



**City Council Workshop & Meeting
April 27, 2020
Agenda**

This City Council workshop and meeting will be conducted remotely using “Zoom.” The meeting will be broadcast as usual on Great Falls TV (cable channel 1302) and on the City of Auburn [YouTube](#) channel.

If you wish to offer public comment during the meeting, you can “attend” the meeting via Zoom and speak during the public comment session. To participate in this way, please register in advance by using the following link: https://zoom.us/webinar/register/WN_ZrTSxtauRgOcJa_KBIEYw

After registering, you will receive a confirmation email containing information about joining the meeting. If you wish to speak, simply click “Raise Hand” in the webinar controls. You can also use the Alt+Y keyboard shortcut (Mac: Option+Y) to raise or lower your hand. You will be notified when it is your turn to speak. Be sure to “Unmute” yourself and speak clearly. All participants will be able to hear you.

If you prefer to submit public comment in writing, please send your remarks via email to: comments@auburnmaine.gov. Your comments will be included in the meeting minutes.

05:30 P.M. City Council Workshop

- A. Ag Solar – Eric Cousens and Megan Norwood (15 minutes)
- B. Proposed Amendments to the Citizen Participation Plan and Annual Action Plan – Zachary Lenhert (20 minutes)
- C. Manager’s Final Proposed Budget
- D. Council Budget Discussion

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

Pledge of Allegiance

- I. **Consent Items** - All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.
 - 1. **Order 47-04272020***
Appointing Election Clerks to serve a two-year term from May 1, 2020 through April 30, 2022 pursuant to Title 21-A §503.
 - 2. **Order 48-04272020***
Confirming Chief Moen’s appointment of Tyler J. Trainor as a Constable with firearm for the Auburn Police Department.

II. Minutes

- April 6, 2020 Regular Council Meeting
- April 16, 2020 Special Council Meeting

III. Communications, Presentations and Recognitions

- Covid-19 Update
- Council Communications

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that appears on the agenda.*

V. Unfinished Business - None

VI. New Business

1. Resolve 07-04272020

Supporting the Androscoggin River Water Quality Classification Upgrade from Class C to Class B.

VII. Reports

- Mayor's Report**
- City Councilors' Reports**
- City Manager Report**
- Finance Director, Jill Eastman – March 2020 Monthly Finance Report**

VIII. Executive Session

- **Economic Development, pursuant to 1 M.R.S.A. Sec. 405(6)(C)**
- **Economic Development, pursuant to 1 M.R.S.A. Sec. 405(6)(C)**

X. Adjournment

Council Workshop or Meeting Date: April 27, 2020

Author: Megan Norwood, City Planner II

Subject: Solar Energy Generating Systems Ordinance (Ag-Zone)

Information: The City Council recently approved a Solar Energy Generating Systems ordinance allowing the use as a Special Exception in the Industrial District with applicable standards. After receiving inquiries from solar developers looking at properties in the Agriculture and Resource Protection District (Ag-Zone), the City Council asked the Planning Board to amend the ordinance to also allow, as a Special Exception, large-scale solar arrays in the Ag-Zone.

Most large-scale solar installations require a minimum of 20 acres to be successful and some Developers are looking into the possibility of using existing landfills. Most of the landfills in the City are located in the Ag-Zone, however, and the ordinance does not currently permit large-scale solar installations in the Ag-Zone.

There are a number of distinctions between the Industrial District and Ag-Zone when it comes to land use patterns, access to existing infrastructure, and applicable ordinance standards. The Planning Board is looking closely at these distinctions as they work to create additional standards for the Ag-Zone that balance preserving agricultural uses and landscapes while also enabling landowners to take advantage of a land use that could prove to be beneficial to them.

City Budgetary Impacts: None.

Staff Recommended Action: Please review the draft ordinance with recommendations for standards from the Conservation Commission and Planning Board and offer thoughts/suggestions on the direction the ordinance is taking. Staff is currently preparing a final draft for the Planning Board Public Hearing to be held on May 12, 2020 that will address the comments made by the Planning Board and Conservation Commission with applicable standards.

An ideal timeline for the ordinance would be the following:

- City Council Workshop – April 27, 2020
- Planning Board Ordinance Recommendation to City Council – May 12, 2020
- City Council First Reading – May 18, 2020
- City Council Second Reading/Adoption – June 1, 2020

This Maine Public Utilities Commission is requiring all applications for solar arrays be approved by the end of June 2020 to be issued a license this year. The timeline above would allow any pending applications to be reviewed by the Planning Board at their June 9, 2020 meeting, allowing the Applicants an opportunity to get their solar array permitted this year.

Previous Meetings and History:

- February 11, 2020 Planning Board Meeting – Ordinance Discussion
 - March 10, 2020 Planning Board Meeting – Review of Draft Standards, Schedule Meeting with Conservation Commission
 - March 30, 2020 Conservation Commission Meeting (Zoom) – Discuss Draft Standards
 - March 31, 2020 Planning Board Meeting (Zoom) – Discuss Conservation Commission Recommendations
 - April 14, 2020 Planning Board Meeting – Review of Draft Ordinance with Listed Recommendations
-

City Manager Comments:

Peter J. Cudde

I concur with the recommendation. Signature:

Attachments:

- DRAFT Solar Energy Generating Systems Ordinance with Comments from Planning Board and Conservation Commission

****Note: Staff is still working through the recommendations made by the Planning Board and Conservation Commission and will update this ordinance to reflect those comments****

Chapter 60, Article XVIII Solar Energy Generating Systems.

Sec. 60-1425. – Definitions

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

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

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

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

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

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

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

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

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

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

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

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

Conservation Commission Recommendations: Add additional definitions for vegetation and compaction (see below).

Sec. 60-1426. – Purpose.

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

Sec. 60-1427. – Applicability.

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

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

Sec. 60-1428. – Administrative Procedures.

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

Sec. 60-1429. – Application Requirements.

- (a) *Solar Energy Generating Systems permitted by special exception.* In addition to the submission requirements of site plan review, an application for a Solar Energy Generating Systems permitted as a special exception shall contain the following information:
 - (1) All Solar Energy Generating Systems permitted by Special Exception shall be subject to the Special Exception and Site Plan Review procedures specified in Article XVI, Divisions 2 and 3 of this chapter.
 - (2) A narrative describing the proposed Solar Energy Generating System, including an overview of the project; the project location; the total rated capacity of the solar energy system; dimensions of all components and respective manufacturers; and a description of associated facilities and how the system and associated facilities comply with the standards of this ordinance.

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

Sec. 60-1430. – Approval.

Solar Energy Generating Systems permitted by special exception. The planning board is authorized to retain experts at the applicant's expense to evaluate technical information or conduct studies that it finds necessary in order to determine whether these standards will be met. In addition to the criteria in sections 60-1277 and 60-1336, the planning board shall consider the following standards:

I. *Yard requirements.*

- (1) The setbacks for Solar Energy Generating System installations in the Industrial District, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 - a. Rear. There shall be behind every structure associated with a Solar Energy Generating System a rear yard having a minimum depth of 50 feet or 20 percent of the average depth of the lot, whichever is less.
 - b. Side. There shall be a distance of 5 feet between any structure associated with a Solar Energy Generating System and the side property line, plus the side yard setback shall be increased on foot for every three feet or part thereof increased in street frontage over 60 feet to a maximum of 35 feet for side yard setback.
 - c. Front. There shall be in front of every structure associated with a Solar Energy Generating System a front yard having a minimum depth of 35 feet or 15 percent of the average depth of the lot whichever is less. No front yard need be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot

occupied by a building with a front yard more than 35 feet shall be considered as having a front yard of 35 feet.

- (2) The setbacks for Solar Energy Generating System installations in the Agriculture and Resource Protection District, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 - a. Rear. There shall be behind every structure associated with a Solar Energy Generating System a rear yard having a minimum depth of 25 feet.
 - b. Side. There shall be a minimum distance of 15 feet between any structure associated with a Solar Energy Generating System and the side property line.
 - c. Front. There shall be in front of every structure associated with a Solar Energy Generating System a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (3) All Solar Energy Generating System installations shall be regulated by the dimensional setback regulations, stipulated in Article XII, Division 5, Shoreland Overlay District, or a prescribed in other sections of this ordinance.

II. Lot Coverage. For Solar Energy Generating System installations in the Industrial District, the paved, mounting block, or otherwise impervious areas of sites on which ground mounted solar energy systems are installed shall comply with the lot coverage standards as defined in section 60-579(2). For Solar Energy Generating System installations in the Agriculture and Resource Protection District, the lot coverage shall not exceed 30%. For the purposes of this section, photovoltaic cells, panels, arrays, and inverters shall not be considered impervious areas provided the soil underneath the collector is not compacted and remains vegetated.

Conservation Commission Recommendations:

- **Vegetation should be defined: What “type” of vegetation are we talking about when we say “remains vegetated.”**
- **What is the technical understanding of “compaction?” Staff will look into the Ch 500 Stormwater Standards for vegetation/compaction and see what standards are already in place that would apply to solar projects.**
- **Lot coverage is based on the size of a parcel and the solar arrays proposed. Is there anything in the Comprehensive Plan/Strategic Plan on recommended percentages?**

Planning Board Recommendations:

- **For density considerations, the module (square footage of the panel itself) could be considered for the lot coverage/ground coverage percentages in the Ag-Zone instead of the impervious area.**

Staff Follow-Up:

- **There is no lot coverage standard in the Ag-Zone. Staff used the BD Solar project as an example and using the most conservative figures from their project and only including the paved, mounting block areas, the lot coverage was about 30%.**
- **While referenced throughout the document, compaction is not defined under Chapter 500. Vegetation is not explicitly defined but is explained under the permanent stabilization requirements:**

If the area will not be worked for more than one year or has been brought to final grade, then permanently stabilize the area within 7 days by planting vegetation, seeding, sod, or through the use of permanent mulch, or riprap, or road sub-base. If using vegetation for stabilization, select the proper vegetation for the light, moisture, and soil conditions; amend areas of disturbed subsoils with topsoil, compost, or fertilizers; protect seeded areas with mulch or, if necessary, erosion control blankets; and schedule sodding, planting, and seeding so to avoid die-off from summer drought and fall frosts. Newly seeded or sodded areas must be protected from vehicle traffic, excessive pedestrian traffic, and concentrated runoff until the vegetation is well-established with 90% cover by healthy vegetation. If necessary, areas must be reworked and restabilized if germination is sparse, plant coverage is spotty, or topsoil erosion is evident. One or more of the following may apply to a particular site.

III. Total Land Area. When reviewing applications for Solar Energy Generating Systems in the Agriculture and Resource Protection District, the Planning Board shall consider other lands within the Agriculture and Resource Protection District where Solar Energy Generating Systems have been constructed or received Planning Board approvals and must find that the proposed Solar Energy Generating System will not materially alter the stability of the overall land use pattern of the Agriculture and Resource Protection District. In making this determination, the Planning Board shall consider the overall effect of existing and potential Solar Energy Generating Systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area.

Conservation Commission Recommendations:

- **Total Land Area – The 50-acres over a 1-mile radius initial idea for a standard could potentially pit neighbors against each other. The preference would be to let the Planning Board go through the process and make a judgment based on the language above. The total land area is going to be limited based on the terrain of the Ag-Zone. Perhaps it would be preferable to have the solar installations concentrated in one area so as not to disturb a larger landscape with the 50-acres over a 1-mile radius. This would encourage spreading out solar installations in little clusters all over the Ag-Zone. There’s also a consideration about prime soils and their proximity to the grid.**
- **The “Character of the Landscape” standard could be vague. How much solar development does the City want to see in the next 10-15 years?**
- **The language should also incorporate involving the Ag-Commission/Conservation Commission if in a Resource Protection District.**

Planning Board Recommendations:

- **The Planning Board does not want to see solar limited to one area of the Ag-Zone as it could become troublesome. Whoever starts will get to decide where it all ends up going. It should be open to anyone in the Ag-Zone wherever they are located.**
- **For character, the Planning Board has to contend with this standard elsewhere in the Site Plan/Subdivision criteria and there are no definitions for “character.” The impetus is on the Planning Board to decide. The Board was a little wary about adding standards to define**

character of the neighborhood and how that may affect the review of other projects without those specific standards.

- Some Planning Board members feel that the best Ag-lands should not be considered for solar installations.
- The Planning Board wants to hear from Ag-Zone landowners about what kinds of density would seem reasonable.

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

Conservation Commission Recommendations:

- The height regulations should also consider a minimum height limit based on solar ability to access sunlight. Solar panels too low could change the hydrologic structure of the soil and affect vegetation. Cited UMass Amherst Research.

Planning Board Recommendations:

- Questions on how a minimum height limit would be measured: Average height of the panel, halfway point? The concern is about leaving the land in the same or better condition than before the solar installation. Is height the correct metric to achieve this? The ordinance already has standards about preserving the land and perhaps those requirements could also include providing open space for air-flow, water and light.

V. *Technical and Safety.* A copy of the As-Built Site Plan for the Solar Energy Generating System shall be provided to the local Fire Prevention Officer. All means of shutting down the Solar Energy Generating System shall be clearly marked. Solar Energy Generating Systems in the Agriculture and Resource Protection District shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

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

VII. *Glare.* Solar panels are designed to absorb (not reflect) sunlight and are generally less reflective than other varnished or glass exterior materials. However, solar panel placement should minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system. Parcels located within a 2 nautical mile radius of the Auburn Lewiston Municipal Airport, as measured based on the runway centerline closest to the location in question shall comply with Sec. 60-1429(a)(6).

- VIII. *Visual Impact.* An Applicant shall make reasonable efforts, as determined by the Planning Board, to minimize visual impacts associated with the installation of a Solar Energy Generating System. The Board shall consider the size, location and topography of the site, the characteristics of the surrounding property and the amount and type of development on said properties in determining the amount and type of screening and buffering that it deems appropriate.
- IX. *Lighting.* Ground-mounted Solar Energy Generating System lighting shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
- X. *Clearing.* Where possible, in unbuilt areas, Solar Energy Generating System installations shall maintain the permeability of the ground. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Energy Generating System or as otherwise prescribed by applicable laws, regulations and bylaws/ordinances. If a Solar Energy Generating System is proposed on forestland in the Agriculture and Resource Protection District, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland may be permitted under the following conditions:
- a. The presence of the Solar Energy Generating System shall not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or any abutting properties.
 - b. A decommissioning plan shall be provided at the time of application that includes a process and timeline for the conversion of the parcel into prime farmland or forestland (if applicable), the cost of conversion shall be included in the Financial Surety in accordance with Sec. 60-1431(3).

Conservation Commission Recommendations:

- **Wanted to ensure consistency with prime farmland vs. forested areas and the decommissioning standards.**
 - **These standards should be based on the availability of soils in the Ag-Zone and Auburn. The Commission wants to ensure there is an adequate supply of productive soils without an impact.**
 - **Include a requirement for making sure critical wildlife is addressed with the requirement of a survey of critical habitat. Staff to ensure this is a requirement of Site Plan/Special Exception. If not, it will be included under the clearing standards.**

Planning Board Recommendations:

- **Wants the ordinance left open to provide a mechanism to convert forestland to Ag-Land after the life of a project. The Board is not in favor of returning previously forested land to forest if it can be used as prime farmland.**
- **Wanted to see Section X(a) extended to also include requirements to protect adjacent properties from erosion.**
- **Think about what are the results we do not want to achieve with clearing standards? For example, the clearing of land for residential development. There should be project limits**

and some disincentives for other development. A sunset could be considered to limit developers ability to redevelop the land for another purpose.

Staff Comments:

- Section X(a) has been updated to include protections for adjacent properties.

XI. Prime Soils. All Solar Energy Generating Systems proposed in the Agriculture and Resource Protection District shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). The least productive agricultural soils shall be considered first for development unless it can be demonstrated to the Planning Board that:

- a. Non-prime farmland is not available on the subject property;
- b. Siting the project on non-prime farmland present on the subject property would significant reduce the projects ability to operate successfully;
- c. The proposed site is better suited to allow continuation of an existing commercial farm on the subject tract than other possible sites also located on the subject tract, including those comprised of non-high-value farmland soils.

All applications for Solar Energy Generating Systems in the Agriculture and Resource Protection District shall be subject to the following provisions:

- a. Siting of the overall facility and individual panels shall keep with the existing contours of the land, and
- b. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation, and
- c. To the extent possible, infrastructure shall not be located on steep slopes.
- d. A plan shall be provided for topsoil maintenance shall be provided at the time of application to the Planning Board.

Conservation Commission Recommendations:

- **Some thoughts that Prime Soils should be prohibited entirely or discouraged unless absolutely necessary. Tie in language allowing the use of prime soils if an investment is made in agriculture/resource protection elsewhere. Add back in the requirement of a high intensity soil study and update the map/data on acreage and type of land cover in the Ag-Zone.**

Planning Board Recommendations:

- **Prime soils should be allowed to be used if certain needs are demonstrated. Allowing solar may preserve prime farmland if a farmer currently cannot farm, essentially land banking it for the future.**
- **Prime soils could later be developed into other uses – not necessarily agricultural uses and solar is preferable to other potential projects on the land.**
- **Tweak the language in XI(b) because it offers an out by saying not citing the project on prime soils may reduce its ability to operate successfully. What kind of standards could be associated with this? It should be worded differently to make the language stronger.**

- **There is a concern that the ordinance does not currently have a structure directing solar projects away from prime soils.**
- **Under XI, land should be prevented from going fallow and becoming forested. It is helpful to ground the conversation on an overlay map. Prime soils overlay in the Ag-Zone. Certain soils should be prohibited for commercial solar development.**

XII. *Operation & Maintenance Plan.* The Owner or Operator shall submit a plan for the operation and maintenance of ground-mounted and dual-use solar energy systems, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation. The following information shall be included in the operations and maintenance plan for projects located in the Agriculture and Resource Protection District:

- A summary of any potential impacts to wildlife and ecosystems including a Vegetative Cover Plan demonstrating where feasible, the replanting of forested areas disturbed during construction.
- A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

Conservation Commission Recommendations:

- **Special consideration should be given to plans that promote the comingling of agricultural uses and solar.**

Planning Board Recommendations:

- **The standard should not require all previously forested land to be re-planted after development. This should be fixed throughout the document.**
- **Incentives may take away from the ability of solar projects to be sited in other locations.**

XIII. All Solar Energy Generating System installations shall be installed in compliance with the photovoltaic systems standards of the latest edition of the National Fire Protection Association (NFPA) 1, Fire Prevention Code. All wiring shall be installed in compliance with the photovoltaic systems standards identified in the latest edition of the National Electrical Code (NFPA 70).

(a) *Solar Energy Generating Systems permitted by right.* An application for a Solar Energy Generating System permitted by right shall require review and approval by the following departments: Planning, Engineering, Fire, Code Enforcement, Auburn Lewiston Municipal Airport and a representative of Lewiston-Auburn 911 committee.

Sec. 60-1431. – Abandonment or Decommissioning.

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

1. The Owner or Operator shall, at their expense, complete the removal of the solar energy system within 6 months of the end of the useful life of the solar energy system or within 6 months of the date of abandonment as defined in Sec. 60-1425. The Owner or Operator shall notify the Economic and Community Development Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a. Physical removal of all ground-mounted Solar Energy Generating Systems including solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Economic and Community Development Department, in conformance with applicable regulations, may allow the Owner or Operator to leave existing landscaping or specifically designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.
2. The City **may** revoke any approvals and/or pursue removal of the solar energy system at the Owner or Operator's expense in the following circumstances:
 - a. The solar energy system is not installed and functioning within **24**-months from the date of approval under this ordinance; or
 - b. The solar energy system is at any time left in an unsafe condition in respect to federal, state or local safety standards (as determined by the City); or
 - c. The solar energy system has not been brought back to a safe condition/operation or removed from the site within the required timeframe; or
 - d. The solar energy system is defective or abandoned and has not been removed from the site within required timeframe.

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

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

Sec. 60-1432. – Appeals.

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

Additional Comments from the Conservation Commission:

- **Size and State Review/Permits Required – Want to ensure abiding by other State setbacks: Wetlands/State permits and other natural resources with required buffers. Perhaps the connection is already made with Chapter 500 or in the ordinance already?**
- **Big picture considerations (Comp. Plan/Strategic Plan) – Prioritize rooftop solar close to the center of the City and in the Industrial District.**
 - **Planning Board comments: Rooftop solar is already prioritized by not requiring Planning Board review. This has already been done from a regulatory perspective to the degree it can be.**

DRAFT



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 27, 2020

Author: Zachary Lenhert

Subject: CDBG Annual Action Plan and Citizen Participation Plan amendments

Information: The Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law makes available \$5 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus (CDBG-CV grants). Grantees have been advised to amend their plans as soon as possible by adding CDBG-CV allocations as an available resource for the current program year (PY2019). Auburn has been allocated \$334,985. Costs must be related to the current pandemic.

The proposed amendment focuses on three areas of pandemic response:

1. Food security
2. Economic development
3. Public services.

The CARES Act also provides CDBG grantees with flexibilities that make it easier to use CDBG-CV grants and fiscal years 2019 and 2020 CDBG Grants for coronavirus response and authorizes HUD to grant waivers and alternative requirements. In order to take advantage of those waivers, Auburn's Citizen Participation Plan requires amendments. The Citizen's Advisory Committee is also recommending other amendments and updates to the plan.

On April 14, 2020, the CAC approved and recommended adoption of amendments to the Citizen Participation Plan including:

- Allows a shortened 5-day public comment period for amendments and plans.
- Clarifies "target area" to "predominately low-mod income census blocks".
- Allows alternate notice process
- Updates CAC nomination process in accordance with the City of Auburn Board and Committee Appointment Process and sets the number of members to 7.
- Changes the definition of "substantial amendment" from 10% to 25% of total budget.

City Budgetary Impacts: None

Staff Recommended Action: Review amended CDBG-CV amendment to the PY2019 Annual Action Plan and Citizen Participation Plan and offer comments

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: CDBG-CV Budget & Citizen Participation Plan proposed amendments

CITY OF AUBURN CITIZEN PARTICIPATION PLAN 2020-2024

1. INTRODUCTION

The City of Auburn received an “entitlement” designation for Community Development Block Grant funds in 1974. These funds are used for a number of loan programs to promote housing and economic development. Funds are also used for public facilities and infrastructure, and for social services. In 2001, Auburn and Lewiston formed a consortium with Auburn as the lead agency to receive HOME Investment Partnerships Program funds. The consortium was formed to meet the funding threshold for HOME funds.

The Department of Housing and Urban Development (HUD) requires recipients of its grant funds to prepare formal plans as a condition of receiving federal funds. These plans are intended to encourage communities to allocate federal resources to address local needs and market conditions.

In the next few months the City will be developing a Consolidated Plan (ConPlan). The ConPlan is a fact-based analysis of local housing needs that reflects the incidence and severity of housing problems among different segments of the population. The ConPlan articulates priorities for addressing the needs that have been documented and defines strategies and activities linked to these priorities. Community representatives and housing practitioners will have opportunities to help shape the development of priorities and strategies. The process is intended to assist with coordination among relevant agencies in both planning and implementation. The City works closely with Auburn Housing Authority (AHA) on housing matters.

Section 104(a) of the Housing and Community Development Act of 1974 requires that the City of Auburn follow a Citizen Participation Plan. In order to comply with HUD regulations, the Community Development Department has prepared the following plan which outlines the process through which citizens will be informed of and involved in the Community Development Program. The Community Development Program involves funding of both the Community Development Block Grant and HOME Investment Partnerships (HOME) Program.

The Citizen’s Participation Plan is an effort to create a collaborative process whereby citizens assist in developing a vision for community development housing actions. The City Council will consider both public comments and recommendations of the Citizen’s Advisory Committee (CAC) in making decisions to allocate Community Development and HOME resources.

To affirmatively encourage citizen participation, the following plan elements shall be implemented in the execution of the Community Development Program.

2. GOAL

The goal of the Citizen Participation Plan is to provide Auburn citizens with an opportunity to participate in various processes of the Community Development Program. Citizen participation shall be conducted in an open manner with appropriate and timely dissemination of information pertinent to all plans and programs. The emphasis of this Citizen Participation Plan to involve persons who are most likely to be affected by and utilize the Community Development Program, especially persons of low income, persons with special needs, and persons living in ~~target areas~~predominately low-mod income census blocks.

3. OBJECTIVES

The objectives of the Citizen Participation Plan are to:

- Encourage citizen participation with emphasis on participation by persons who are of low income, special needs, and persons who live in or own property in a predominately low-mod income census block.~~target area~~;
- Provide citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed and actual use of funds;
- Provide technical assistance to groups or representative of persons of low income that request such assistance in developing proposals with the level and type of assistance to be determined by the City;
- Obtain citizen views and answer questions at all stages of the Community Development process including development of needs, review of proposed activities and review of program performance;
- Provide for a timely written answer to complaints and grievances; and
- Provide for meeting the needs of non-English speaking residents and persons with special needs for accessibility or communication assistance at public meetings where a significant number of people are expected to participate.

4. PUBLIC PARTICIPATION

A. ~~NOTICES OF PUBLIC MEETINGS~~ NOTICE OF AVAILABILITY

Public ~~meetings~~comment periods and hearings are held to obtain views of citizens and public agencies with respect to the Community Development Program. ~~Meeting n~~Notices will be published on the City's website, emailed to public agencies, and posted at City Hall, Auburn Senior Community Center, and Auburn Public Library.

At least 30 days before adoption by the City Council, a summary of the proposed Consolidated Plan and Annual Action Plan will be published on the City's web site to give citizens an opportunity to review and comment on the plan. The summary will describe the general contents of the Consolidated Plan. The public notice will indicate the location where copies can be examined or how to find it on the web site. The comment period shall be reduced to 5 days for the PY2019 Annual Action Plan, PY2020 Consolidated and Annual Action Plan, and CDBG-CV funds in accordance with HUD's authority to grant waivers and alternative requirements under the CARES Act.

At least 15 days before submission a public notice will be ~~placed in a local newspaper published on the City's web site~~ announcing the availability of the Consolidated Annual Performance and Evaluation Report (CAPER) to give citizens an opportunity to review and comment on the report. The CAPER provides a review of program progress and performance of the Community Development Block Grant Program.

B. AVAILABILITY OF PUBLIC DOCUMENTS

Documents will be available at the Community Development Department for perusal in an effort to provide readily accessible information to citizens. Historical records will be available for the previous five-year period. Documents that will be available are:

- Residential Anti-displacement;
- Relocation Assistance Plan and Affordable Rent Policy;
- Urban Conditions Study;
- Citizen Participation Plan;
- Community Development Block Grant Regulations;
- Environmental Review Records;
- Consolidated Annual Performance and Evaluation Report;
- Guidelines of various programs funded with Community Development and HOME Investment Partnerships Program funds; and
- Consolidated Plan and Annual Action Plans.

C. CITIZENS ADVISORY COMMITTEE

The purpose of the Citizen's Advisory Committee is to assist in developing the Consolidated Plan and to monitor progress on achieving the goals and objectives of the plan. The committee will be made of up to ~~11-6~~ Auburn residents and 1 City Councilor, total of 7 members. The Committee will meet on a regular basis to track progress in accomplishing the goals of the Consolidated Plan. ~~From the City's website~~ Community Development staff shall solicit members with interests and backgrounds in understanding the needs of low-income persons and special needs populations, human services, affordable housing, real estate development, and program management, who will be representative of the following categories:
~~At least one person of minority race or ethnic background;~~

~~2 representatives of community or faith-based organizations, one of which represents the interests of homeless persons; A City Councilor; and 7 persons from target areas including residents, landlords and small business owners. There will be a minimum of 1 each from the Downtown, Union Street and New Auburn Target Areas.~~

The City Councilor member shall be appointed by the ~~Council~~ Mayor and their term shall coincide with their term in office. The other committee members shall be appointed ~~by the Mayor~~ according to the City of Auburn Board and Committee Appointment Process and their term shall be three years, terms start on July 1st. The CAC membership shall elect a person amongst them to act as liaison with Community Development staff and to serve as spokesperson for the CAC to the City Council. CAC meetings may be held in person or virtually, special accommodations will be made upon request for non-English speaking persons and other conditions or disabilities.

1) CAC Meetings:

a) Consolidated Plan

In year 2019-20, the CAC will be involved in assisting with development of the 5-year Consolidated Plan by considering needs and resources, and prioritizing goals and objectives.

b) Annual Action Plan

In the subsequent four years, the CAC will review the annual Consolidated Annual Action Plan for conformance with the Consolidated Plan.

c) Consolidated Annual Performance and Evaluation Report (CAPER)

At the end of each program year, a performance report will be prepared. The CAC will meet after completion of the CAPER to consider progress in meeting the stated goals and objectives of the Consolidated Plan. The CAC will also review program performance, effectiveness, and evaluation.

d) The CAC may determine that other meetings are necessary to promote the goals of the Consolidated Plan. Establishing extra meetings will require a majority vote of the CAC.

2) Consolidated Plan Considerations:

During the study process, the CAC will consider data on housing needs and comments from focus groups to establish priorities. The CAC will consider the needs of extremely low-income, low-income, moderate-income, and middle income families; renters and owners; persons who are elderly, disabled, persons with HIV/AIDS and their families; single persons, large families,

public housing residents, families on the public housing or section 8 tenant-based waiting list, and homeless; consider specific problems such as cost-burden, severe cost-burden, substandard housing and overcrowding.

D. COMMUNITY DEVELOPMENT LOAN COMMITTEE

Review of loans by the Community Development Loan Committee shall be another means of obtaining citizen participation, particularly by persons who are low income and persons who live in ~~predominately low-mod income census blocks, target areas.~~ There shall be ~~nine~~ 7 persons residing in Auburn appointed according to the City of Auburn Board and Committee Appointment Process by the City Council to the Community Development Loan Committee with interests and backgrounds in understanding the needs of low-income persons and special needs populations, affordable housing, real estate development, and real estate finance., two of which are low mod income persons, two who own property in target areas, and two who have a background in real estate finance. Names of persons wishing to serve may be submitted to the City ~~Council~~ Clerk by soliciting involvement from a) clients who have participated in one of the Community Development Programs, b) persons living in federally subsidized housing, or c) persons who live in ~~one of the target areas~~ a predominately low-mod income census block.

E. OTHER PUBLIC PARTICIPATION

Community Development staff shall solicit input from citizens who may be affected by Community Development projects to give them an opportunity to express their views concerning problems, suggestions and alternatives to the proposed projects. A public notice will announce the availability of City documents and may include:

- amount of Community Development Block Grant funding to be received;
- eligible activities;
- general program requirements;
- previous years' use of funds;
- projected use of funds;
- time schedule for submitting the Consolidated Plan;
- amount of funds that will benefit very low, low, and low-moderate income persons; and plans to minimize displacement of persons and to assist persons.

F. CITY WEBSITE AND SOCIAL MEDIA NETWORKING

The City of Auburn's website will provide up-to-date information on the Community Development and HOME Investment Partnerships Programs. Meeting notices, the draft and adopted Consolidated Plan, Annual Action Plans, Consolidated Annual Performance and Evaluation Reports, various adopted guidelines and policies, and the Citizen Participation Plan will be available.

In order to reach a broader more diverse audience, during the 5-year planning process the Community Development Department will also utilize an internet social networking site to provide important information on the Consolidated Plan and funding resources.

G. PUBLIC HEARINGS

Public hearings shall be held by the City Council and shall serve as additional forums for citizens to convey their views on community development and housing needs, and to respond to proposed budget. ~~At least 10 days prior to public hearings, a notice shall be placed in the newspaper announcing the public hearing.~~ Public Hearings will be announced with the Council Agendas released by the City Clerk. The City Council will consider comments or views of citizens received in writing or orally at the public hearing, Public hearing will be held at Auburn Hall, a location that accommodates persons with disabilities. Public hearing shall be held as follows:

- 1) **Consolidated Plan** - A public hearing will be held prior to adoption of the Consolidated Plan. A draft Consolidated Plan will be available to the public 30 days prior to adoption for public comment. Copies will be available free of charge. The comment period shall be reduced to 5 days for the PY2020 Consolidated Plan in accordance with HUD's authority to grant waivers and alternative requirements under the CARES Act.
- 2) ~~Consolidated~~ **Annual Action Plan** - A public hearing will be held prior to adoption of each ~~Consolidated~~ Annual Action Plan. A draft Annual Action Plan will be available 30 days prior to adoption for public comment. Copies will be available free of charge. The comment period shall be reduced to 5 days for the PY2020 Annual Action Plan, and CDBG-CV funds in accordance with HUD's authority to grant waivers and alternative requirements under the CARES Act.
- 3) **Amendments** - A public hearing will be held prior to adoption of any substantial amendments to the Consolidated Plan and Annual Action Plans. A substantial program amendment description will be available 14 days prior to adoption for public comment. Copies will be available free of charge. The comment period shall be reduced to 5 days for amendments of the PY2019 Annual Action Plan, PY2020 Consolidated and Annual Action Plan, and CDBG-CV funds in accordance with HUD's authority to grant waivers and alternative requirements under the CARES Act.
- 4) **Consolidated Annual Performance and Evaluation Report** - A public hearing will be held prior to submission of the Consolidated Annual Performance and Evaluation Report. The report will be available ~~30-15~~ 14 days prior to submission for public comment. Copies will be available free of charge.

H. CONSIDERATION OF COMMENTS

A summary of comments will be attached to the appropriate document and submitted to the City Council before an action is taken. The City Council shall consider comments of the CAC or others prior to final adoption of the Consolidated Plan, Annual Action Plan, or Consolidated Annual Performance and Evaluation Report.

I. RESPONSE TO PROPOSALS/COMMENTS

A staff member of the Community Development Department will respond to citizen comments or proposals. For every written proposal or comment, there will be a written response with reasons stated for whatever action the City has taken on the proposal. Oral proposals will receive oral responses, though they may be in writing.

5. SPECIAL CONSIDERATIONS

A. ACCOMMODATIONS

Arrangements will be made for non-English-speaking persons and persons with special needs for mobility, hearing and visual impairments, or the homebound. Please contact the Community Development Department in advance so that arrangements can be made to provide adequate communication assistance.

B. TECHNICAL ASSISTANCE

Staff will provide direct assistance to low-income persons or their representative when forming proposals for Community Development activities. The level and type of assistance will be determined by Community Development staff and may not necessarily include the provision of funds to any person, group, or agency.

Staff will provide direct assistance to low income persons in their effort to progress through the various program processes. For the Rehabilitation Program, assistance will include preparing a loan application, submitting financial information, providing advice for soliciting bids, or upon request securing bids for a property owner, comparing and evaluating bids for conformance to required work, assisting to schedule rehabilitation work, managing the escrow account, performing inspections to ensure quality work, acting as liaison between the contractor and property owner for complaints and resolving a variety of other problems. For the homebuyer programs, assistance will include preparing a loan application, submitting financial information, providing pre-qualification for housing affordability, credit counseling, and guiding the home purchase.

Staff will provide counseling to tenants who are in jeopardy of being displaced because of a federally funded project and provide relocation assistance to those who are being displaced. Tenants will be assisted when required to file relocation claim forms and to secure comparable housing that is decent, safe and sanitary.

Staff will make a credit counseling referral to low-income households to assist them become homeowners.

6. COMPLAINTS AND GRIEVANCES

Citizens who have objections or complaints about the Community Development or HOME Programs may submit a written complaint to:

Community Development Department
City of Auburn
60 Court Street
Auburn, ME 04210
Attention: Community Development Manager

The complaint should include the date, name, address, telephone number of the complainant, convenient hour to reach that person by telephone, nature of the complaint and location. The complaint may also be given orally. The person initiating the complaint will schedule a meeting with the Community Development Manager and a formal complaint will be formulated from the interview that will be signed by the complainant.

There will be a written response, within 15 days of receipt, to the complainant. The response will indicate the ultimate disposition of the complaint.

7. AMENDMENTS TO CONSOLIDATED PLAN

Auburn will amend its Consolidated Plan whenever it makes one of the following decisions

- to change a goal, priority, or activity of the Consolidated Plan;
- to carry out an activity using funds from any program covered by the Consolidated Plan (including program income) not previously covered in the Consolidated Annual Action Plan; or
- to change the purpose, scope, location, or beneficiaries of an activity included in the Consolidated Annual Action Plan.

a) Minor Amendment

A minor amendment will be approved by the City Manager.

b) Substantial Amendment

A substantial amendment must be authorized by the City Council and submitted to the U. S. Department of Housing and Urban Development. A substantial amendment is defined as a change that exceeds ~~10%~~25% of the amount of annual ~~Community Development~~CDBG or HOME Program budget (which includes the annual allocation, reprogrammed funds and program income) for the year in which the amendment is being considered. A public notice of the change will be published 30 days before adoption of an amendment by the City Council. An additional public hearing for a program amendment will be held in advance of a City Council vote. The comment period shall be reduced to 5 days for amendments of the PY2019 Annual Action Plan, PY2020 Consolidated and Annual Action Plan, and CDBG-CV funds in accordance with HUD's authority to grant waivers and alternative requirements under the CARES Act.

Program	Description	Allocation
Food Security	Senior Center Kitchen, PAL Center, Farmer Market vouchers for low/mod.	\$134,985
Public Service	Grants to local public services responding to pandemic	\$50,000
Economic Development	Grants to low/mod microenterprises affected by pandemic-targeted to gaps in PPP	\$100,000
Administration	Salary and benefits of staff performing general admin duties related to CARES Act funds	\$50,000
	Total	\$334,985



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 27, 2020

Author: Sue Clements-Dallaire

Subject: City Manager's Final Proposed for FY2021 Budget

Information: The City Manager will be presenting his final proposed FY21 Budget with a zero percent increase on the municipal budget. The zero percent increase includes funding a capital improvement plan of \$9.5 million dollars.

City Budgetary Impacts: There is no budgetary impact at this time.

Staff Recommended Action: Receive the City Manager's FY21 final proposed budget.

Previous Meetings and History: Proposed budget was presented on 4-6-2020. Department presentations were made during the 4/9/2020, 4/13/2020, 4/16/2020 workshops. Further discussions were held on 4/23/2020.

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 27, 2020

Order: 47-04272020

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Election Clerks for the period of May 1, 2020 through April 30, 2022.

Information: Title 21-A §503 states that the municipal officers of each municipality shall appoint election clerks no later than May 1st of each general election year to serve at each voting place during the time the polls are open. Nominations may be submitted by the municipal, county or state committees of the parties, by the municipal clerk or by any registered voter in the municipality or county.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage appointing Election Clerks.

Previous Meetings and History: 2 year appointments are made by May 1st of each General Election year.

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments:

- Title 21-A §503-A
- List of nominated Election Clerks submitted by the Democratic Party (the Republican Party did not provide a list of names)
- Order

Susan Clements-Dallaire

From: Maine Democratic Party <caucus@mainedems.org>
Sent: Monday, March 16, 2020 2:47 PM
To: Susan Clements-Dallaire
Subject: Auburn Democratic Election Clerks
Attachments: Auburn Election Clerks 2020-03-16.pdf



Attached please find the list of Democratic Election Clerks nominated by the Auburn Democratic Municipal Caucus on March 8, 2020. Maine State law requires that towns attempt to have a balance between Democratic and Republican poll workers. Please refer to this list when looking for Democratic poll workers, and notify the Democratic Municipal Chair if any of the people on this list decline to serve.

Thank you!

April Thibodeau
Political Affairs and Training Director
Maine Democratic Party

Paid for by Maine Democratic Party. Not Authorized by any candidate or candidate's committee.

Maine Democratic Party
PO Box 5258
Augusta ME 04332



MAINE DEMOCRATIC PARTY

2020 DEMOCRATIC CAUCUSES

PO Box 5258 Augusta ME 04332

Susan M Clements-Dallaire
60 Court St Ste 150
Auburn ME 04210

This is to notify you that on March 8, 2020 the **Democratic Municipal Committee of Auburn** has officially nominated the following persons to serve as Election Clerks to work at the polls on Election Day for the next two years. State law provides that you should select from this list when you choose Democrats to serve as Election Clerks. In the event that any of those persons listed cannot serve, please notify the Auburn Municipal Chair and another name will be submitted.

Please consider this an official notice in compliance with state election law.

Caucus State File ID	Name Address	Email Phone
Auburn 1-1 000800313	Joseph Berry 39 Northern Ave Auburn ME 04210	hbear13@twc.com (207) 592-0143 Mobile
Auburn 2-1 048707530	Bonnie Hayes 172 Allen Ave Auburn ME 04210	(207) 782-1386 Home
Auburn 3-1 048704470	Edward Desgrosseilliers 121 Hatch Rd Auburn ME 04210	esd@roadrunner.com (207) 740-0113 Mobile
Auburn 3-1 048706338	Patricia Gautier 136 Pride Rd Auburn ME 04210	pdgautier1971@aol.com (207) 783-7834 Home (207) 240-1914 Mobile
Auburn 3-1 048708745	Anne Kinney 2 Lepidolite Ct Auburn ME 04210	akinneyuu@gmail.com
Auburn 3-1	Bonnie Ross 88 Hillside Ave Lewiston ME 04210	bonnieross482@gmail.com (207) 782-0198 Home (207) 344-5213 Mobile

Caucus State File ID	Name Address	Email Phone
Auburn 4-1 049904101	Cynthia Grimm 41 Elm St Auburn ME 04210	CD6GRIMMI3@gmail.com (207) 803-2101 Mobile
Auburn 5-1 048702079	Martha Brodeur 83 Sixth St Auburn ME 04210	msim@myfairpoint.net (207) 333-1236 Mobile

§503-A. Election clerks

Election clerks are governed by the following provisions. [PL 2019, c. 64, §2 (NEW).]

1. Qualifications; compensation. Election clerks must be at least 18 years of age, must be registered to vote and must be residents of the municipality or the county in which they serve, except that residents of a municipality or county who are 17 years of age and who are conditionally registered to vote pursuant to section 155 also qualify to serve as election clerks. Election clerks are entitled to reasonable compensation as determined by the municipal officers.

[PL 2019, c. 64, §2 (NEW).]

2. Nomination. All nominations for election clerks must be submitted to the municipal officers by April 1st of each general election year. Nominations may be submitted by the municipal, county or state committees of the parties, by the municipal clerk or by any registered voter in the municipality or county.

[PL 2019, c. 64, §2 (NEW).]

3. Appointment. The municipal officers shall appoint election clerks by May 1st of each general election year to serve at each voting place during the time the polls are open and as counters after the polls close. In making the appointments, the municipal officers shall consider all nominations received by April 1st but may appoint any qualified voters. The municipal officers shall appoint a sufficient number of election clerks to meet the requirements of subsections 4 and 5. A list of the election clerks appointed under this subsection must be posted at each voting place for each election during the 2-year term following appointment. For each election, the municipal clerk shall select the election clerks from the list of appointees and assign their duties.

[PL 2019, c. 64, §2 (NEW).]

4. Minimum number of election clerks. There must be at least 2 election clerks, one from each of the major parties, selected from the list of appointees to serve at each voting place during the entire time the polls are open and as counters after the polls close. The municipal clerk may select additional election clerks for each voting place as needed in accordance with subsection 5.

[PL 2019, c. 64, §2 (NEW).]

5. Selection of additional clerks; representation of parties. If a municipality requires more election clerks than the minimum number prescribed in subsection 4, the municipal clerk must select additional election clerks from the list of appointees to work at each election as follows.

A. The number of election clerks selected from one major party may not exceed the number of election clerks from another major party by more than one. [PL 2019, c. 64, §2 (NEW).]

B. The number of election clerks selected from the major parties must comprise at least half of the total number of election clerks selected. The remaining number of election clerks may be enrolled in a minor party or may be unenrolled. [PL 2019, c. 64, §2 (NEW).]

C. If the municipal officers did not appoint a sufficient number of election clerks representing the major parties or there is an insufficient number of appointees from the major parties who are available to serve at an election, the municipal clerk may select as many election clerks from minor parties or who are unenrolled as needed to serve at that election. [PL 2019, c. 64, §2 (NEW).]

[PL 2019, c. 64, §2 (NEW).]

6. Vacancies. Notwithstanding subsection 5, if a sufficient number of appointed election clerks are not available to serve on election day, the municipal clerk may appoint the necessary number of election clerks, without regard to party affiliation, to fill the vacancies at that election.

[PL 2019, c. 64, §2 (NEW).]

7. Oath of office. Before assuming the duties of office, election clerks are sworn by the municipal clerk or the warden, and the oath is recorded.

[PL 2019, c. 64, §2 (NEW).]

8. Term of office. An election clerk holds office for 2 years from the date of appointment and until a successor is appointed and qualified.

[PL 2019, c. 64, §2 (NEW).]

9. Duties. Election clerks shall attend the voting places for which they are appointed at each election during the time the polls are open or during the counting of the ballots after the polls close, as required by the terms of their appointment. They are under the direction of the warden and shall assist the warden as requested.

[PL 2019, c. 64, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 64, §2 (NEW).

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--

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 47-04272020

ORDERED, that the following individuals be and hereby are appointed as Election Clerks for the period of May 1, 2020 through April 30, 2022.

PARTY	LAST NAME	FIRST NAME
R	Arnold	David
R	Galway	Bonnie
R	Martineau	Raymond
D	Berry	Joseph
D	Bilodeau	Normand
D	Brodeur	Martha E.S.
D	Cavanaugh	Robert
D	Desgrosseilliers	Edward
D	Dufresne	Carmen
D	Gautier	Patricia
D	Grimm	Cynthia
D	Hayes	Bonnie
D	Kinney	Anne
D	Ouellette	Alma
D	Ouellette	Paul



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 27, 2020

Order: 48-04272020

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointment of Tyler J. Trainor as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests City Council appointment of Tyler J. Trainor as a Constable with firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of Tyler J. Trainor as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments:

- N/A

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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 48-04272020

Ordered, that the City Council hereby names Tyler J. Trainor as a Constable with firearm for the Auburn Police Department.

Mayor Levesque called the meeting to order at 7:00 P.M. The meeting was conducted remotely using “Zoom” due to the Covid-19 pandemic. The meeting was also broadcast as usual on Great Falls TV (cable channel 1302) and on the City of Auburn [YouTube](#) channel.

Members of the public were allowed to comment during the public comment session of the meeting, by either “attending” the meeting via Zoom or by submitting remarks via email to: comments@auburnmaine.gov.

Mayor Levesque led the assembly in the salute to the flag. All Councilors were present.

I. Consent Items:

1. Order 41-04062020*

Confirming Mayor Levesque’s appointments to the Audit and Procurement Committee (Katie Boss and Tim MacLeod).

2. Order 42-04062020*

Accepting the transfer of \$1,626.00 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-19-3899 Dwayne Paisley).

3. Order 43-04062020*

Accepting the transfer of \$1,160.00 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-19-3921 Jana Hansen).

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

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

II. Minutes – March 16, 2020 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Milks to approve the minutes of the March 16, 2020 Regular Council Meeting.

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

III. Communications, Presentations and Recognitions

- Androscoggin River Water Quality Classification presented by Peter Rubins
- Edward Little High School Site Phasing and Building Schedule presented by Mark Lee
- Covid-19 Update provided by Phil Crowell

- Council Communications:
 - Mayor Levesque – reported that there have been a lot of calls and meetings over the last few weeks due to Covid-19, was on a call with the Governor and other Mayor’s today, they discussed various issues including the upcoming election. He talked about economic recovery, the emergency proclamation that was issued last week, landlord/tenant communications, and board and committee meetings.
 - Councilor Boss – nothing to report
 - Councilor Walker – commented that he will be glad when the restaurants open again
 - Councilor Carrier – nothing to report
 - Councilor Milks – nothing to report
 - Councilor MacLeod – nothing to report
 - Councilor Lasagna – commended the information on Auburn’s website and the Mayor’s (Levesque and Cayer) for their communications for new Mainer’s.
 - Councilor Gerry – nothing to report
 - Manager Crichton – Budget workshops are coming up on April 9th, April 13th, April 16th, and April 27th, and May 4th.

IV. Open Session – Bill Sylvester commented that he enjoyed listening tonight and he commented that the Ag Committee hasn’t moved anywhere adding that Forestry is important.

Resident Dana Bonenfant, 25 Andrea Lane submitted the following email comment:
“Once we are done with COVID-19, will we be working on repaving some roads? Andrea Lane is in horrible array, so is Center Street. There are other roads also.”

V. Unfinished Business

1. Ordinance 03-03162020

Adopting an ordinance, Article II, Division 3, City Council Student Representative, Secs. 267-270. Second reading.

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

Public comment – no one from the public spoke.

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

VI. New Business

1. Order 44-04062020

Approving amendments to the Auburn-Lewiston Advisory Cable TV Committee.

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

Public comment – no one from the public spoke.

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

2. Order 45-04062020

Authorizing the City Manager or his designee to execute and deliver to Eagle Creek Renewable Energy, LLC or Hackett Mills Hydro Associates or their designee, a net energy billing credits agreement.

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

Public comment – no one from the public spoke.

Passage 7-0. A roll call was taken.

3. Order 46-04062020

Authorizing the purchase of the Fire Department's new fire truck based on the provided bid with \$100,000 to be provided as part of the FY21 Capital.

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

Public comment – no one from the public spoke.

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

4. Resolve 06-04062020

Limiting the increase in the school budget by 1.4 million dollars and the draw-down of the fund balance by no more than 20% this fiscal year.

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

Public comment – no one from the public spoke

Motion was made by Councilor Walker and seconded by Councilor Milks to amend the resolve by replacing 1.4 million dollars to not more than an \$350,000 increase in the tax levy.

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

Passage of the resolve as amended 7-0. A roll call vote was taken.

VII. Reports

Mayor Levesque – nothing to report.

Councilor Gerry – reported that she has been assisting with delivering meals to seniors and Auburn residents.

Councilor Lasagna – reported that there will be a date when Bates students can present to the Recycling Committee and the City Council.

Councilor MacLeod – reported that the LATC meeting is scheduled for the 15th of this month.

Councilor Milks – reported that the Water District will be meeting on the 15th of this month. He is not sure if there will be a meeting of the Sewer District, and the Citizen’s Advisory Committee will be meeting soon.

Councilor Carrier – reported that the Airport Board will not be meeting this month but they did notify board members that construction has started on the runway.

Councilor Walker – thanked the Public Works Department for their quick service picking up tires that had been left on the side of the road.

Councilor Boss – provided an update on the status of the Auburn Public Library and the next Library Board meeting will be April 21st, and the Court Street study group has requested an extension to report their findings in light of the pandemic.

Manager Crichton – commented on how impressed he is with Auburn staff and all they are doing, especially the first responders.

Jill Eastman, Finance Director – February 2020 Monthly Finance Report and Revenue Discussion

Motion was made by Councilor Carrier and seconded by Councilor Walker to accept and place on file the February 2020 Monthly Finance report.

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

VIII. Executive Session

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

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

Motion was made by Councilor Boss and seconded by Councilor Walker to enter into executive session.

Passage 7-0, time 9:18 PM. A roll call vote was taken. The remote meeting adjourned.

A TRUE COPY

ATTEST



Susan Clements-Dallaire, City Clerk

Mayor Levesque called the meeting to order at 9:08 P.M. The meeting was conducted remotely using “Zoom” due to the Covid-19 pandemic. The meeting was also broadcast as usual on Great Falls TV (cable channel 1302) and on the City of Auburn YouTube channel.

Members of the public were allowed to comment during the public comment session of the meeting, by either “attending” the meeting via Zoom or by submitting remarks via email to: comments@auburnmaine.gov.

I. New Business

1. Order 47-04162020

Ensuring safe options for temporary housing to victims of domestic violence and allowing for the use of existing Churches and Municipal Buildings (specifically Hasty Memorial Building) to help provide temporary housing solutions for victims of domestic violence with a simple staff level review for building safety.

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

Passage 6-1 (Councilor Walker opposed). A roll call vote was taken.

II. Adjourn

Motion was made by Councilor Carrier and seconded by Councilor Boss to adjourn. All were in favor. Time adjourned 9:09 PM.

A TRUE COPY

ATTEST *Susan Clements-Dallaire*

Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 27, 2020

Resolve: 07-04272020

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

Subject: Androscoggin River Water Quality Classification - Resolve to support upgrade from Class C to Class B

Information: Peter Rubins with Grow LA gave the Council an update on the current water quality classification of the Androscoggin River and asked for support from the City Council in upgrading the current classification from C to B from the Great Falls to Merrymeeting Bay.

City Budgetary Impacts: None known. It is possible that a change in classification could result in more stringent CSO and stormwater requirements over time, however, the City and AWSD are already investing in system upgrades and maintenance that have drastically reduced Auburn's pollutant discharges to the Androscoggin River.

Staff Recommended Action: Support water quality classification upgrade from C to B by passing the attached Resolve.

Previous Meetings and History: April 6, 2020 CC Communications.

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments: Information supplied by Peter Rubins.

March 5, 2020

Mayor Levesque and Auburn City Council

Maine water quality classifications are reviewed every three years by MDEP and they make recommendations to the Environment and Natural Resources Committee and then, on to the Legislature that actually sets the classification. 2020 is the year for the review to take place.

The last proposal for upgrading the Androscoggin from Worumbo Falls to Merrymeeting Bay from C to B was denied even though the Andro meets B criteria. New Data has been added from Gulf Island Dam on down and legal clarification by the Conservation Law Foundation says that Maine's water classification is Goal Based, especially when it meets B standards 99.9% of the time.

I have been working with Ferg Lea of the Androscoggin Watershed Council and concerned individuals from other nonprofit River organizations. We ask for your continued support for the upgrade and would like to explain our proposal and its rationale in a workshop format if you desire. The coalition's response to DEP is due March 30. It is our hope that you can sign on to our request to DEP to reclassify to B. If not and you prefer to write your own letter, that is fine also. Now is the time to get it done.

The attached talking paper will form the basis for discussion. Please contact me if you have questions.

Thank you for the opportunity.

Peter Rubins
GROW L+A RIVER WORKING GROUP

Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

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For many years Friends of Merrymeeting Bay's EPA and DEP approved water quality monitoring data on the lower river have shown with very few exceptions, compliance with Class B conditions and yet the DEP, conflating statutes we believe (see CLF legal opinion), refuses to endorse upgrading the lower river from Class C our minimum standard, to Class B, the standard reflecting actual ambient conditions. The biases of the DEP and influence of industry weigh heavy on the river despite support from riverside communities for an upgrade, state and federal clean water laws and scientific data. We respectfully ask for your support of our current upgrade proposal.

Why Upgrade?

It's the law!

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A cleaner river has well-documented economic and quality of life benefits.

Sixty percent of our wildlife species inhabit river corridors and all benefit as do we.

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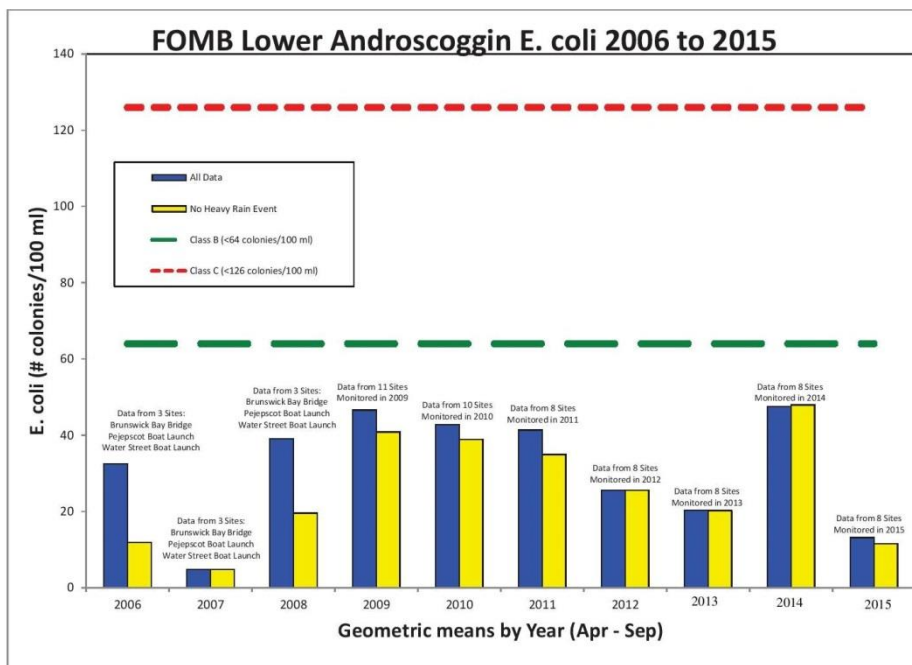
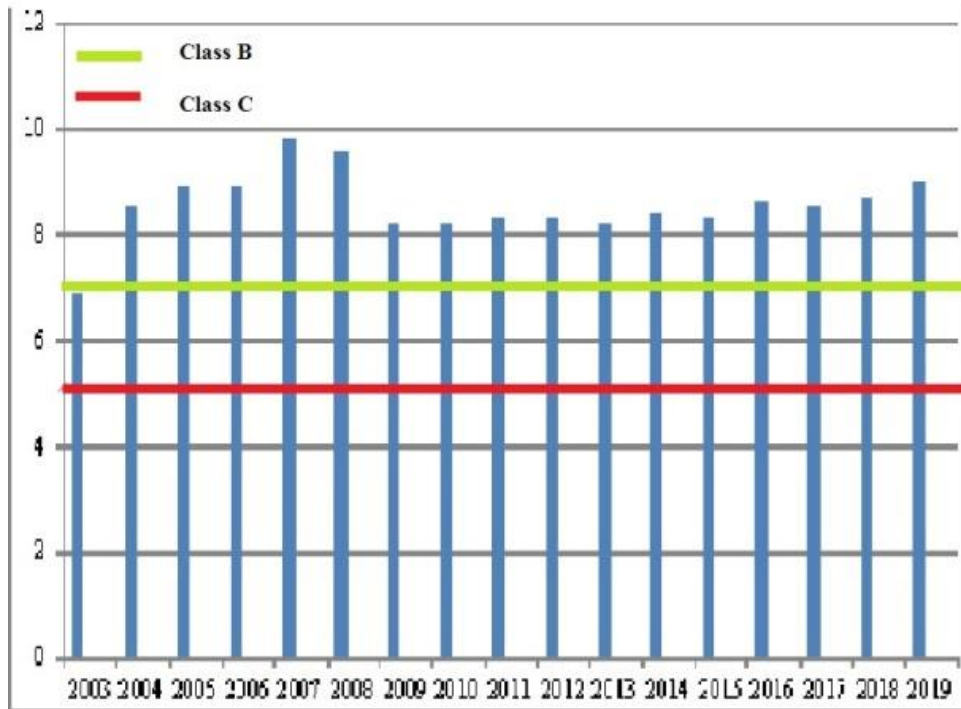
Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

38 M.R.S.A. § 464 (4) (F) (4)

“When the actual quality of any classified water exceeds the minimum standards of the next highest classification, that higher water quality must be maintained and protected. The board shall recommend to the Legislature that water be reclassified in the next higher classification.”

What do the data show?

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Auburn/Lewiston Riverwalk:

“The river section of Lewiston-Auburn features boat launches, fishing areas, canals, and dams. The Cities of Lewiston and Auburn have developed parts of the river and businesses are flourishing along its banks and canals, from outdoor decks at Gritty’s Brew Pub and Pat’s Pizza, to Fishbones. The Cities of Lewiston and Auburn have dedicated considerable resources to its beautification with the Riverwalk, which connects Railroad Park in Lewiston to Festival Plaza in Auburn, the site of numerous outdoor events and summer concerts.”
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Androscoggin Bicycle and Pedestrian Path:

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“Ranked #2 of 6 attractions in Topsham” [Tripadvisor]

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“*Buffalo, NY.* Residential property values near the Buffalo River could increase as much as 140 million if contamination in the river is eliminated, according to a study conducted by the University of Illinois and the Northeast-Midwest Institute.

Researchers collected data from housing sales in Erie County in the years 2002-2004, and directly surveyed 850 recent home buyers in Erie County. Results of the study of housing sales data indicate that **the polluted state of the river currently is depressing single-family, owner-occupied property values by \$80 to \$140 million**, or six to nine percent of the assessed residential property values in the area studied. Clean-up could be expected to raise the property values commensurately.”

Sheboygan, WI. Residential property values near the Sheboygan River could increase as much as 108 million if contamination in the river is eliminated, according to a study conducted by the University of Illinois and the Northeast-Midwest Institute.

Researchers collected data from housing sales in Sheboygan County in the years 2002-2004, and directly surveyed 850 recent home buyers in Erie County. Results of the study of housing sales data indicate that **the polluted state of the river currently is depressing single-family, owner-occupied property values by \$8 to \$108 million**, or one to seven percent of the assessed residential property values in the area studied. Clean-up could be expected to raise the property values commensurately.”

Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

Why the conflict with DEP and river industry? They are citing the wrong statute!

Reclassification vs. Relicensing

These are two different items falling under two different statute sections yet the DEP and industry consistently and purposefully conflate the two. Reclassification is designed to drive relicensing. As slight changes are made to license renewals to comply with classification upgrades, water quality is slowly improved. Discharge and river condition modeling both used in relicensing, have no legal bearing on classification. This is discussed on page 2 of our 2011-2012 Androscoggin River Monitoring Report [Water Quality Data Analysis and Review, Lower Androscoggin River](#) at www.fomb.org and again in a legal opinion from the Conservation Law Foundation (see below).

According to Maine statutes, modeling has no bearing on the classification process §464 (4) (F) (4) which is based solely on actual ambient river conditions. In contrast to classification, modeling does play a role in relicensing (§464 (4) (D)) when dischargers are to meet the river classification under minimum seven-day low flow conditions expected to take place once every ten years (a theoretical value known as 7Q10).

The purposeful policy reason for the difference in requirements for classification and relicensing is so that water quality conditions may slowly be improved or ratcheted up. This is the goal-oriented purpose both of the Clean Water Act and Maine statute. If a river had to meet the relicensing standard before an upgrade as the DEP and industry would have you believe, it likely never would and therefore there would be no motivating driver for improvements in water quality.



Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

A Legal Opinion: Excerpt from Conservation Law Foundation BEP Comments 10/2/2008

The Lower Androscoggin

CLF strongly disagrees with the Department's recommendation and rationale for not upgrading this river segment. The Department has stated that proponents must provide water quality data and modeling showing "the likelihood of attainment of Class B water quality criteria at maximum licensed loads." See Reclassification Memorandum at 29. This makes no logical, legal or economic sense. First, no one operates at maximum licensed loads; rather a large buffer is generally built into all permits to avoid violations. Thus, DEP is requesting an impossible and unnecessary showing.

Second, the Department's recommendation violates the legal standard in the Clean Water Act that a state shall revise its standards to reflect uses and water quality actually being attained. 40 C.F.R. § 131.10(i). See also *id.* § 131.6(d); 38 MRSA § 464(4)(F). Thus, the Board's analyses must be based on *existing* water quality-not hypothetical modeling with point sources operating at maximum licensed discharge. Indeed, the Board is specifically prohibited from considering maximum licensed loads because both state and federal regulations prohibit consideration of waste discharge or transport as a designated use. 40 C.F.R. § 131.1(a); 38 MRSA § 464(4)(F)(1)(d).

Third, as many of the dischargers in this watershed have already recognized, water quality upgrades are generally good for surrounding communities. As has been shown over and over again, clean water is an economic boon. Examples abound throughout New England, including the recent revival of Boston Harbor, the Portland Waterfront, the Auburn Riverfront and the resurgence of Merrymeeting Bay and the Kennebec River. The Androscoggin River deserves the same.

CLF believes that the data, including both dissolved oxygen levels and recreational uses shows that existing uses in the lower Androscoggin have improved over time and that the river currently attains the higher bacteria and dissolved oxygen standards set forth in the Class B designation. As noted by the Department, it has no reason to question the data; indeed it has relied upon data supplied by the proponent in prior reclassifications. Therefore, barring a showing that the data is invalid, the Board must recommend upgrading this section.

* (From page 2) 2016-2019 E. coli geometric means-un-graphed. Class B <64 colonies/100ml, Class C <126 colonies/100 ml

	E.coli
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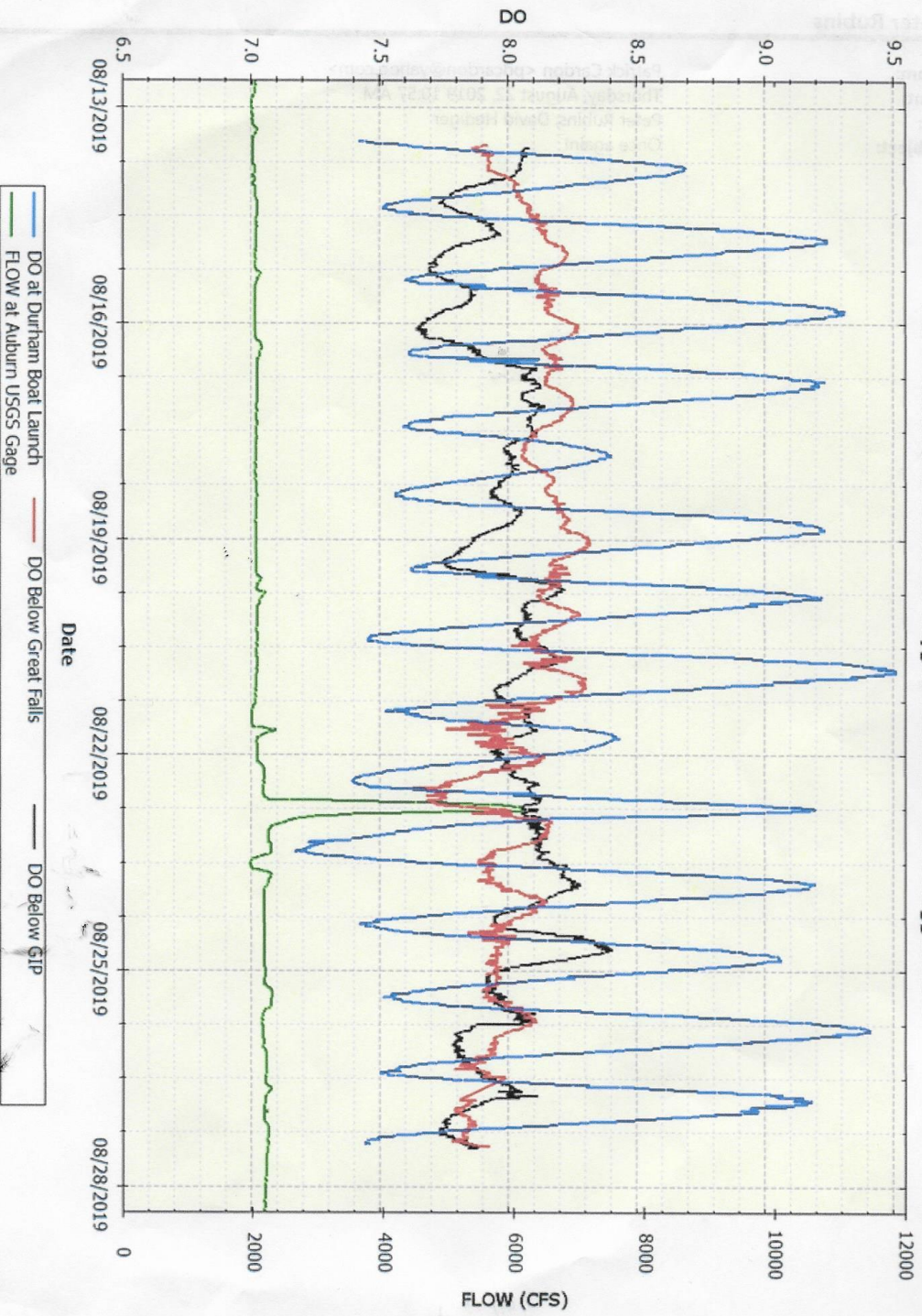
Upgrade the Lower Androscoggin from Class C to Class B

Summary Fact Sheet

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5. Relicensing is based on modeling under worst case conditions [7Q10-theoretical minimum 7-day flow in a 10 year period] however current license limits are inflated over actual discharges by as much as 90% which can make the standard exceptionally difficult for a discharger to meet. Relicensing = a different statute from classification.
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DEP's Continuous Dissolved Oxygen Data from Androscogin River



Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet (Executive Summary)

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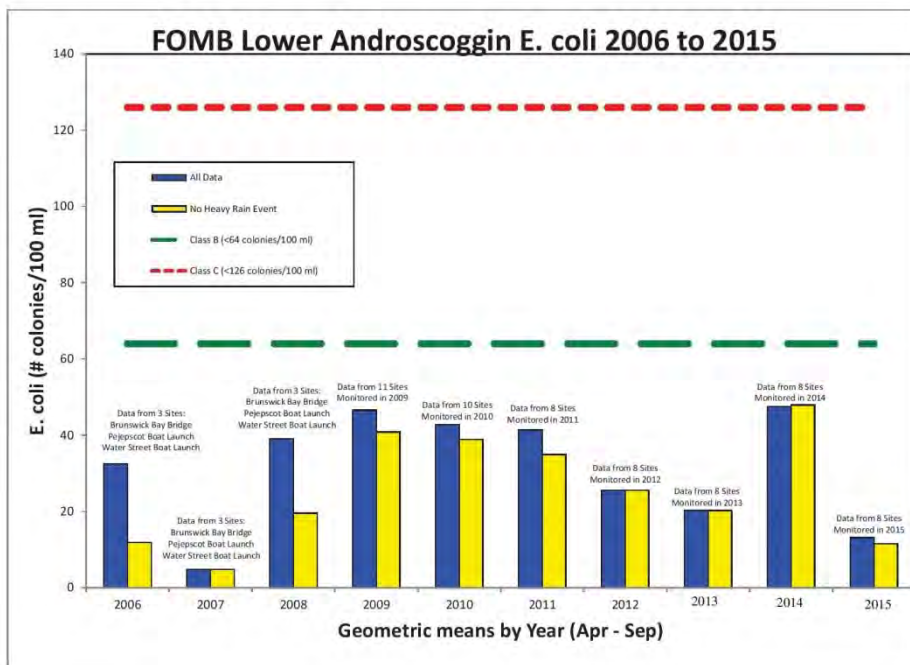
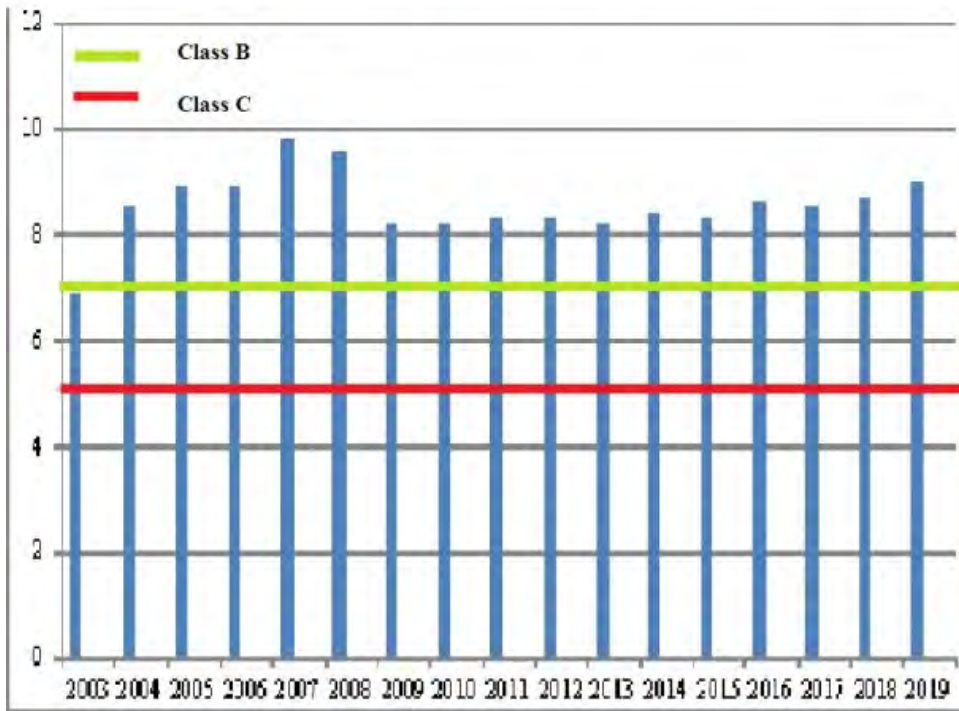
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* Further extensive legal analyses have been submitted by Greenfire Law as [Exhibit 4](#) of the 2020 proposal.

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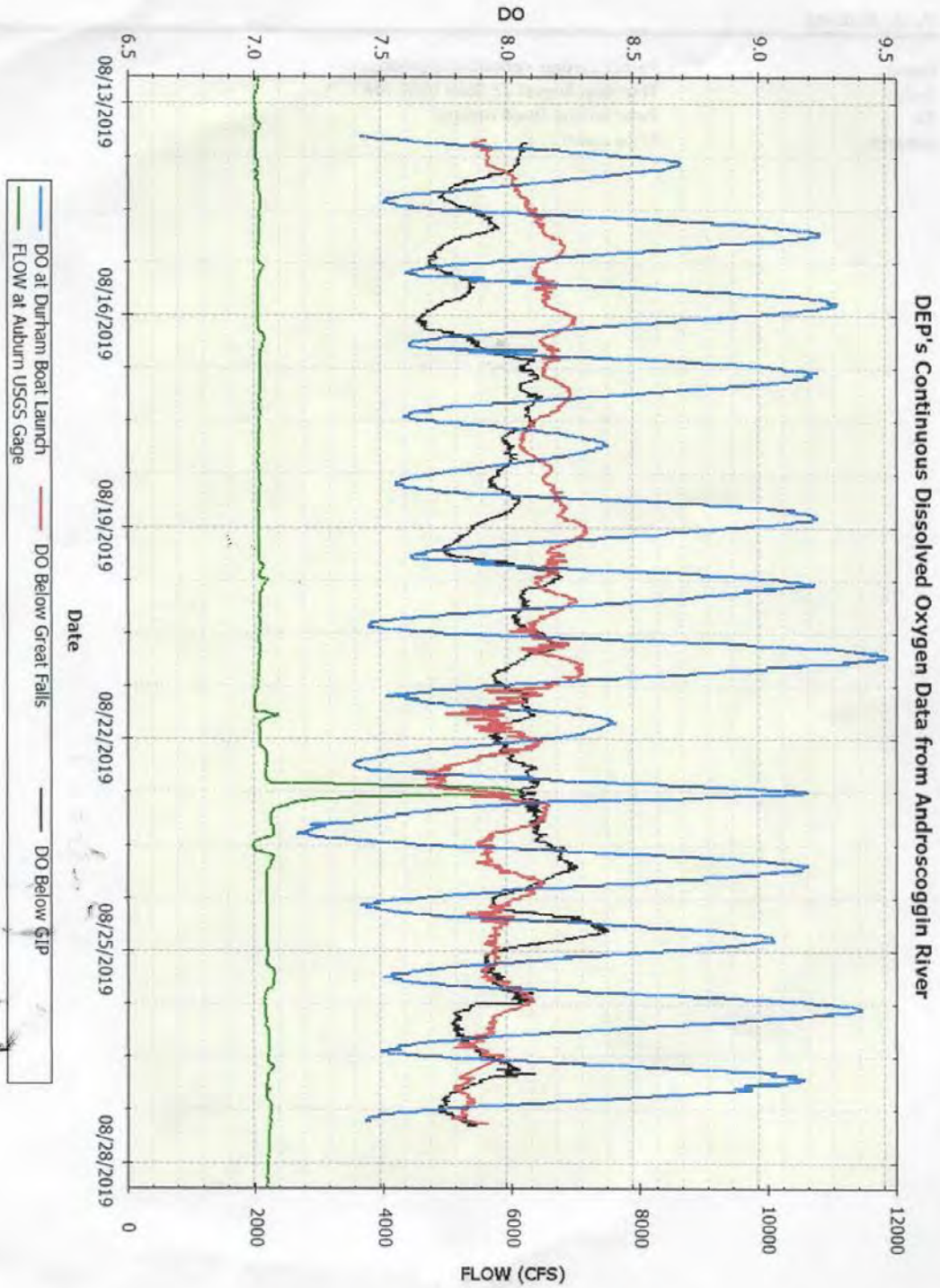
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Upgrade the Lower Androscoggin from Class C to Class B Summary Fact Sheet

9/6/2019

Gmail - #5 DO Testing on Androscoggin in LA



Upgrade the Lower Androscoggin from Class C to Class B Summary Fact Sheet

Section 3 CSO Improvements - Nineteen Years of Progress (2000-2018)

Tighe&Bond



FIGURE 3-6

Auburn Sewer District 2000-2018 Precipitation vs. CSO Discharge

Section 3 CSO Improvements - Nineteen Years of Progress (2000-2018)

Tighe&Bond



FIGURE 3-13

City of Lewiston 2000-2018 Precipitation vs. CSO Discharge

SAMPLE LETTER OF SUPPORT

Date

Chairman Mark Draper
Maine Board of Environmental Protection
17 State House Station
Augusta, ME 04333

Dear Mr. Draper and members of the Board,

This letter is written in support of the Friends of Merrymeeting Bay (FOMB), Grow L/A, Trout Unlimited (TU) and Maine Rivers proposal to reclassify, from Class C to Class B, the lower Androscoggin River from its mouth in Merrymeeting Bay to Gulf Island Dam . Since 1999, FOMB has consistently recorded water quality data along this section of river demonstrating actual Class B standards are being met nearly all of the time. FOMB trained volunteers operating under EPA and or DEP quality assurance plans have in the past collected data used to support a similar upgrade on the lower Kennebec River from Augusta to the Bay.

The water quality of the Androscoggin sections proposed for an upgrade, exceed the current classification and meet those of Class B. This request to upgrade from C to B is supported by the State antidegradation policy as quoted below:

38 M.R.S.A. § 464 (F) (4)

*“When the **actual quality** of any classified water exceeds the minimum standards of the next highest classification, **that higher water quality must be maintained and protected**. The board **shall recommend** to the Legislature that water be reclassified in the next higher classification.”*

Clean rivers enhance the local economy and vitality of the communities surrounding them. A clean, healthy river attracts people, new businesses, and increases property value. An upgrade of the Androscoggin will not have an adverse impact on current industrial uses along the river since Class B conditions have been met for years in the course of “business as usual.” While higher (than current actual) discharge limits exist for a number of licensees, these artificially high numbers can not be used to create a ceiling on water quality improvements that prevents reclassification to higher levels already obtained.

In the Department’s own submission guidelines they state:

“Maine’s Water Quality Classification System is **goal-based**.

When proposing an upgrade in classification, recommend waters that either presently attain or with reasonable application of improved treatment or Best Management Practices (BMPs), could reasonably be expected to attain, the standards and criteria of a higher proposed class.”

Considering the past upgrades supported by FOMB data, their meticulous sampling and current supportive data, we believe the Board should endorse the Androscoggin proposal, recommending an upgrade of this section from C to B to the legislature. It is a public right to have access to clean water ways for the surrounding communities, people, and creatures. If the water quality of this river meets a higher classification we should be working hard to preserve its integrity as state and federal laws

intend and dictate. Upgrading the Androscoggin to lock in improved water quality conditions is also consistent with our most recent comprehensive plan.

Senator Muskie used the Androscoggin as his poster child for the Clean Water Act. Years later, it remains the poor step-child of all Maine's large rivers when it comes to clean-up efforts. The Board has an opportunity to change this and we ask you to. The Androscoggin's time has come.

Thank you for your time and consideration in this matter.

Sincerely,



CITY OF LEWISTON

Mark A. Cayer
Mayor

March 26, 2020

Mark Draper
Chair, Maine Board of Environmental Protection
17 State House Station
Augusta, ME 04333

Dear Mr. Draper and Members of the Board:

The Androscoggin River is a National Success Story.

Fifty years ago when the first Earth Day was celebrated, it was one of the most polluted rivers in the country. Today, it meets Class B standards, although still classified as C.

It deserves reclassification under Maine's goal based Water Quality Classification System.

*"When proposing an upgrade in classification, recommend waters that either presently **attain or with reasonable application of improved treatment or Best Management Practices (BMPs), could reasonably be expected to attain¹**, the standards and criteria of a higher proposed class."*

Data shows that the Androscoggin has been meeting Class B standards since 2010, largely due to Representative John Nutting's 1990 Color, Odor, Foam Bill; a Dioxin Bill passed 1996; a Phosphorus Bill passed in 2006; sewer system upgrades by the cities of Lewiston and Auburn and others addressing storm overflow protection; and the Gulf Island Pond Oxygenation Project.

This letter is written on behalf of the City Council of the City of Lewiston in support of the proposal from the Friends of Merrymeeting Bay (FOMB), the Grow L+A River Working Group, Trout Unlimited (TU), Maine Rivers, and more to reclassify the lower Androscoggin River from its mouth in Merrymeeting Bay to Gulf Island Dam to Class B. Since 1999, FOMB has consistently recorded water quality data along this section demonstrating Class B standards are met nearly all the time. FOMB's trained volunteers, operating under EPA and/or DEP quality assurance plans, previously collected data that supported a similar upgrade on the lower Kennebec River from Augusta to the Bay.

¹ Emphasis added.

This request is also supported by the State's anti-degradation policy:

38 M.R.S.A. § 464 (F) (4)

*"When the **actual quality** of any classified water exceeds the minimum standards of the next highest classification, **that higher water quality must be maintained and protected**. The board **shall recommend²** to the Legislature that water be reclassified in the next higher classification."*

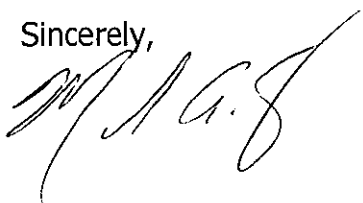
Clean rivers enhance the local economy and vitality of the surrounding communities. A clean, healthy river attracts people, new businesses, and increases property values. An upgrade of the Androscoggin will not have an adverse impact on current industrial uses along the river, since Class B conditions have been met for years in the course of "business as usual." While higher (than current actual) discharge limits exist for a number of licensees, these artificially high numbers should not be used to create a ceiling on water quality improvements that prevents reclassification where higher water quality levels already exist. We believe that industrial discharge licenses along the river can be adjusted through cooperative efforts between permittees and DEP without impacting employment or our regional industrial economy.

Considering the past upgrades supported by FOMB data, their meticulous sampling, and the current supportive data, we urge the Board to recommend to the legislature that this section of the river be moved to class B. Access to clean waterways is a right for those who live near them, whether human or animal. Upgrading the Androscoggin will lock-in improved water quality conditions, a result that is consistent with Lewiston's comprehensive plan.

Senator Muskie used the Androscoggin as his poster child for the Clean Water Act. Years later, it remains the poor step-child of Maine's large rivers. The Board has an opportunity to change this. We ask you to do so. The Androscoggin's time has come.

Thank you for your time and consideration.

Sincerely,



Mark A. Cayer
Mayor

² Emphasis added.

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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

RESOLVE 07-04272020

Whereas clean rivers enhance the local economy and vitality of the communities surrounding them. A clean, healthy river attracts people, new businesses, and increases property value and is an essential component Auburn's Strategic Plan.

Whereas, trained volunteers have collected data that has consistently recorded water quality data along this section of river demonstrating actual Class B standards are being met nearly all of the time. Trained volunteers operating under EPA and or DEP quality assurance plans have in the past collected data used to support a similar upgrade on the lower Kennebec River from Augusta to the Bay.

Whereas we believe that an upgrade of the Androscoggin will not have any significant adverse impact on current industrial uses along the river since Class B conditions have been met for years.

BE IT RESOLVED,

That the Auburn City Council authorizes the City Manager and/or Mayor to send a letter of support on behalf of the Auburn City Council for the upgrade of the Water Quality Classification of the Androscoggin River from Great Falls to Merrymeeting Bay from Class C to Class B.



City of Auburn, Maine

Finance Department

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

TO: Peter Crichton, City Manager

FROM: Jill Eastman, Finance Director

REF: March 2020 Financial Report

DATE: April 27, 2020

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

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

Revenues

Revenues collected through March 31st, including the school department were \$75,784,893 or 84.03%, of the budget. The municipal revenues including property taxes were \$55,571,401, or 88.56% of the budget which is less than the same period last year by 0.65%. The accounts listed below are noteworthy.

- A. The current year tax revenue is at 94.58%, the second payment was due March 15th, but extended because of the COVID19 virus.
We are currently \$1,135,031 higher than last year at this time.
- B. Excise tax for the month of March is at 78.56%. This is an increase of \$174,131 compared to FY 19.
- C. State Revenue Sharing at the end of March is 84.89% or \$814,122 more than in FY 19.



City of Auburn, Maine

Finance Department

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Expenditures

City expenditures through March 2020 were \$34,965,896 or 77.95%, of the budget. This is a 7.42% increase for the same period last year. Noteworthy variances are:

- A. Fiscal Services are higher than last year due to the timing of the transfer to Workers Compensation.
- B. Administration and Public Safety are higher than at this time last year.
- C. The transfer to the TIF accounts was made in February this year, and not until April last year.

Investments

This section contains an investment schedule as of February 28th. Currently the City's funds are earning an average interest rate of 1.87%.

Respectfully submitted,

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

Jill M. Eastman
Finance Director



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 27, 2020

Subject: Executive Session

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

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

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

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

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

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

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

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

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

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

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

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



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 27, 2020

Subject: Executive Session

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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:

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- (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;

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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.