiting, was interviewed regarding this property. He did not recall a property owner in particular advocating for this property and mentioned there was extensive discussion about Rural Residential Road Strips. (See **Attachment 7**) This excerpt from the 2010 Comprehensive Plan provides 6 Considerations when evaluating an area to have a Rural Residential Road designation. In particular, Consideration # 5 describes avoiding residential strips for land with unimproved or dirt road frontage.

II. DEPARTMENT REVIEW-

- a. Police- No Comment
- b. Auburn Water and Sewer- No Comment
- c. Fire Department- No Comment
- d. Engineering- No Comment

III. PLANNING BOARD ACTION- The Planning Board is being asked to consider making a recommendation to the City Council regarding the Future Land Use Designation as found in the 2010 Comprehensive Plan for the property located at 113 Woodbury Road (PID# 110-009).

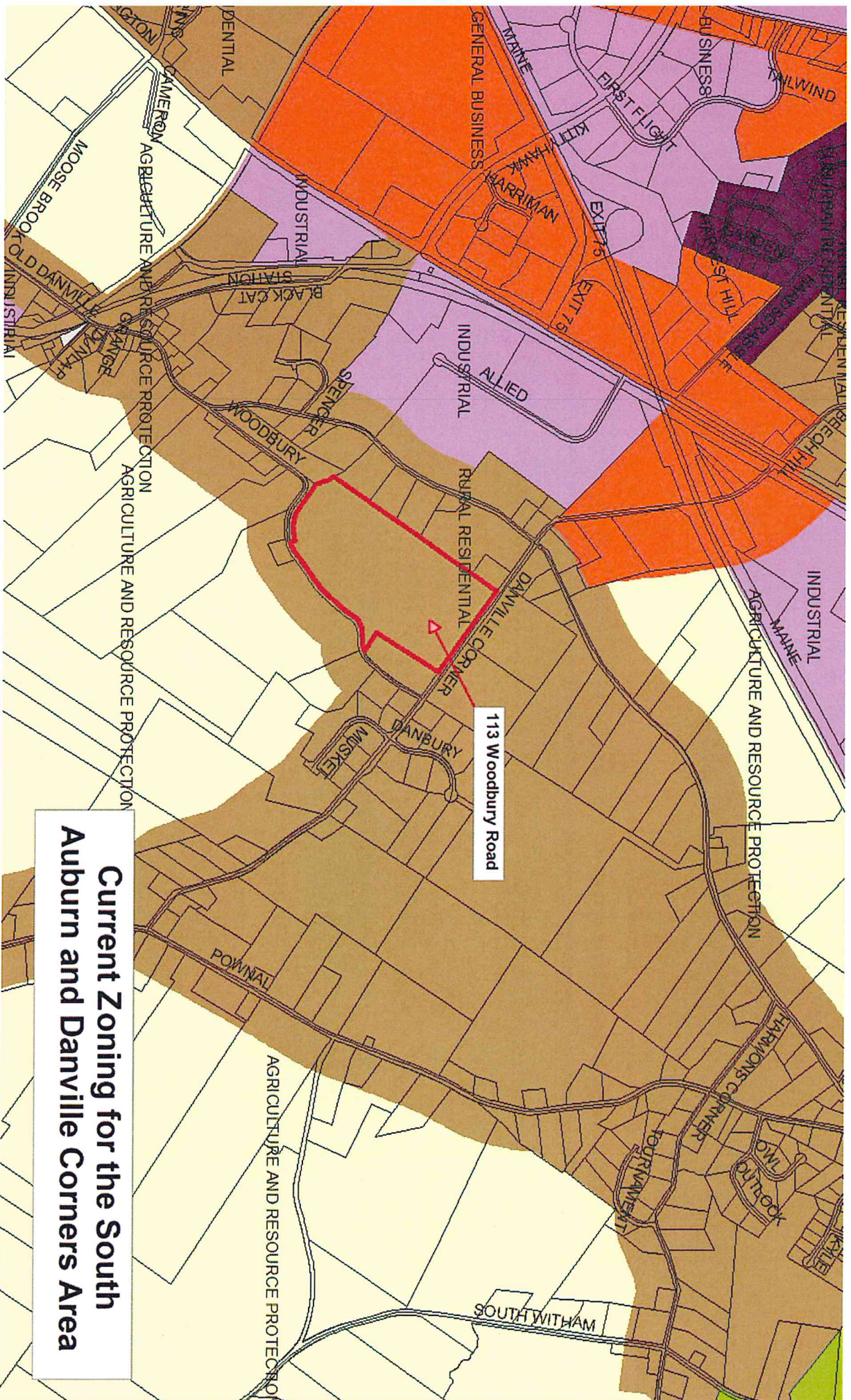
IV. STAFF RECOMMENDATION- Based on the current situation, staff research on the record of the 2010 Comprehensive Plan’s meeting minutes and mapping and interviews with notable participants of the 2010 Comprehensive Plan Process, the Staff recommends **APPROVAL** of changing the Future Land Use Designation for the property located at 113 Woodbury Road (PID # 110-009) from Agricultural/Rural to Low Density Residential with the following findings:

1. The 2010 Future Land Use of Agricultural/Rural for the property is inconsistent with the current zoning of Low Density Rural Residential.

2. The 2010 Comprehensive Plan's working minutes, mapping and interviews from the lead consultant and chairman of the Comprehensive Plan Committee provide a record that show the property at 113 Woodbury Road:
 - a. Was designated as Rural Residential and Manufactured Housing on working maps for this area.
 - b. Was not indicated as having significant natural resources to protect.
 - c. No specific request was made on 113 Woodbury Road to have its future land use designated Agricultural/Rural.
3. The property at 113 Woodbury Road has 1,100 feet of improved road frontage along Danville Corner Road.
4. The predominant land use in the area is Low Density Residential and Low Density Rural Residential zoning.


Douglas M. Greene, A.I.C.P., R.L.A.
City Planner

Attachment 1



**Current Zoning for the South
Auburn and Danville Corners Area**

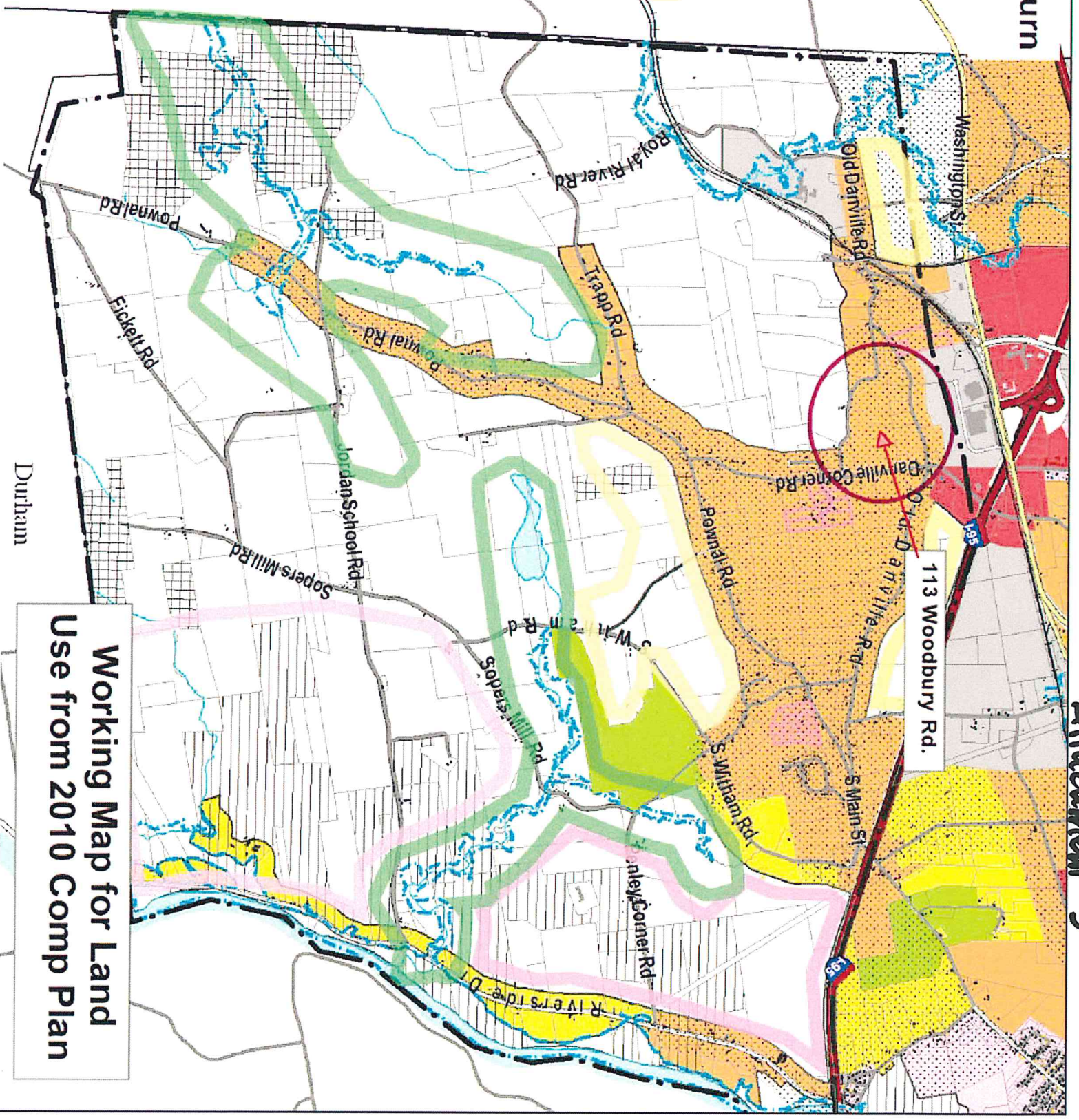
Danville/So Auburn

Legend

Zoning Districts

- General Business
- Industrial
- Rural Residential
- Low Density Country Residential
- Other Zones
- AG Zone
- Active Farm Land
- Tree Growth
- Golf Course
- Manufactured Housing Overlay
- Approved Subdivision
- Floodplain
- Possible Conservation Areas
- Possible Residential Areas
- Possible Reserve Area

0 0.25 0.5 1
Miles
New Gloucester



Working Map for Land
Use from 2010 Comp Plan

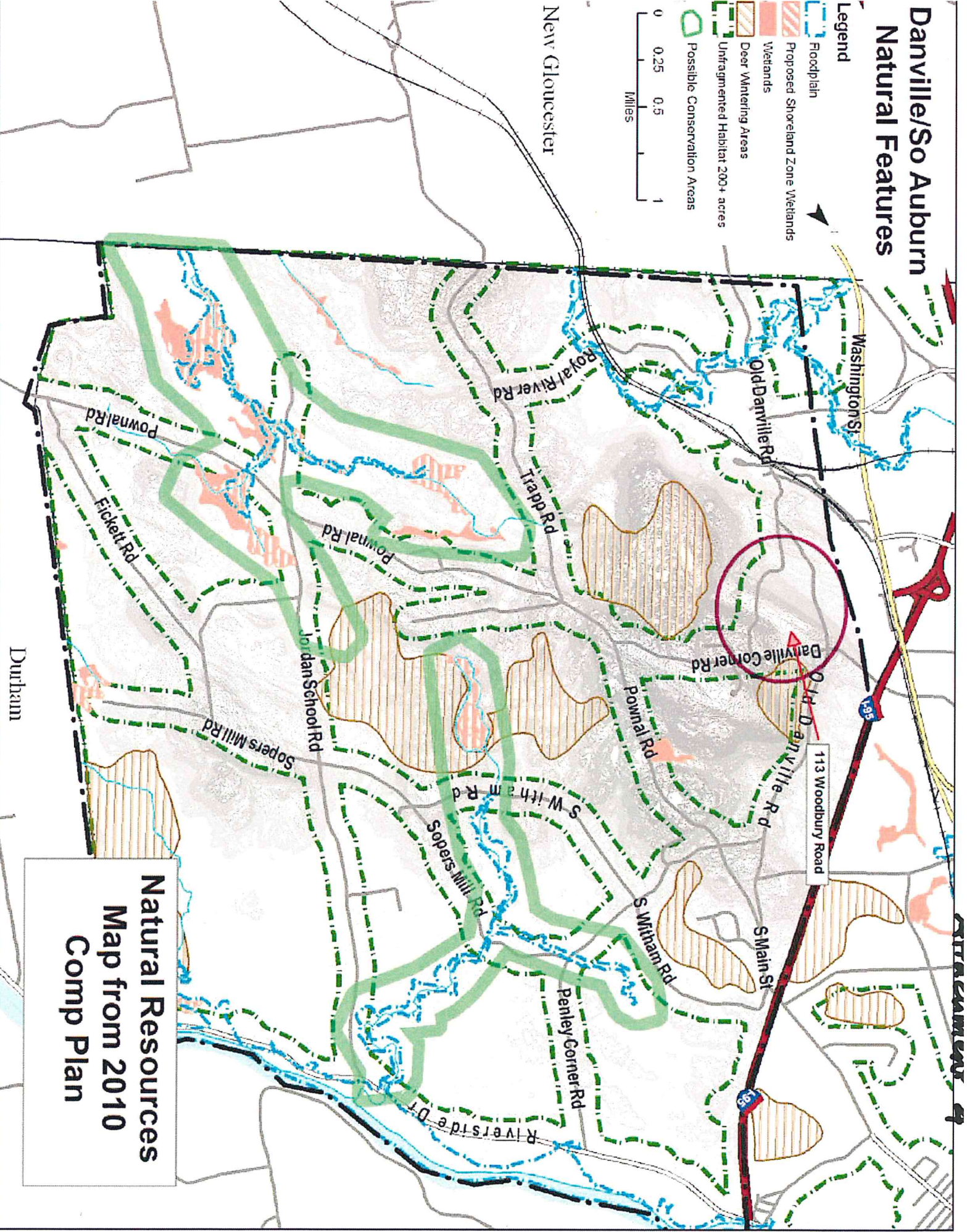
Danville/So Auburn Natural Features

Legend

- Floodplain
- Proposed Shoreland Zone Wetlands
- Wetlands
- Deer Wintering Areas
- Unfragmented Habitat 200+ acres
- Possible Conservation Areas

0 0.25 0.5 1
Miles

New Gloucester



**Natural Resources
Map from 2010
Comp Plan**

May 12, 2009

To: Auburn Comprehensive Plan Committee

From: Mark Eyerman & Antje Kablitz

RE: Danville/South Auburn

At the May 21 meeting, the committee will address Danville/South Auburn. We will review current and future land use and transportation patterns and define area objectives and policies.

To help facilitate this discussion Mark and I have outlined a series of questions for the committee to review and think about ahead of the meeting. These questions are designed to help develop objectives for the Danville/South Auburn area to define the future development pattern and character given the current and future needs.

After establishing the area objectives, the committee will define policies the City will use to reach the objectives. Mark and I propose that the policy development focus on identifying the general types of uses that are appropriate, the general density/intensity of use that is desired, and the key development standards that should be established to reach the objectives.

Mark and I will use the objectives and policy decisions to develop a draft future land use description for Danville/South Auburn development and present them to the committee at a subsequent meeting.

Danville/ South Auburn include all land south of the turnpike and cover nearly 19 square miles. Historically the area was farm and forest land with Danville Village serving as the community center. Today, the majority remains rural in nature with residential development primarily near the turnpike and along existing roads.

The following outlines the current transportation and land use pattern in Danville/South Auburn and outlines some of the possible changes for the committee to consider when addressing development potential in the area.

Transportation

Riverside Drive is a major collector that connects Auburn to points south including Durham, Freeport, and Brunswick. This commuter corridor supports upwards of 5,000 average daily trips.

The committee has discussed maintaining collector roads as designated traffic connectors and promoting access management to ensure that the roadway can continue to maintain high volumes of traffic safely and efficiently.

The Maine Turnpike Authority in conjunction with the City is currently looking at the possibility of establishing a new turnpike interchange at Riverside Drive. (A memo outlining the interchange project is on page 9.) While this project is still in its preliminary stages and no location has been officially announced, the potential of such a development in South Auburn will have a significant impact on future development.

If the turnpike interchange is developed, there will be increased traffic on Riverside Drive and the areas may see additional growth pressures because of it. This project could significantly alter the character of Riverside Drive opening it up for more intense non-residential development that would benefit from the proximity to a turnpike interchange.

The committee may want to address the potential redevelopment of Riverside Drive and look to establish development standards such as limited access and buffering to protect existing and future development from the potential increase in traffic.

Residential Development

The majority of residential development is within the existing Rural Residential Zone that reaches from South Main Street to Danville Corner Road. Between 2000 and 2007,

three new subdivisions – Danbury Knoll, Eagle Ridge, and Spencer Drive were approved. Private well and septic systems serve all residential development in the area as no public serves extend beyond the turnpike into this area.

Additional residential development exists primarily along the residentially zoned strips abutting Riverside Drive and portions of Danville Corner/Pownal Road, and Trapp Road.

The committee has previously discussed the merits of allowing for additional residential development in rural areas and will be looking at where additional residential development may be appropriate based on the residential strip criteria under development.

Agricultural/ Recreational Uses

There are a number of active farms and agriculture related businesses in the area, primarily along Riverside Drive. These are small family-owned operations that include livestock and equestrian facilities and crop farms. Forestlands along the Pownal line take part in the State Tree Growth tax program.

The CPC has expressed a desire to maintain the active agricultural businesses in the area and to support their continued growth and development.

Recreational uses include the Fox Ridge Golf Course off South Witham Road. During the committee's discussions of recreation policies, the City expressed a desire to establish a regional recreational facility to be located in South Auburn in particular if a new turnpike interchange were developed on Riverside Drive. This type of development fits in with the committee's current Agricultural District definition which would allow for the development of additional commercial recreational facilities.

Natural Resources

Within Danville/South Auburn there are numerous areas of natural significance including streams/brooks, wetlands, deer wintering yards, and unfragmented habitats and corridors. The areas around the waterways including the undeveloped floodplains and wetlands over 10 acres have been identified by the state as possible resource protection areas based on the new state shoreland zoning requirements. The City is in the process of reviewing the state identified areas and will establish a new resource protection district to meet the state mandated requirements for protecting these sites.

The committee has identified other areas of significance such as deer wintering areas and unfragmented habitat. These areas are not only critical habitat for animals but also popular recreation areas for hunting and hiking. The committee is committed to preserving the sites as a way of preserving the rural/open space character of the community.

Objective

Consider the following questions as you review the information on Danville/South Auburn and begin to define the future character/pattern of development. As part of the establishment of the Future Land Use Plan the committee needs to define how and where development will take place in the community. In Danville/South Auburn the committee should look at the future from three perspective – what areas should be *reserved* for future development consideration (land banked), what should be *preserved* and/or maintained as it is today, and what areas should be *changed* to allow for new/expanded uses.

The following series of questions begin to address these concepts and culminated in a draft objective for the committee to consider.

Are there areas that should be considered “reserved” for future use/development?

This question focuses on the traditional role of the AG Zone as a land bank that acts as a reserve for future development. Areas such as Riverside Drive are prime examples of sites where significant changes may occur that could alter the character of the road and the land surrounding it. Maintaining this land within an Agricultural District will allow for flexibility to rezone the area to meet the demands of a possible turnpike interchange.

The land between the turnpike, Soper Mill Brook, and South Witham Road would most likely see changes in use as it would become “prime” commercial real estate due to its proximity to an interchange. The area south of Soper Brook may see some increased traffic and additional development potential, however the pattern of development may not be as intense.

Maintaining the roadway itself as rural residential area with large frontage requirements and setbacks as well as provisions to buffer homes from the road and preserve the rural viewshed will help to protect the residences for the possible increases in traffic.

Are there areas that should be permanent conservation areas – areas that have significant natural resources or open space value that should be preserved?

The committee has decided to establish a Resource Protection District that will incorporate and permanently preserve all State defined significant natural resources. This includes undeveloped floodplains, wading bird and waterfowl habitat, and significant wetlands.

Additional areas the committee has looked at preserving include deer wintering areas, large unfragmented blocks, and wildlife corridors.

In the natural resource policies section, the committee established a desire for the city to preserve deer wintering yards beginning with those located on city-owned land (Strategy A.9.1.g).

As part of a “future land use placeholder” (Strategy A.9.1.b) the committee agreed to return to the topic of unfragmented habitat and wildlife corridor preservation to identify areas that should remain within an Agriculture District as a means of maintaining these open space and habitat connections. As the committee has discussed previously, there are areas of significant unfragmented habitat within Danville/South Auburn particularly along the New Gloucester line and the land farm land abutting Riverside Drive. These unfragmented areas are larger than 200 acres and serve as habitat for large animals. Preserving the interior of these areas as natural open space would provide for long-term habitat protection and retain the rural feel of the area.

Are there areas that should be included in the rural residential designation (not including residential strips)?

The current rural residential district extends along the turnpike from South Main Street to just about the New Gloucester line. Within this area, there are some pockets of agriculturally zoned land that may be suited for residential development. Three particular areas come to mind.

One is the strip of agriculturally zoned land along the turnpike. Once was a farm, this site is now primarily residential with the southern parcel being used as a DOT staging area. Part of the area may be well suited for residential designation as it sits within the established residential area and is close to the urban area. However, some natural constraints (steep slopes) development would limit where development could occur.

Another is the stretch of Old Danville Road from Danville Junction to the New Gloucester line. This area abuts existing residential development and may be an appropriate place for additional development providing an extension of the Danville community and enhance the rural village feel.

The third is the portion of South Witham Road abutting the Fox Ridge golf course. The committee has discussed the possibility of allowing limited residential development as part of an established recreational use. As such, this area may be appropriate for an extension of the rural residential housing. Much like the turnpike land, the proximity to existing development and the urban core make this area a reasonable place for growth that meets the city and state goals for limiting sprawl.

Are there areas that should be included/removed from the rural residential strip designation?

In addressing the role of development in the rural areas, the committee has discussed the merits of establishing residential strips along existing roads. These strips currently exist along Trapp Road, Pownal Road, and Riverside Drive. Taking into account the residential strip criteria voted on in the April meeting, do the current strips meet the test for development and/or are there other areas where such development may be feasible?

In setting the policies/strategies to meet the needs of the objectives outlined above the committee needs to define what types of uses are appropriate, the intensity of the use, and the key standards for development.

Consider the following questions as you review the information on Danville/South Auburn.

What standards should be used when looking at the type and scale of residential development in the designated residential district?

The committee outlined as part of the natural resource policy discussion a desire for rural residential development that protects natural resources and preserves the rural character. The committee identified two concepts for consideration – conservation subdivisions and low impact development standards.

Conservation subdivisions are major residential developments in which a significant portion of the site is set aside as common open space and permanently protected. The standards for this type of development allow for small clustered lots where the remainder of the land is permanently held as open space. In a typical town model the number of units allowed is based on the total net residential land, including that set aside as open space. As a result, the same number of units can be built as on a traditional subdivision only at a higher density with the remainder of the land preserved in perpetuity.

The open space is maintained through a stewardship requirement either tied to the homeowners or a conservation easement owned by the City or a land trust. Homeowner based conservation typically required owners to pay into a stewardship fund to cover the cost of long term maintenance and preservation of the communal open space lands. The purchaser, the city or a land trust, would be charged with maintaining a conservation easements.

The benefits of this type of development include reduced road costs (less road length required to serve the houses), reduced utility development costs, and permanent preservation of open space. This type of development, however, only looks at large development and does not address the impact of lot by lot single family development.

Low impact development (LID) standards are designed to mitigate the impact of impervious surfaces on natural resources, in particular water quality. The standards can apply to any project from a single lot development to subdivisions. The standards limit the amount of impervious surface (driveways, building footprints) and vegetative clearing allowed on a lot as a means of controlling the amount of stormwater runoff. Currently these standards are part of the Phosphorous Control Ordinance, which protects the Taylor Pond and Lake Auburn Watershed. Similar controls could be established in Danville/South Auburn as a means of curbing runoff and protecting area streams and rivers.

Along Riverside Drive – does the committee support limiting access and preserving the corridor as a primary travel route?

With the possible development of a turnpike interchange, the committee should be proactive in trying to protect the function of Riverside Drive as a collector while also limiting the impact additional traffic would have on the existing residential development. Establishing standards such as limited access (ample frontage standards, limited curb cuts, and/or limited ancillary road development) will ensure that traffic can continue to move efficiently through the area. Encouraging setbacks and buffering standards will ensure that the rural look and feel of the roadway is maintained and establish a gateway into the City.

Possible Danville/South Auburn Objective: *Maintain the rural character by promoting development criteria that protect the area's agricultural uses, open space, and natural resources. Use the comprehensive plan committee established criteria when determining where new residential development occurs and ensure that the character and intensity of use reflects the rural pattern and allows enough lot and house placement flexibility to preserve agricultural land and rural viewsheds. Along Riverside Drive, encourage limited access to maintain the commuter corridor and prepare for the possible development of a new turnpike interchange.*

Doug Greene

From: Mark Eyerman [meyerman@planningdecisions.com]
Sent: Wednesday, December 03, 2014 1:21 PM
To: Doug Greene
Subject: Re: Future Land Use at 113 Woodbury Road

Doug:

Here is what I can tell you:

1. I looked at the material you sent and Google Earth and I don't recall at this point any particular discussion about this specific parcel or area but there probably was. The committee spent a lot of time on this issue.
2. During the Committee's discussion of outlying areas of the City, there were contrasting points of view among the committee members on how to treat "rural" areas and the roadside development strips. The committee spent a great deal of time wrestling with this issue and developed a set of criteria that are included in the plan for determining what land should be designated for rural residential development along road corridors. You should look at those criteria - I think they are on pages 70-71 of the document or are right around there in the Other Land Use Policies section.
3. A major consideration in designating land as rural/agriculture was the availability of public services especially a paved road and fire protection water supplies. An important driver in these discussions was avoiding the need for the City to make substantial investments in upgrading gravel or badly deteriorated paved roads as a result of residential development. There is some discussion of this in the public services policy section. The committee looked at the potential costs of reconstructing or paving rural roads if residential development occurred and tried to structure the land use plan to minimize that liability. That may have been a consideration with respect to the Woodbury Hill Road but I'm not sure about that.
4. There was also a sense that land that was in active use for agricultural purposes in outlying areas should be protected from development and included in the rural/ag designation. In looking at Google Earth, it appears that a portion of this land has been an open field for years - I don't know if it is/was used for agriculture but that might have played into the committee's thinking.
5. Finally, the committee had a lot of discussion about fire protection in the portion of the community outside of the area serviced by water mains and hydrants. In the end, they did not include it in the criteria for determining roadside residential strips but it was an ongoing discussion. At that time, the Fire Department expressed concern about the lack of fire protection water supplies in the outlying areas as well as response times and the implications for the department that was set up essentially as an urban department with very limited capacity to transport water like a rural department does. If I remember correctly, the ISO rating for much of this area is maybe an 8 or 9 essentially indicating that it is an unprotected area. Again, I don't know if this was a consideration for this particular area, but it was part of the thinking process to discourage large-scale residential development in areas that are not served by hydrants.

I hope this helps as you look at this situation.

Mark

Mark Eyerman, President
Planning Decisions, Inc.
477 Congress St., Suite 1005
Portland, ME 04101-3406
207.799.2226 - Fax: 207.767.6432
www.planningdecisions.com

all areas subject to shoreland zoning under state law. It establishes water body setback requirements and performance standards, and is being updated to reflect current state requirements.

3. RURAL RESIDENTIAL ROAD STRIPS

The City has historically zoned narrow strips of land along some rural roads for low density residential development. These strips represent a compromise between the City's goal of limiting residential development in rural areas, and existing conditions along these rural roads. As part of the development of the Future Land Use Plan (see Chapter 2), the City conducted a comprehensive review of where residential strips should and should not be created based upon the following set of criteria. The considerations outlined below apply sequentially – first to identify where strips are appropriate based on current land use patterns, and then to work through where residential strips are inappropriate based on a variety of considerations.

Consideration #1 – Established Residential Pattern

A residential strip **may be provided** along a rural road where there is an established pattern of residential uses along the road. An established residential pattern means at least 6-8 homes per half mile counting both sides of the road. In general, both sides of a road should have a residential strip unless there is a significant reason not to allow residential development based on the following considerations.

Consideration #2 – Reserve Area Adjacency

A residential strip **should not be provided** along a rural road if the area adjacent to the road is a "reserve area" where the objective is to maintain the land as undeveloped to allow for its conversion to a different use in the foreseeable future. There should be some realistic expectation that something will occur that will change the desired land use for the area in the future.

Consideration #3 – Natural Resource Adjacency

A residential strip **should not be provided** along a rural road if the area adjacent to the road has significant natural resource value. Areas with significant natural value include areas that are zoned Resource Protection or are high value wetlands, 100 Year floodplains, significant wildlife habitats, and areas with steep slopes (>25%).

Consideration #4 – Conservation/Open Space Adjacency

A residential strip **should not be provided** along a rural road where the adjacent land is protected open space, or where there is a reasonable expectation that the land will be preserved as open space in the foreseeable future, and residential development is inconsistent with that open space use.

Consideration #5 -- Ability to Provide Public Services

A residential strip **should not be provided** along a rural road if residential development will tax the City's ability to provide municipal services as indicated by the following:

- The road is a gravel or dirt road
- The road is a poorly maintained paved road that will need to be improved to support residential development along it

Consideration #6 – Water Quality Protection

A residential strip **should not be provided** along rural roads with undeveloped frontage that are located in the watershed of Lake Auburn, unless such development will not have an adverse impact on the lake's water quality.

The Future Land Use Plan (see Chapter 2) shows the areas where low density residential development is proposed to be allowed along rural roads based on these criteria. These criteria should be used in the future to review the areas designated as residential strips as conditions change, or to review property owner-initiated requests for rezoning.

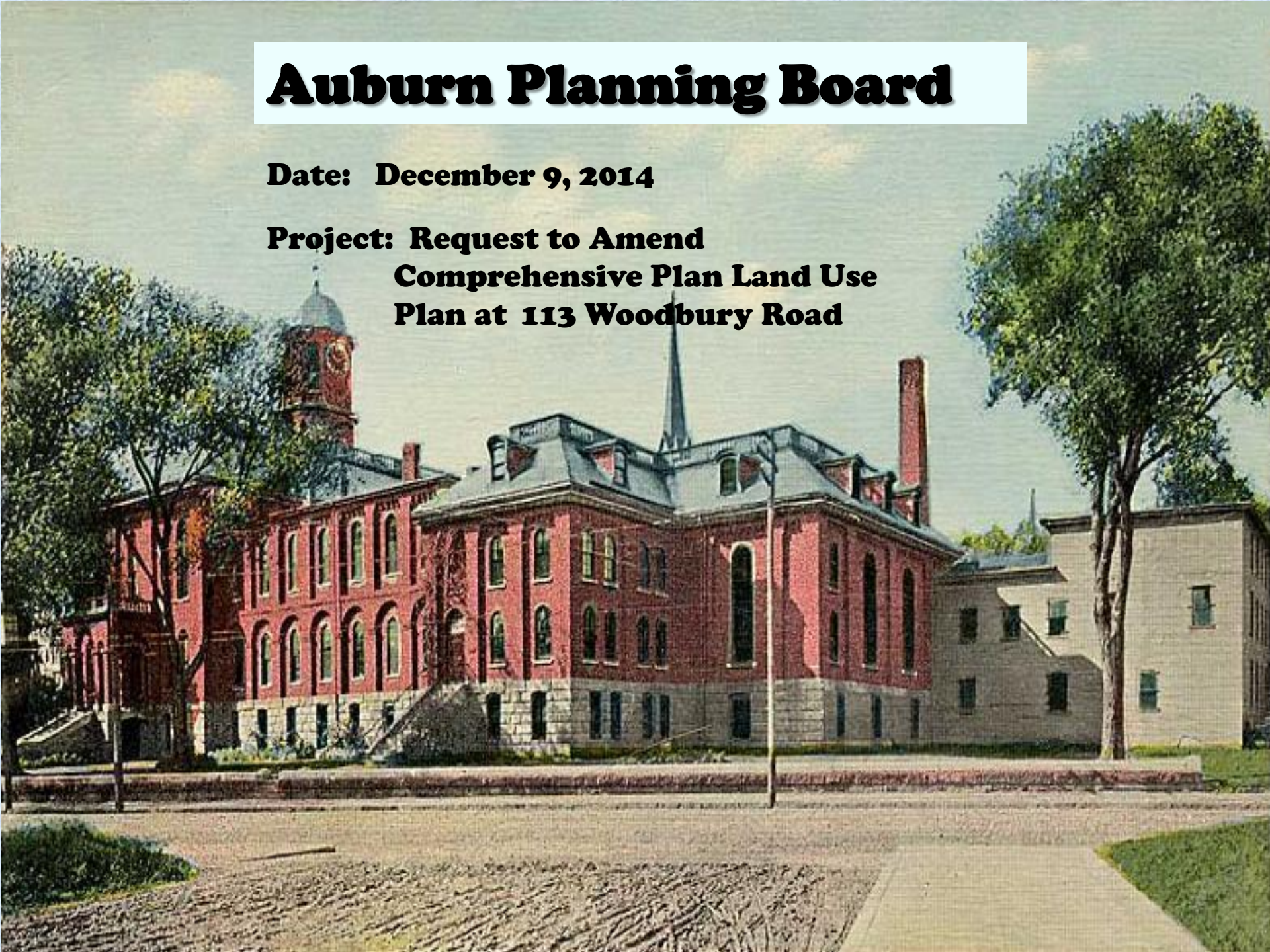
4. NEIGHBORHOOD BUSINESS DISTRICTS

The City has a number of neighborhood businesses that are located within residential neighborhoods. It is the City's policy to support the retention and improvement of these businesses since they offer a valuable service to the City's residents. It is also the City's policy to encourage the owners of these properties to reinvest in maintaining and improving these buildings. To accomplish these objectives, the Future Land Use Plan (see Chapter 2) designates these properties as Neighborhood Business Districts. The standards for these districts allow the existing nonresidential use to be maintained and improved, as long as it is compatible with the surrounding neighborhood. The standards also allow for replacing an existing use with a new nonresidential use (other than service stations and auto service facilities), as long as it is appropriate for the neighborhood. The primary objective in creating these districts is to encourage the retention of these neighborhood businesses. As long as the property includes nonresidential space, whether occupied or not, the property should remain in the Neighborhood Business District to allow re-occupancy by an appropriate nonresidential use.

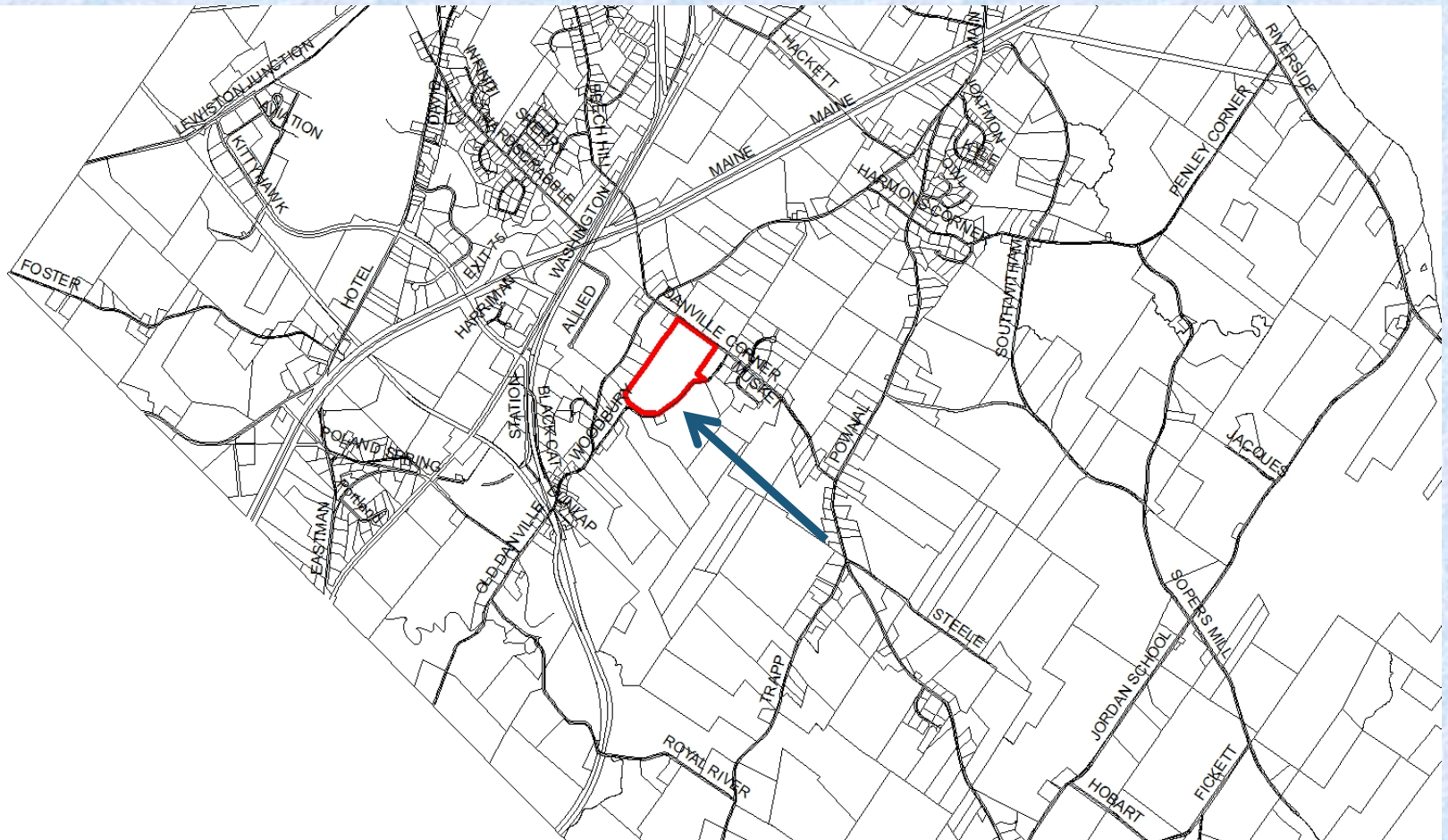
Auburn Planning Board

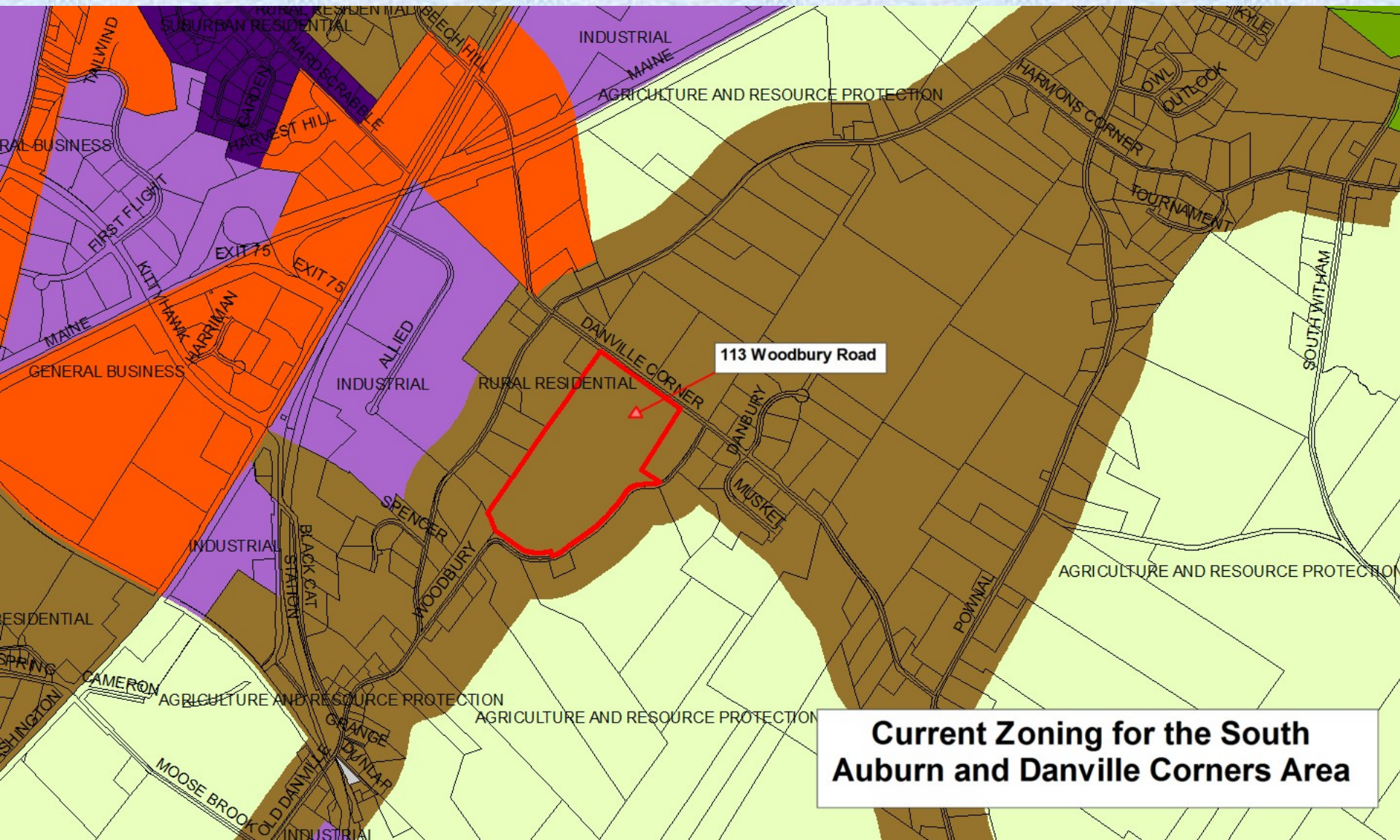
Date: December 9, 2014

**Project: Request to Amend
Comprehensive Plan Land Use
Plan at 113 Woodbury Road**



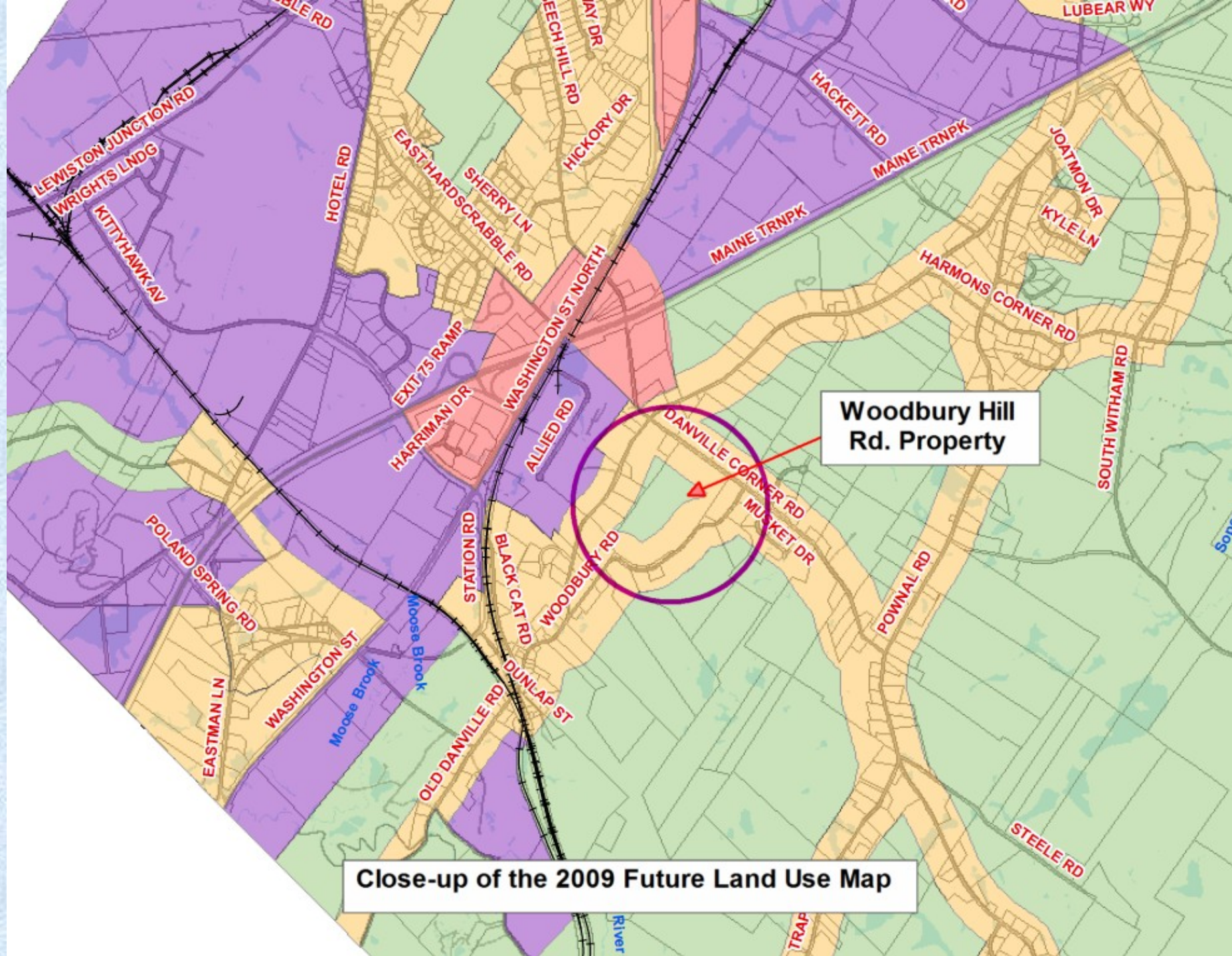
The Staff is asking the Planning Board to amend the 2010 Comprehensive Plan's Land Use Map for a property located on Woodbury Hill Road (PID# 110-009). This property was purchased with the intent of developing a residential subdivision. The property is currently zoned Low Density Rural Residential which, allows one acre lots.





Current Zoning for the South Auburn and Danville Corners Area

This property is zoned entirely Low Density Rural Residential including the surrounding areas.



**Woodbury Hill
Rd. Property**

Close-up of the 2009 Future Land Use Map



At last month's meeting, the Planning Board asked staff to research additional 2010 Comprehensive Plan information and to interview participants in the process.

Staff interviewed Richard Whiting, a Co-Chair of the Comprehensive Plan Committee and Mark Eyerman, the lead consultant for the 2010 Comprehensive Plan. Both interviews are described in the staff report.

The following (working) maps are from the 2010 Comprehensive Plan files.

Danville/So Auburn

Legend

Zoning Districts

- General Business
- Industrial
- Rural Residential
- Low Density Country Residential
- Other Zones
- AG Zone
- Active Farm Land
- Tree Growth
- Golf Course
- Manufactured Housing Overlay
- Approved Subdivision
- Floodplain
- Possible Conservation Areas
- Possible Residential Areas
- Possible Reserve Area

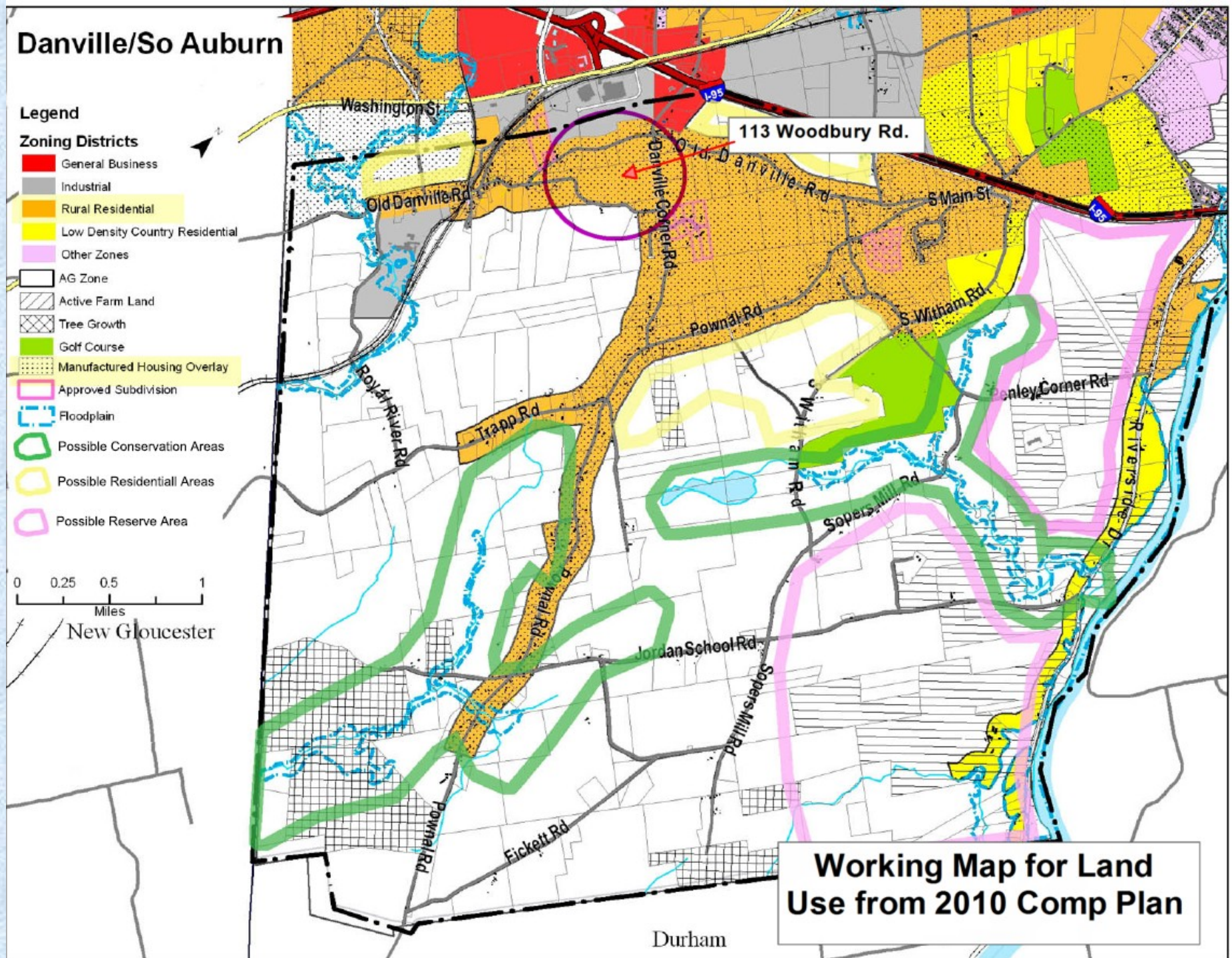
0 0.25 0.5 1
Miles

New Gloucester

Durham

113 Woodbury Rd.

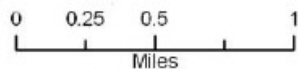
**Working Map for Land
Use from 2010 Comp Plan**



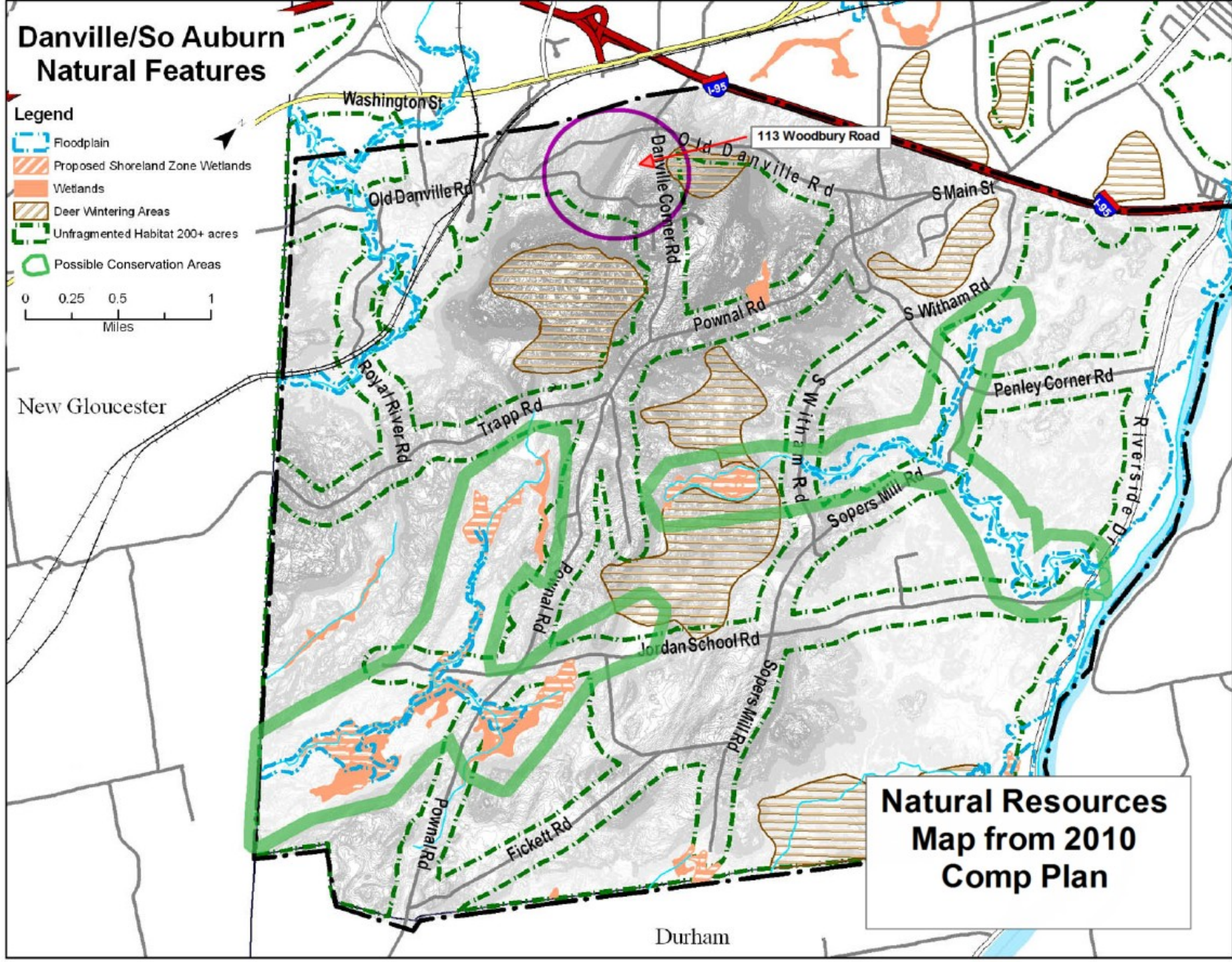
Danville/So Auburn Natural Features

Legend

- Floodplain
- Proposed Shoreland Zone Wetlands
- Wetlands
- Deer Wintering Areas
- Unfragmented Habitat 200+ acres
- Possible Conservation Areas



New Gloucester



Natural Resources
Map from 2010
Comp Plan

ALLIED

Danville Corners Road is a paved, improved road.

Gas Line

DANVILLE CORNER

OLD DANVILLE

WOODBURY

Woodbury Road is an unimproved road.



400 Danville Corner Rd
Auburn, Maine
Street View - Apr 2012





Danville Corners Road

Rotate the view

Google



In conclusion, the final Future Land Use Map and its recommendation from the 2010 Comprehensive Plan for the property on Woodbury Hill Road (PID# 110-009) does not follow the progression of development patterns from the 2009 Future Land Use (FLU) Plan nor does it coincide with the actual zoning of today on the property or the surrounding properties.

The property owner purchased the property with the understanding that because the property was entirely zoned Low Density Rural Residential, it was eligible to be developed accordingly and a subdivision plan was prepared.

The criteria for Planning Board approval of a subdivision includes consideration of the future land use plan. The FLU's recommendation of Ag needs to be changed in order to allow the Woodbury Road Subdivision Plan to move forward.

The Staff recommends **APPROVAL** of changing the Future Land Use Designation for the property located at 113 Woodbury Road (PID # 110-009) from Agricultural/Rural to Low Density Residential with the following findings:

1. The 2010 Future Land Use of Agricultural/Rural for the property is inconsistent with the current zoning of Low Density Rural Residential.
2. The 2010 Comprehensive Plan's working minutes, mapping and interviews from the lead consultant and chairman of the Comprehensive Plan Committee provide a record that show the property at 113 Woodbury Road:
 - a. Was designated as Rural Residential and Manufactured Housing on working maps for this area.
 - b. Was not indicated as having significant natural resources to protect.
 - c. No specific request was made on 113 Woodbury Road to have its future land use designated Agricultural/Rural.
3. The property at 113 Woodbury Road has 1,100 feet of improved road frontage along Danville Corner Road.
4. The predominant land use in the area is Low Density Residential and Rural Residential zoning.

Questions?

Danville Corners Area
Buildings Constructed Since 1980 (in gray)

ParcelID	Loc	YearBuilt	TotalAcres
095-023	975 OLD DANVILLE RD	1776	15.47
096-004	144 WOODBURY RD	1779	43.91
122-007	647 OLD DANVILLE RD	1789	2.31
122-001	691 OLD DANVILLE RD	1800	2.17
095-031	320 WOODBURY RD	1820	2.19
095-010	127 BLACK CAT RD	1820	2.37
110-011	263 DANVILLE CORNER RD	1832	12.77
097-001	575 DANVILLE CORNER RD	1840	41.41
122-002	241 DANVILLE CORNER RD	1855	1.16
122-015	254 DANVILLE CORNER RD	1867	2.58
081-012	1081 OLD DANVILLE RD	1870	0.34
095-019	1045 OLD DANVILLE RD	1870	0.75
095-030	976 OLD DANVILLE RD	1870	3.04
095-036	1044 OLD DANVILLE RD	1870	98.46
095-037	1060 OLD DANVILLE RD	1880	0.23
095-014	27 BLACK CAT RD	1880	0.39
081-019	16 GRANGE ST	1880	0.45
095-016	1075 OLD DANVILLE RD	1890	0.22
095-013	37 BLACK CAT RD	1890	0.31
081-011	1091 OLD DANVILLE RD	1890	0.48
081-015	1104 OLD DANVILLE RD	1890	0.53
109-014	193 BLACK CAT RD	1890	9.48
095-017	1065 OLD DANVILLE RD	1900	0.35
081-017	15 GRANGE ST	1900	0.79
096-001	285 WOODBURY RD	1900	5.18
095-032	340 WOODBURY RD	1905	0.5
095-020	1033 OLD DANVILLE RD	1920	0.2
081-029	40 GRAIN MILL RD	1920	0.22
081-020	1120 OLD DANVILLE RD	1920	0.27
081-021	2 DUNLAP ST	1920	0.27
081-013	1086 OLD DANVILLE RD	1920	0.34
095-018	1057 OLD DANVILLE RD	1920	0.4
095-038	1070 OLD DANVILLE RD	1920	0.54
095-021	1017 OLD DANVILLE RD	1920	3.62
095-012	61 BLACK CAT RD	1920	5.54
110-008	37 WOODBURY RD	1920	5.7
081-014	1096 OLD DANVILLE RD	1927	0.27
081-018	25 GRANGE ST	1927	1.93
095-035	1034 OLD DANVILLE RD	1940	5.1
083-010	725 DANVILLE CORNER RD	1940	35.93
081-026	45 DUNLAP ST	1942	0.25
095-033	998 OLD DANVILLE RD	1942	49.23
081-023	32 DUNLAP ST	1946	0.75
081-022	24 DUNLAP ST	1952	0.78

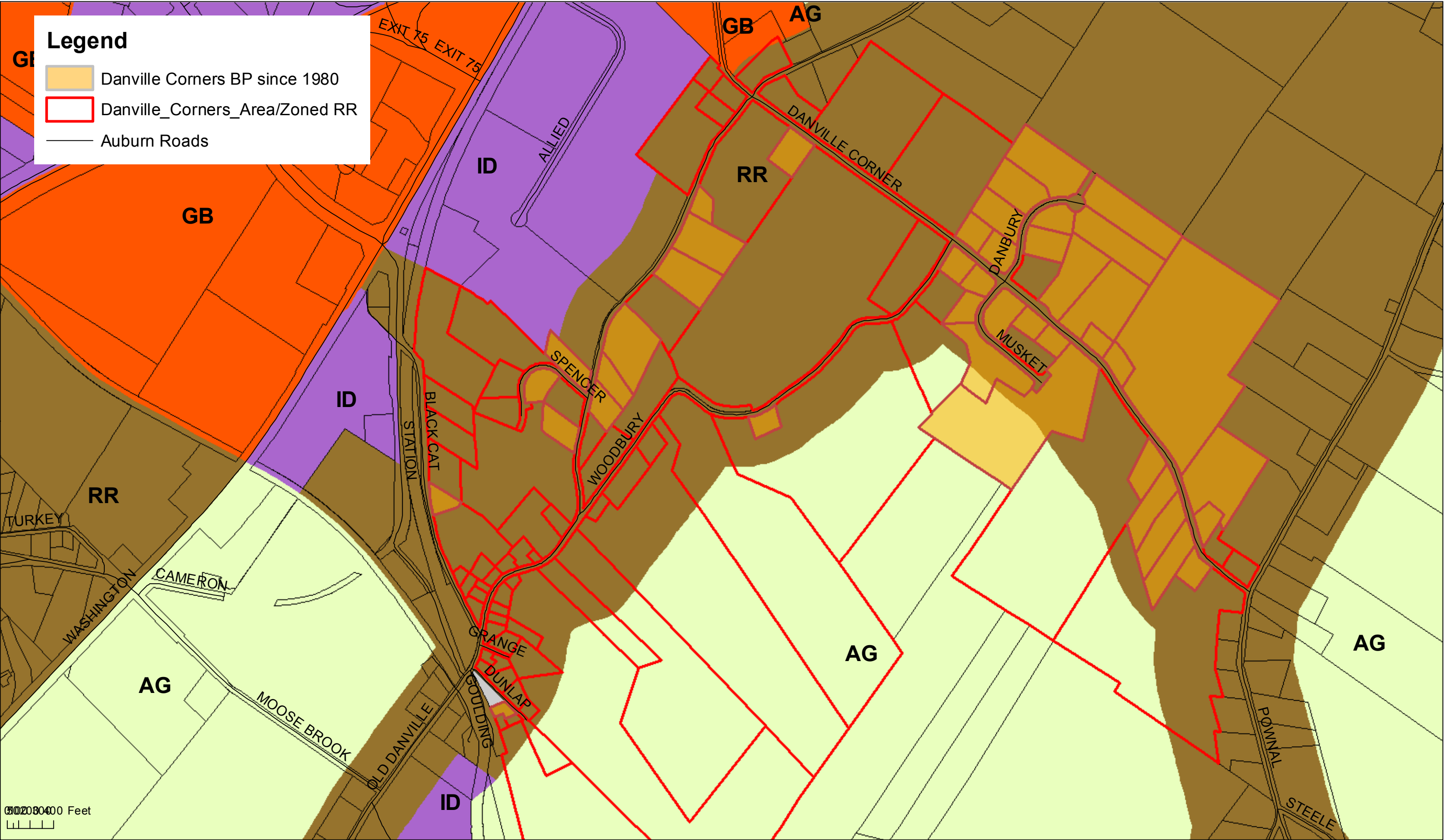
Danville Corners Area
Buildings Constructed Since 1980 (in gray)

095-009	161 BLACK CAT RD	1961	2.59
097-008	704 DANVILLE CORNER RD	1965	1.05
110-001	711 OLD DANVILLE RD	1966	7.9
095-024	923 OLD DANVILLE RD	1969	1.86
095-029	934 OLD DANVILLE RD	1970	1.15
110-003	386 DANVILLE CORNER RD	1974	15.93
110-006	52 WOODBURY RD	1976	8
096-006	280 WOODBURY RD	1978	1.2
110-012	856 OLD DANVILLE RD	1982	4.83
097-007	672 DANVILLE CORNER RD	1983	1.2
111-016-011	486 DANVILLE CORNER RD	1985	4.6
111-009	447 DANVILLE CORNER RD	1987	1.1
111-002	491 DANVILLE CORNER RD	1987	1.17
097-019	639 DANVILLE CORNER RD	1987	2.84
097-018	653 DANVILLE CORNER RD	1987	3.11
111-001	511 DANVILLE CORNER RD	1988	1.07
111-017	528 DANVILLE CORNER RD	1989	1
111-008	23 MUSKET DR	1989	1.3
110-004	8 WOODBURY RD	1989	1.35
095-028	920 OLD DANVILLE RD	1989	1.57
095-027	892 OLD DANVILLE RD	1989	1.65
097-017	671 DANVILLE CORNER RD	1991	2.98
081-027	39 DUNLAP ST	1995	0.46
097-016	691 DANVILLE CORNER RD	1995	1.36
097-002	525 DANVILLE CORNER RD	1995	20.5
097-004	59 MUSKET DR	1999	5.15
097-005-001	550 DANVILLE CORNER RD	2000	1.38
095-025	931 OLD DANVILLE RD	2000	1.72
095-026	903 OLD DANVILLE RD	2000	1.98
110-010	281 DANVILLE CORNER RD	2000	2.03
111-004	34 MUSKET DR	2000	2.18
110-011-001	784 OLD DANVILLE RD	2000	4.15
097-005	628 DANVILLE CORNER RD	2000	40.12
110-011-002	800 OLD DANVILLE RD	2002	3.66
111-016-001	418 DANVILLE CORNER RD	2004	1.4
111-016-009	33 DANBURY DR	2004	2.1
111-016-003	42 DANBURY DR	2004	2.6
111-016-005	72 DANBURY DR	2004	5.5
111-016-002	8 DANBURY DR	2005	1.7
097-001-001	615 DANVILLE CORNER RD	2005	2.07
111-016-004	60 DANBURY DR	2005	3.3
111-016-006	88 DANBURY DR	2005	5.7
111-016-008	65 DANBURY DR	2006	1.6
111-016-007	85 DANBURY DR	2006	5
110-011-004	760 OLD DANVILLE RD	2007	1

Danville Corners Area
Buildings Constructed Since 1980 (in gray)

111-016-012	512 DANVILLE CORNER RD	2007	6.5
097-006	646 DANVILLE CORNER RD	2007	8.05
096-004-001	160 WOODBURY RD	2008	1.15
095-011	95 BLACK CAT RD	2009	0.96
095-025-001	56 SPENCER DR	2010	1.42
097-001-000-002	599 OLD DANVILLE RD		0
081-024	48 DUNLAP ST		0.37
097-005-000-001	580 DANVILLE CORNER RD		0.5
097-001-000-001	599 DANVILLE CORNER RD		0.5
095-015	OLD DANVILLE RD		0.65
095-022	1007 OLD DANVILLE RD		0.74
081-016	GRANGE ST		0.77
097-009	741 POWNAL RD		1.2
095-025-004	79 SPENCER DR		1.75
095-025-003	61 SPENCER DR		1.79
111-005	58 MUSKET DR		2.19
111-016-010	15 DANBURY DR		2.2
110-005	32 WOODBURY RD		2.3
095-009-001	BLACK CAT RD		2.4
110-011-003	832 OLD DANVILLE RD		4.78
095-025-002	45 SPENCER DR		7.16
110-002	DANVILLE CORNER RD		16.54
095-034	1016 OLD DANVILLE RD		32.7
096-005	WOODBURY RD		42.89
081-037	GRAIN MILL RD		53.21
110-009	113 WOODBURY RD		56.61

Danville Corners Area- Building Constructed Since 1980



Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 06-01202015

ORDERED, that the Auburn City Council hereby approves the future land use map amendment to the 2010 Comprehensive Plan for the property located at 113 Woodbury Road, (PID # 110-009) from its current future land use designation of Agricultural/Rural to a future land use designation of Low Density Residential.



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 2/9/2015

Ordinance 01-01202015

Author: Doug Greene, City Planner

Subject: Amendment to Part II, Code of Ordinance, Chapter 2, Administration, Article V, Boards, Commissions and Committees, Division 4, Planning Board

Information: For a number of years, the Auburn Code of Ordinances did not contain a section on the City's Planning Board. Last year, that section was finally put back in. During 2014, the Planning Board reviewed this section, came to a consensus on revisions and now presents this amended ordinance to the City Council for adoption.

Advantages: The proposed amendment will make some simple corrections primarily to acknowledge Associate Planning Board Members and other housekeeping changes.

Disadvantages: None.

City Budgetary Impacts: None

Staff Recommended Action: Approval of the proposed. Public hearing and second reading.

Previous Meetings and History: The Planning Board reviewed and discussed this over the course of 3 different meetings. City Council workshop on 1/5/2015. Passage of first reading on 1/20/2015 4-2-1 (Councilors Walker and Gerry opposed and Councilor Young absent).

Attachments:


1. Memo
2. Proposed Amended Code of Ordinance for the Auburn Planning Board. (Track changes version)
3. Memo from the Auburn Planning Board to the City Council regarding the proposed amendment.
4. Ordinance 01-01202015

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning and Development

To: Mayor LaBonte and City Council

From: Douglas M. Greene, AICP, RLA; City Planner 

Date: February 2, 2015

RE: Planning Board Code of Ordinance Amendment Update

An amendment to the Planning Board Code of Ordinance had first reading at the City Council's January 20th meeting. During the Council's deliberation on this agenda item, Council Member Lee asked staff about a change found in Section 2-474 Appeals and how Maine State Law viewed that change. The current language reads:

Sec. 2-474. Appeals

An appeal from any final decision of the planning board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the city to the superior court.

The proposed language reads:

Sec. 2-474. Appeals

*An appeal from any final decision of the planning board as to any matter over which it has final authority may be taken by **anyone of standing** or by any authorized officer or agent of the city to the superior court.*

The Maine Municipal Association provides legal guidance to local Planning Boards and the staff researched MMA Planning Board Manual and has attached information regarding "standing".

The main purpose of this change was to limit appeals to those legally eligible to file. Ultimately, it is the Courts that will decide who may appeal.

Standing

The test for standing to appeal as established by the courts is a two-part test, described below. It applies both to local appeals and to appeals filed with a court. A municipality probably has home rule ordinance authority under 30-A M.R.S.A. § 3001 to modify this test.

“Particularized Injury” Test

When a person can demonstrate that he or she has suffered or will suffer a “particularized injury” as a result of a decision by the planning board or CEO, he/she has met one part of the general test for “standing” to file an appeal with the board of appeals, if the board has jurisdiction to hear the appeal by ordinance or statute. To meet the “particularized injury” test, the person must show how his or her actual use or enjoyment of property will be adversely affected by the proposed project or must be able to show some other personal interest which will be directly affected which is different from that suffered by the general public. *Brooks v. Cumberland Farms, Inc.*, 703 A.2d 844 (Me. 1997); *Christy’s Realty Ltd. v. Town of Kittery*, 663 A.2d 59 (Me. 1995); *Pearson v. Town of Kennebunk*, 590 A.2d 535 (Me. 1991); *Anderson v. Swanson*, 534 A.2d 1286 (Me. 1987); *New England Herald Development Group v. Town of Falmouth*, 521 A.2d 693 (Me. 1987); *Leadbetter v. Ferris*, 485 A.2d 225 (Me. 1984); *Lakes Environmental Association v. Town of Naples*, 486 A.2d 915 (Me. 1984); *Harrington v. Town of Kennebunk*, 459 A.2d 557 (Me. 1983). The court has held that “particularized injury for abutting landowners can be satisfied by a showing of the proximate location of the abutter’s property, together with a relatively minor adverse consequence” if the requested approval or permit were granted. *Fryeburg Water Co. v. Town of Fryeburg*, 2006 ME 31, 893 A.2d 618; *Norris Family Associates LLC v. Town of Phippsburg*, 2005 ME 102, 879 A.2d 1007; *Rowe v. City of South Portland*, 730 A.2d 673 (Me. 1999). See also, *Sproul v. Town of Boothbay Harbor*, 2000 ME 30, 746 A.2d 368; *Sahl v. Town of York*, 2000 ME 180, 760 A.2d 266 (defining “abutter” to include “close proximity”); and *Drinkwater v. Town of Milford*, AP-02-08 (Me. Super. Ct., Pen. Cty., April 18, 2003) (son of landowners whose property abutted the applicants’ and who worked on his parents’ land failed to document that he had a future interest in his parents’ land sufficient to give him standing to appeal as an abutter). A person who can show that he/she owns property in the same neighborhood as the applicant’s property, even if not an abutter, generally will be deemed to have a particularized injury. *Singal v. City of Bangor*, 440 A.2d 1048 (Me. 1982). Where a person claims that a project will cause him potential harm because he drives by the site daily on a public road and will be exposed to greater safety risks due to traffic generated by the project, the court has held that such harm is not distinct from that which will be experienced by many other members of the driving public and therefore was not sufficient for the purposes of the “particularized injury” test. *Nergaard v. Town of Westport Island*, 2009 ME 56, 973 A.2d 735.

If an appeal is brought by a citizens’ group or some other organization, the test for the organization’s standing to appeal is whether it can show that “any one of its members would have standing in his/her own right and that the interests at stake are germane to the organization’s purpose.” *Pride’s Corner Concerned Citizens Assn v. Westbrook Board of Zoning Appeals*, 398 A.2d 415 (Me. 1979); *Widewaters Stillwater Co, LLC v. City of Bangor*, AP-01-16 (Me. Super. Ct., Pen. Cty., May 30, 2001); *Fitzgerald v. Baxter State Park Authority*, 385 A.2d 189 (Me. 1978); *Penobscot Area Housing Development Corp.v.*

City of Brewer, 434 A.2d 14 (Me. 1981); *Conservation Law Foundation Inc. v. Town of Lincolnville*, AP-00-3 (Me. Super. Ct., Waldo Cty., February 26, 2001); *Friends of Lincoln Lakes v. Board of Environmental Protection*, 2010 ME 18, 989 A.2d 1128.

Actual Participation in Proceedings Required

Anyone wishing to appeal from a planning board decision to the board of appeals or from the board of appeals to Superior Court under Rule 80B must also be able to show actual participation for the record in the applicable local hearing process. It is not enough for a person to express his/her concerns to board members or other officials outside the setting of the public hearing or to speak at a preliminary meeting of the board. Participation must be at the official hearing in person or through someone there acting as the person's official agent or by submitting written comments for the official hearing record. *Jaeger v. Sheehy*, 551 60 A.2d 841 (Me. 1989); *Lucarelli v. City of South Portland*, 1998 ME 239, 719 A.2d 534; *Wells v. Portland Yacht Club*, 2001 ME 20, 771 A.2d 371. Under 30-A M.R.S.A. § 4353, the municipal officers and the planning board are automatically made "parties" to the appeals board proceedings, so they would not have to meet the test outlined above in order to file an appeal in Superior Court from an appeals board decision. *Crosby v. Town of Belgrade*, 562 A.2d 1228 (Me. 1989). The same is not true for other officials, like the code enforcement officer, who want to appeal the board of appeals decision; since those other officials are not statutory parties, they would have to satisfy the two-part test for standing. *Tremblay v. Inhabitants of Town of York*, CV-84-859 (Me. Super. Ct., Yor. Cty., October 3, 1985); *Department of Environmental Protection v. Town of Otis*, 1998 ME 214, 716 A.2d 1023.

Appeal by Permit Holder

If the person wishing to appeal is the person who applied for approval from the planning board, that person has automatic standing to appeal, whether or not he/she attended or otherwise participated in the proceedings of the planning board or the appeals board; the written application for the permit or the appeal is sufficient participation. *Rancourt v. Town of Glenburn*, 635 A.2d 964 (Me. 1993). However, where applicants had allowed their purchase and sale agreement to lapse before filing an appeal, the court held that they had no standing to appeal a denial of their permit application. *Madore v. Land Use Regulation Commission*, 1998 ME 178, 715 A.2d 157.

Appeal by Municipality

See *City of Bangor v. O'Brian*, 1998 ME 130, 712 A.2d 517, and *Town of Minot v. Starbird*, 2012 ME 25, 39 A.3d 897, for an example of a case where the municipality challenged a board of appeals decision in Superior Court.

LEGAL NOTICE

City of Auburn

The Auburn City Council will hold a Public Hearing on Monday, February 2, 2015 at 7:00 PM in the City Council Chambers of Auburn Hall, 60 Court Street, Auburn, Maine. The following proposals will be heard:

A 2nd reading and Public Hearing to amend the 2010 Comprehensive Plan Future Land Use for a property located 113 Woodbury Road (PID # 110-009) from Agriculture/Rural to Low Density Residential Development.

A 2nd reading and Public Hearing of an amendment to the City of Auburn's Code of Ordinances, Part II, Article V., Boards, Commissions and Committees, Division 2, Planning Board. For more information contact Douglas Greene @ 333-6601 ext. 1156 or **dgreene@auburnmaine.gov**.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning and Development

To: Mayor LaBonte and City Council

From: Douglas M. Greene, AICP, RLA; City Planner **DMG**

Date: January 14, 2015

RE: Amendment to Planning Board Code of Ordinance

The City Council reviewed an amendment to the Planning Board section from the City Code of Ordinances at their work session on January 5, 2015. During the work session, Mayor LaBonte asked Planning Board Chairman Robert Bowyer if the Planning Board would be interested in having 2 meetings per month in order to address other planning issues outside of their normal application review.

The City Planning Board met last night and discussed this question and I would like to report to you their consensus opinion.

1. The Planning Board respectfully asks the Council not change the language in the ordinance to increase scheduled meetings to twice a month.
2. The members are willing to have special or additional meetings on an as needed basis and the ordinance allows for that.
3. They ask the Council to provide them with a prioritized list of projects or studies, with an understanding that the Form Based Code and a Study of the Agricultural and Resource Protection Zone are close to getting started. They are also working on residential zone updates and a flexible re-use of historic or institutional structures.
4. On a separate, but related issue, the City Planning Board would like the City Council to consider re-establish having a liaison from the City Council to the City Planning Board.

The City Planning Board appreciates the opportunity to work with you on this effort.

C: File

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 01-01202015

Be it ordained by the Auburn City Council, that it hereby approves an amendment to the City of Auburn's Code of Ordinances, Part II, Article V., Boards, Commissions and Committees, Division 2, Planning Board as attached.

PART II - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. PLANNING BOARD

DIVISION 4. PLANNING BOARD

Revised at 9/9/14 and
10/14/14 PB meetings

[Sec. 2-466. Membership: appointment, removal, terms, vacancies.](#)

[Sec. 2-467. Chairperson and vice-chairperson.](#)

[Sec. 2-468. Staff secretary: minutes, public records.](#)

[Sec. 2-469. Quorum and necessary vote.](#)

[Sec. 2-470. Meetings, hearings and procedures.](#)

[Sec. 2-471. Workshop or informational meetings.](#)

[Sec. 2-472. Record and decisions.](#)

[Sec. 2-473. Conflicts.](#)

[Sec. 2-474. Appeals.](#)

[Sec. 2-475. Jurisdiction and authority.](#)

[Sec. 2-476. Committees.](#)

[Secs. 2-477—2-482. Reserved.](#)

Sec. 2-466. Membership: appointment, removal, terms, vacancies.

- (a) There shall be a planning board of seven regular and two associate members. Members of the planning board shall be residents of the city and shall not be officers or employees of the city. Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the planning board. Members shall serve without compensation.
- (b) Regular ~~M~~members of the planning board shall be appointed by the city council for terms of three years. Such terms shall be staggered so that the term of not more than three members shall expire in any calendar year. Incumbent members of the planning board shall serve for the balance of their terms and thereafter until their successors are appointed.
- (c) The City Council shall appoint two associate members for a term of three years each. Such terms shall be staggered so that the terms of not more than one associate member, expires in any calendar year. Associate members may participate in deliberations of the Planning Board but shall not vote unless temporarily acting on behalf of a regular member who is absent or has been recused.
- ~~(e)~~ Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.
- ~~(d)~~ Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before removal such members shall be given an opportunity to be heard in his own defense at a public hearing before the city council.
- (f) The Planning Board may appoint a high school student advisory representative who is a high school student residing in Auburn for a one year term. The student advisory representative may participate in deliberations of the Planning Board but shall not be entitled to vote.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

PART II - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. PLANNING BOARD

Sec. 2-467. Chairperson and vice-chairperson.

The members of the planning board shall annually elect one of the board members as chairperson to preside at all meetings and hearings, and another of their number as vice-chairperson. In the absence of the chairperson, the vice-chairperson shall act as chairperson and shall have all the powers of the chairperson. If no Chairperson or Vice-Chairperson is present or able to preside over an agenda item, the attending members may elect an acting Chairperson.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-468. Staff secretary: minutes, public records.

- (a) The ~~city planner~~ Director of Planning and Development shall designate a member of ~~his~~ their staff who shall serve as staff secretary of the planning board and attend all of its proceedings.
- (b) The staff secretary shall provide for the keeping of minutes of the proceedings of the planning board, noting the vote of each member on every question, or the member's absence or failure to vote, and shall maintain the permanent records and decisions of all planning board meetings, hearings, and proceedings and ~~all~~ correspondence of the planning board.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-469. Quorum and necessary vote.

- (a) As to any matter requiring a public hearing, no business shall be transacted by the planning board without a quorum, consisting of four members, being present. The concurring vote of at least four members shall be necessary to authorize any action by the board. ~~If the requisite votes are not present the matter shall be tabled.~~
- (b) If less than a quorum is present, the hearing ~~may~~ shall be ~~adjourned~~ rescheduled. The staff secretary shall notify in writing all members of the date of the ~~adjourned~~ reschedule hearing and shall notify such other interested parties as may be directed in the vote to reschedule ~~of adjournment~~.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-470. Meetings, hearings and procedures.

- (a) Regular meetings of the planning board shall be held at the call of the chairperson or as provided by rule of the board. Special meetings may be called by any four members of the planning board, or at the request of the city council. Testimony at any hearing may be required by the planning board to be given under oath.
- (b) The planning board shall adopt its own rules for the conduct of its business not inconsistent with this chapter and with state law. Such rules shall be filed with the staff secretary of the planning board and with the city clerk. Any rule so adopted that relates solely to the conduct of hearings, and that is not required by the city council, this chapter or state law, may ~~be~~ be waived by the chairperson upon good cause being shown.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

PART II - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. PLANNING BOARD

Sec. 2-471. Workshop or informational meetings.

Informal meetings or workshops of the planning board or any of its committees may be held at the call of any of its members or the ~~city planner~~ Director of Planning and Development, as the case may be, for the presentation of information.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-472. Record and decisions.

- (a) The minutes of the staff secretary, and any transcript of the proceedings, and all exhibits, papers, applications and requests filed in any proceeding before the planning board and the decision of the board shall constitute the record.
- (b) Every final decision of the planning board and every recommendation of the planning board to the city council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation.
- (c) The staff secretary shall mail notice of any decision of the board to the applicant or any designated interested parties within five business days of such decision.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-473. Conflicts.

No member of the planning board shall participate in the hearing or disposition of any matter in which he or she has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by a majority vote of the members present, except the members whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be disqualified.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-474. Appeals.

An appeal from any final decision of the planning board as to any matter over which it has final authority may be taken by any one of standing ~~party~~ or by any authorized officer or agent of the city to the superior court.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-475. Jurisdiction and authority.

In addition to the jurisdiction conferred on it by other provisions of state law and the ordinances of the city and in accordance therewith, the planning board shall have the following jurisdiction and authority:

- (1) To prepare and recommend to the city council a comprehensive plan.
- (2) To prepare and recommend to the city council changes in and amendments to the comprehensive plan as necessary.
- (3) To aid and assist the city council and departments and agencies of the city in implementing general plans and in planning, developing and completing specific planning related projects.

PART II - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. PLANNING BOARD

- (4) To hear, review, and approve or deny applications for subdivision approval as provided in this Code.
- (5) To hear, review, and offer its recommendations to the city council on applications for zoning changes and amendments to, or revisions of, the city's zoning regulations, and to initiate recommendations for zoning changes and amendments to or revisions of the city's zoning regulations as necessary.
- (6) To review and offer its recommendations to the city council on public planning related projects.
- (7) To offer its recommendations to the city council with regard to the compatibility of the city manager's proposed capital improvements program with the comprehensive plan.
- (8) To make such investigations and compile maps and reports, and recommendations in connection therewith, relating to the planning and development of the city as it deems desirable.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-476. Committees.

The chairperson of the planning board ~~shall~~ may from time to time assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to ~~its~~ concerning such specific items as may be assigned to them for study and report.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Secs. 2-477—2-482. Reserved.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning and Development

October 24, 2014

Mayor LaBonte and
The Auburn City Council
60 Court Street
Auburn, ME 04210

RE: City Council Ordinance

Dear Mayor LaBonte and Auburn City Council,

The Planning Board requests that the City Council amend Chapter 2, Article V, Division 4, Planning Board of the City Ordinances to make some minor changes that apply to the Planning Board.

The principal change that we recommend deals with Associate Members of the Planning Board. For a number of years the City Council has appointed Associate Members to the Planning Board. When a regular member of the Planning Board is absent, or recuses her/him, an Associate Member sits and acts in her/his behalf. While this has been the practice for a number of years, if a decision of the Planning Board, on which an Associate Member voted, (and conceivably was the tie breaking vote), was challenged, we could find no written authorization for the appointment of Associate Members or for them to act in behalf of Regular Members. That could place the Board's decision in a dicey situation. We believe that is easily corrected by amendment to the City Ordinance that deals with the Planning Board. There are several other suggested amendments of a housekeeping nature.

This request to the City Council and recommended amendment comes in a somewhat larger context. Several members observed that while our procedures and conduct of public hearings followed traditional practice, it was not written down. That might render the Board vulnerable if challenged.

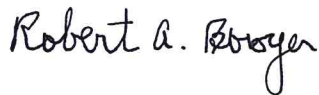
Earlier this year the Planning Board started preparing a Policies and Procedures Manual that will commit to writing the procedures for the conduct of our meetings and public hearings and the steps that precede them. I am pleased to report that after several meetings and drafts, the Planning Board is well into preparation of a Policies and Procedures Manual.

There are several reasons why this effort is timely:

- In order to have all Board members on the "same page" it is necessary to have a written copy rather than relying on the memory of veteran Board members. While the Board's actions have followed traditional practice, it can give the appearance that we are "making it up as we go along" without reference to written rules.
- There has recently been a turnover in Planning Board members. Currently five of nine members are in their first term. A written Policies and Procedures Manual will allow newly appointed members to "get up to speed" sooner. Incidentally we held the first orientation session for new members in June.
- A written Policies and Procedures Manual is fairer to applicants so that they will know what is expected of them and when. That should make the application process overall more efficient for all concerned.
- Revised procedures are designed to make information available to interested parties in neighborhoods impacted by a proposed application earlier.
- City Manager Deschene has asked that all boards and committees have up to date written rules.
- Five members of the Planning Board recently attended an excellent training session conducted by the Maine Municipal Association for planning boards in Augusta. That session permitted us to learn of best practices of various planning boards around the state and of court decisions affecting planning boards. Those will be incorporated in the Policies and Procedures Manual.

The Planning Board looks forward to getting its house in better order. The favorable action of the City Council on the recommended amendments will be appreciated.

Sincerely



Robert A. Bowyer
Chairman

C: File



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 2/09/2015

Ordinance 02-01202015

Author: Sue Clements-Dallaire, City Clerk

Subject: Amendment to Part II, Code of Ordinances, Chapter 2, Administration, Article II, Mayor and City Council, Division 2, Rules of Procedure, Section 2-59, Order of Business.

Information: For a trial period at the 12/1/2014, 12/15/2014, and 1/5/2015 Council meetings, Council has voted to suspend the rules and move reports out of order placing them on the agenda toward the end of the meeting with the intent of proposing an ordinance change if after the trial period, this change in the Order of Business seemed to be working well.

Advantages: It will allow the Council to address new and unfinished business earlier on in the meeting (without having to suspend the rules to move reports out of order and placing them on the agenda toward the end of the meeting).

Disadvantages: Some may prefer hearing reports earlier on in the meeting.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends passage of the proposed ordinance amendment. This is the second reading.

Previous Meetings and History: For a trial period during the 12/1/2014, 12/15/2014, and 1/5/2015 Council meetings, Council has voted to suspend the rules and move reports out of order placing them on the agenda toward the end of the meeting. On 1/20/2015, there was a public hearing and passage of the first reading (6-1 with Councilor Walker in opposition).

Attachments: Ordinance 02-01202015

Sec. 2-59. - Order of business.

At every meeting of the city council, the order of business shall be as follows:

- (1) Consent agenda. All items listed with an asterisk (*) are considered to be routine by the city council and will be enacted by one motion. There will be no separate discussion of these items unless a councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.
- (2) Minutes not previously read and approved, of all preceding meetings.
- ~~(3) Reports of the mayor.~~
- ~~(4) Reports of the city councilors.~~
- ~~(5) Reports of the city manager.~~
- (63) Communications and recognition.
- (74) Open session.
- (85) Unfinished business.
- (96) New business.
- (7) Reports of the mayor.
- (8) Reports of the city councilors.
- (9) Reports of the city manager.
- (10) Open session.
- (11) Adjournment.

(Code 1967, § 1-3.16; Ord. of 3-16-1998; Ord. of 1-16-2007; Ord. of 1-28-2008(01))

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 02-01202015

Be it ordained by the Auburn City Council, that the ordinance amendment (Part II, Code of Ordinance, Chapter 2, Administration, Article II, Mayor and Council, Division 2, Rules of Procedure, Section 2-59, Order of Business) be adopted as follows;

Sec. 2-59. - Order of business.

At every meeting of the city council, the order of business shall be as follows:

- (1) Consent agenda. All items listed with an asterisk (*) are considered to be routine by the city council and will be enacted by one motion. There will be no separate discussion of these items unless a councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.
- (2) Minutes not previously read and approved, of all preceding meetings.
- (3) Communications and recognition.
- (4) Open session.
- (5) Unfinished business.
- (6) New business.
- (7) Reports of the mayor.
- (8) Reports of the city councilors.
- (9) Reports of the city manager.
- (10) Open session.
- (11) Adjournment.

(Code 1967, § 1-3.16; Ord. of 3-16-1998; Ord. of 1-16-2007; Ord. of 1-28-2008(01))

Passage of first reading on 1/20/2015 6-1 (Councilor Walker opposed).



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 2/9/2015

Ordinance 04-01262015

Author: Sue Clements-Dallaire

Subject: Amendment to the Mass Gathering Ordinance

Information: Under our current Mass Gathering ordinance it prohibits alcohol in the Mass Gathering area.
Sec. 14-275. Alcoholic Beverages

The sale or consumption of alcoholic beverages of any kind is prohibited within the mass gathering area during any event. The operator will exercise due diligence and exert his/her best efforts to prevent the consumption of alcoholic beverages within the mass gathering area and to prevent patrons from using, consuming, bringing in, or otherwise obtaining alcoholic beverages within the mass gathering areas. The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.

We are proposing changing the ordinance to allow the sale and consumption of alcoholic beverages under certain conditions (see attached).

Advantages:

- May help to attract other large community events.
- Alcohol is often expected at these events and if it is prohibited attendees could bring their own alcohol.
- Proper security measures would be required to ensure the safety of the community.

Disadvantages:

- Alcohol use can lead to disruptive behavior from attendees.
- Alcohol on premise can lead to minors having access.
- Prohibiting alcohol on premise can lead to unregulated consumption with attendees bringing their own alcohol to the event. By changing the ordinance, it will require the event organizers to meet the requirements in the special amusement/liquor licensing for additional security measures.

City Budgetary Impacts: N/A

Staff Recommended Action: Approve passage of the recommendation and waive the provisions of the charter which calls for the first and second readings on two separate dates (see below*) by holding the first and second readings today.

**No ordinance, order for the issue of bonds or notes, or appropriation resolve shall be passed until it has been read on two separate days, except when the requirement of a reading on two separate days has been dispensed by unanimous vote of the councilors present and voting.*

Previous Meetings and History: Presented to the previous Council in 2013

Attachments:

Memo on Security

Memo on Mass Gathering and Events Process

Proposed amended Ordinance 04-01262015



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Executive Assistant

To: Mayor and City Council
From: Phillip L. Crowell, Jr., Chief of Police
Date: January 28, 2015
Re: Security at Mass Gatherings

In response to hiring police officers for Mass Gathering Events serving alcohol, please review the provided language currently in ordinance and within the Special Amusement Permit application. The matrix within the Special Amusement Permit is designed for in-door activities. We will use the language underlined within the ordinance for Security. We will work with the event coordinator to ensure a safe event for all participants.

Sec. 14-266. - Security.

A detailed plan describing measures that will be in place to ensure crowd control, police security, and protection of public and private property, including steps that will be taken to prevent trespassers from gaining access to the site via private property adjacent to the mass gathering site must be provided. The plan must include an explanation of how and when city police officers or private security officers will be deployed and where they will be located before, during, and after the event. The police chief will determine the number of police officers or private security officers that will be required at each event based on the number of persons reasonably expected to attend and on any other reasonably reliable information regarding security risks, if any, posed by the proposed mass gathering.

Special Amusement Permit

Applicant and or re-applicant agrees to, if so ordered by the Chief of Police, to hire sworn members of the Auburn Police Department for security. The rate will be at the current City of Auburn detail rate. The officers will supplement the existing staff or security. The below chart will be used as a guide in determining the number of officers required.

Number of Attendees	Number of Police
1--200	2
201--400	4
401--600	6
601+	One supervisor, and one additional officer for each 200 attendees or portion thereof in excess of 601

MEMO

TO: Mayor Jonathan LaBonté and members of the City Council

FROM: Sue Clements-Dallaire, City Clerk

RE: Permit Process for Mass Gatherings

PERMIT REQUIREMENT – Chapter 14, Article IX, Section 14-251 of the City of Auburn's Code of Ordinance states no operator or landowner may sponsor, promote, or conduct a mass gathering without first obtaining a permit from the city. A permit application to hold a mass gathering must be submitted to the city clerk. Gatherings which are expected to attract up to 5,000 people must be submitted at least 45 days prior to the proposed date of the mass gathering. Gatherings expected to attract more than 5,000 people must be submitted at least 90 days prior to the proposed date of the mass gathering.

A Mass Outdoor Gathering is defined under Chapter 14, Article I, Section 14-2 of the City of Auburn's Code of Ordinance is any gathering held outdoors with the intent to attract the continued attendance of 1,000 or more persons for two or more hours.

A Mass Gathering Area is defined under Chapter 14, Article I, Section 14-2 of the City of Auburn's Code of Ordinance as any place maintained, operated or used for a mass gathering, except an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar permanent places of assembly.

APPLICATION PROCEDURE

1. An completed mass gathering application from the landowner, sponsor or promoter of event expected to attract up to 5,000 people must be received by the City Clerk's Office not less than 45 days before the event; more than 5,000 people must be received by the City Clerk's Office not less than 90 days before event.
2. The application is forwarded to the following departments for review:
 - Police
 - Fire
 - Planning and Development
 - Public Services
3. The City Clerk or designee shall give public notice by notifying the City Council as soon as the application is received. Such notification shall appear

as a formal communication on the agenda of the next regularly scheduled Council meeting.

4. The City Council shall hold a public hearing after reasonable notice has been given to the operator and shall be published at least once in a newspaper having general circulation in the City.
5. Within 7 days after considering the permit application, the City Council takes the following action:
 - Issue the permit
 - Issue the permit with conditions
 - Deny the permit
6. The operator shall;
 - a) Provide the city with a Certificate of Insurance
 - b) File with the City Clerk a surety bond
 - c) Deposit with the City an amount equal to 120 percent of the public costs on the contemplated mass gathering as estimated by the City Manager
7. If tickets are to be sold to the event, the operator will state the number of tickets that will be available. After all tickets are sold, or after conclusion of the mass gathering, whichever occurs first, the operator must provide the City Clerk or designee with a sworn statement regarding the number of people who attended the event.

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ARTICLE IX. MASS GATHERINGS AND EVENTS

ARTICLE IX. MASS GATHERINGS AND EVENTS

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[Sec. 14-275. Alcoholic beverages.](#)

[Secs. 14-276—14-315. Reserved.](#)

Sec. 14-250. Penalties.

Any person violating this article or any permit condition imposed on the operator shall be punished by a civil penalty up to \$20,000.00. Each violation shall be considered a separate offense.

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ARTICLE IX. MASS GATHERINGS AND EVENTS

(Ord. No. 38-02072011-05, att. § 24-222, 2-7-2011)

Sec. 14-251. Permit required; application.

- (a) No operator or landowner may sponsor, promote, or conduct a mass gathering without first obtaining a permit from the city. A permit application to hold a mass gathering must be submitted to the city clerk. Gatherings which are expected to attract up to 5,000 people must be submitted at least 45 days prior to the proposed date of the mass gathering. Gatherings expected to attract more than 5,000 people must be submitted at least 90 days prior to the proposed date of the mass gathering.
- (b) A written application for permit shall be received by the city council at least 30 days in advance of the proposed mass gatherings.
- (c) At applicant's expense and approved by the city council, the city clerk shall place a public notice in a newspaper serving the area where the mass gathering is proposed to be held, 30 days in advance of the date of the mass gathering unless a lesser time is authorized by the city council. The notice informs the public of the applicant's intention to hold a mass gathering, and invites public comments to be addressed to the city council.
- (d) For any event that is expected to attract more than 5,000 people and that is planned to be held in any residential area, the city council may require the operator, at his own expense, to provide additional notice of any proposed mass gatherings through other means, including notices mailed to the residences of the persons whose property is adjacent to the mass gathering site.
- (e) The following shall be included with the application for permit:
 - (1) The name, address, and phone number of the operator and the owner of the property. If the operator is not a resident of Maine, the operator must list the name of a designated agent in Maine who will receive all notices in connection with the issuance of revocation of the permit or the filing of any claim against the security bond or public costs escrow.
 - (2) A description of the proposed mass gathering. The operator shall include information, including the dates and locations, number of persons who attended and the names of the sponsoring organization and promoter, if any, regarding the three most recent mass gatherings which he sponsored and, when a performance of some type is to be presented, the operator shall include information regarding the three most recent performances, if any, of the same person or persons.
 - (3) An outline map of the area to be used showing the location of all proposed toilets to be used, lavatory and bathing facilities, water supply sources, areas of assemblage, camping areas, food service areas, ingress and egress of pedestrian and vehicular traffic, egress roads, refuse disposal and collection facilities, first aid buildings or area, telephones, sources of potable water, seating areas, stages, refuse containers, electrical connections, lighting, parking areas and spaces, all water bodies, streams, brooks, and wetlands within 250 feet of the mass gathering area or that may be affected by the activities at the mass gathering, fire hydrants, and, if permitted, the location of areas where fires are permitted.
 - (4) Detailed drawings of toilet facilities, sewage disposal system, lavatory and bathing facilities, and water supply system.
 - (5) Size of area to be used.
 - (6) An anticipated attendance figure and dates and hours which mass gathering will be held.
 - (7) Details of provisions for preventing people in excess of maximum permissible number from gaining access to mass gathering area.
 - (8) Detailed description of the water supply to be used including, but not necessarily limited to:

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- (9) The source and its treatment and protection from pollution.
- (10) For water distributed under pressure, the operating pressures to all fixtures and the rate of delivery in gallons per person per day.
- (11) Where water is not available under pressure, and non-water carriage toilets are used, the gallons of water per person per day to be provided for drinking and washing purposes.
- (12) Source of transported water.
- (13) Manner of storage and dispensing of transported water.
- (14) Detailed description of excreta and liquid waste disposal facilities, including but not necessarily limited to:
 - a. Facilities to be provided.
 - b. Maintenance.
 - c. If public sewer system available, whether all plumbing fixtures and building sewers shall be connected thereto.
 - d. Name and address of the company which will be providing and servicing the toilets.
- (15) Detailed description of refuse disposal including, but not necessarily limited to:
 - a. Measures to prevent odor, insect, rodent, and other nuisance conditions.
 - b. The number and size of refuse containers to be provided.
 - c. Accessibility of refuse containers.
 - d. Frequency of collection of refuse. Location of disposal of refuse.
 - e. Plans for cleaning area of refuse following mass gathering.
 - f. For area where cars and recreational vehicles to be parked, number of rubbish disposal facilities per car or recreational vehicle.
 - g. Detailed description of vermin and vector control.
- (16) Detailed description of grounds including, but not necessarily limited to:
 - a. Illumination - location and light level intensities.
 - b. Size of areas for assemblage, camping and parking.
 - c. Width of service roads.
 - d. Number of parking spaces per person and density per vehicle.
- (17) Detailed description of sanitary facilities including, but not necessarily limited to:
 - a. Number of toilets or urinals per person.
 - b. Construction materials of buildings housing plumbing fixtures.
 - c. Provisions for maintenance and cleaning of fixtures.
 - d. Measures to provide privacy of toilets.
 - e. Identification of water points or drinking fountains.
 - f. Drinking facilities.
 - g. Drainage of waste water.

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- (18) Detailed description of medical facilities and services including, but not necessarily limited to:
 - a. Names, positions, and qualifications of medical personnel to be available and a statement whether such personnel will be on site or on call.
 - b. On site facilities and supplies.
 - c. On site first aid vehicles.
 - d. Communication systems available
 - e. Statement whether area hospitals have been advised of gathering.
 - (19) Detailed description of food service activities including, but not necessarily limited to:
 - a. Facilities to be provided.
 - b. Statement whether eating places servicing mass gathering are licensed.
 - (20) Detailed description of safety precautions including, but not necessarily limited to:
 - a. Electrical system and equipment.
 - b. On site fire prevention equipment.
 - c. Internal and external security control.
 - d. A statement that the respective police and sheriff's departments have been notified.
 - (21) Detailed description of noise control including, but not necessarily limited to:
 - a. Proximity of closest inhabitant.
 - b. Expected noise level in decibels at perimeters of mass gathering area.
 - (f) A statement that the mass gathering has municipal approval must be sent to state department of health and human services or applicable state agency.
 - (g) The following shall be available for inspection and testing by the city clerk.
 - (1) All private water supplies for mass gathering.
 - (2) A copy of the water analysis.
- (Ord. No. 38-02072011-05, att. § 24-218, 2-7-2011)

Sec. 14-252. Clerk's notification to council.

As soon as the city clerk or designee receives an application to hold a mass gathering, the clerk shall give public notice by notifying the city council. Such notification shall appear as a formal communication on the agenda of the next regularly scheduled council meeting.

(Ord. No. 38-02072011-05, att. § 24-200, 2-7-2011)

Sec. 14-253. Prior approval.

No permit may be issued to the operator without first receiving the necessary certification from the state department of human services, when applicable, and without being reviewed by the city police, fire, health, public works, and community development departments to ensure that the operator has or will satisfy the assurances contained in the permit. In addition, the operator must obtain approval from the Auburn Water District or the Lake Auburn Watershed Commission for mass gatherings which will be held

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in close proximity (100 feet) to Lake Auburn or the Lake Auburn Watershed and agree to conduct the mass gathering in accordance with the rules of the Water District.

(Ord. No. 38-02072011-05, att. § 24-213, 2-7-2011)

Sec. 14-254. City council review; public hearing; issuance or denial.

- (a) Prior to granting and mass gathering permit, the city council shall hold a public hearing. Reasonable notice of the hearing shall be given to the operator and shall be published at least once in a newspaper having general circulation in the city. At the public hearing, testimony of the operator and any interested member of the public will be heard.
- (b) Within seven days after considering the permit application, the city council takes the following action:
- (c) Issue the permit, when satisfied that the operator has provided all the information required and has met the standards of the ordinance;
- (d) Issue the permit with conditions. The conditions include additional actions the operator must take to ensure protection of the public health, peace, or safety and that are directly related to the location and the expected attendance at the mass gathering;
- (e) Deny the permit, when the city council finds that the operator has not or cannot satisfy the assurances contained in the mass gathering permit application or cannot reasonably comply with the criteria set forth in this ordinance. In the case of a denial, the city council shall state in writing the specific reasons for the denial. If the council fails to issue a decision within the time allowed, the permit is deemed to have been denied.

(Ord. No. 38-02072011-05, att. § 24-203, 2-7-2011)

Sec. 14-255. Appeal of denial or revocation by applicant or operator.

- (a) In the event of either a denial or a revocation of a mass permit by the city clerk, the operator may appeal in writing to the city council. The city council shall either issue the permit, with or without conditions, or deny the permit, within seven days after hearing the appeal.
- (b) In the event of either a denial or revocation of a mass gathering permit by the city council the operator may appeal the decision to the Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(Ord. No. 38-02072011-05, att. § 24-201, 2-7-2011)

Sec. 14-256. Appeal by other persons.

- (a) When the city clerk or designee grants a permit for a mass gathering, any aggrieved person may appeal the city clerk's decision to the city council within 14 days of the clerk's decision. The city council may overturn the clerk's decision when it is determined that any of the criteria set forth in this article have not or would not be met by the operator if the mass gathering were held.
- (b) When the city council issues a mass gathering permit, an appeal of the decision may be taken to the Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(Ord. No. 38-02072011-05, att. § 24-202, 2-7-2011)

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Sec. 14-257. Insurance.

Prior to receiving the permit, but in no event any later than 30 days before the scheduled date of the mass gathering, the operator shall provide the city with a certificate of insurance issued by a reputable insurance company providing liability insurance of at least \$1,000,000.00 per occurrence for bodily injury or death and \$300,000.00 per occurrence for property damage. The insurance policy shall name the city as an additional insured and shall contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the city.

(Ord. No. 38-02072011-05, att. § 24-220, 2-7-2011)

Sec. 14-258. Responsibility for damage and clean-up costs.

The operator and landowner shall be jointly responsible for assuring that the area in the vicinity of the mass gathering is cleared of any debris left by persons attending the mass gathering and for repairing or reimbursing the cost of repairing any damage to private property caused by employees of the operator or by persons attending the mass gathering. The operator and landowner shall be responsible for satisfying and other valid claims for damage to real or personal property caused by the operator, the operator's employees, or any persons attending the event.

(Ord. No. 38-02072011-05, att. § 24-221, 2-7-2011)

Sec. 14-259. Security bond.

- (a) When a permit is issued, the operator shall file with the city clerk or designee a surety bond not less than 15 days prior to the event. The bond shall be issued by a reputable surety company qualified to do business in this state and in the amount that the city council shall reasonably determine, but in no event less than \$5,000.00, to ensure the public peace and safety and compensation for damage to public or private property. Cash or negotiable securities or equivalent value may be furnished in lieu of a bond. The amount of the bond may be reduced by any similar bond furnished to the state department of health and human services in connection with the same event pursuant to 22 M.R.S.A. § 1604.
- (b) The bond shall ensure cleanup by the operator of the area used for a mass gathering, compliance by the operator with applicable state or local laws, and payment by the operator of all valid claims against the operator for damage to real or personal property in the city and arising out of acts done or omitted to be done by the operator, his agents, or his employees, or by other persons attending the mass gathering.
- (c) The bond shall be used to satisfy any valid claims, including payment of penalties for any violations of this ordinance or permit conditions, and for claims of damage to real or personal property caused by the operator, his agents or employees, or by persons attending the event and to reimburse expenses incurred as a direct result of the mass gathering for which the permit was issued.
- (d) Any person, including the city, having such a claim shall file notice of a claim upon the bond with the applicant or his agent within 90 days after the claim arose and shall bring an action on the bond in the Superior Court of Androscoggin County within six months of the act complained of.

(Ord. No. 38-02072011-05, att. § 24-223, 2-7-2011)

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Sec. 14-260. Public costs escrow.

In addition to the bond, not less than 15 days prior to the mass gathering, the operator shall deposit with the city an amount equal to 120 percent of the public costs of the contemplated mass gathering, as estimated by the city manager. Public costs are those costs incurred by the city in connection with a mass gathering and which would not have been incurred by the city if the mass gathering had not been held. Promptly after the conclusion of the mass gathering, the city shall calculate the public costs and the deposit shall be refunded to the operator to the extent the deposit exceeds the public costs or, if the public costs exceed the amount deposited, the operator shall pay the excess to the city within 15 days of being so notified in writing.

(Ord. No. 38-02072011-05, att. § 24-224, 2-7-2011)

Sec. 14-261. Waiver of fees or surety bond.

An appeal for waiver of fees or surety bond may be made in writing to the city council. The city council may waive the permit fee or surety bond, when it determines that such waiver will not compromise the purpose or enforcement of this article.

(Ord. No. 38-02072011-05, att. § 24-225, 2-7-2011)

Sec. 14-262. Revocation of permit.

- (a) The city clerk or designee of the city council may revoke the permit at any time prior to the date of the scheduled mass gathering when it is determined that the operator has failed to comply with any of the requirements of this ordinance, any requirements contained in the permit, or has failed to secure in a timely manner any other license or permit required by the city or any other government agency in order to hold the event.
- (b) The city shall give written notice to the operator that the permit is being revoked and the reasons for such revocation. Whenever possible, the city will revoke a permit only after notice to the operator stating the reasons for revocation and an opportunity to be heard in the city council. Notice of the reasons for the revocation will be delivered to the operator or his agent personally or by expedited mail service.

(Ord. No. 38-02072011-05, att. § 24-219, 2-7-2011)

Sec. 14-263. Tickets.

If tickets are to be sold to the event, the operator will state the maximum number of tickets that will be available. For the purpose of this ordinance, a "ticket" includes any receipt or token of eligibility to attend the event, including parking permits. The mass gathering area must have sufficient area to allow ten square feet per person. In no event may more tickets be available than the number of person who can be accommodated at the site of the mass gathering. After all tickets are sold, or after the conclusion of the mass gathering, whichever occurs first, the operator must provide the city clerk or designee with a sworn statement regarding the number of people who attended the event.

(Ord. No. 38-02072011-05, att. § 24-204, 2-7-2011)

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Sec. 14-264. Curfew.

No mass gathering shall continue later than 11:00 p.m. except that the city council may extend the curfew for a reasonable period based on a determination that such an extension is not likely to have an adverse effect on neighboring property owners.

(Ord. No. 38-02072011-05, att. § 24-205, 2-7-2011)

Sec. 14-265. Parking.

- (a) The operator must ensure that there will be adequate on-site and off-street parking areas, including handicapped parking spaces, to accommodate the number of vehicles expected. "Adequate" means that there must be at least one parking space for every four persons. Off-site parking areas are permitted if the operator provides written authorization from the property owner for the use of those sites. On-street parking will be permitted if the police chief determines it will be create an undue safety hazard. The operator will provide and post signs directing people to parking sites.
- (b) For events where the expected attendance will exceed 5,000 people and the operator will be using off-site parking, the operator must provide a written statement from a towing company retained by the operator that towing services will be available to remove disabled vehicles or vehicles that block driveways, obstruct the free flow of traffic, obstruct the access of emergency vehicles, or otherwise create a safety hazard or nuisance. The operator will post notice at the entrance to the mass gathering that cars which are parked illegally or which are parked on private property without the property owner's permission will be towed at the vehicle owner's expense. In any such case, the owner of the vehicle or the operator will be liable for the towing charge and in no event will it be charged to the property owner.
- (c) When parking occurs on private roads or public easement (commonly known as private ways), and when prohibitions on parking have been posted, and when such parking obstructs emergency vehicles and thus creates a public hazard, the Auburn Police may, on their own knowledge, or upon complaint that a car is parked without with property owner's permission, order the towing of such vehicles at the expense of the vehicle's owner.
- (d) In addition, residents may, on their own, notify the towing company retained by the operator to have any vehicle located on their own private property towed at the vehicle owner's expense.

(Ord. No. 38-02072011-05, att. § 24-206, 2-7-2011)

Sec. 14-266. Security.

A detailed plan describing measures that will be in place to ensure crowd control, police security, and protection of public and private property, including steps that will be taken to prevent trespassers from gaining access to the site via private property adjacent to the mass gathering site must be provided. The plan must include an explanation of how and when city police officers or private security officers will be deployed and where they will be located before, during, and after the event. The police chief will determine the number of police officers or private security officers that will be required at each event based on the number of persons reasonably expected to attend and on any other reasonably reliable information regarding security risks, if any, posed by the proposed mass gathering.

(Ord. No. 38-02072011-05, att. § 24-207, 2-7-2011)

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Sec. 14-267. Medical care.

In the case of mass gatherings at which 5,000 or more persons are reasonably expected to be present at any one time, there must be a first aid building, tent, or equivalent facility that is equipped with basic and advanced medical supplies and equipment and is staffed by at least one paramedic licensed by this state and one firefighter trained to the first responder level or higher.

(Ord. No. 38-02072011-05, att. § 24-208, 2-7-2011)

Sec. 14-268. Water supply.

The applicant must provide an adequate, safe supply of potable water in accordance with the requirements of the state department of health and human services, division of health engineering. In addition there must be adequate water to extinguish a fire at the site. The plan must detail the source and location of water supplies.

(Ord. No. 38-02072011-05, att. § 24-209, 2-7-2011)

Sec. 14-269. Refuse.

- (a) There must be at least one 50 gallon refuse container or equivalent for each 100 persons expected to attend. Recycling containers will be available for materials which are accepted by the city recycling program.
- (b) Refuse must be collected and the receptacles must be emptied or replaced periodically during the mass gathering to ensure that the site is free from accumulation of refuse and to minimize odor, infestation of insects or rodents, or any other condition that is a nuisance or inconsistent with standards for health, safety, and welfare for the patrons of the gathering or the public.
- (c) The operator is responsible for removal of any and all refuse, waste receptacles, sanitation facilities, staging, tents, equipment, and any other structures that were brought to the site for the purpose of the mass gathering. Clean up of the site must be completed within 24 hours after the mass gathering concludes.

(Ord. No. 38-02072011-05, att. § 24-210, 2-7-2011)

Sec. 14-270. Communications.

There must be telephone or radio communication available for emergency purposes. In areas of the city where there are bodies of water that pose additional risk to public safety, the fire department rescue boat will be available at the site. The city fire chief will determine the number of personnel needed and the times during which they will be available.

(Ord. No. 38-02072011-05, att. § 24-211, 2-7-2011)

Sec. 14-271. Noise levels.

- (a) The city council may, as a condition of issuing a permit, require the operator to control sound generated at any mass gathering which involves the live or electronically or mechanically produced performance of music (herein after referred to as a "concert."

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- (b) The city council may establish permissible noise levels which will be made a condition of the mass gathering permit and which may vary depending on the nature and topography of the area and the proximity of nearby residents.
- (c) When so required by the city council, the operator will, at his expense, take sound measurements during the concert and will allow up to three representatives designated by the city in advance to be present at the concert for the purpose of verifying the sound measurement levels.
- (d) If any limits are exceeded during the concert, the city representative will promptly issue a verbal warning to the operator. The operator will be required to take immediate steps to ensure that the sound levels are not exceeded again during the concert. Each incident after the initial warning will constitute a separate violation of this ordinance and the operator will be required to pay the city \$1,000.00 for the first violation, \$2,000.00 for the second violation at the same concert, and \$5,000.00 for the third and each subsequent violation at the same concert.
- (e) The operator may appeal any penalty to the city council by filing a written notice of appeal within 48 hours after the conclusion of the concert. The city council will hear the appeal at its next regularly scheduled meeting and may reduce or rescind the penalties if the council finds that the operator made a good faith attempt to avoid violating the limits and despite the operator's efforts the violation occurred.

(Ord. No. 38-02072011-05, att. § 24-212, 2-7-2011)

Sec. 14-272. Overnight assembly.

A description of the sleeping area and facilities that will be available for patrons who will be staying at the mass gathering site after the conclusion of the event must be provided. Patrons will be permitted to remain overnight at the site of the mass gathering only to the extent that adequate facilities and space are available. In no event shall such lodging at the site be permitted beyond noon the day following the conclusion of the event.

(Ord. No. 38-02072011-05, att. § 24-214, 2-7-2011)

Sec. 14-273. Traffic control.

In order to protect the public safety, the operator must ensure that there will be safe and adequate access for pedestrian and vehicular traffic and for emergency vehicles to enter and exit the site of the mass gathering. The police chief will determine the adequacy of the operator's traffic plan. At a minimum, the operator must submit a detailed plan that contains the following:

- (1) A description of the streets or road people attending the event are likely to take to reach the site of the mass gathering, plus the entrance and exit points for pedestrians and vehicular traffic.
- (2) The type, number, and location of persons who will be present to direct traffic both before and after the event, plus the location of signs which will direct people to the site, including places where people are allowed to park.

(Ord. No. 38-02072011-05, att. § 24-215, 2-7-2011)

Sec. 14-274. Protection of environmental features.

The operator must provide information regarding the location of watercourses, wetlands, marshes, surface water, wooded areas, and other natural resources in the area of the mass gathering which may be affected by the event. In consultation with the community development department, the operator must

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provide information regarding what steps he will take to protect any environmentally sensitive areas and to site the event so as to not adversely impact the surrounding environment. When applicable, the operator must demonstrate compliance with the environmental restrictions contained in city zoning regulations unless otherwise provided in this article.

(Ord. No. 38-02072011-05, att. § 24-216, 2-7-2011)

Sec. 14-275. Alcoholic beverages.

The sale or consumption of alcoholic beverages of any kind is prohibited within the mass gathering area during any event. The operator will exercise due diligence and exert his best efforts to prevent the consumption of alcoholic beverages within the mass gathering area and to prevent patrons from using, consuming, bringing in, or otherwise obtaining alcoholic beverages within the mass gathering areas. The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.

(Ord. No. 38-02072011-05, att. § 24-217, 2-7-2011)

Secs. 14-276—14-315. Reserved.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Jonathan P. LaBonte, Mayor

Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

IN CITY COUNCIL

ORDINANCE 04-01262015

Be it ordained by the Auburn City Council, that the Code of Ordinances Chapter 14, Article IX - Mass Gatherings, section 14-275 – Alcoholic Beverages be amended as follows;

Sec. 14-75. Alcoholic Beverages

The sale or consumption of alcoholic beverages of any kind is prohibited within the mass gathering area ~~during any event~~ unless the operator obtains all necessary permits from the City. ~~The operator will exercise due diligence and exert his/her best efforts to prevent the consumption of alcoholic beverages within the mass gathering area and to prevent patrons from using, consuming, bringing in, or otherwise obtaining alcoholic beverages within the mass gathering areas.~~

If the Operator intends to sell or permit the sale of alcoholic beverages within the mass gathering area during a mass gathering, the Operator shall restrict the time and location of such sale so that alcoholic beverages are sold only during the particular event and so that public safety and order will not be impaired. The Operator shall comply fully with the laws of the State of Maine regulating the sale and consumption of alcoholic beverages, as well as with the City's Special Amusement Ordinance. Alcoholic beverages may be sold and consumed only within a restricted area of the Facility, which does not include the parking lot. The Operator shall identify, in its Permit Application, the specific restricted areas where it proposes to sell alcoholic beverages, and the means by which it anticipates to limit the consumption of alcohol to such restricted portions of the mass gathering area. Additionally, the Operator shall exercise all due diligence, work with the Auburn Police Department on strict enforcement and exert its best efforts to control, limit and prevent the unauthorized consumption of alcoholic beverages on any part of the mass gathering area outside of the restricted areas, and to prevent patrons of the mass gathering area from using, consuming, bringing in, or otherwise obtaining alcoholic beverages in any manner not authorized by this Ordinance. Nothing in this Ordinance shall preclude the Operator from implementing more restrictive rules for the sale and consumption of alcoholic beverages. No one under the age of 21 years of age will be allowed in this area.

The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.

Any person, partnership, corporation or other legal entity including the Operator, violating this Section shall be punished by a civil penalty of at least One Hundred (\$100.00) Dollars but not more than Five Hundred (\$500.00) Dollars. The failure to comply with conditions imposed upon the issuance of a mass gathering permit shall be a violation of this Section. Each violation shall be considered a separate offense, and each day a violation is allowed to exist shall be considered a separate offense. The civil penalty provided for in this Section shall be in addition to any other penalty or damages provisions provided within this Section, and shall be in addition to all other remedies to the City of Auburn at law and in equity. The provisions of this Section shall be enforced by the City Manager or such other municipal official or employee as the City Manager shall designate in writing. The City shall also be entitled to its reasonable attorney fees and costs for successfully prosecuting a violation of this Section.



City Council Information Sheet

City of Auburn

Council Meeting Date: February 9, 2015

Order 08-02022015

Author: Roland G. Miller

Subject: License Agreement for Power & Construction Group, Inc.

Information: Power & Construction Group currently leases approximately 2.5 acres at the Auburn Intermodal site. They store long power polls on site. The lease with the wholly owned subsidiary of Genesee & Wyoming railroad has expired so they desire to switch the License Agreement to the City of Auburn and lease approximately 1.5 additional acres for poll storage. The rental payments will net the City slightly more than \$18,000 a year. The agreement is for 2 years. Even though the agreement with the railroad has expired staff took this proposal to them for review. The railroad has approved the layout and lease concept.

Advantages: City of Auburn will receive rent for land within the intermodal facility without adversely affecting railroad operations (we continue discussions to find a path to a new agreement with the railroad).

Disadvantages: The portion of the property under this agreement will be committed to this use for two years.

Financial: Auburn will receive rent amounting to slightly more than \$18,000 per year.

Action Requested at this Meeting: Authorize the City Manager to execute the document necessary to finalize this agreement.

Previous Meetings and History: Discussed in executive session 1/20/15.
Work shopped 2/2/15

Attachments: Order 08-02022015

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 08-02022015

ORDERED, that the City Manager is authorized to execute all documents needed to grant a License Agreement to Power & Construction Group, Inc. to lease approximately 4.02 Acres of land, located within the auburn intermodal facility, for the purpose of storing poles. The lease obligation will be for 24 months.



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 2/9/2015

Ordinance 05-02022015

Author: Denis D'Auteuil

Subject: Conservation Commission and Tree Harvesting

Information: City staff will present two new ordinances for adoption by the City Council as well as the adoption of recommended updates to an existing ordinance. The ordinances would create a conservation commission and establish improved standards for the management and maintenance of city owned trees, forests, and parks.

Advantages:

- With the changes of our Parks and Recreation Advisory Board being re-focused on recreation and special events the conservation commission would provide needed focus on the city of Auburn's parks, open spaces, shade trees, and forests.
- By establishing conservation commissions there are opportunities to build plans for conserving Auburn's natural resources, as laid out in the comprehensive plan, and place a focus on forests in the city of Auburn.
- The conservation commission would set its work plan based on broader policy issues related to parks, open spaces, shade trees, and forests. These issues would be reviewed and managed under one committee, rather than the possibility it could be multiple committees.
- Some of the pending issues would be addressed holistically, including providing recommendations on policies regarding the maintenance and harvesting of all city shade trees, parks, and forests in the City of Auburn, and how the city should pursue forest management.
- The tree maintenance ordinance would aide in the protection of all city owned trees and create an appeals process for residents.
- Adoption of the tree maintenance ordinance would establish a process for proper allocation of revenues produced from the maintenance or harvesting of any city owned tree or forest.

Disadvantages:

- The current structure of the Lewiston and Auburn Forest Board is focused on the trees and forests within the city of Auburn owned by the city. With the recent changes in the Parks and Recreation Board focusing on Recreation and Special Events this leaves no oversight from any board or committee on our city parks and open spaces.
- The current tree maintenance ordinances do not have an appeals process for decisions made by the City Arborist, nor do they address the issues around the tree harvesting revenues.
- As we continue to look at policy issues revolving around natural resources, as laid out in the comprehensive plan, implementation of these policies could be slowed down by needing to work with multiple committees.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends that the Conservation Commission Ordinance and the Tree Maintenance Ordinance be adopted by the City Council. Staff also recommends that current Tree Maintenance ordinance be updated and adopted with the proposed language.

Previous Meetings and History:

- January 20, 2015 staff presented edits made to the proposed ordinances and provided responses to the questions and comments from the November 24, 2014 Council Workshop.
- November 24, 2014 the Tree Maintenance ordinance and Conservation Commission ordinance were presented to the City Council. Updates to the city's current ordinance on tree maintenance were also presented.
- April 1, 2013 an ordinance proposed by our Lewiston/Auburn Forest Board was presented to the City Council. The Forest Board presented a very similar ordinance in Lewiston and the Lewiston Council adopted the ordinance. No action was taken by the Auburn City Council.
- On December 16, 2013 the City Council passed a resolve that placed a 6 month moratorium on all tree harvests in the city. They passed the resolve on December 16, 2013 and the moratorium expired on June 14, 2014.
- August 5, 2013 the Mayor submitted a memo to the City Council that outlined changes to the Parks and Recreation Board and this resulted in the creation of the Recreation and Special Events Advisory Board. Along with those changes staff was asked to create a Conservation Commission.

Attachments:

1. Current Tree Maintenance Ordinance with proposed changes

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 05-02022015

Be it ordained by the Auburn City Council, that Part II, Code of Ordinance, Chapter 56, Vegetation, Article II – Trees and Shrubs, Section 56.19 - Tree Maintenance be amended as follows.

Sec. 56-19. - Tree maintenance.

The public works director or persons acting under his direction and control may enter upon private property at reasonable times for the purpose of detecting the presence of tree disease and carrying out control measures. Whenever a tree is found upon private property infected with the disease, or whenever a tree is found upon private property that creates a hazard to the safety of persons or property, the public works director shall give notice in writing to the property owner advising him of the dangerous condition, demanding that the property owner have the tree removed within 30 days of receiving such notice, and notifying the property owner that if the requested action is not taken within the 30-day period the tree may be removed by the City at the expense of the property owner. If the requested action is not taken within the 30-day period, and if the public works director determines that immediate action is necessary to protect persons or property from the dangerous tree, he, or persons acting under his direction, may enter the premises and cause the dangerous tree or part thereof to be removed at the expense of the property owner. A property owner may appeal the public works director's notice to remove the tree within 30 days of receiving such notice to the Board of Appeals. An adverse decision of the Board of Appeals may be appealed to the Superior Court within 30 days of the decision.



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 2/9/2015

Ordinance 06-02022015

Author: Denis D'Auteuil

Subject: Conservation Commission and Tree Harvesting

Information: City staff will present two new ordinances for adoption by the City Council as well as the adoption of recommended updates to an existing ordinance. The ordinances would create a conservation commission and establish improved standards for the management and maintenance of city owned trees, forests, and parks.

Advantages:

- With the changes of our Parks and Recreation Advisory Board being re-focused on recreation and special events the conservation commission would provide needed focus on the city of Auburn's parks, open spaces, shade trees, and forests.
- By establishing conservation commissions there are opportunities to build plans for conserving Auburn's natural resources, as laid out in the comprehensive plan, and place a focus on forests in the city of Auburn.
- The conservation commission would set its work plan based on broader policy issues related to parks, open spaces, shade trees, and forests. These issues would be reviewed and managed under one committee, rather than the possibility it could be multiple committees.
- Some of the pending issues would be addressed holistically, including providing recommendations on policies regarding the maintenance and harvesting of all city shade trees, parks, and forests in the City of Auburn, and how the city should pursue forest management.
- The tree maintenance ordinance would aide in the protection of all city owned trees and create an appeals process for residents.
- Adoption of the tree maintenance ordinance would establish a process for proper allocation of revenues produced from the maintenance or harvesting of any city owned tree or forest.

Disadvantages:

- The current structure of the Lewiston and Auburn Forest Board is focused on the trees and forests within the city of Auburn owned by the city. With the recent changes in the Parks and Recreation Board focusing on Recreation and Special Events this leaves no oversight from any board or committee on our city parks and open spaces.
- The current tree maintenance ordinances do not have an appeals process for decisions made by the City Arborist, nor do they address the issues around the tree harvesting revenues.
- As we continue to look at policy issues revolving around natural resources, as laid out in the comprehensive plan, implementation of these policies could be slowed down by needing to work with multiple committees.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends that the Conservation Commission Ordinance and the Tree Maintenance Ordinance be adopted by the City Council. Staff also recommends that current Tree Maintenance ordinance be updated and adopted with the proposed language.

Previous Meetings and History:

- January 20, 2015 staff presented edits made to the proposed ordinances and provided responses to the questions and comments from the November 24, 2014 Council Workshop.
- November 24, 2014 the Tree Maintenance ordinance and Conservation Commission ordinance were presented to the City Council. Updates to the city's current ordinance on tree maintenance were also presented.
- April 1, 2013 an ordinance proposed by our Lewiston/Auburn Forest Board was presented to the City Council. The Forest Board presented a very similar ordinance in Lewiston and the Lewiston Council adopted the ordinance. No action was taken by the Auburn City Council.
- On December 16, 2013 the City Council passed a resolve that placed a 6 month moratorium on all tree harvests in the city. They passed the resolve on December 16, 2013 and the moratorium expired on June 14, 2014.
- August 5, 2013 the Mayor submitted a memo to the City Council that outlined changes to the Parks and Recreation Board and this resulted in the creation of the Recreation and Special Events Advisory Board. Along with those changes staff was asked to create a Conservation Commission.

Attachments:

1. Proposed Tree Maintenance Ordinance

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 06-02022015

Be it ordained by the Auburn City Council, that Part II, Code of Ordinance, Chapter 56, Vegetation, Article II – Trees and Shrubs be amended to include Section 56.21 – Shade Trees.

City of Auburn Shade Tree Ordinance

Section 1 – Preamble.

The City of Auburn hereby adopts the following shade tree maintenance ordinance in order to regulate the removal, pruning, planting, and maintenance of trees within or upon the limits of any city road or public right of way and of trees located on public property.

Section 2 – Authority.

This ordinance is enacted pursuant to the Home Rule Authority granted to the city in accordance with the provisions of 30-A M.R.S.A. §3001.

Section 3 – Definitions.

- 3.1 Person-Any individual, person, firm, corporation, association, partnership or organization
- 3.2 Abutter – Person as defined above, who owns property, which includes the limits of any city road, public right of way, or any highway within the meaning of 30-A.M.R.S.A. §3281.
- 3.3 Public Trees-All trees located upon any public property owned by the city, including public property currently used by any individual departments.
- 3.4 Public Shade Trees-All trees within or upon the limits of any city road, public right of way, or any highway within the meaning of 30-A M.R.S.A. §3281. Street trees are owned by the abutter as defined above, but managed by the city under this ordinance
- 3.5 Municipal Arborist-An official of the city appointed by the city manager who shall include the care and control of all public shade trees upon and along city roads and public rights of way and in the parks and public lands of the city, and that official shall enforce all laws relating to the preservation and maintenance of public shade trees and public trees. Any term or word of this ordinance which is not defined in this section shall have a meaning consistent with Title 30-A, M.R.S.A., to the extent that such term is defined in that Title; any terms that are not defined in that Title shall have a meaning consistent with common usage.
- 3.6 Community Cords- This program is established to provide available resources to the Health and Human Services Department to assist qualifying applicants with heating assistance. The program is funded through annual appropriations from the Public Tree Revenue Account, by the City Council, during the annual budget process from at least 2 sources: selling wood from city tree maintenance and also the harvesting of city forests.

Section 4 - Appointment of municipal arborist.

The city manager shall appoint the municipal arborist who shall administer this ordinance in coordination with such other municipal agencies/departments as now or may in the future share in the responsibility of caring for and maintaining the community forest. The municipal arborist shall have appropriate training and skill in performing care and maintenance of all shade trees. The municipal arborist shall at all times during his or her employment hold a valid arborist's license issued by the State of Maine.

Section 5 – Harvest revenues.

If and when revenues generated from any timber harvests, salvage, or removal exceed the expense of conducting that harvest, salvage, or removal, the surplus revenues will be deposited in a dedicated Public Tree Revenue account. Proposed expenditures of funds from this account shall be presented to the city council each fiscal year during the annual budgetary process. Expenditures related to the maintenance, replacement and improvement of public trees and the Community Cords Program should be given priority while budgeting for expenditures from the Public Tree Revenue account.

Section 6 – Prohibition.

No person shall prune, plant, cut down, remove, or alter a public shade tree or a public tree unless that person has first obtained the consent of the municipal arborist for those actions.

Section 7 - Request for consent from municipal arborist.

7.1 Written Request- Any person who intends to prune, plant, cut down, remove, or alter a public shade tree or public tree shall make a written request to the municipal arborist and shall state specifically the action intended to be taken by that person concerning an identified public shade tree or public tree.

7.2 Written Decision- Within ten (10) days of receipt of a written request pursuant to section 7.1 the municipal arborist shall approve the request, approve the request with conditions, or deny the request in a written decision mailed or hand delivered to the person making the request.

The municipal arborist shall have the authority to deny or impose reasonable conditions upon approval of the request in order to preserve and maintain the health and beauty of public shade trees or public trees and the places where such trees are located; and in order to protect the public safety and the safety and convenience of the city roads, highways, public rights of way, and public lands. Any permit granted shall contain a definite date of expiration and may contain conditions attached thereto by the municipal arborist.

Section 8 – Appeal.

In the event that a person is aggrieved by the decision of the Municipal Arborist, then such a person shall have the right to appeal the notice of the municipal arborist to the city council within ten (10) days of the date of the notice of the municipal arborist. The appeal shall be made in writing and shall set forth specifically the basis for the appeal.

Upon receipt of the written appeal by the city council, the city council may delegate the responsibility for hearing appeals under this ordinance to another city administrative board or city staff member.

The appeal hearing shall be scheduled within 60 days, and the appeal findings shall be communicated in writing to the person filing the appeal within 10 days of the appeal hearing.

Section 9 - Guidelines for planting, pruning, cutting removing, or altering of public shade trees.

After a public hearing, the city council or its' designated administrative board shall have the authority to adopt, amend, or modify guidelines for pruning, planting, cutting, removing or altering of trees, and thereafter, the Municipal Arborist shall use those guidelines in making decisions pursuant to this ordinance.

Section 10 – Violations and penalties.

- a) Any violator of any provision of this article shall be subject to a civil penalty payable to the city. Each act of violation shall constitute a separate offense.
- b) Should any public tree be destroyed, the person causing the destruction shall also make restitution to the city in an amount equal to the cost to the city of removing the destroyed tree plus its replacement value.
- c) Whenever the municipal arborist determines there are reasonable grounds to believe there has been a violation of any provisions of this article, he/she may initiate enforcement proceedings in accordance with the citation system established in article VIII of chapter 2.
- d) In addition to the remedies set forth above, the municipal arborist, on behalf of the city, may seek an abatement of the violation, or injunctive relief, including an award of penalties and reasonable attorney fees, from the district court or the superior court.
- e) The court also may order a violator of this article to reimburse the city for the cost of any action that was necessary to correct violations of the ordinance. If the city is the prevailing party in an enforcement action, it shall be awarded reasonable attorney's fees and costs.

Section 11 - Severability.

The provisions of this ordinance shall be severable. If any portion of this ordinance is held to be invalid, the remainder of this ordinance and its application thereof shall not be affected.

Section 12 - Other laws and ordinances.

This ordinance shall not prohibit or prevent the city from pruning, cutting, altering, or removing trees when the pruning, cutting, alteration, or removal is ordered by the city council or its' designated administrative board for the following purposes:

- a) To layout, alter or widen the location of city roads or highways;
- b) To lessen the danger of travel on city roads or highways; or
- c) To suppress tree pests or insects.
- d) To replace street trees that have been removed and to add shade trees to the community forest

Should the city initiate work concerning street trees referenced above in Section 12 a), b) c) or d) the abutter shall be notified a minimum of 10 days prior to commencement of the work.

The consent of the municipal arborist is not required for planting, pruning, cutting, altering or removal of trees by the city for the foregoing purposes set forth in Section 9 of this ordinance. The consent of the municipal arborist is also not required for pruning, cutting or removal of trees in connection with routine maintenance of public parks and other public facilities which are managed by the Public Services Department of the city. The city shall, however, conform to any guidelines adopted pursuant to Section 10 of this ordinance in any actions taken for the foregoing purposes.



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 2/9/2015

Ordinance 07-02022015

Author: Denis D'Auteuil

Subject: Conservation Commission and Tree Harvesting

Information: City staff will present two new ordinances for adoption by the City Council as well as the adoption of recommended updates to an existing ordinance. The ordinances would create a conservation commission and establish improved standards for the management and maintenance of city owned trees, forests, and parks.

Advantages:

- With the changes of our Parks and Recreation Advisory Board being re-focused on recreation and special events the conservation commission would provide needed focus on the city of Auburn's parks, open spaces, shade trees, and forests.
- By establishing conservation commissions there are opportunities to build plans for conserving Auburn's natural resources, as laid out in the comprehensive plan, and place a focus on forests in the city of Auburn.
- The conservation commission would set its work plan based on broader policy issues related to parks, open spaces, shade trees, and forests. These issues would be reviewed and managed under one committee, rather than the possibility it could be multiple committees.
- Some of the pending issues would be addressed holistically, including providing recommendations on policies regarding the maintenance and harvesting of all city shade trees, parks, and forests in the City of Auburn, and how the city should pursue forest management.
- The tree maintenance ordinance would aide in the protection of all city owned trees and create an appeals process for residents.
- Adoption of the tree maintenance ordinance would establish a process for proper allocation of revenues produced from the maintenance or harvesting of any city owned tree or forest.

Disadvantages:

- The current structure of the Lewiston and Auburn Forest Board is focused on the trees and forests within the city of Auburn owned by the city. With the recent changes in the Parks and Recreation Board focusing on Recreation and Special Events this leaves no oversight from any board or committee on our city parks and open spaces.
- The current tree maintenance ordinances do not have an appeals process for decisions made by the City Arborist, nor do they address the issues around the tree harvesting revenues.
- As we continue to look at policy issues revolving around natural resources, as laid out in the comprehensive plan, implementation of these policies could be slowed down by needing to work with multiple committees.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends that the Conservation Commission Ordinance and the Tree Maintenance Ordinance be adopted by the City Council. Staff also recommends that current Tree Maintenance ordinance be updated and adopted with the proposed language.

Previous Meetings and History:

- January 20, 2015 staff presented edits made to the proposed ordinances and provided responses to the questions and comments from the November 24, 2014 Council Workshop.
- November 24, 2014 the Tree Maintenance ordinance and Conservation Commission ordinance were presented to the City Council. Updates to the city's current ordinance on tree maintenance were also presented.
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- On December 16, 2013 the City Council passed a resolve that placed a 6 month moratorium on all tree harvests in the city. They passed the resolve on December 16, 2013 and the moratorium expired on June 14, 2014.
- August 5, 2013 the Mayor submitted a memo to the City Council that outlined changes to the Parks and Recreation Board and this resulted in the creation of the Recreation and Special Events Advisory Board. Along with those changes staff was asked to create a Conservation Commission.

Attachments:

1. Proposed Conservation Commission Ordinance

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 07-02022015

Be it ordained by the Auburn City Council, that the following ordinance for a Conservation Commission be adopted (Part II – Code of Ordinance, Chapter 2 – Administration, Article V – Boards, Commissions and Committees, Division 5).

CITY OF AUBURN

CONSERVATION COMMISSION

Section 1. - Commission established.

A conservation commission is hereby established pursuant to 30-A M.R.S.A. §§ 3261-3263 to consist of seven (7) members appointed by the city council, all of whom shall be residents of the city. The terms of office shall be three (3) years except that initial appointments after the date of adoption of this Ordinance shall be such that the terms of no more than three (3) members shall expire in any single year. For that purpose, the city council shall initially appoint three members for terms of one year, two members for terms of two years, and two members for terms of three years, such that the terms of approximately one-third of the members shall expire each year. There shall be one (1) ex-officio member of the board consisting of the City Manager or his/her designee.

Section 2. - Purpose.

The purpose of the conservation commission shall be to serve as a research, advisory and advocacy group on environmental and conservation issues relating to the city.

Section 3. - Qualifications.

All members of the commission shall be selected upon the basis of their knowledge of or interest in conservation, environmental science or related fields.

Section 4. - Powers and duties.

The commission:

- (a) Shall keep records of its meetings and activities and make an annual report to the city council;
- (b) Shall conduct research, in conjunction with the planning board, into local land areas, which shall be initiated by majority votes of both the commission and the planning board;
- (c) Shall seek to coordinate the activities of conservation bodies organized for similar purposes;
- (d) Shall keep an index of all open areas within the city, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the city council or to any Board of the city or to any body politic or public agency of the state a program for the better protection, development or use of such open areas, which may include the acquisition of conservation easements;
- (e) May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary, if municipal appropriations provide financial resources to do so;
- (f) Shall assist staff in the preparation of park and trail plans, the identification of new sites to be added to the park system, recommendations on designation of open space areas, and grant assistance;
- (g) Shall coordinate applications for grants from the Federal or State governments, or private sources, to improve conservation assets for the city including parks, trail and the community forest.
- (h) Shall undertake any other conservation or environmental activity referred to it by the city council.
- (i) May recommend to the city council the acceptance of gifts in the municipality's name for any of the commission's purposes.
- (j) Shall develop a plan for and provide advice to city staff and agencies regarding the management of the community forest including the anticipated impact of proposed development;
- (k) Shall raise community awareness regarding the importance of the community forest;
- (l) May raise funds to establish a community forest trust fund;
- (m) Shall adopt by-laws to govern the internal affairs of the commission; and
- (n) May perform such other functions as are permitted by this Code.

Section 5. - Officers, meetings and records.

- (a) The members shall elect from their membership a chairperson, treasurer, a vice-chairperson and a secretary. Officers shall serve two year terms.
- (b) All meetings of the commission shall be open to the public, and notice, if required by law, should be

provided to the public about such meetings.

- (c) Minutes shall be kept of all meetings.

Section 6. – Committees

- (a) Establishment: The chairperson may appoint special committees for purposes and terms approved by the Conservation Commission.
- (b) Lewiston-Auburn Community Forest Board: The Lewiston-Auburn Community Forest Board will be a standing subcommittee of the Auburn Conservation Commission. The purpose of the Community Forest Board is to plan for and provide advice to city staff and the conservation commission regarding the management of the community forest. The Conservation Commission shall designate two members to serve on the Lewiston-Auburn Community Forest Board. The Lewiston-Auburn Community Forest Board shall develop and implement a Community Forest Program that enhances, preserves, protects, and maintains the community Forest. Primary activities are to:
- Advocate for the community forest;
 - Develop a plan for and provide advice on the management of the public sector portion of the community forest;
 - Educate the communities about the community forest and how to care for it;
 - Raise funds, including grants, and establish a Community Forest Trust;
 - Develop and advise on policy changes for approval by the City Councils;
 - Advise and consult on community forest issues and projects
 - Communicate and coordinate with City staff, Planning Boards, and other community programs to avoid duplications of efforts and to combine resources to meet goals.

Section 7. - Limits of authority.

Nothing contained within this section shall supersede the provisions of the Charter or contrary provisions of the Code. No powers and duties which may be exercised by conservation commissions under state statute which are not explicitly provided in this article may be exercised by the commission created herein.



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 02-09-2015

Ordinance 08-02022015

Author: Howard Kroll, Acting City Manager

Subject: Ordinance Amendment

Information: Staff has recommended that the Tax Assessor and Assessing Department be merged into the Finance Department. Implementation would require amending the ordinance.

Advantages:

- (1) Improve efficiencies for customers who seek assessing information concerning their property. Merging Assessing into Finance will provide that.
- (2) Commitment of taxes will be more organized and structured versus one department seeking information from another.

Disadvantages:

- (1) none

City Budgetary Impacts: Merging the two departments into one will stabilize the cost of doing assessing services. There will be less need to contract out for services that otherwise would need to be done by a contractor such as quarterly reviews.

Staff Recommended Action: Recommend passage

Previous Meetings and History: 1/20/2015 Council workshop

Attachments:

Proposed Ordinance amendment (Division 7- ASSESSOR Section 2-256- POWERS AND DUTIES)

City of Auburn, Maine

Office of the City Manager



TO: Mayor and City Council
FROM: Howard Kroll, City Manager
RE: Reorganization of the Tax Assessing Department
DATE: January 14, 2015

The Council meeting of January 5, Karen Scammon was appointed Tax Assessor for a two-year period from 2/1/15 through 1/31/17. Ms. Scammon served as Interim Assessor upon the resignation of the previous Assessor in June of 2014. At the time of this interim appointment, there were two vacancies in an office that was staffed by three full-time employees. The interim appointment allowed me time to review potential models for delivering high quality, customer service-oriented tax assessment services and to determine if an alternative is a good fit for the City of Auburn. Delivery models reviewed included:

- providing all of the services through in-house staff;
- providing services with a combination of in-house staff and contracted appraisal services;
- fully contracting out the full services; and
- consolidating assessing services with the City of Lewiston.

These various models have advantages and disadvantages which have been previously presented to the City Council. In summary, the alternate service delivery models do not provide significant cost savings, compromise customer service and/or the timeline for implementation will not address immediate staffing needs.

At this time I am proposing an internal reorganization that will combine the tax assessment functions with the Financial Services Department. I see a number of advantages to this reorganization. First of all, the taxation functions from assessment to tax commitment to tax collections to the lien process will be fully integrated within one department. Secondly, the current Financial Services personnel can perform a number of administrative and customer service tasks that will allow the Tax Assessor and Appraiser to concentrate on field work and other functions that require their specialized expertise. Thirdly, the proposed reorganization will provide a full work week of 42.5 hours of assistance to walk-in customers and telephone coverage for routine tax assessment questions. Currently, during the busiest times of the year, the Tax Assessor's Office is unable to return phone calls and answer e-mails on a daily basis.

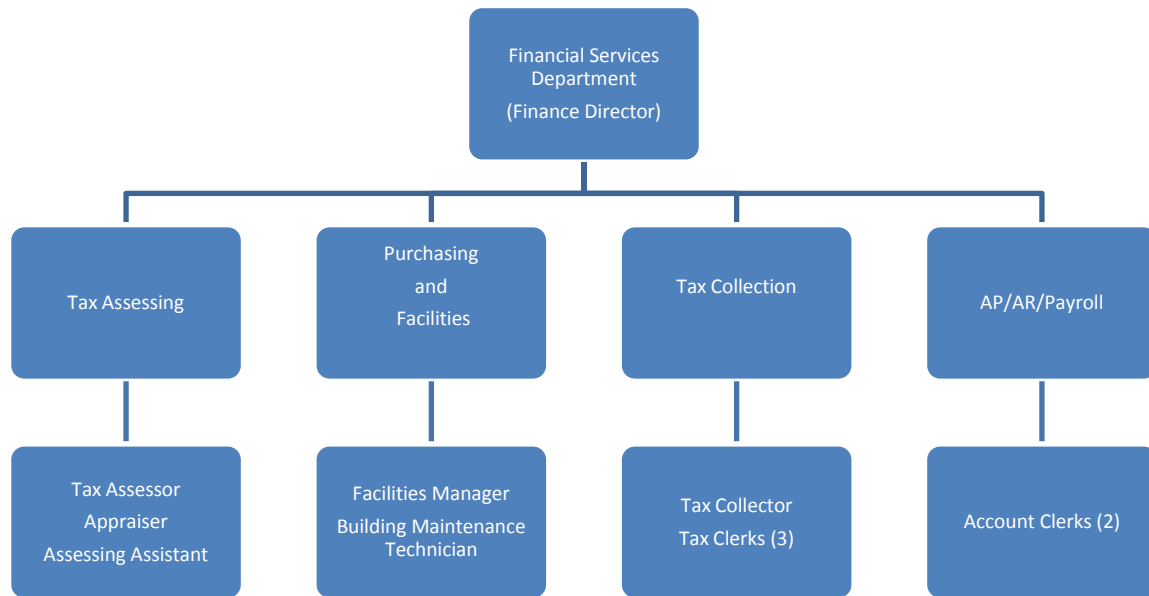
Under this proposal, the Financial Services Director will oversee four functions: assessing, AP/AR/Payroll, Tax Collection, and Purchasing/Facilities. An organization chart is attached. The

Tax Assessor, Appraiser and Assessing Assistant will continue to work out of their current location with the Community and Economic Development Department and the Tax Clerks out of their current location in the Financial Services Department. Every effort will be made to direct routine questions and data updates to the Tax Clerks.

The number of full time employees in the Tax Assessor's Office has declined since a high of 7 in 2004 to the current 3 positions. The Tax Assessing Office is part of the Economic and Community Development Department and receives administrative support from the Information Assistant and assistance from Code Enforcement with on-sight inspections and sharing of permit information. The Information Assistant for the Economic and Community Development Department has been transferred on a temporary basis to the Assessing Office to provide administrative support until the Office may become fully staffed or some other model implemented. The vacancy created by this temporary transfer has been backfilled through a temporary staffing agency.

Budgetary Impacts: It is difficult to estimate the impact on the budget however; the reorganization is expected to reduce the reliance on subcontracting services. Staff is working on a combined budget. Also, I will be evaluating the impact the new tasks will have on the Tax Clerks, and if warranted, adjust the pay scale. During the preparation of the FY 16 budget, the Tax Assessing budget will be moved from the Economic and Community Development budget to the Financial Services budget. The Tax Clerks will be cross-trained in data entry, and handling customer service inquiries.

If you approve this reorganization in concept, I will be submitting an amendment to the City Ordinances reflecting the change.



Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 08-02022015

Be it ordained by the Auburn City Council, that the Code of Ordinance (Chapter 2, Article III, Division 7- Tax Assessor, Sec. 2-256 (a)) be amended as follows;

DIVISION 7. - TAX ASSESSOR

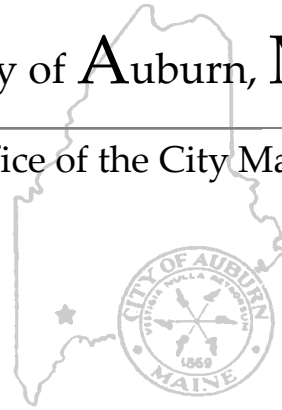
Sec. 2-256. - Powers and duties.

(a)

The tax assessor shall be the administrative head of the assessing operations in the Finance department and shall, with the approval of the city manager, have power to appoint such assistants as he may require and as shall from time to time be authorized by the city council. The Tax Assessor will be a direct report to the Finance Director.

City of Auburn, Maine

Office of the City Manager



TO: Mayor and City Council
FROM: Howard Kroll, City Manager
RE: Reorganization of the Tax Assessing Department
DATE: January 14, 2015

The Council meeting of January 5, Karen Scammon was appointed Tax Assessor for a two-year period from 2/1/15 through 1/31/17. Ms. Scammon served as Interim Assessor upon the resignation of the previous Assessor in June of 2014. At the time of this interim appointment, there were two vacancies in an office that was staffed by three full-time employees. The interim appointment allowed me time to review potential models for delivering high quality, customer service-oriented tax assessment services and to determine if an alternative is a good fit for the City of Auburn. Delivery models reviewed included:

- providing all of the services through in-house staff;
- providing services with a combination of in-house staff and contracted appraisal services;
- fully contracting out the full services; and
- consolidating assessing services with the City of Lewiston.

These various models have advantages and disadvantages which have been previously presented to the City Council. In summary, the alternate service delivery models do not provide significant cost savings, compromise customer service and/or the timeline for implementation will not address immediate staffing needs.

At this time I am proposing an internal reorganization that will combine the tax assessment functions with the Financial Services Department. I see a number of advantages to this reorganization. First of all, the taxation functions from assessment to tax commitment to tax collections to the lien process will be fully integrated within one department. Secondly, the current Financial Services personnel can perform a number of administrative and customer service tasks that will allow the Tax Assessor and Appraiser to concentrate on field work and other functions that require their specialized expertise. Thirdly, the proposed reorganization will provide a full work week of 42.5 hours of assistance to walk-in customers and telephone coverage for routine tax assessment questions. Currently, during the busiest times of the year, the Tax Assessor's Office is unable to return phone calls and answer e-mails on a daily basis.

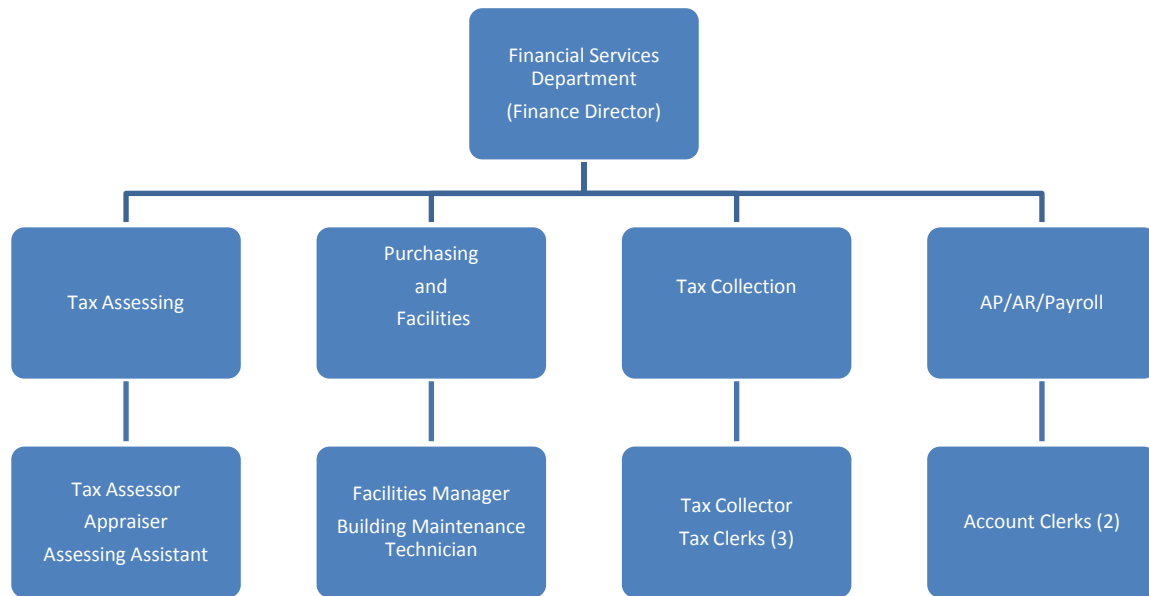
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Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 09-02022015

Be it ordained by the Auburn City Council, that the Code of Ordinance (Chapter 2, Article IV, Departments, Division 3 Finance, Sec. 2-359) be amended as follows;

Sec. 2-359. - Established.

The finance department responsibilities shall consist of accounting, assessing, collections and purchasing.



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: 2-9-2015

Order 09-02092015

Author: Sue Clements-Dallaire

Subject: Approval of the Mass Gathering Permit request for LA Harley and The Wolf Country Festival

Information: An application has been received for a Mass Gathering event to be held in August (August 1st and 2nd, 2015) at the Auburn Lewiston Airport. The event is a Country Festival with live musical entertainment and is being sponsored by LA Harley and The Wolf. It is expected to attract 5,000-10,000 people. This is time sensitive since the venue has to be confirmed by the event coordinator in order to be able to book the live bands.

Advantages: The event will attract visitors to the community and it could also open up opportunities for other large events to take place here.

Disadvantages: Potential complaints regarding traffic, and/or noise or disruptive behavior.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: N/A

Attachments:

Order 09-02092015

**CITY OF AUBURN
PUBLIC NOTICE**

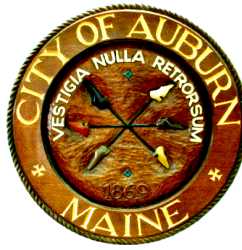
A public hearing will be held by the Auburn City Council on February 9, 2015 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider a Mass Gathering application for:

~~LA Harley and~~
**The Wolf Country Festival
to be held at
the Auburn-Lewiston Airport
August 1 and August 2, 2015.**

All interested persons may appear and will be given the opportunity to be heard before final action is taken.

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Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 09-02092015

ORDERED, that the City Council hereby approves the Mass Gathering permit request for LA Harley and The Wolf Country Festival to be held August 1, and August 2, 2015 at the Auburn Lewiston Airport, pending all Ordinance requirements, applicable department approvals and conditions are met.



City Council Information Sheet

City of Auburn

Council Meeting Date: 02/09/2015

Subject: Executive Session

Information: Discussion regarding labor negotiations, pursuant to 1 M.R.S.A. Section 405(6)(D).

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

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

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

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

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

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

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

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

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

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

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

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