



**City Council Workshop & Meeting
November 4, 2019
Agenda**

5:30 P.M. City Council Workshop

- A. Executive Session – Economic Development (Auburn Industrial Park), pursuant to 1 MRSA Sec. 405(6)(C)
- B. Timber Harvest Shoreland Zoning Amendment Option 1–Megan Norwood & Audrey Knight (15 minutes)
- C. Agricultural Zone Discussion (Income) – (50 minutes)

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

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 129-11042019***
Appointing Wardens and Ward Clerks for the November 5, 2019 Election.
 - 2. **Order 130-11042019***
Accepting the transfer of \$1,540.00 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-17-1525 Kamau Thompson).
- II. **Minutes** – October 21, 2019 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - CAPER – Zachary Lenhert
 - Communication - Mass Gathering Application (New Year’s Eve Auburn Event)
- IV. **Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.
- V. **Unfinished Business**
 - 1. **Order 111-09162019**
Approving the renewal of the Auto Graveyard/Junkyard permit for Morris Auto Parts located at 940 Washington St. N.

2. **Ordinance 14-10212019**
Adopting the Proposed Zoning Map Amendment (965 Minot Avenue). Public hearing and second reading.
 3. **Ordinance 13-10212019**
Amending Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits, Appendices A, B, C and H, effective 10/01/2019 to 9/30/2020. Second reading.
 4. **Order 125-10212019**
Appointing Kelsey Earle to serve on the Lewiston Auburn Transit Committee (LATC) for a three-year term.
- VI. New Business**
1. **Order 131-11042019**
Approving the liquor license and special amusement permit for Firehouse Grill. Public hearing.
 2. **Order 132-11042019**
Confirming the Mayor's appointment of James Pross as a regular voting member of the Ethics Committee for a three-year term.
 3. **Order 133-11042019**
Confirming the Mayor's appointment of Leonard Kimble as a regular voting member of the Ethics Committee for a one-year term.
 4. **Order 134-11042019**
Confirming the Mayor's appointment of Jared Doyle as an alternate member of the Ethics Committee for a three-year term.
- VII. Reports**
- a. **Mayor's Report**
 - b. **City Councilors' Reports**
 - c. **City Manager Report**
- VIII. Open Session** - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.
- IX. Executive Session**
- X. Adjournment**



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2019

Subject: Executive Session

Information: Economic development (Auburn Industrial Park), 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: November 4, 2019

Author: Audrey Knight, City Planner

Subject: Shoreland Zoning Timber Harvesting Planning Board Recommendation (Option 1)

Information: The Department of Agriculture, Conservation and Forestry (DACF), Bureau of Forestry and the Maine State Legislature enacted statewide standards for Timber Harvesting and Related Activities in Shoreland Areas in 2013. The City Manager received a letter from the Director of the Maine Forest Service on January 7, 2019 requesting the City to update the Shoreland Zoning Ordinance to address the standards, as required by the Mandatory Shoreland Zoning Act, administered by the Maine Department of Environmental Protection (MDEP).

Each municipality in the State has been given three different options to address adopted State standards:

- **Option 1:** To have the Maine Forest Service assume administration and enforcement of the science-based standards. This entails repealing existing locally adopted Timber Harvest language, so the State Standards prevail.
- **Option 2:** Repeal and Replacement (in its entirety) of the State language and an additional determination and agreement on roles and responsibilities to be shared by the City and the State. Any changes that occur at the State level in the future would require the City to mirror those amendments.
- **Option 3:** Requires local ordinances to be updated to be at least as stringent as the State standards without assistance from the State for enforcement and administration. The City would need an extensive update to the existing code.

On October 8, 2019, the Planning Board voted to make a recommendation to City Council in favor of **Option 1** that the City repeal Sec. 60-1003 and enable to the State Forest Service to administer and enforce timber harvests in the Shoreland Zone with the following findings:

- Option one aids in reducing the burden on Staff and allows the City to utilize free State help and services;
- Expertise is not currently available on City Staff to administer options two and three effectively;
- This recommendation is made with the understanding that commercial forestry is not a large enough sector of the City's local economy to justify the required investments to implement options two or three effectively.

Ordinance Language to be Repealed: Chapter 60, Article XII, Division 5. Shoreland Overlay District (SLO), **Sec. 60-1003. - Timber harvesting.** (attached) and replaced with: "[Chapter 21, Statewide Standards for Timber Harvesting in Shoreland Areas apply.](#)"

City Budgetary Impacts: Option 1 has no impact on the City budget whereas Option 2 would require shared responsibilities between the City and the State in enforcing a new timber harvesting ordinance which may require additional Staff. Option 3 would require hiring a Forester to administer the ordinance effectively.

Staff Recommended Action: Planning Staff recommends the City Council approve the Planning Boards recommendation to repeal Sec. 60-1003 and enable the State Forest Service to administer and enforce timber harvests in the Shoreland Zone in the City. As stated in the findings and Staff report, regardless of the potential land area or forest management activity that could occur in these areas of the City, the work requires a specialized skill set that is not available in-house. Option two, adoption of a new ordinance requiring the State to implement, review and enforce, would appear to gain little and cost both time and money to both arrive at a "joint agreement" as well as to implement. Option three would



be recommended for jurisdictions with either a large tree harvesting industry and local staff or contracted experts in the logging industry, or those with limited shoreland and/or forests, so there would be no need for Forest Service assistance and limited to no impacts to watersheds.

Previous Meetings and History: The Planning Board received information and an overview of both the Shoreland Zone, and this Section of the ordinance July 9, 2019. Planning Board members requested further information from the state. A joint workshop with the Conservation Commission, attended by Thomas Gilbert, Water Resources Specialist, Maine Forest Service, was held on September 10, 2019 in which substantive questions were asked and discussed. The Planning Board received the Conservation Commission's recommendation on this matter, held a public hearing which garnered support, and voted unanimously in favor of Option 1, on October 8, 2019.

City Manager Comments:

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

I concur with the recommendation. Signature:

Attachments:

- October 10, 2019 Planning Board Staff Report
- Conservation Commission Recommendation
- Ordinance Amendment (Sec. 60-1003.)

Chapter 60, Article XII, Division 5. Shoreland Overlay District (SLO),

Sec. 60-1003. - Timber harvesting. Repealed - “Chapter 21, Statewide Standards for Timber Harvesting in Shoreland Areas apply.”

Formatted: list0

- Deleted:** a) In a resource protection district abutting a great pond, timber harvesting shall be limited to the following: ¶
- (1) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met: ¶
- a. The ground is frozen; ¶
 - b. There is no resultant soil disturbance; ¶
 - c. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land; ¶
 - d. There is no cutting of trees less than six inches in diameter; no more than 30 percent of the trees six inches or more in diameter, measured at four and one-half feet above ground level, are cut in any ten-year period; and a well-distributed stand of trees and other natural vegetation remains; and ¶
 - e. A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality. ¶
- ¶
- (2) Beyond the 75-foot strip referred to in subsection (a)(1) above, timber harvesting is permitted in accordance with subsection (b) below except that in no case shall the average residual basal area of trees over four and one-half inches in diameter at four and one-half feet above ground level be reduced to less than 30 square feet per acre. ¶
- (b) Except in areas as described in subsection (a) above, timber harvesting shall conform with the following provisions: ¶
- (1) Selective cutting of no more than 40 percent of the total volume of trees four inches or more in diameter measured at four and one-half feet above ground level on any lot in any ten-year period is permitted. In addition: ¶
- a. Within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within 75 feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained. ¶
 - b. At distances greater than 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than 75 feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet they shall be at least 100 feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area. ¶
- (2) Timber harvesting operations exceeding the 40 percent limitation in subsection (b)(1) above, may be



PLANNING BOARD REPORT to the CITY COUNCIL

To: Mayor Levesque and Honorable Members of the Auburn City Council
From: Auburn Planning Board
Re: Shoreland Zoning Timber Harvesting Planning Board Recommendation (Option 1)
Date: October 08, 2019

A. **PUBLIC HEARING AND DELIBERATION** - The Auburn Planning Board received information and an overview of both the Shoreland Zone and this section of the ordinance on July 9, 2019. At that meeting, Planning Board members requested further information from the State. A joint workshop with the Conservation Commission, attended by Thomas Gilbert, Water Resources Specialist, Maine Forest Service, was held on September 10, 2019 in which substantive questions were asked and discussed. The Planning Board received the Conservation Commission's recommendation on this matter, held a public hearing which garnered support, and voted unanimously in favor of Option 1, on October 8, 2019.

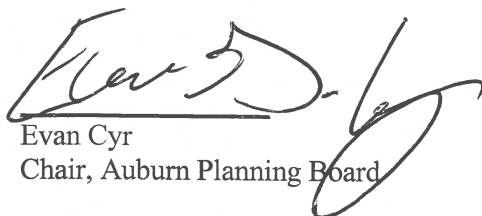
B. **PLANNING BOARD RECOMMENDATIONS**

Planning Board members voted unanimously to make a recommendation to City Council in favor of Option 1 that the City repeal Sec. 60-1003 and enable the State Forest Service to administer and enforce timber harvests in the Shoreland Zone with the following findings:

- Option one aids in reducing the burden on Staff and allows the City to utilize free State help and services;
- Expertise is not currently available on City Staff to administer options two and three effectively;
- This recommendation is made with the understanding that commercial forestry is not a large enough sector of the City's local economy to justify the required investments to implement options two or three effectively.

RECOMMENDATION:

Ordinance Language to be Repealed: Chapter 60, Article XII, Division 5. Shoreland Overlay District (SLO), **Sec. 60-1003. - Timber harvesting.** (attached) and replaced with: "[Chapter 21, Statewide Standards for Timber Harvesting in Shoreland Areas apply.](#)"



Evan Cyr
Chair, Auburn Planning Board

Cc: Evan Cyr, Chair Auburn Planning Board
File

Sec. 60-1002. - Agriculture.

- (a) All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. §§ 4201-4209).
- (b) Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within 75 feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater.
- (c) Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area, within the shoreland zone shall require a conservation plan to be filed with the planning board. Nonconformance with the provisions of said plan shall be considered to be a violation of this division.
- (d) There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, from other water bodies; nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this division and not in conformance with this provision may be maintained.
- (e) Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, of other water bodies; nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a conservation plan.

(Ord. No. 011-09072010-07, § 5.4U, 9-7-2010)

Sec. 60-1003. - Timber harvesting.

Chapter 21, Statewide Standards for Timber Harvesting in Shoreland Areas apply.

- ~~(a) In a resource protection district abutting a great pond, timber harvesting shall be limited to the following:~~
 - ~~(1) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:~~
 - ~~a. The ground is frozen;~~
 - ~~b. There is no resultant soil disturbance;~~
 - ~~c. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;~~
 - ~~d. There is no cutting of trees less than six inches in diameter; no more than 30 percent of the trees six inches or more in diameter, measured at four and one half feet above ground level, are cut in any ten-year period; and a well-distributed stand of trees and other natural vegetation remains; and~~
 - ~~e. A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.~~
 - ~~(2) Beyond the 75-foot strip referred to in subsection (a)(1) above, timber harvesting is permitted in accordance with subsection (b) below except that in no case shall the average residual basal area of trees over four and one half inches in diameter at four and one half feet above ground level be reduced to less than 30 square feet per acre.~~

- ~~(b) Except in areas as described in subsection (a) above, timber harvesting shall conform with the following provisions:~~
- ~~(1) Selective cutting of no more than 40 percent of the total volume of trees four inches or more in diameter measured at four and one-half feet above ground level on any lot in any ten-year period is permitted. In addition:
 - ~~a. Within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within 75 feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~
 - ~~b. At distances greater than 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than 75 feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet they shall be at least 100 feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.~~~~
 - ~~(2) Timber harvesting operations exceeding the 40 percent limitation in subsection (b)(1) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of the SLO district. The planning board shall notify the commissioner of the department of environmental protection of each exception allowed, within 14 days of the planning board's decision.~~
 - ~~(3) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.~~
 - ~~(4) Timber harvesting equipment shall not use stream channels as travel routes except when:
 - ~~a. Surface waters are frozen; and~~
 - ~~b. The activity will not result in any ground disturbance.~~~~
 - ~~(5) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~
 - ~~(6) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.~~
 - ~~(7) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least 75 feet, horizontal distance, in width for slopes up to ten percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten percent increase in slope, the unscarified strip shall be increased by 20 feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than 25 feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.~~

~~(Ord. No. 011-09072010-07, § 5.4V, 9-7-2010)~~

Sec. 60-1004. - Clearing or removal of vegetation for activities other than timber harvesting.

- (a) In a resource protection district abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any resource protection district the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

- (b) Except in areas as described in section 60-1003(a), above, and except to allow for the development of permitted uses, within a strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
- (1) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
 - (2) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of section 60-1003(b)(2) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1,250 square feet) area as determined by the following rating system.

Diameter of Tree at 4½ feet Above Ground Level (inches)	Points
2 - < 4 in.	1
4 - < 8 in.	2
8 - < 12 in.	4
12 inches or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

- a. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- b. Each successive plot must be adjacent to, but not overlap a previous plot;

- c. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this division;
- d. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this division;
- e. Where conditions permit, no more than 50 percent of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of section 60-1003(b)(2) "other natural vegetation" is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at four and one-half feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two inches in diameter can be removed until five saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40 percent of the total volume of trees four inches or more in diameter, measured at four and one-half feet above ground level may be removed in any ten-year period.

- (3) In order to protect water quality and wildlife habitat, existing vegetation under three feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in section 60-1003 paragraphs (b) and (b)(1) above.
- (4) Pruning of tree branches, on the bottom one-third of the tree is allowed.
- (5) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 60-1003(b) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- (c) At distances greater than 100 feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten-year period, selective cutting of not more than 40 percent of the volume of trees four inches or more in diameter, measured four and one-half feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40 percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25 percent of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, including land previously cleared. This provision shall not apply to the general development areas.

- (d) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this section.
- (e) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of section 60-1003.

(Ord. No. 011-09072010-07, § 5.4W, 9-7-2010)



City of Auburn, Maine

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

PLANNING BOARD REPORT to the CITY COUNCIL

To: Mayor Levesque and Honorable Members of the Auburn City Council
From: Auburn Planning Board
Re: Proposed Zoning Map Amendment at 965 Minot Avenue
Date: October 08, 2019

- A. **PUBLIC HEARING AND DELIBERATION** - The Auburn Planning Board received a zoning map amendment request from the City Council to change the parcel abutting the rear of PID 207-013 from Suburban Residential (SR) to General Business II (GBII) to expand the commercial zone at the existing Petros Hardware business at 965 Minot Avenue. During its deliberations, the Planning Board acknowledged that the proposal was for a zoning map amendment, not a site plan review and therefore did not consider overall site circulation during the deliberations.

The Planning Board reviewed the ordinance amendments based on the current Zoning Ordinance and the Future Land Use Plan and made a favorable recommendation to City Council regarding the amendments at the October 8, 2019 meeting.

B. **PLANNING BOARD RECOMMENDATIONS**

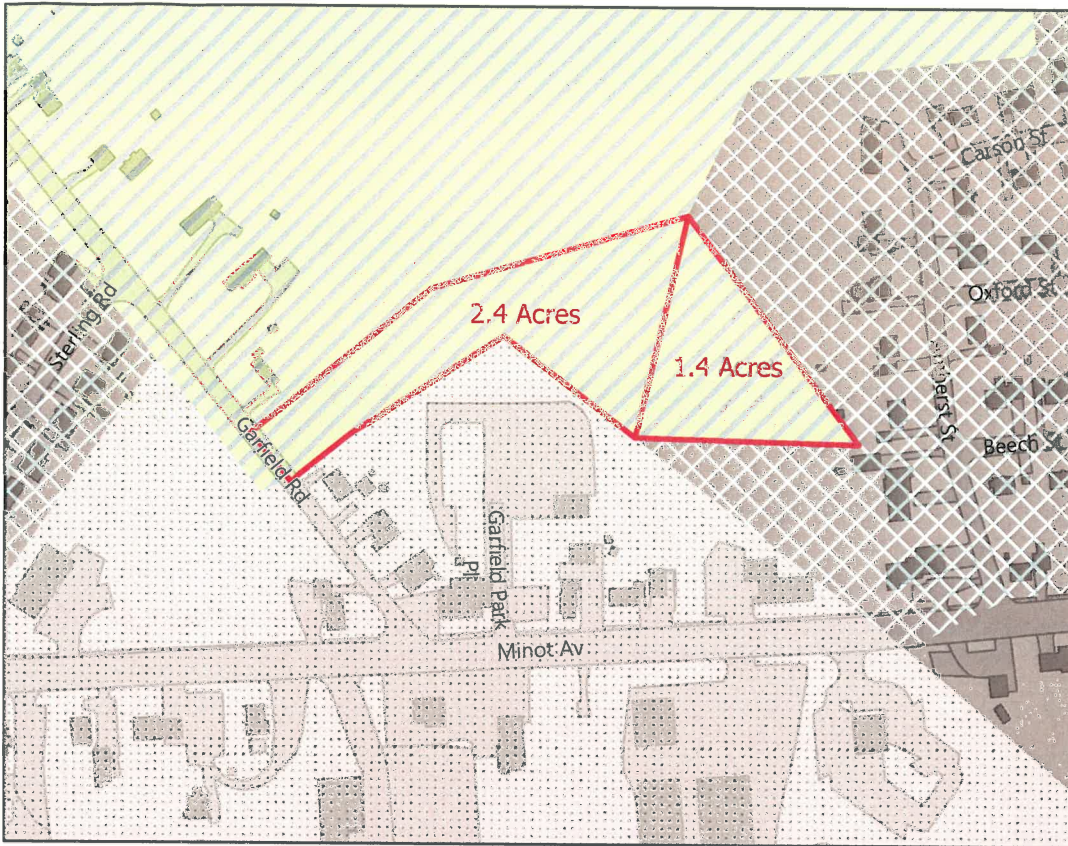
Planning Board members voted unanimously to make a recommendation of approval to the City Council to change the Zoning District for the 2.35 acres delineated by the applicant, otherwise known as a portion of PID 217-002, from Suburban Residential to General Business II, and further recommend amending the General Plan Land Use Map to Planned Commercial Development. The Planning Board further recommends changing the zoning and future land use classification of the remainder triangular portion of parcel 217-002 to Urban Residential and Low-Moderate Density Residential respectively.



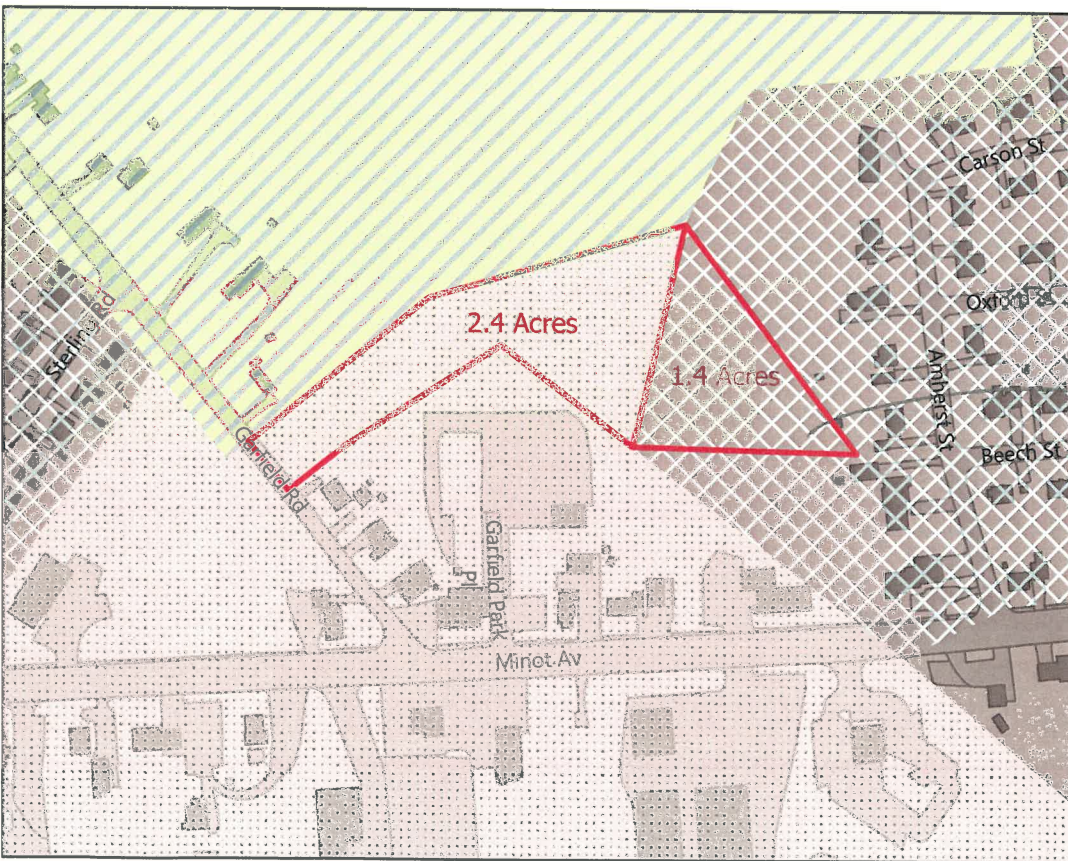
Evan Cyr
Chair, Auburn Planning Board

Cc: Evan Cyr, Chair Auburn Planning Board
File

60 Court St
Auburn, ME 04210



Current Future Land Use Map

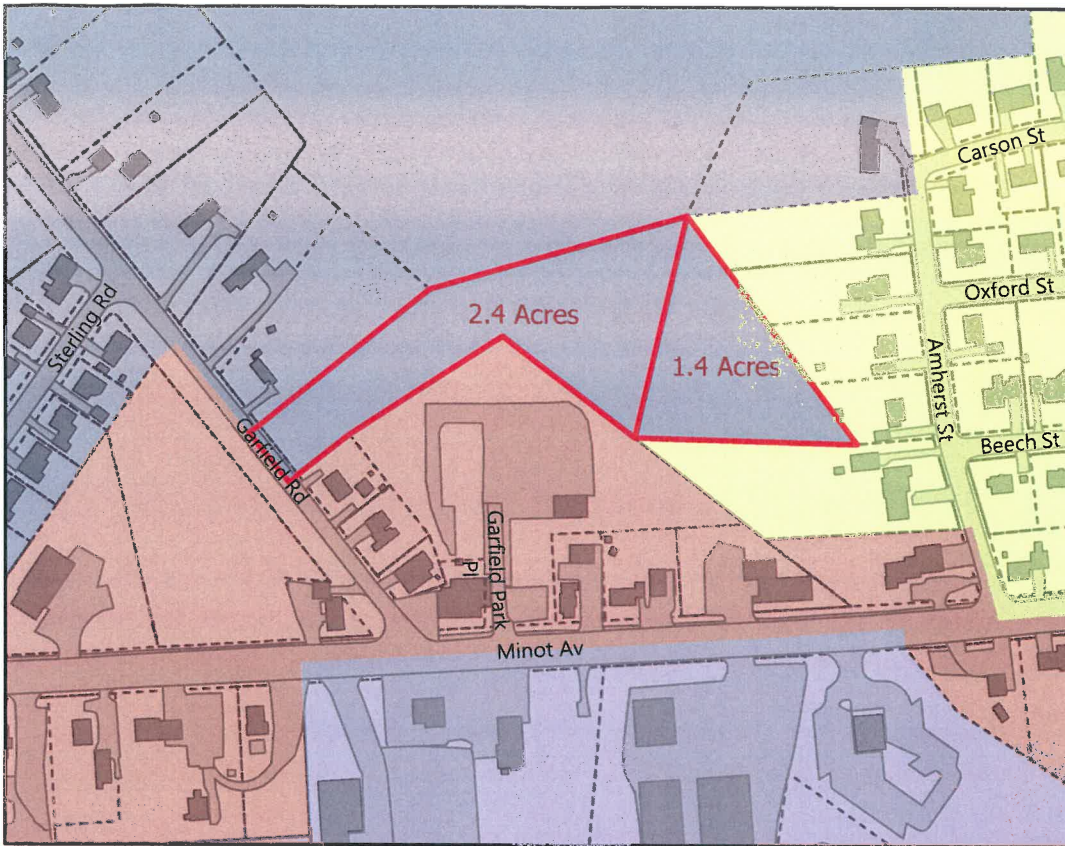


Proposed Future Land Use Map

-  LMoDRD - Low-Moderate Density Residential Development
-  PCD - Planned Commercial Development
-  GBD - General Business Development
-  BXT - Business Expansion Transition
-  954 Minot - Proposed Changes

0 150 300 Feet
1 inch equals 300 feet

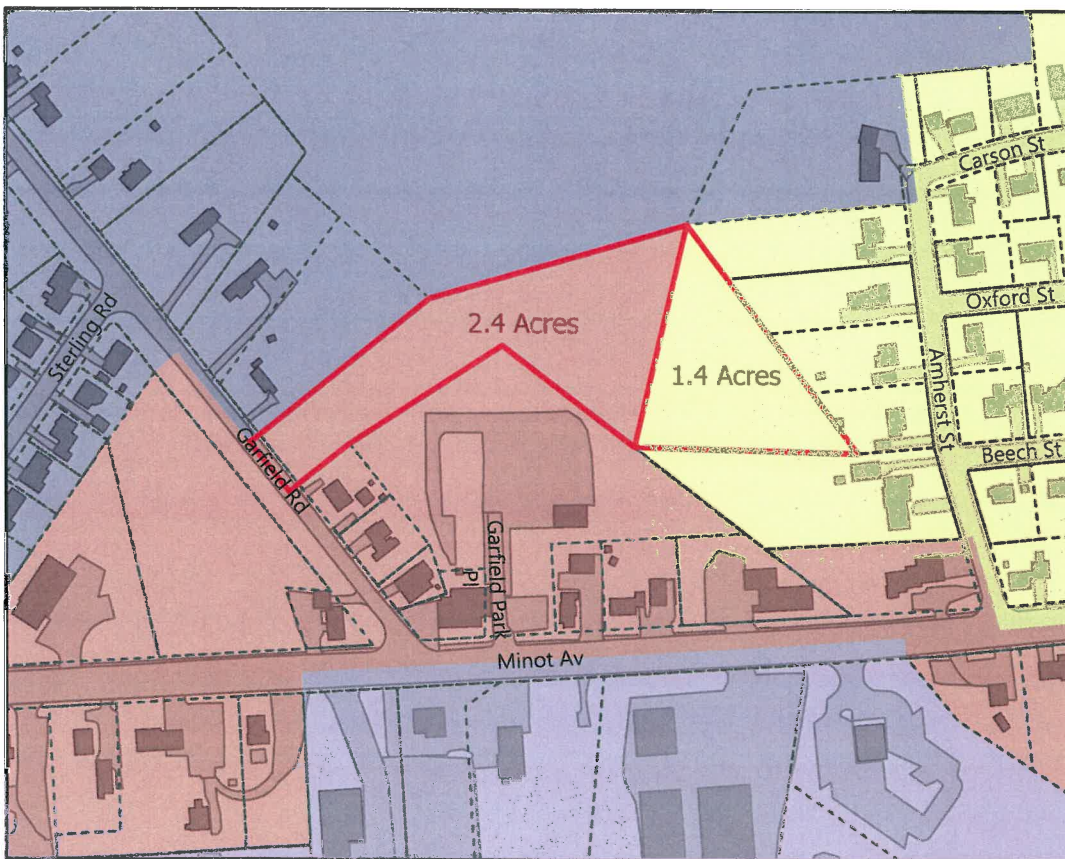
60 Court St
Auburn, ME 04210



Current Zoning

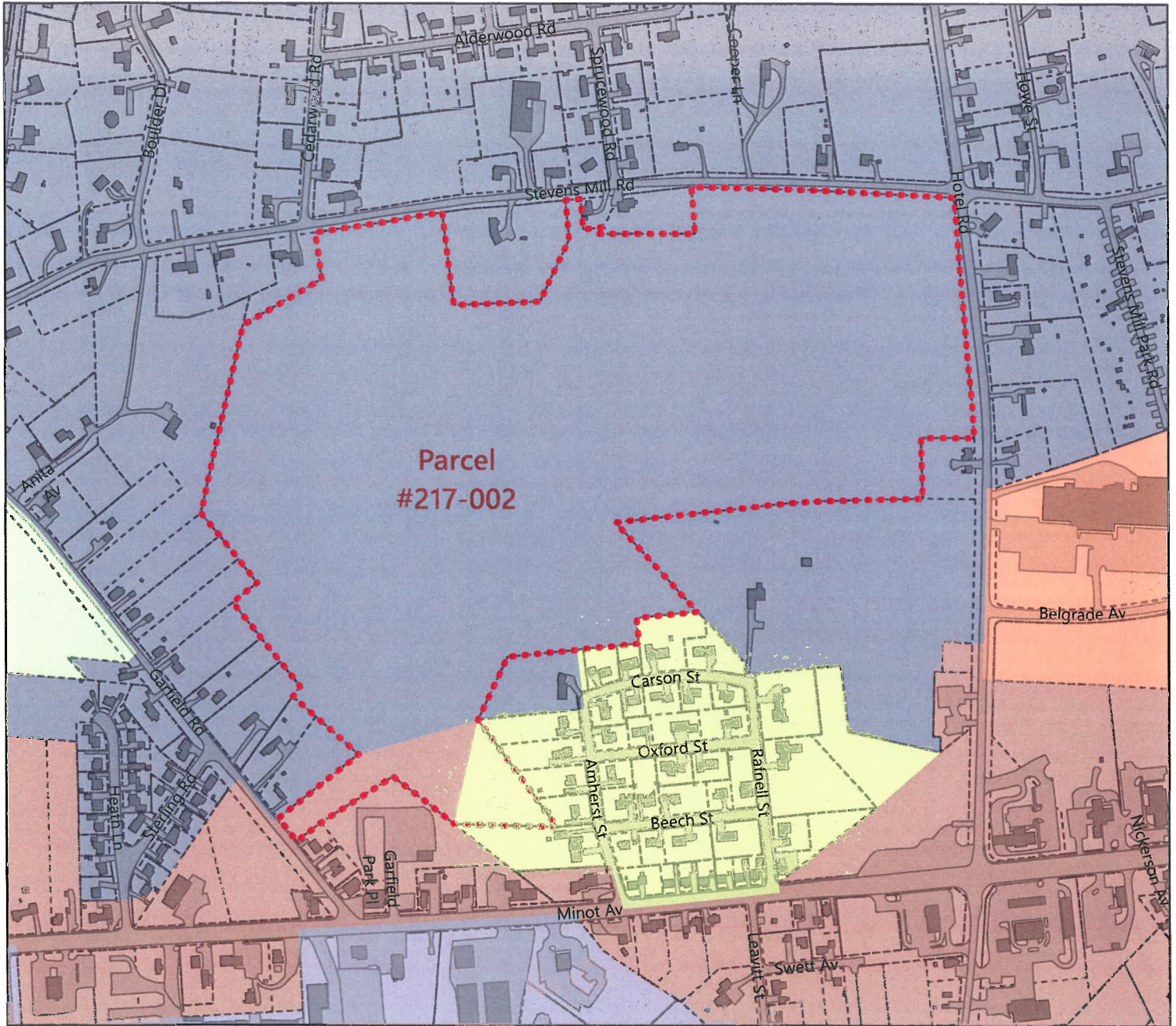


- GB II - General Business II
- ID - Industrial
- SR - Suburban Residential
- UR - Urban Residential
- 954 Minot - Proposed Changes



Proposed Zoning

0 150 300 Feet
1 inch equals 300 feet



Parcel
#217-002

- AG - Agriculture and Resource Protection
- GB - General Business
- GB II - General Business II
- ID - Industrial
- SR - Suburban Residential
- UR - Urban Residential



0 250 500 Feet
1 inch equals 500 feet



PLANNING BOARD STAFF
REPORT

To: Auburn Planning Board

From: Audrey Knight, City Planner Urban Development Coordinator

Re: Amendment to Shoreland Zoning Overlay District , Chapter 60, Article XII, Division 5, Sec.60-1003, Timber Harvesting.

Date: October 10, 2019

I. PROPOSAL

The State Department of Agriculture, Conservation and Forestry, Bureau of Forestry and the Maine state legislature enacted statewide standards for Timber Harvesting and Related Activities in Shoreland Areas in 2013. The City Manager received a letter from the Director of the Maine Forest Service, January 7, 2019, requesting the city to update its Shoreland Zoning ordinance to address these standards, as required by the Mandatory Shoreland Zoning Act, administered by DEP.

Each jurisdiction in the state has been given three different options to address adopted state standards. To date more than 176 municipalities have opted for **option 1**, to have the Maine Forest Service assume administration and enforcement of the science-based standards. This entails repealing existing locally adopted Timber Harvest language, so that the state standards prevail. **Option 2** requires the repeal and replacement (in its entirety) of the state language, and an additional determination and agreement on rolls and responsibilities to be shared by the city and the state. Any changes that occur at the state level in the future would require the city to mirror those amendments. Roughly 55 communities have entered a joint agreement with the Forest Service. **Option 3** does not provide for any assistance from the state for enforcement and administration but would require local ordinances to be updated to be at least as stringent as the state standards. The City of Auburn would need an extensive update to the existing code.

Chapter 21, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, is a 26 page ordinance with specialized standards and measurements particular to tree, habitat and forest management ;

II. DEPARTMENT REVIEW

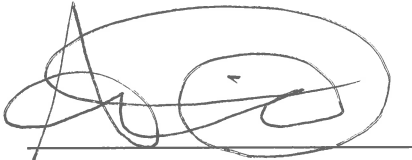
This item was discussed at the citywide development review committee meeting with little to no comment from other departments.

Economic and Community Development staff recommends that the City choose **Option 1**, repealing Sec.60-1003, and enabling the state Forest Service to administer and enforce Timber Harvests in the SLO. Regardless of the potential land area or forest management activity that could occur in these areas of the city, this work requires a specialized skill set that we do not have in-house. **Option 2**, adoption of the code in its entirety with a joint agreement with the state on implementation, review and enforcement, would appear to gain little, and cost both time and money to both arrive at a “joint agreement” as well as to implement. **Option 3** should probably only be undertaken by jurisdictions with either a large tree harvesting industry and local staff or contracted experts in the logging industry, or those with limited SLO and/or forests, so there would be no need for Forest Service assistance, and limited to no impact to watersheds.

III. PLANNING BOARD ACTION

The Planning Board is being asked to make a recommendation to City Council regarding the adoption or incorporation of the Statewide Standards for Timber Harvesting, thereby amending Article XII, Division 5 (Shoreland Overlay District- SLO), Sec.60-1003.

Example Motion: I make a motion to recommend to City Council that they choose Option 1, to repeal Sec.60-1003- Timber Harvest, and thereby defer the regulation of timber harvesting activities occurring in the Shoreland Overlay Zoning district to the State Bureau of Forestry.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Audrey Knight, AICP

City Planner

**ADOPTING STATEWIDE TIMBER HARVESTING STANDARDS FOR YOUR SHORELAND ZONING ORDINANCE—
Guidance from Chapter 1000 Guidelines**

Title 38 M.R.S.A. section 438-B establishes three options from which each municipality may choose as the State implements a set of statewide timber harvesting standards in shoreland areas:

Option 1: The first option available to a municipality is the complete repeal of timber harvesting provisions from the shoreland zoning ordinance. Under this option the Bureau of Forestry will administer the regulation of all forestry activities within the municipality. Section 438-B(2) states:

A municipality may choose to have the statewide standards apply to timber harvesting and timber harvesting activities in that municipality by authorizing the repeal of all provisions within the municipal shoreland zoning ordinance that regulate timber harvesting and timber harvesting activities in shoreland areas and notifying the (Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry) of the repeal. The authorization must specify a repeal date. When a municipality accepts the statewide standards in accordance with this subsection, the (Director of the Bureau of Forestry) shall administer and enforce the statewide standards within that municipality beginning on (January 1, 2013) or the municipal repeal date specified in the notification received under this subsection.

Section 438-B(6) provides that, notwithstanding any provision in a local ordinance to the contrary, beginning January 1, 2013 rules adopted by the Bureau of Forestry under Title 12, section 8867-B will apply in all municipalities that have accepted the statewide standards in accordance with Option 1.

If a municipality chooses option 1, completely repealing the municipal regulation of timber harvesting activities in the shoreland zone and deferring the regulation of timber harvesting activities to the Bureau of Forestry, the repeal should include all references to timber harvesting regulations, including:

1. Section 14, Table 1, *Land Uses in the Shoreland Zone*, Item 3 (forest management activities except for timber harvesting & land management roads), Item 4 (timber harvesting), and Item 27 (land management roads) of the Table;
2. Section 15(O) in its entirety (Section 15(O-1) would not have been adopted by those municipalities that had elected to retain section 15(O), so there would be no need to repeal section 15(O-1)); and
3. All definitions in Section 17 pertaining to timber harvesting and forest management activities, including the terms: Cross-sectional area, DBH, Disruption of shoreline integrity, Forest management activities, Forest stand, Harvest area, Land management road, Licensed forester, Residual basal area, Residual stand, Skid road or skid trail, Slash, Timber harvesting and related activities, and Wind firm.

Option 2: The second option available to the municipality is the adoption of timber harvesting standards that are identical to the statewide standards. This option allows the municipality to retain some local control over the administration and enforcement of timber harvesting in the shoreland zone, while receiving assistance and expertise from staff of the Bureau of Forestry. Section 438-B(3) states:

A municipality may adopt an ordinance to regulate timber harvesting and timber harvesting activities that is identical to the statewide standards. A municipality that adopts an ordinance under this subsection may request the director (of the Bureau of Forestry) to administer and enforce the ordinance or to participate in

joint administration and enforcement of the ordinance with the municipality beginning on the effective date of the statewide standards (January 1, 2013) or within 60 days of the director's receiving a request. When a municipality requests joint responsibilities, the director and the municipality shall enter into an agreement that delineates the administrative and enforcement duties of each. To continue to receive administrative and enforcement assistance from the (Bureau of Forestry) under this subsection, a municipality must amend its ordinance as necessary to maintain identical provisions with the statewide standards.

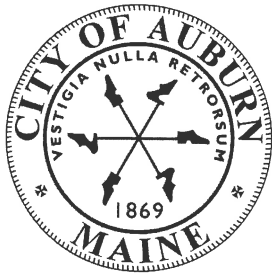
Section 438-B(6) provides that, notwithstanding any provision in a local ordinance to the contrary, beginning January 1, 2013 rules adopted by the Bureau of Forestry under Title 12, section 8867-B will apply in all municipalities that have adopted an ordinance identical to the statewide standards in accordance with Option 2.

For those municipalities that choose option 2, these Guidelines contain timber harvesting standards that are based on the June 15, 2005 Bureau of Forestry Chapter 21 statewide standards (Section 15.O-1). Provisions for culvert sizing in this section 15.O-1 have been updated to comply with current NRPA standards, and a reference to Bureau of Forestry definitions for terms used in this section has been added. However, before a municipality adopts or amends this section they should consult with the Bureau of Forestry to get the latest version of Chapter 21. A municipality amending their own forestry standards, whether under Option 2 or Option 3, is required to coordinate with the Bureau of Forestry through the Title 12, section 8869, subsection 8 process to ensure that any local amendments are consistent with the statewide standards in effect at the time of the local ordinance amendments.

Option 3: The third option available to the municipality is to retain its current timber harvesting standards. Section 438-B(4) states:

A municipal ordinance regulating timber harvesting and timber harvesting activities that is in effect and consistent with state laws and rules in effect on December 31, 2005 continues in effect unless action is taken in accordance with (Option 1 or Option 2 above). A municipality that retains an ordinance with provisions that differ from the statewide standards shall administer and enforce that ordinance unless the municipality requests that the director (of the Bureau of Forestry) administer and enforce the ordinance and the director agrees with the request after reviewing the ordinance. The director may not administer or enforce any ordinance that is more stringent than or significantly different from the requirements of section 438-B(3). A municipality may not amend a municipal ordinance regulating timber harvesting and timber harvesting activities unless the process established in Title 12, section 8869, subsection 8 is followed. Beginning on (January 1, 2013), a municipality may not amend an ordinance regulating timber harvesting and timber harvesting activities in a manner that results in standards that are less stringent than or otherwise conflict with the statewide standards (Section 438-B(4)).

Option 3 municipalities may also amend their timber harvesting ordinances in accordance with section 15.O-1, but before a municipality amends their ordinance they should consult with the Bureau of Forestry to get the latest version of Chapter 21. A municipality amending their forestry standards, whether under Option 2 or Option 3, is required to coordinate with the Bureau of Forestry through the Title 12, section 8869, subsection 8 process to ensure that any local amendments are consistent with the statewide standards in effect at the time of the local ordinance amendments.



City of Auburn, Maine

Conservation Commission

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

October 7, 2019

To the Planning Board, City Council, and others it may concern,

The Conservation Commission was invited to provide input on standards of Timber Harvesting in the Shoreland Zone. The City Manager received a letter from the Director of the Maine Forest Service, January 7, 2019, requesting the city to update its Shoreland Zoning ordinance to address these standards, as required by the Mandatory Shoreland Zoning Act, administered by DEP.

The Conservation Commission attended a joint session with the Planning Board on September 10, 2019 to discuss the three options available to the City of Auburn, and further discussed these options in the Conservation Commission meeting on September 17th.. In summary, the Conservation Commission's interpretation of the options include: option 1 entails adoption of state standards in their entirety and the state is responsible for enforcement, option 2 entails adoption of state standards and shared roles and responsibilities between the state and municipality (to be determined and agreed upon between the two entities), and option 3 entails revising the municipal ordinance to be at least as stringent as state standards, but with no administrative or enforcement assistance from the state.

The Conservation Commission recommends that the City of Auburn choose option 1 because it provides continuity for foresters and loggers that are familiar with the widely adopted state standards and reduces confusion of dealing with multiple ordinances, avoids potential issues of shared duties and roles under option 2, and under option 1 the state would provide the technical knowledge needed to enforce the standards that the city does not have. However, if possible, the Commission thinks the City should request the ability to review any future proposed changes to state standards with the choice to opt out if the City does not agree with the changes.

If the City decides to adopt the state standards, the Conservation Commission feels it would be beneficial for the City to provide a workshop open to landowners and businesses on the changes as a way to proactively educate and avoid potential violations to new standards.

Respectfully,

Mrs. Jordan Tate , Conservation Commission Chair



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2019

Author: Peter Crichton, City Manager

Subject: Proposed Amendment to the Agriculture and Resource Protection Zone

Information:

This workshop will focus on potential amendments to the current 50% income rule in the Agriculture and Resource Protection (AG) Zone using either The State Farming Land Use or a proposed staff concept. A proposal for a special exception for current non-conforming 3-10 acre lots will also be discussed.

City Budgetary Impacts: N/A

Staff Recommended Action:

Previous Meetings and History:

Multiple Workshops September & October 2019


City Manager Comments:

I concur with the recommendation. Signature:

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

Attachment(s):

AG Zone Workshop Power Point



Agriculture and Resource Protection (AG) Zone Workshop

NOVEMBER 4, 2019

Options for Replacing the 50% Income Rule

- ▶ State Farming Land Use Requirement
- ▶ Staff Concept

State Farming Land Use Requirement

1. Minimum size- 5 contiguous acres used for farming activities
2. Farming Use- eligible activities:
 - ▶ Crops/Livestock products
 - ▶ Does not include forestry, composting, marijuana, among others
3. Income standard- \$2,000/year
4. Income report- State requires every 5 years

Will we require enrollment in the State Use program or use these guidelines to adopt a local standard?

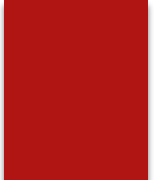
Farm means any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. The term "*farm*," under the Agricultural and Resource Protection District must provide proof of participation in the Maine Farmland Property Tax Program or meet the minimum requirements of the Property Tax Program shall be further defined as meeting the following criteria:

- ▶ 1) The property owner is required to have at least five contiguous acres in their parcel of land.
- ▶ 2) The land must be used for farming, agriculture or horticulture and can include woodland and wasteland.
- ▶ 3) The parcel must contribute at least \$2,000 gross income from farming activities each year.

State Program Proposed Ordinance

Staff Concept

- ▶ Change the income criteria from 50% to 40% of household income
- ▶ Add an option to use *median Auburn* household income instead of individual income
 - ▶ Median Auburn Household Income is \$46,976 per the Crossroads report- meaning lots that generate at least \$18,790 in farming revenue would qualify (lower earning households can qualify with less farming revenue).
- ▶ Can include additional components such as a farm plan if Council deems necessary.
- ▶ Include a special exception for non-conforming lots 3-10 acres



Farm means any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. The term "farm," under the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:

- (1) At least ~~40~~50 percent of the total annual household income ~~and his spouse~~ or net farm income equivalent to 40 percent of Auburn's Median Household Income, according to the most recent Decennial Census data, of the farm occupant living in the farm residence will be derived from such uses; and |
- (2) At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry" means no fewer than 100 fowl and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.

Staff Concept Proposed Ordinance

Use of Non-Conforming Lots (3 – 10 acre) in the AG Zone

- ▶ Proposal: Give the Planning Board the ability to make exceptions on a case by case basis for properties in the non-conforming lots (as of January 1, 2018) based on the following criteria:
 - ▶ Must meet the income standard adopted
 - ▶ Notification of abutters with a public comment

3 to 10-Acre Lot Proposed Ordinance

On lots greater than 3 acres but less than 10 acres a dwelling may be constructed if approved as a special exception pursuant to section 60-145.b.18.

60-145.b.18

(18) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:

a. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.

b. After a recommendation by the Agricultural Committee finding the following:

1. The applicant has provided a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.

2. The parcel proposed can reasonably accommodate the proposed farm.

3. The applicant has demonstrated a commitment to the proposed farm use and the proposed residence will be accessory to farming.

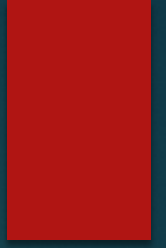
3 to 10-Acre Lot Proposed Ordinance

c. The parcel contains more than 3 acres of land area and otherwise meets the requirements of Chapter 60 Zoning.

d. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

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

Next Steps





**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2019

Order: 129-11042019

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Wardens and Ward Clerks for the November 5, 2019 Election.

Information:

Warden and Ward Clerk Appointments are made every two years. Appointments were made in February of 2018 for the 2018-2019 term, however, there have been a few vacancies again for this election. The City Clerk has nominated the individuals below to fill the Warden and Ward Clerk vacancies for the November 5, 2019 Election.

Paul Ouellette – Warden
Roland Jordan – Warden
Stephen Buchanan - Warden
Stephen Martelli – Ward Clerk
Crystal Buchanan – Ward Clerk

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Appointments are made every two years or when there is a vacancy.

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments: Order 129-11042019

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 129-11042019

ORDERED, that the City Council hereby appoints to serve as Stephen Buchanan, Paul Ouellette, and Roland Jordan to serve as Wardens and Crystal Buchanan and Stephen Martelli to serve as Ward Clerks for the November 5, 2019 Election.



**City of Auburn
City Council Information Sheet**

Council Meeting Date: November 4, 2019

Order: 130-11042019

Author: Jason D. Moen, Chief of Police

Subject: Transfer of Forfeiture Assets – Kamau Thompson

Information:

In May 2017, an officer from the Auburn Police Department assigned to the United States Drug Enforcement Administration initiated a drug investigation involving Kamau Thompson. The officer conducted “controlled buys” into Thompson which resulted in the seizure of crack cocaine. The resulting seizure led to the acquisition of an arrest warrant for Thompson. Upon executing the arrest warrant, the officer located additional drugs and currency in the amount of \$1,540.00 which was the result of selling illegal drugs. Kamau Thompson was arrested for three counts of Aggravated Trafficking of a Schedule “W” Drug (Class A) and Unlawful Possession of a Scheduled Drug (Class D). Based on the investigation, the currency was determined to be profit from the sale of illegal drugs.

City Budgetary Impacts: The State of Maine, Office of the Attorney General, seeks to transfer \$1,540.00 U.S. Currency to the Auburn Police Department. Funds will be used for ongoing K-9 expenses.

Staff Recommended Action: Vote to accept the transfer of \$1,540.00.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments:

Order 130-11042019

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 130-11042019

Ordered, that the Auburn City Council hereby accepts the transfer of \$1,540.00 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-17-1525 Kamau Thompson).

IN COUNCIL REGULAR MEETING OCTOBER 21, 2019 VOL. 35 PAGE 94

Mayor Levesque called the meeting to order at 7:04 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

Pledge of Allegiance

I. Consent Items - None

II. Minutes – October 7, 2019 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Fournier to approve the minutes of the October 7, 2019 Regular Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- **Proclamation – Mayor Levesque declared November 1, 2019 as** Extra Mile Day in Auburn and he recognized Jenna Rae Brown (Manager of Gritty's), Cynthia Peters (retired Edward Little High School Teacher), and Melissa Slattery (BJ's Wholesale Club) for their contributions
- **Presentation – Bates College Agriculture & Natural Resources Survey** (Francis Eanes, Ph.D. Visiting Assistant Professor Environmental Studies Department Bates College)

IV. Open Session

Adam Lee, Western Prom commented on Dr. Eanes presentation on the Agriculture and Natural Resources.

Michelle Melaragno, Trapp Road also commented on Dr. Eanes Agriculture and Natural Resources presentation and the workshop discussion.

Joe Gray, Sopers Mill Road commented on the Ag zone discussion.

Larry Morrisette commented on the constitution, rules and laws.

Marie Herrick, 470 Hatch Road commented on a campaign letter that she and her husband received.

Dan Herrick, 470 Hatch Road thanked the Public Works Department for filling a pothole on his street before winter hit. He also commented on his previous campaigns adding that he is discouraged today with things that are going on.

V. Unfinished Business - None

VI. New Business

Motion was made by Councilor Fournier and seconded by Councilor Walker to suspend rules and take item #14, Order 126-10212019 out of order.

Passage 6-1 (Councilor Titus opposed).

Order 126-10212019 - Authorizing the City Manager or his designee to execute the land transfers required to complete the previously approved New Auburn Village Center Revitalization Project.

Motion was made by Councilor Fournier and seconded by Councilor Young for passage.

Public comment – no one from the public spoke.

Passage 4-1-2 (Councilor Titus opposed, Councilors Gerry and Walker abstained).

1. Ordinance 13-10212019

Amending Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits, Appendices A, B, C and H, effective 10/01/2019 to 9/30/2020. Public hearing and first reading.

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

Public hearing – no one from the public spoke.

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

2. Order 115-10212019

Re-appointing Arthur Wing to the Auburn Housing Authority with a term expiration of 10/01/2024 as nominated by the Appointment Committee on 10/15/2019.

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

Passage 7-0.

3. Order 116-10212019

Re-appointing Nikki Chabot to the CDBG Loan Committee with a term expiration of 10/01/2022 as nominated by the Appointment Committee on 10/15/2019.

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

Passage 7-0.

4. Order 117-10212019

Re-appointing Ann Parker to the CDBG Loan Committee with a term expiration of 10/01/2022 as nominated by the Appointment Committee on 10/15/2019.

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

Passage 7-0.

5. Order 118-10212019

Re-appointing Paula Curtis-Everett to the Parks & Recreation Advisory Board with a term expiration of 10/01/2021 as nominated by the Appointment Committee on 10/15/2019.

Motion was made by Councilor Titus and seconded by Councilor Hayes for passage.

Passage 7-0.

6. Order 119-10212019

Re-appointing Tim Cogle to the Parks & Recreation Advisory Board with a term expiration of 10/01/2021 as nominated by the Appointment Committee on 10/15/2019.

Motion was made by Councilor Fournier and seconded by Councilor Hayes for passage.

Passage 7-0.

7. Order 120-10212019

Re-appointing Michael Thurston to the Parks & Recreation Advisory Board with a term expiration of 10/01/2021 as nominated by the Appointment Committee on 10/15/2019.

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

Passage 7-0.

8. Order 121-10212019

Appointing Dennis Connolly, Sr. to the Recycling Ad-hoc Committee for a six-month term (which may be extended to 12 months) as nominated by the Appointment Committee on 10/15/2019.

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

Passage 7-0.

9. Order 122-10212019

Appointing Rebecca Lloyd to the Recycling Ad-hoc Committee for a six-month term (which may be extended to 12 months) as nominated by the Appointment Committee on 10/15/2019.

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

Passage 7-0.

10. Order 123-10212019

Re-appointing Michael Mathieu to the Zoning Board of Appeals as full member with a term expiration of 10/01/2022 as nominated by the Appointment Committee on 10/15/2019.

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

Passage 6-1-1 (Councilor Gerry opposed, Councilor Young abstained).

11. Order 124-10212019

Appointing Cindy Russo to the Zoning Board of Appeals as an associate member with a term expiration of 10/01/2022 as nominated by the Appointment Committee on 10/15/2019.

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

Passage 6-0-1 (Councilor Gerry abstained).

12. Order 125-10212019

Appointing Kelsey Earle to serve on the Lewiston Auburn Transit Committee (LATC) for a three-year term.

Motion was made by Councilor Fournier and seconded by Councilor Titus for passage.

Motion was made by Councilor Gerry and seconded by Councilor Walker to postpone this item until the November 4, 2019 regular Council meeting. Passage 6-1 (Councilor Titus opposed).

13. Ordinance 14-10212019

Adopting the Proposed Zoning Map Amendment (965 Minot Avenue). First reading.

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

Public comment – no one from the public spoke.

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

14. Order 126-10212019

Authorizing the City Manager or his designee to execute the land transfers required to complete the previously approved New Auburn Village Center Revitalization Project.

This item was taken out of order as the first item under new business.

15. Order 127-10212019

Authorizing the City Clerk to waive the \$100 business license fee for Edward Little High School Music Association's Craft and Vendor Fair.

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

Public comment – no one from the public spoke.

Passage 7-0.

16. Order 128-10212019

Authorizing the City Manager or his designee to execute the sales/purchase agreement for Norway Savings Bank Arena (NSBA).

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

No one from the public spoke.

Passage 6-1 (Councilor Gerry opposed).

VII. Reports

Mayor Levesque – noted that a lot happening: Museum in the Streets, the second New Year's Eve Auburn event planning is underway, Alumni Weekend scheduled for November 1, 2, and 3, 2019, the dedication of the new Senior Center, the unveiling of the St. Louis Bell Tower in Anniversary Park, the upcoming election scheduled for November 5, 2019 and he added that, October 31st is the deadline for absentee voting.

The Mayor had to excuse himself from the meeting.

Assistant Manager Crowell asked for nominations for a Mayor Pro Tem.

Motion was made by Councilor Fournier seconded by Councilor Lasagna to nominate Councilor Titus. There were no other nominations. Passage 7-0.

Councilor Gerry - no report

Councilor Lasagna - no report

Councilor Hayes - no report, but he commented on the timer used on the screen- noting that he has never noticed this before. He commented that it should be done for school committee as well as others. His second comment was that he is concerned with the use of social media.

Councilor Titus – reported that he was unable to attend the Sewer District meeting, and he also missed the County Budget meeting because he attended the filtration presentation by the Auburn Water District instead. He commented that he would like this Council to look at the 5-year CIP before budget discussions begin. He also commented testing the water quality at Taylor pond. Councilor Hayes noted that they have a Pond Association and they report that in their Annual Report.

Councilor Fournier – provided a School Committee meeting update.

Councilor Walker – reported that he will be attending a meeting tomorrow with Maine Waste and Energy (their monthly meeting), he commented on recycling and provided some dates and events to note: October 22nd the Age Friendly group will be meeting at 5:30 PM at the Hasty Community Center, the New Auburn Neighborhood Watch group will be meeting Thursday at 6:30 PM at the Sixth Street Congregational Church, on Saturday, October 26th the Halloween event will be held in New Auburn, the United New Auburn Association will meet at Rolly’s Diner on October 29th at 6:00 PM, on November 2nd at 10:00 AM the Bell Tower will be unveiled at Anniversary Park in New Auburn, and last, the United New Auburn Association has invited the At Large City Council candidates to attend at 6:00 PM on Monday, October 28th at the Sixth Street Congregational Church for a meet and greet and will have an opportunity to answer a few questions. He later added that he attended the Auburn Fire Departments open house and encouraged people to check out their new ambulance noting that it was something to see.

Councilor Young – reported that he missed the last ELHS Building Committee meeting, and the sub-committee meeting for Athletics. He attended KVAC Cross Country Conference in Augusta, and he attended the Flannel 5K event.

Assistant City Manager – reported that the City Manager was attending a conference. He commented on the Annual Auburn Fire Department’s Open House that was held this past weekend, he announced that on October 25th from 6:00 – 8:00 PM is Fright Festival at the Auburn Recreation Department, the Art Walk will also be held on October 25th, and the Strategic Planning Landing will be on October 29th at the Hilton.

September Finance Report-Jill Eastman

Motion was made by Councilor Young and seconded by Councilor Fournier to accept and place on file the September 2019 Finance Report.

Passage 7-0.

VIII. Open Session – Adam Lee, Western Prom had questions regarding the present composition of the Ethics Committee.

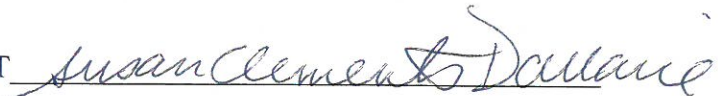
IX. Executive Session –None

X. Adjournment

Motion was made by Councilor Walker and seconded by Councilor Fournier to adjourn. All were in favor, the meeting adjourned at 9:13 PM.

A TRUE COPY

ATTEST



Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2019

Author: Zachary Lenhert

Subject: Consolidated Annual Performance and Evaluation Report (CAPER)

Information: The goal of the Consolidated Annual Performance and Evaluation Report (CAPER) is to report and assess the progress made towards achieving strategic plan goals. The CAPER is entered and submitted to HUD through the Integrated Disbursement and Information System (IDIS). The data used in the CAPER comes from goals entered into IDIS for the Action Plan and from activity accomplishment reports.

Major accomplishments for the Community Development Program include: Supporting the construction of new affordable housing (62 Spring St, 477 Minot Ave, 48 Hampshire St.), Making neighborhoods safe and walkable with pedestrian improvements on Chestnut St and road design for Library Ave. Creation and management of two community gardens with plans for a third underway, prevent the deterioration of the housing stock with significant investments in residential rehab projects, and improve the quality of life for senior citizens with the expansion of the Senior Center.

City Budgetary Impacts: None

Staff Recommended Action: Review Consolidated Annual Performance and Evaluation Report (CAPER) and offer comments

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments: CAPER draft

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

Support Construction of New Affordable Housing: Development of new affordable housing has been a large focus in Auburn the past few years. In Auburn, construction of 41 new residential units and 2 commercial spaces at 62 Spring Street. The building has received its certificate of occupancy and only a few administrative tasks remain until final draw and closeout of the activity. Of the 41 units 32 will be affordable. In Lewiston, construction of The Hartley Block Apartments located in downtown at 149-159 Lisbon Street is complete and 53 residential units (of which 39 will be affordable) have been made available. Only a few administrative tasks remain to closeout the activity. Construction of 36 units at 477 Minot Ave in Auburn is well underway; construction is approximately 75% complete. The project at 48 Hampshire St also broke ground this past year and will add another 53 residential apartments; construction is nearing 50%. These projects are funded with \$820,000 of HOME funds as well as Low Income Housing Tax Credits.

Make Neighborhoods Safe and Walkable: The City of Auburn has made a number of efforts this past year towards making neighborhoods safe and walkable. On Chestnut St, a raised crosswalk is being installed to connect the athletic field and PAL Center to the courts and playground across the street in the "Gully". The parking area is also improved to provide better pedestrian flow and safety and reduce vehicle speeds. The City has also commissioned a "complete streets" road design for the Library Ave area. The design is intended to improve walkability and on-street parking for the area in the vicinity of the Public Library. Design is nearing the 90% phase and shall be implemented in the coming years.

Improve Parks and Create Community Gardens: The Newbury Street Garden is now complete and continues to serve community gardeners. Two gardens are now complete and the garden team has selected a location for the 3rd and final community garden.

Improve Quality of life for Seniors : In response to the recognition that the City was likely to experience a timeliness issue, the City of Auburn ammended the ConPlan and Action Plan to include the expansion of the existing Senior Center located in Pettingill Park. This large undertaking is at 80% complete and includes additional funds in the next program year as well.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual

outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Anti-poverty/Auburn	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1000	1328	132.80%	263	322	122.43%
Anti-poverty/Auburn	Non-Housing Community Development	CDBG: \$	Homeless Person Overnight Shelter	Persons Assisted	0	0				
Create Mixed Income Neighborhoods/Lewiston	Affordable Housing	HOME: \$	Rental units constructed	Household Housing Unit	50	0	0.00%	63	0	0.00%
Create Mixed Income Neighborhoods/Lewiston	Affordable Housing	HOME: \$	Rental units rehabilitated	Household Housing Unit	10	16	160.00%			
Create Mixed Income Neighborhoods/Lewiston	Affordable Housing	HOME: \$	Homeowner Housing Added	Household Housing Unit	0	2		0	2	
Create Mixed Income Neighborhoods/Lewiston	Affordable Housing	HOME: \$	Homeowner Housing Rehabilitated	Household Housing Unit	0	7		0	7	
Create Mixed Income Neighborhoods/Lewiston	Affordable Housing	HOME: \$	Direct Financial Assistance to Homebuyers	Households Assisted	17	15	88.24%	10	0	0.00%

Fair Housing/Aub	Fair Housing and Housing Choice	CDBG: \$	Other	Other	12	5	41.67%	2	0	0.00%
Improve Parks and Community Gardens/Auburn	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	4305	1285	29.85%			
Improve Parks and Community Gardens/Auburn	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	43		0	43	
Improve Parks and Community Gardens/Auburn	Non-Housing Community Development	CDBG: \$	Other	Other	3	2	66.67%			
Improve Safety & Efficiency of Housing/Lewiston	Affordable Housing	HOME: \$	Rental units constructed	Household Housing Unit	50	0	0.00%			
Improve Safety & Efficiency of Housing/Lewiston	Affordable Housing	HOME: \$	Homeowner Housing Rehabilitated	Household Housing Unit	10	20	200.00%	5	4	80.00%
Increase Owner Occupancy/Auburn	Affordable Housing	HOME: \$	Homeowner Housing Added	Household Housing Unit	0			0		
Increase Owner Occupancy/Auburn	Affordable Housing	HOME: \$	Direct Financial Assistance to Homebuyers	Households Assisted	25	5	20.00%	4	1	25.00%

Make Neighborhood Streets Safe and Walkable/Auburn	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	4305	2780	64.58%	4865	1390	28.57%
Make Neighborhood Streets Safe and Walkable/Auburn	Non-Housing Community Development	CDBG: \$	Other	Other	3000	0	0.00%			
Prevent Deterioration of Housing Stock/Auburn	Affordable Housing	CDBG: \$ / HOME: \$	Rental units rehabilitated	Household Housing Unit	185	84	45.41%	19	21	110.53%
Prevent Deterioration of Housing Stock/Auburn	Affordable Housing	CDBG: \$ / HOME: \$	Homeowner Housing Added	Household Housing Unit	0	0		0	0	
Prevent Deterioration of Housing Stock/Auburn	Affordable Housing	CDBG: \$ / HOME: \$	Homeowner Housing Rehabilitated	Household Housing Unit	90	40	44.44%	11	8	72.73%
Prevent Deterioration of Housing Stock/Auburn	Affordable Housing	CDBG: \$ / HOME: \$	Housing for Homeless added	Household Housing Unit	0	0				
Prevent Deterioration of Housing Stock/Auburn	Affordable Housing	CDBG: \$ / HOME: \$	Housing for People with HIV/AIDS added	Household Housing Unit	0	0				

Prevent Deterioration of Housing Stock/Auburn	Affordable Housing	CDBG: \$ / HOME: \$	Housing Code Enforcement/Foreclosed Property Care	Household Housing Unit	500	359	71.80%	100	57	57.00%
Prevent Homelessness/Auburn	Homeless	CDBG: \$ / HOME: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	200	361	180.50%	77	79	102.60%
Prevent Homelessness/Auburn	Homeless	CDBG: \$ / HOME: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	125	109	87.20%	40	26	65.00%
Prevent Homelessness/Auburn	Homeless	CDBG: \$ / HOME: \$	Homeless Person Overnight Shelter	Persons Assisted	170	268	157.65%	0	22	
Prevent Homelessness/Auburn	Homeless	CDBG: \$ / HOME: \$	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds		0				
Prevent Homelessness/Auburn	Homeless	CDBG: \$ / HOME: \$	Homelessness Prevention	Persons Assisted		12				
Prevent Homelessness/Lewiston	Affordable Housing	HOME: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	125	70	56.00%	35	12	34.29%
Prevent Homelessness/Lewiston	Affordable Housing	HOME: \$	Housing for Homeless added	Household Housing Unit	0	0				

Promote Jobs and Development/Auburn	Non-Housing Community Development	CDBG: \$	Facade treatment/business building rehabilitation	Business	0	0				
Promote Jobs and Development/Auburn	Non-Housing Community Development	CDBG: \$	Jobs created/retained	Jobs	0	1		6	1	16.67%
Promote Jobs and Development/Auburn	Non-Housing Community Development	CDBG: \$	Businesses assisted	Businesses Assisted	10	1	10.00%			
Support Construction of New Affordable Housing/Aub	Affordable Housing	HOME: \$	Rental units constructed	Household Housing Unit	60	0	0.00%	110	0	0.00%
Support Construction of New Affordable Housing/Aub	Affordable Housing	HOME: \$	Rental units rehabilitated	Household Housing Unit	0	0				

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

Anti-Poverty Strategy has been addressed by providing funds to two public service agencies and two city programs. Literacy Volunteers and Androscoggin Head Start are crucial to the success of families who are struggling with the issues of poverty. The Auburn Police Department offers a program called “Work with Me” aimed at area high school youth to ensure they remain in school and learn important skills that can transition them out of generational poverty. The Recreation Scholarship Program is funded to assist youth to attend summer camp. The program makes it possible for parents to work, look for employment and better their financial situations.

Auburn’s aging housing stock which is neglected and in disrepair especially in the target areas. We experienced a bit of a lag in rehab projects during the middle of the program year due to an unexpected staffing issue but the program picked up quickly in 2019. A significant amount of

the CDBG rehab funds are being matched with funds from the L/A Lead Grant. Auburn appears to be experiencing more investment in housing due to rise in housing costs in other areas of the state. Many of the applicants for CDBG funds are new investors looking to improve deteriorated properties.

The City addressed the safety and walkability of neighborhoods with pedestrian improvements to Chestnut St. A raised crosswalk was installed that allow visitors of the PAL Center/Pettingill Park to safely cross Chestnut St. to the courts and playground in the "Gully". Walkability is also being addressed with the design commissioned for the Library St. area.

Promoting Jobs and development has been a difficult goal to make progress on. The City is finding the program difficult for applicants due to eligibility requirements. Program guidelines were altered to expand eligibility but the City still only approved one activity under this goal the past project year.

Preventing homelessness was addressed through public service providers, Tedford Housing and Safe Voices, who provides shelter for the homeless.

The Senior Center Expansion will allow the existing center to better serve the growing senior population of Auburn by providing more space and better amenities.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG	HOME
White	200	101
Black or African American	224	13
Asian	8	0
American Indian or American Native	1	0
Native Hawaiian or Other Pacific Islander	2	0
Total	435	114
Hispanic	9	4
Not Hispanic	426	110

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The total population for the city of Auburn is 22,941 and the 2017 ACS shows that 91% of the population is white, 4% is White/American Indian/Alaskan Native, while all other races were less than 2%.

The analysis of CDBG Funds spent by population shows that 46% were white, 51% were black and the other races received 3%. Home Funds spent by population shows that 88.6% of the funds went to white households/persons, 11.4% are black households/persons.. There is an increase of CDBG assistance going to races other than white. Last year 59% of those assisted were white. The numbers suggest that the demographics for the City are changing and more minorities are living here. The HOME funds total demonstrates that these minority populations may be struggling to enter into homeownership.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	1,183,835	843,666
HOME	public - federal	1,494,514	472,079

Table 3 - Resources Made Available

Narrative

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
DOWNTOWN TARGET AREA	40	19	New housing construction, housing rehab
Lewiston Target Areas	20	7	Housing
NEW AUBURN TARGET AREA	20	6	Community garden, housing rehab
UNION STREET TARGET AREA	20	11	Public facility improvements, housing rehab

Table 4 – Identify the geographic distribution and location of investments

Narrative

The above chart demonstrates the geographic distribution of both CDBG and HOME funds. In addition to the activities listed in the chart funds CDBG funds were utilized outside of the target area for housing rehab projects which addressed life and safety issues or weatherization projects in single family homes, public services, and administration. HOME funds are distributed city wide in both Auburn and Lewiston. In Auburn, HOME funds were utilized for residential rehabilitation and the construction of new housing. The nearly complete 62 Spring St is in the downtown target area, the Hampshire Street Project is in the Union St. target area, and the 477 Minot Ave project is not in a designated target area. The nearly complete Hartley Block is in Lewiston.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The CDBG rehab program requires a 25% match for investor owned property and is often combined with funds from other grants such as the Lewiston-Auburn Lead Grant, Healthy Homes, State of Maine Efficiency programs. The Economic Development loan requires 50% of a project be privately funded, Auburn approved one loan of \$25,000 which was matched with the owner's purchase of the building.

The HOME program is leveraging \$7,223,278.00 in loans and LHITC's from the State with \$110,000 of HOME funds for 48 Hampshire St project. 477 Minot is leveraging \$6,692,539 in loans and LHITC's from the State with \$110,000 of HOME funds

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	1,427,252
2. Match contributed during current Federal fiscal year	7,261
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	1,434,513
4. Match liability for current Federal fiscal year	0
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	1,434,513

Table 5 – Fiscal Year Summary - HOME Match Report

Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated labor	Bond Financing	Total Match
1725	06/18/2019	250	0	0	0	0	0	0
1727	06/20/2019	4,076	0	0	0	0	0	0
1735	08/13/2019	2,935	0	0	0	0	0	0

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period \$	Amount received during reporting period \$	Total amount expended during reporting period \$	Amount expended for TBRA \$	Balance on hand at end of reporting period \$
0	211,311	211,311	8,847	0

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period

	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts						
Dollar Amount	0	0	0	0	0	0
Number	0	0	0	0	0	0
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
	Total	Women Business Enterprises	Male			
Contracts						
Dollar Amount	0	0	0			
Number	0	0	0			
Sub-Contracts						
Number	0	0	0			
Dollar Amount	0	0	0			

Table 8 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted

	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 9 – Minority Owners of Rental Property

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition						
Parcels Acquired		0		0		
Businesses Displaced		0		0		
Nonprofit Organizations Displaced		0		0		
Households Temporarily Relocated, not Displaced		0		0		
Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	75	38
Number of Non-Homeless households to be provided affordable housing units	191	29
Number of Special-Needs households to be provided affordable housing units	6	0
Total	272	67

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	81	38
Number of households supported through The Production of New Units	148	0
Number of households supported through Rehab of Existing Units	43	29
Number of households supported through Acquisition of Existing Units	0	0
Total	272	67

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

We have seen a challenge with providing assistance for Homeless households with rental assistance and have determined one reason is the lack of safe affordable housing. Vacancy rates remain low, at appx 3%. Often applicants receive a voucher but cannot find a suitable/eligible unit for their family.

The construction of new rental units will lessen this challenge. The Spring Street project has begun leasing units and only has a few admin tasks to complete until closeout which is why new units haven't

been reported. Lewiston’s Hartley Block has also begun leasing up. An additional 75 units are under construction in Auburn; 477 Minot Ave is approximately 75% complete and 48 Hampshire St is nearing 50% completion.

Discuss how these outcomes will impact future annual action plans.

We expect that the additional new affordable units beginning to lease up will help residents be able to find more available housing in the coming years, which is a major issue for the TRBA program. The rehabilitation of existing housing continues to be a popular, well functioning program which we hope continues.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	13	21
Low-income	10	10
Moderate-income	0	13
Total	23	44

Table 13 – Number of Households Served

Narrative Information

Auburn appears to be rebounding from the housing crisis created by the "Great Recession". Investors are buying properties, rehabilitating them and leasing them up. We believe this is driven by an increase in housing costs in the Portland area. Many people are choosing Auburn as an alternative and this is starting to effect costs in our area, rents are rising. The City plans to continue its rehab program and will seek new affordable residential developments.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Auburn continues to actively work with area homeless service providers to improve coordination. Continuum issues are being addressed by Lewiston-Auburn Alliance for Services to the Homeless (LAASH), a collaboration of 20+ social service providers, who meet monthly to coordinate services, create greater access to the service system, and insure that individuals receive services in an appropriate fashion. LAASH determined that coordination of services and the lack of emergency warming centers are two of the area's greatest needs.

In 2017 Auburn developed the Staying Home Rental Assistance Program for homeless families of school aged children. The program is designed to help homeless families with school aged children by providing security deposit, monthly rental, and utility subsidies for up to 12 months. The main goal of the program is to house homeless families and keep K-8 students in their current school. The City reviewed 10 applicants this year, and many applicants were able to find alternate forms of assistance through their referral to the program.

The City of Lewiston's Public Library houses a division of the Community Partnership for Protection of Children. This is a drop-in resource center for people in poverty and homelessness to direct them to resources within the Consortium. Lewiston and Auburn work with a number of agencies to assure that homeless persons are referred to appropriate housing and that they receive services. Homeless persons come to the Social Services office where the Director assesses their needs. They are then referred to homeless shelters for emergency resolution, then to the Housing Authority or other resources for permanent housing. When emergency shelter is not available, people are referred to area motels. The Social Services Director works with other service providers such as Common Ties, Safe Voices, Tri-County Mental Health, and Vocational Rehabilitation/DHS to help with services. Once people are housed, the Social Services office may pay the rent for people with no income source until they have access to monthly income.

Addressing the emergency shelter and transitional housing needs of homeless persons

The Cities of Auburn and Lewiston worked with a non-profit housing developer, Tedford Housing, to develop housing for the homeless. Each city has a supportive housing project for formerly homeless

persons, 10 units of family housing in Lewiston and 6 units to house individuals in Auburn. The City of Auburn also provides support services to Tedford Housing and Safe Voices through its social service grants under the Community Development Program. The Safe Voices grant provides support services at the shelter level and Tedford Housing provides support services to formerly homeless individuals living at its permanent housing project in Auburn.

The Auburn Lewiston area has several shelters that do not participate as members of the Continuum of Care and LAASH nor do they request CDBG funding. Hope Haven is a 34-bed emergency shelter for men, women and children. They provide beds for over 300 homeless annually, provide 2,000 meals and offer clothing for 1,000 people. St. Martin de Porres offers two shelters, one for men and another for women. Unfortunately the three shelters mentioned here prefer not to participate in state or local efforts to assist the homeless, do not report on numbers yet they do provide a needed service.

The Lewiston-Auburn Alliance for Services to the Homeless has identified the lack of a general emergency warming center as an immediate need to the community and have begun researching opportunities.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Persons who are chronically homeless have access to the two supportive housing projects in either Auburn or Lewiston, depending on their family structure. These are managed and operated by Tedford Housing and they provide a total of 16 housing units.

A barrier identified by LAASH for persons who are homeless or near homeless is a lack of assistance to help pay for a security deposit for a rental unit. Both Cities operate a TBRA program to assist households that have become or are in danger of becoming homeless afford the initial costs of renting.

The State of Maine has runs an initiative with their Shelter Plus Care vouchers for long-term stayers. If a person is homeless 180 out of the previous 365 days, they will go to the top of the list to receive a voucher. They will be utilizing the HMIS system to identify these people. The challenge for the chronically homeless is the largest shelter that serves this area, Hope Haven, does not allow anyone to remain in the shelter more than 60 days.

There are other services available that link the homeless to services. However, these services are only available to people who have Maine Care. Preble Street is an organization that provides case management, but primarily to homeless veterans. Another organization, Homeless Voice for Justice, works with the homeless to help them advocate for themselves, and works to address systemic type

issues. With the loss of the rapid-rehousing program, the only prevention comes from the two cities' Security Deposit Program.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Anyone who is homeless and presenting to Auburn has access to the City's resources for assistance. Auburn works with a number of agencies to assure that homeless persons are referred to appropriate housing and that they receive services. When a homeless person comes to Auburn, the Social Services Director assesses their needs. They are then referred to homeless shelters for emergency resolution, then to Auburn Housing Authority or other resources for permanent housing. When emergency shelter is not available, then people are referred to area motels. The Auburn Social Services Director works with other service providers such as Common Ties, Save Voices, Tri-County Mental Health, and Vocational Rehabilitation.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

Auburn Housing Authority is in the process of modernizing of kitchens at the Family Development in what will be a multi-year process due to funding limitations. 62 Spring St is now leasing brand new affordable units.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

Auburn Housing Authority has two resident commissioners representing the interests of lower income households. We continue with our down payment savings program in which we match savings with interested residents' savings. We continue to work with the City of Auburn and others to seek homeownership opportunities for residents ready to buy their own homes.

Actions taken to provide assistance to troubled PHAs

Auburn Housing Authority is a high performing agency with good scores for both the Public Housing Assessment System (PHAS)-90 and Section 8 Management Assessment Program (SEMAP)-100.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The 2015-2019 Consolidated Plan identified two barriers to affordable housing: 1) lack of investment and 2) lack of a building code.

Lack of Investment: In program year 2018, the City of Auburn amended its HOMEowner Rehabilitation guidelines to more align the program with the increased costs of construction. The maximum loan was increased and grants are now offered to cover repair/replacement of major housing systems such as roofs and furnaces.

Building Codes: For the most part, the policies and zoning ordinances in place do not restrict affordable housing projects to be developed. Community Development uses its own housing standards as well as the Maine Uniform Building and Energy Code for rehabilitation and new construction. Due to increasing awareness of the condition of housing, Auburn may explore adopting a property maintenance code to ensure housing remains safe and habitable.

Zoning Ordinances: The planning department has begun exploring the possibility of allowing “back-lots” which would help with in-fill and potential new housing units.

Tax and Public Policies: 477 Minot Avenue and 48 Hampshire Street each received TIF financing packages from the city and should be complete and leasing up in the 2019 program year.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The obstacles to meeting underserved needs are typically associated with inadequate financial resources, both for the City in terms of what can be offered, and from the perspective of our consumers who are stretched with issues of affordability. In attempting to meet underserved needs and expand financial resources, the City has:

- Joined forces with the City of Lewiston in an effort to bring in more resources to the City. A \$3.4 million dollar Lead Demonstration grant was awarded in FY2017 for lead remediation in rental properties. This is especially crucial as the State of Maine has created stricter laws on lead paint hazards and reduced the level a child is considered poisoned from 10 ug/dl to 5 ug/dl. An increase in numbers of Lead Abatement Orders has already occurred.
- Partnered with Community Concepts, Inc. to bring weatherization resources to Auburn and Lewiston.
- Offered deferred payment loans to help very low and extremely low-income homeowners with

their home repairs.

- made changes to the HOMEowner Rehabilitation Assistance Program which has enabled low income households to make improvements in their housing. We now offer deferred loans to 2 different income categories - families at 0-65% of MFI qualify for a 100% deferred loan whereas families from 65-80% of MFI receive a loan that is 50% deferred and 50% amortized @ 0% for up to 30 years.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

Actions taken to reduce the risks of lead-based paint are:

- The City of Lewiston took the lead in applying for a Lead Demonstration Grant in 2017 and was awarded \$3,000,000 in Lead Hazard Demonstration Grant and \$400,000 in Healthy Homes Funds. The City of Auburn shares in this award. Auburn provides inspection services, underwriting for Auburn properties and a CDBG funded program for owners who needed financial assistance in coming up with the required 10% match to the lead grant. A Memorandum of Understanding was signed and the cities agreed that properties with State Abatement orders would take priority and all others would be on a first come first serve basis. In September, 2016, the State of Maine was successful in reducing the threshold for lead levels in children from 10 ug/dL to 5 ug/dL. In order to keep up with the anticipated increase in abatement orders the State hired 5 additional inspectors to complete inspections and enforce laws in properties where children have been identified to be lead poisoned.
- Enforced RRP training requirements for contractors who provide rehabilitation improvements to participants of Auburn's rehabilitation programs;
- Promoted lead awareness by providing brochures to rehab participants and their tenants. The Lead Grant Program provides the services of a tenant out-reach worker who works directly with the families and educates them on lead safety in the home as well as other healthy homes topics;
- Provided a HEPA vac for Auburn residents at no cost; and
- Completes lead clearances for units rehabilitated through the Community Development programs.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

Auburn's Anti-Poverty Strategy is to assist low-income families by eliminating the barriers that prevent them from working. This is accomplished by supporting efforts to expand or improve services that improve a family's ability to meet their basic needs including child-care, transportation, and affordable housing.

All of Auburn's anti-poverty strategies have been addressed:

Child Care: Androscoggin Head Start and Child Care received a public service grant for services related

to child care services allowing parents to attend skill building classes, career courses or work. Eighty-two families received services.

Reading Skills: A public service grant was awarded to improve the reading skills of Auburn residents through Literacy Volunteers Programs.

Life and Job Skills: CDBG provided funds for a program partnering the Auburn Police and the School Departments along with the Career Center and local business owners in working with youths who are homeless or at-risk of a life of crime. The students are taught job specific skills to help them transition to a life out of poverty.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City of Auburn has experienced the turnover of multiple program managers over the past couple of years and is actively working to develop institutional structures that have experienced disruption. The Community Development Office is reviewing programs and guidelines for effectiveness and efficiencies.

Auburn works in many collaborative efforts. Community Development staff sponsors or participates in several committees who meet regularly. These include Lewiston-Auburn Alliance for Services to the Homeless (LAASH), Healthy Neighborhoods, Lewiston-Auburn Lead Triage group, Security Deposit Committee, and Bridges out of Poverty Steering Committee. Any activity sponsored by the Community Development Department involves public participation and outreach into the community. The linkages created by these processes helps to increase the communication and understanding among the City, the community, and various organizations and businesses in the Auburn/Lewiston area.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Monthly meetings are attended by Community Development staff that help with coordination issues centered on housing and services.

LAASH: The focus of Lewiston-Auburn Alliance of Services to the Homeless is to improve the manner in which persons/families that are homeless or at-risk of homelessness are assisted to find housing and appropriate services to maintain their independence. This is done through increase collaboration, sharing information and strengthening cooperation among local agencies and providers; identifying gaps in services by evaluating the adequacy and availability of homeless resources and prioritizing homeless needs; increasing public awareness; and encouraging development of services, programs, and projects. LAASH also reaches out to Bates College professors and students and offers them projects to assist us with identifying community needs. Agencies who are not actively participants of LAASH are invited for presentations. Last year FEDCAP agency gave our group an in-depth understanding on their

program and how it works to help the homeless of our community.

Lead Triage Committee: A monthly meeting of the key players involved in all aspects of the Lead Hazard Control Grant. The participants are but not exclusively Community Development Staff, Community Concepts Inc., Healthy Androscoggin, Auburn and Lewiston Housing Authority, State of Maine Lead Poisoning Prevention Program, Pine Tree Legal Authority, Code Enforcement, and staff from GHHI Initiative. Reviews of the ongoing application process, abatement orders and abatement projects, outreach to the tenants for education, and coordination with GHHI so that all triggers that create health issues in residential units

Auburn and Lewiston Housing Authority: The Housing Authorities assists the Community Development Office in several ways. They assist us with the Security Deposit Program and the Staying Home Rental Assistance Program by taking the lead for intake, determining eligibility and helping the clients find suitable homes; they are our CHDO so that we are able to meet the HOME requirements; they have a preference in assisting households that may become displaced by government action and they are actively engaged in the Auburn Lewiston Fair Housing Alliance helping us to affirmatively further fair housing choice.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

In 2013 The Cities of Auburn and Lewiston adopted a plan to address the impediments to fair housing choice. The plan identified several strategies that a team from Auburn and Lewiston Community Development and Housing Authorities will address.

Lack of Investment: The residential rehab programs continue to be popular programs. The HOMEowner rehab program guidelines were amended to better serve the needs of qualifying applicants.

Lead Paint Hazards: The Lewiston Auburn Lead Hazard Reduction Grant made available \$3.5 million dollars in grant funds. Enforced RRP training requirements for contractors who provide rehabilitation improvements to participants of Auburn's rehabilitation programs; Promoted lead awareness by providing brochures to rehab participants and their tenants. The Lead Grant Program provides the services of a tenant out-reach worker who works directly with the families and educates them on lead safety in the home as well as other healthy homes topics

Landlord Tenant Communication: The Economic and Community Development Office developed a "Tenant's Guide" to help assist tenants with the process of addressing housing issues. The complaint process is often confusing for tenants and the guide should help clarify the steps that should be taken and includes contact information of different resources.

Lack of affordable units: 62 Spring St and the Hartley Block project are accepting leases. 477 Minot Ave and 48 Hampshire St have broken ground and should be accepting applications for leases in 2020.

Housing for New Mainers: There are multiple programs available for all households including New Mainers to assist with homeownership. Coastal Enterprises offers The New Ventures Program and Family Development Accounts; Maine State Housing offers Advantage Downpayment Assistant Grants and HOME funds are offered locally for homebuyers. The households have access to traditional lenders who make available loan products to meet the need. The area continues to struggle to find a lender who can offer Sharia-Compliant loan products.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

COMMUNITY DEVELOPMENT: Desk Monitoring is conducted for Sub-Recipient Grantees receiving CDBG funds. A monthly/quarterly reporting system is designed to reduce the risk of funding an ineligible activity or having inadequate documentation. With each invoice, sub-recipients are required to submit reports of accomplishments and demographic data on beneficiaries. The reports are reviewed prior to payment of invoices.

HOME INVESTMENT PARTNERSHIPS PROGRAM: Monitoring of the HOME program for PY2018 consisted of desk monitoring of Auburn's files. Files for new projects are monitored by the Community Development Manager when setting up the activity in IDIS. Files were monitored for completeness. Lewiston submits invoices for reimbursement with back-up documentation attached, the ER record and IDIS set-up information.

HOME RENTAL: The HOME units in all projects were desk monitored and completed by the City of Auburn's Community Development Director. The City of Auburn experienced a staffing issue with the Housing Coordinator in the middle of PY2018 and experienced a setback in projects and inspections. Due to this unforeseen situation Auburn was unable to make physical inspections for HOME rental properties but will resume for PY2019. A majority of HOME units are managed by Auburn Housing Authority who employs their own inspectors as well.

MINORITY AND WOMEN BUSINESS ENTERPRISES: There were no projects in PY2018 that involved a solicitation of minority and women-owned businesses.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction’s program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The City has experienced some turnover in the Community Development Office which oversees the grants provided by HUD. We are taking the opportunity to review programs and guidelines for efficiency and effectiveness and explore new ideas and potential projects.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

The City of Auburn experienced a staffing issue with the Housing Coordinator in the middle of PY2018 and experienced a setback in projects and inspections. Due to this unforeseen situation Auburn was unable to make physical inspections for HOME rental properties but will resume for PY2019. A majority of HOME units are managed by Auburn Housing Authority who employs their own inspectors as well.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

Community Development staff reviewed the Affirmative Marketing Plans and annual reports for two rental development projects, Vincent Square Apartments, and Webster School Apartments, all located in Auburn. Rental Property Management are following due diligence to meet the requirements outlined in the Affirmative Fair Housing Marketing Plan for multifamily housing.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

Generally, program income is added to the pool of funds and is used as soon as it is received. Project expenses from program income are not tracked separately from the loan pool. The loan pool is made up of a new grant, prior year funds, and program income.

HOME Program Income Received:

Homeowner Rehab Program:	Auburn: \$40,096.40	Lewiston: \$11,548.49
Homebuyer Program:	Auburn: \$ 51,731.67	Lewiston: \$3,051.71
Security Deposit Program:	Auburn \$11,683.02	Lewiston: \$4,671.63

Program income was used for 1 Homebuyer activity that assisted 1 white household which was moderately low income, as well as on a special project 68 Dartmouth St, and the new rental development at 62 Spring St. The TBRA program assisted 29 households of which 16 were extremely low, 9 were very low, 4 were moderate; 25 were white, 3 were black households, and 1 was other multi-

racial.

Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)

Our CDBG Housing Rehabilitation Loan Program is key to supporting our goal of preventing the deterioration of housing units. The housing stock is old and lack of investment over the years is prevalent in our target areas. By offering grants and forgivable loans we have encouraged more investment. The program requires that rents be at the Fair Market rates and any vacant units must be rented to low income households. Also, Auburn developed its own Housing Standards which are more stringent than Housing Quality Standards. Rehabbed units will meet the standards when projects are complete.

The Auburn Consortium offers HOME funds to non-profit and for-profit housing developers to construct affordable housing units. Since the HOME funds are a less significant part of the financing in a development package, HOME resources generally are the leveraged funds for more substantial dollars through Maine Housing's Low Income Housing Tax Credit program or other federal housing production programs. All of Auburn's and most of Lewiston's HOME supported rental developments have benefitted from the partnership with Maine Housing. Without Maine Housing, there would be no new affordable new developments. Also, Auburn has been open to providing Housing TIF's to foster the development of affordable rental projects.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2019

Author: Brandon Chaloux, License Specialist

Subject: Mass Gathering Application – New Year’s Eve Auburn

Information:

The organizers of New Years Auburn have applied for their Mass Gathering Permit. City Ordinance states the following:

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

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

A Mass Outdoor Gathering is defined by ordinance as any gathering held outdoors with the intent to attract the continued attendance of 1,000 or more persons for two or more hours.

The public hearing and vote will occur at November 18, 2019 City Council meeting.

City Budgetary Impacts: This event is already budgeted, any additional from fundraising.

Staff Recommended Action: Acknowledge communication

Previous Meetings and History: This is an event that will take place in Auburn annually.

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments:

None

Date received: 10/21/2019
Date approved: _____



CITY OF AUBURN SPECIAL EVENT/MASS GATHERING APPLICATION

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

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

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

Date of Application: 10/21/19

SPONSOR INFORMATION

Name of Sponsoring Organization: City of Auburn

Name of Contact Person for Event: Sabrina Best

Title of Contact Person: Recreation Director

Mailing Address: 60 Court St

Daytime Telephone: 333-4600 Cell Phone: 899-9270

Email Address: sbest@auburnmaine.gov

Contact Name and Cell Phone Number DURING the Event: 899-9270

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: _____

EVENT INFORMATION

Name of Event: New Year's Celebration

Type of Event (walk, festival, concert, etc.): Festival

Date of Event: 12/31/19 Rain Date: _____

Times of Event: Start Time including set-up: 8 PM Ending time including clean up: 12 AM

Actual Event Start Time: 6:00pm Actual Event End Time: 12:00AM

Estimated Attendance: 2,000

Location of Event: Festival Plaza / Main St.

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

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

Yes No Pending Date submitted to the Recreation Department: _____

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

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Separate fee & application, conditions & restrictions may apply	Banner across Court Street Non-profit groups only, \$250 fee per week, 2 week maximum. First come first serve basis, proof of insurance required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	FOOD – Will food or beverages be sold? If yes, list what types of food or beverages: <u>Food trucks - All will be licensed/permit</u> Note - A food service license may be required and must be submitted 14 days prior to the event. Other requirements and/or restrictions may apply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: <u>Handing out NYE party favors</u> Note - A peddler permit may be required and must be submitted 14 days prior to the event.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	ALCOHOL – Will alcoholic beverages be sold? <u>Liquor carts - will be permitted *card and off per state law</u> Note – Vendor must hold a valid State of Maine liquor license and submit an Off Premise Catering Event application 14 days prior to the event.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required. <u>Set off in Simard Payne Park (Lewiston)</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	PARADE – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc? If yes, describe route:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate permit	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity: <u>Patio Heaters (propane)</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

required		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Note - A permit from the Fire Department is required.			
N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	ELECTRICAL POWER/EQUIPMENT – Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a mandatory requirement for this application and must be included.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	TOILETS – Please list amount at event and/or nearest location:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	WASTE DISPOSAL – Please list process and location:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	POTABLE WATER – Please list amount at event and location:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	FIRST AID FACILITIES – Please list location at event:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$	TOTAL FEE AMOUNT INCLUDED – Checks payable to the City of Auburn			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

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

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

New Years Eve celebration live bands food trucks, beer stations, fireworks fire community event

Signature of Applicant:

Jennifer Banker

Printed Name:

Jennifer Banker

Date Submitted:

10/21/19

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

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

MAIL: City Clerk's Office
 60 Court Street, Suite 150
 Auburn, ME 04210

FAX: 207-333-6623

EMAIL: sdallaire@auburnmaine.gov

PHONE: 207-333-6600

****FOR STAFF USE****

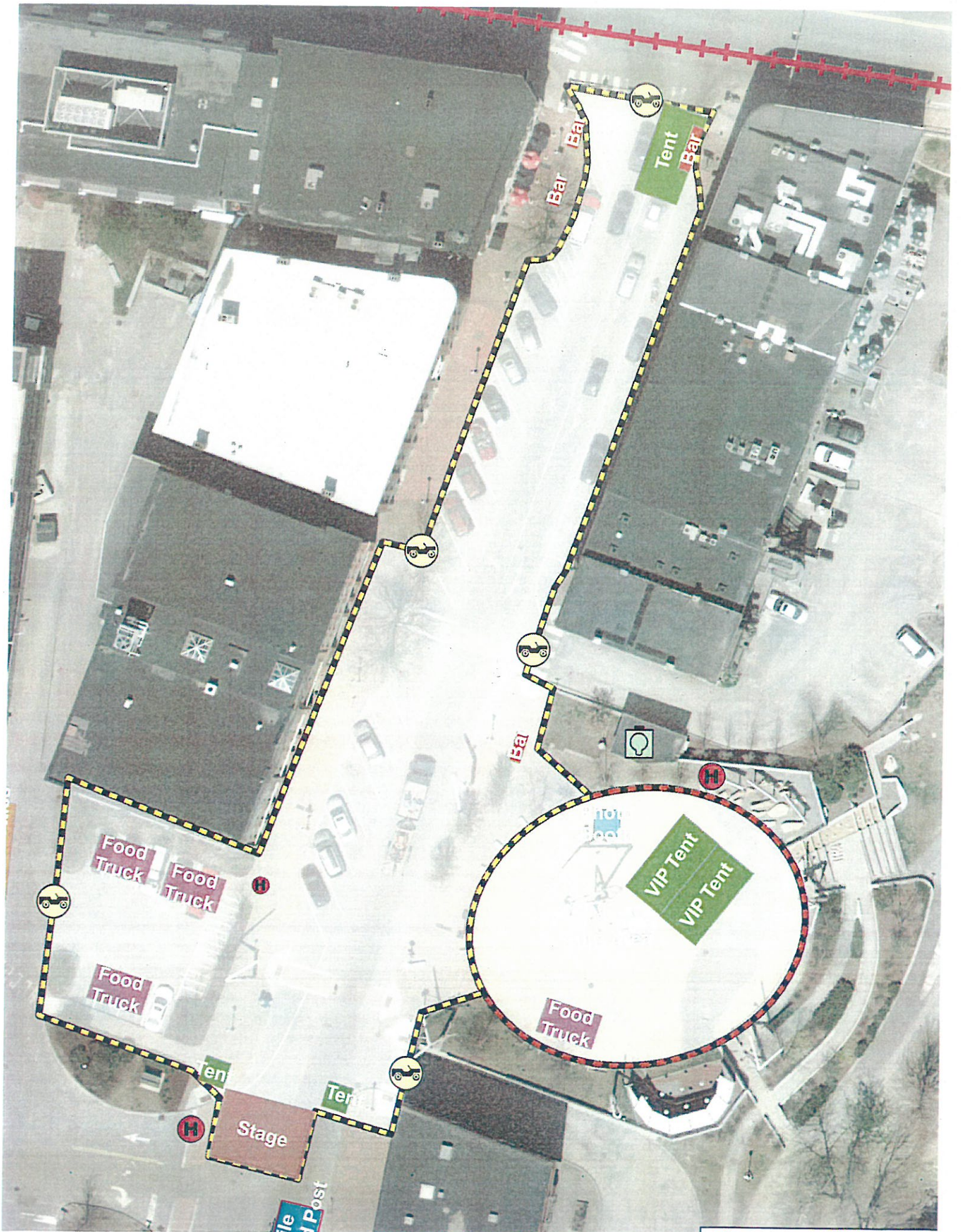
DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector				
Code Officer/Land Use & Zoning	<i>10/23</i>			
Fire Department	<i>10/23</i>			
Police Department	<i>10/23</i>			
Public Works Department	<i>10/23</i>			
Recreation Department	<i>10/23</i>			

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: _____

License Approved/Denied: *10/30/19* Date applicant notified: _____





**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2019

Orders: 111-09162019

Author: Sue Clements-Dallaire, City Clerk

Subject: Automobile Graveyard/Junkyard permit renewal

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Reminder letters and applications were sent out 08/08/2019. Inspections have been made. Council approval is required for renewal of these licenses. Because this is a renewal, it *does not* require a public hearing but the Council can accept public input if they wish to do so.

Title 30-A, Sec. 3754 states *“Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish a new automobile graveyard, automobile recycling business or junkyard and **may** hold public hearings annually regarding the relicensing of these facilities”*.

Don’s No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends the City Council consider approval of the renewal application with the following conditions:

1. The licensee shall contact the City by June 15, 2020 after spring high waters recede to schedule a site review by boat or canoe. Clean up visible materials on the riverbank and in the river by July 30, 2020.
2. 2. Install permanent 1% flood plain line markers at the floodplain line by 11/4/2019. Staff has identified two appropriate marker locations shown in the staff report that will need to be painted with bright colored paint and maintained for visibility by junkyard staff. If Mr. St Germain disagrees with the staff determined locations, he could choose to hire a surveyor to dispute the exact line location at his cost.

Previous Meetings and History: The annual renewals were placed on the 9/16/2019 agenda. This one was postponed until the meeting of 10/7/2019. It was postponed again until this meeting of November 4, 2019 to work on meeting the following conditions:

1. Clean up visible materials on the riverbank and in the river. (High water, need to address next summer)
 2. Install permanent flood plain line markers at the floodplain line. (Agreed as of 11/1/2019)
 3. Remove any remaining vehicles with fluids from the 1% floodplain. (Done as of 11/1/2019)
-



City Manager Comments:

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

I concur with the recommendation. Signature:

Attachments:

1. Application
2. Inspection Memo – David O’Connell (Fire Department)
3. Inspection Memo #1– Eric Cousens (Economic and Community Development)
4. Inspection Memo #2-Eric Cousens (Economic and Community Development)
5. Order 111-09162019



City of Auburn, Maine

Office of The City Clerk
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

2 0 1 9

AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

To the City of Auburn, County of Androscoggin, Maine:

I/We Donald St Germain Morris Auto Parts hereby
Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or
Junkyard at the following described location and in accordance with the provisions of Title 30-A
MRSA Sections 3751-3760.

Physical Address: 940 WASHINGTON ST NO,

Mailing Address: PO BOX 283 04212 0283

Phone Number: 207 7847374 or 2077541608

E-Mail: dons.4.tows@yahoo.com

Answer all questions in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?
940 WASHINGTON ST NO

2. Is this application made by or for a company, partnership, corporation or individual:

3. Is this property leased? NO Property owned by: Donald St Germain
Address: _____

4. How is "yard" screened?
 Fence (type) _____ Height: _____
 Trees (type) _____



City of Auburn, Maine

Office of The City Clerk
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

- Embankment:
Gully:
Hill:
Other:

- 5. How far is edge of "yard" from center of highway? 60 plus feet
6. Can junk be seen from any part of highway? Yes No X
7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No
8. Is any portion of this "yard" on public property? Yes No X
9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes No X

- 10. When was "yard" established? 1938 By whom? MORRIS AUTO PARTS
11. When was last permit issued? 2019 By whom? DONALD ST BLUMMAN

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: Donald St Blumman for:
Name of Company, Corporation, Partnership or Individual

Address: 940 WASHINGTON ST no Auburn ME

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. _____

Lot No. _____

Zone _____

Check correct direction:

- North
- East
- West
- South



1 copy of application to City

1 copy of application to Applicant

1 copy of application to State Police, Augusta

1 Copy of application to Dept. of Transportation, Augusta (Right of Way Division)





Auburn Fire Department

David N. O'Connell | Fire Inspector/Fire Investigator
550 Minot Avenue | Auburn, Maine 04210
doconnell@auburnmaine.gov | 207.333.6633 ext 4

Sarah L. Hulbert – Fire/EMS Support Specialist
shulbert@auburnmaine.gov

To: Mayor and City Council
From: David O'Connell, Fire Prevention Officer
Re: 2019 Junkyard License Inspections
Date: September 4, 2019

The City Clerk requested that this office inspect licensed junkyards which have applied for license renewals – prior to the Council's consideration of their applications. Inspections were completed by September 4, 2019, and crews found the following:

Prolerized New England Company, LLC, 522 Washington Street: No deficiencies noted after inspection. Fire Department approves.

M & P Auto, Inc., 277 Merrow Road: No deficiencies noted after inspection. Fire Department approves.

Randy's Auto Parts, 899 Broad Street: No deficiencies noted after inspection. Fire Department approves.

Isadore T. Miller, Inc., 79 and 80 Old Hotel Road: Site is vacant; no buildings. No comments or concerns.

Morris Auto Parts, 940 Washington Street North: No deficiencies noted after inspection. Fire Department approves.

Sincerely,

A handwritten signature in black ink, appearing to read 'David O'Connell', written over a white background.

David O'Connell

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 111-09162019

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Don's No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North.

To: Brandon Chaloux, Licensing Specialist / Deputy City Clerk
From: Eric J. Cousens, Deputy Director of Economic and Community Development
Re: 2019 Junkyard Follow-up Morris Auto Parts License Inspection
Date: November 1, 2019

A Follow up inspection on 11/1/19 revealed that there were four cars with fluids in the floodplain area near the line that was the subject of a disagreement between staff and Mr. St. Germain at the previous inspection. Part of the disagreement stemmed from the fact that previously agreed upon markers were too easy to move. Mr. St. Germain has cleaned the area that was needed to identify permanent floodplain line markers that will not be easily moveable.

With the recent rains it will not be possible inspect the riverbank and shoreline by boat before colder weather.

Staff recommends the City Council consider approval of the renewal application with the following conditions:

1. The licensee shall contact the City by June 15, 2020 after spring high waters recede to schedule a site review by boat or canoe. Clean up visible materials on the riverbank and in the river by July 30, 2020.

2. Install permanent 1% flood plain line markers at the floodplain line. Staff has identified two appropriate marker locations shown to the right that will need to be painted with bright colored paint and maintained for visibility by junkyard staff. If Mr. St Germain disagrees with the staff determined locations, he



could choose to hire a surveyor to dispute the exact line location at his cost.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2019

Ordinance: 14-10212019

Author: Megan Norwood, City Planner II

Subject: Proposed Zoning Map Amendment at 965 Minot Avenue

Information: John Petrocelli of Petro's Ace Hardware is requesting a Zoning Map Amendment to PID 217-002 to change a portion of the parcel abutting the rear of PID 207-013 from Suburban Residential (SR) to General Business II (GBII) to expand the commercial zone at his business at 965 Minot Avenue. The purpose of the map amendment is to expand the commercial zone for Petro's to allow yard delivery and loading trucks to exit onto Garfield Road to more safely enter Minot Avenue. The reason the 2.35 acre configuration was requested for the zoning map change is to limit the amount of area of the parent parcel proposed for rezoning to only the space necessary for egress. The Owner also proposes to keep a heavily wooded buffer on each side of the proposed future egress onto Garfield Road.

The Planning Board held a Public Hearing and made a favorable recommendation to City Council at their October 8, 2019 meeting. The Planning Board also recommended changing the leftover triangular shaped portion of the parcel from Suburban Residential to Urban Residential to match the abutting Zoning District as well as updating the Future Land Use Map so the triangular shaped portion of the parcel matches the abutting Future Land Use Designation of Business Expansion Transition (please see attached maps for further clarification).

As discussed in the Staff Report, one of the primary tests associated with a Zoning District change is its conformance with the Comprehensive Plan. The current Comprehensive Plan shows the area proposed for rezoning as low-moderate density residential development which states that new development should be designed to minimize the number of vehicular access points to existing collector or other through roads. The Future Land Use Plan (FLUP) designates the current GBII area as planned commercial development. A small rear expansion of the GBII area would enable Petro's and the neighboring businesses to grow in a more unified way which is the intent of a planned commercial designation in the comprehensive plan.

City Budgetary Impacts: None.

Staff Recommended Action: Staff believes this change will provide an opportunity for expanding the business and could allow for safer vehicular and delivery access on Garfield Road, we recommend the City Council vote in favor of the Planning Boards recommended Zoning Map changes from Suburban Residential to General Business II and Urban Residential, respectively and Future Land Use Map changes from Low-Moderate Density Residential Development to Planned Commercial Development and Business Expansion Transition, respectively (please see attached maps for clarification).



Previous Meetings and History: We received a request from CC Titus to place this on a CC Workshop, with a copy of a petition. An introduction to the Zoning Map amendment was discussed at the August 19, 2019 City Council Meeting. On September 9, 2019, the Council voted to refer this to the Planning Board. The Planning Board voted in favor of the map amendments at the October 8, 2019 meeting. Passage of the first reading was on 10/21/2019. Public hearing and second reading to be held at the 11/4/2019 meeting.

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments:

- October 08, 2019 Planning Board Staff Report
- Petition/Council Agenda Request Form
- Future Land Use Map Changes
- PID #217-002 Changes (Zoomed Out View)
- Current vs. Proposed Zoning Map Changes

To: Auburn Planning Board
From: Megan Norwood, City Planner II, Audrey Knight, AICP City Planner
Re: Proposed rezoning of 2.35 acres of land, located generally at 965 Minot Avenue (PID: 217-002), from Suburban Residential to General Business II, extending the existing frontage zoning to the rear of Petro’s Ace Hardware.
Date: October 8, 2019

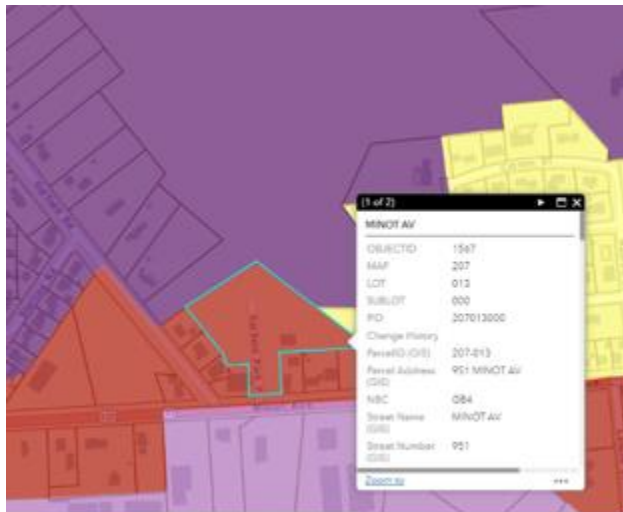


Figure 1: Current Parcel (Petro's Ace Hardware)

I. PROPOSAL – John Petrocelli of Petro’s Ace Hardware is seeking a Zoning Map amendment to PID 217-002 to change a portion of the parcel abutting the rear of PID 207-013 from Suburban Residential (SR) to General Business II (GBII) to expand the commercial zone at his business at 965 Minot Avenue.

The zoning amendment request would allow yard delivery and loading trucks to exit onto Garfield Road in order to more safely enter Minot Avenue. The configuration of the SR Zoning Map change is designed to limit the amount of area of the parent parcel proposed for rezoning to only the space necessary for egress. Figure 2 shows a small buffer area remaining zoned SR (triangle shaped area).



Figure 2: Area Proposed for Re-Zoning of Subject Parcel 2



Figure 3: Parcel 2 (PID 207-002)

Delivery trucks currently pull into the site, Y-Turn in a very tight space, then exit back onto Minot Avenue. This new egress would enable drive through movement and additional safety. It would also reduce noise from backup alarms, reduce emissions and provide a more efficient design for goods and movement. The lot frontage on Garfield Road would be 100 feet wide, with a proposed access drive of less than 30 feet wide (20-24 feet is required). Mr. Petrocelli proposes to keep a heavily wooded buffer on each side. A paved apron at the exit to Garfield Road would likely be reclaim.

II. ZONING AND COMPREHENSIVE PLAN MAP AMENDMENTS

DIVISION 2.

A. Amendment to the Zoning Ordinance or Zoning Map

Sec. 60-1445. - Purpose.

Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or **upon request by the City Council** or by a petition signed by not less than 25 registered voters of the city. (Ord. of 9-21-2009, § 8.1A)

John Petrocelli provided a petition to CC Titus and asked to place this on the City Council Workshop. At the August 19, 2019 meeting, the Council asked the Planning Board to hold a public hearing and provide a recommendation to the Council. The next step after the Planning Board process will be for the Council to hold a workshop (if desired), two readings and a public hearing for public adoption or denial.

B. Comprehensive Plan

One of the primary tests associated with a Zoning District change is its conformance with the Comprehensive Plan. The current Comprehensive Plan shows the subject area that is proposed for rezoning as “**Low-Moderate Density Residential Development**” (the hatched area below) which states:

“new development should be designed to minimize the number of vehicular access points to existing collector or other through roads.”

The Future Land Use Plan Map designates the **General Business II** zoning district area along Minot Avenue as “**Planned Commercial Development**” (the pink area below):

“new development, redevelopment, and substantial expansions should be subject to an enhanced set of development and design standards to assure that this area evolves as an attractive gateway. These standards should establish a landscaped buffer strip along the street, limit the types of activities that can occur between the front of the building and the street, and screen all service and storage visibility from the street.”



Figure 4: Future Land Use Map of Minot Avenue



Figure 5: Future Land Use Map of Minot Avenue corridor



Figure 6: Existing Zoning District Pattern along Minot Avenue corridor

It is important to note that the Future Land Use Plan is not a Zoning Map. It is intended to show, in a general sense, the desired pattern of future land use and development. Often in the planning process the existing land use dictates that a zoning pattern remain, despite the future land use map, or the desired long-term vision for an area. In this case the light purple area in figure 6 is Industrial Zoning which reflects the large area occupied by American Cement and the Trucking repair services that were in place prior to the adoption of the Future Land Use Map. The red area in figure 6 is the General Business II zoning district. Petro's Ace Hardware and the Backwoods Snow Boards & Skateboards retail stores occupy the corner of Garfield Road and Minot Avenue, and are currently owned by brothers. This small rear expansion of the GBII zoning district would enable these two businesses to consolidate parking, pedestrian, auto, delivery and truck circulation into a more unified development as they expand and redevelop, which is the intent of the planned commercial designation in the comprehensive plan.

Because this is a map change of 2.35 acres from residential to commercially zoned land, consideration of neighboring residential impacts is of primary consideration. The applicant purchased parcel 217-002 and therefore can appropriately screen, retain and distance activity from future potential homes. The hardware store does not operate evening hours, closing at 5pm. While the zoning pattern may outlast this business, the configuration could allow the eventual use of the Garfield Road driveway to become an entrance to residential development, and an overall better integration of commercial and residential activity if designed well.

Garfield Road, opposite the proposed rezoning, is also zoned GBII and designated Planned Commercial Development. Four of the adjacent residential homes along Minot Avenue are also zoned GBII, three

remain in residential use, with a live/work business “Quiltessentials” occupying the corner of Amherst Street and Minot Avenue. Urban and Suburban Residential zoning and use extends behind and past Rafnell Street, before returning to commercial zoning along Minot Avenue.

C. Zoning Amendment Process

Sec. 60-1446. - Proposal made in writing.

Each proposal to change the zoning map shall be made in writing and shall explicitly state the nature, extent, location and purpose of the map change proposed and shall be accompanied by a black line print of a diagram drawn to scale showing and stating clearly the dimensions in feet, the area, metes and bounds of the land proposed for a change and a sketch or other explicit identification of the general location and relationship of such land to some major neighborhood or other recognizable geographic segment of the city. Petitions shall be filed not less than 30 days prior to a regularly scheduled meeting.

(Ord. of 9-21-2009, § 8.1B)

Sec. 60-1447. - Change of text.

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

(Ord. of 9-21-2009, § 8.1C)

Sec. 60-1448. - Submittal of completed petition.

Within 45 days of submittal of a completed petition to amend the Zoning Ordinance text or map, the planning board shall hold a public hearing thereon.

(Ord. of 9-21-2009, § 8.1D)

DEPARTMENT REVIEW –

- a. Police – There have been 2 accidents on Minot Avenue near the intersection since 2016, which is not of concern at this time.
- b. Auburn Water and Sewer – No comments.
- c. Fire Department – No comments.
- d. Engineering – No comments.
- e. Public Services – No comments.
- f. Economic and Community Development – Staff believes this change provides an opportunity for orderly expansion of the business and could allow safer vehicular and delivery access by not concentrating all traffic to Minot Avenue.


The small isolated triangle currently mapped to be left in the SR zone, may be more appropriately zoned to the neighboring Urban Residential zone.

III. PLANNING BOARD ACTION – This proposal requires the Planning Board to make a recommendation of the proposed Zoning District change to the City Council in accordance with Section 60-1445. Where this is a change to the Zoning District map and not the Zoning Ordinance language, the Planning Board does not have to review a change of text in accordance 60-1447.

IV. STAFF RECOMMENDATIONS – Staff recommends the Planning Board find that the proposed zone change allows the business and property to more easily implement the intent of the comprehensive plan to promote well planned and designed commercial frontage. A change from

Suburban Residential zoning to General Business II while expanding commercial development into a residentially designated area would not appear to compromise future residential development and may serve to reduce some noise and emissions currently produced by the existing circulation configuration. As the applicant proposes to provide an extensive buffer on all sides of residential land, including the triangle remainder, the proposed change could provide long-term protection that currently does not exist.

Suggested Motion: I make a motion to recommend approval to the City Council to change the Zoning District for the 2.35 acres delineated by the applicant, otherwise known as a portion of PID 217-002, from Suburban Residential to General Business II, and further recommend amending the General Plan Land Use Map to Planned Commercial Development. The Planning Board further recommends changing the zoning and future land use classification of the remainder triangular portion of parcel 217-002 to Urban Residential and Low-Moderate Density Residential respectively.



Megan Norwood
City Planner II

Audrey Knight, AICP
City Planner

**CITY COUNCIL
AGENDA REQUEST FORM**

Requesting Councilor's Name: Andrew Titus, Ward 3

Supporting Councilor Name: Belinda Lury, At Large

Summary of Issue:

Petro's Ace Hardware and owner John Petrocelli Jr. is asking that a section of the land they own behind their business at 965 Minot Ave, be re-zoned to General Business II. This land borders Garfield Rd. (100ft frontage). The plan is to build an "exit" road for delivery trucks to leave his property via Garfield Rd.

Recommended Action for Consideration:

Because this section of Minot Ave. in front of his store is very busy, this change would allow delivery trucks leaving his business to turn onto Garfield Rd. The trucks would then use the traffic stop sign on Garfield Rd. to enter Minot Ave. This will make it safer for traffic on Minot Ave, as well as the truck drivers leaving the business's yard behind Petro's Ace Hardware.

In order for a workshop item to be considered for an upcoming Auburn City Council Workshop agenda, please complete the above and present it at any time to the Mayor and City Manager. Our goal is to have items requested on a workshop agenda within 90 days of the date received.

DO NOT WRITE BELOW THIS LINE

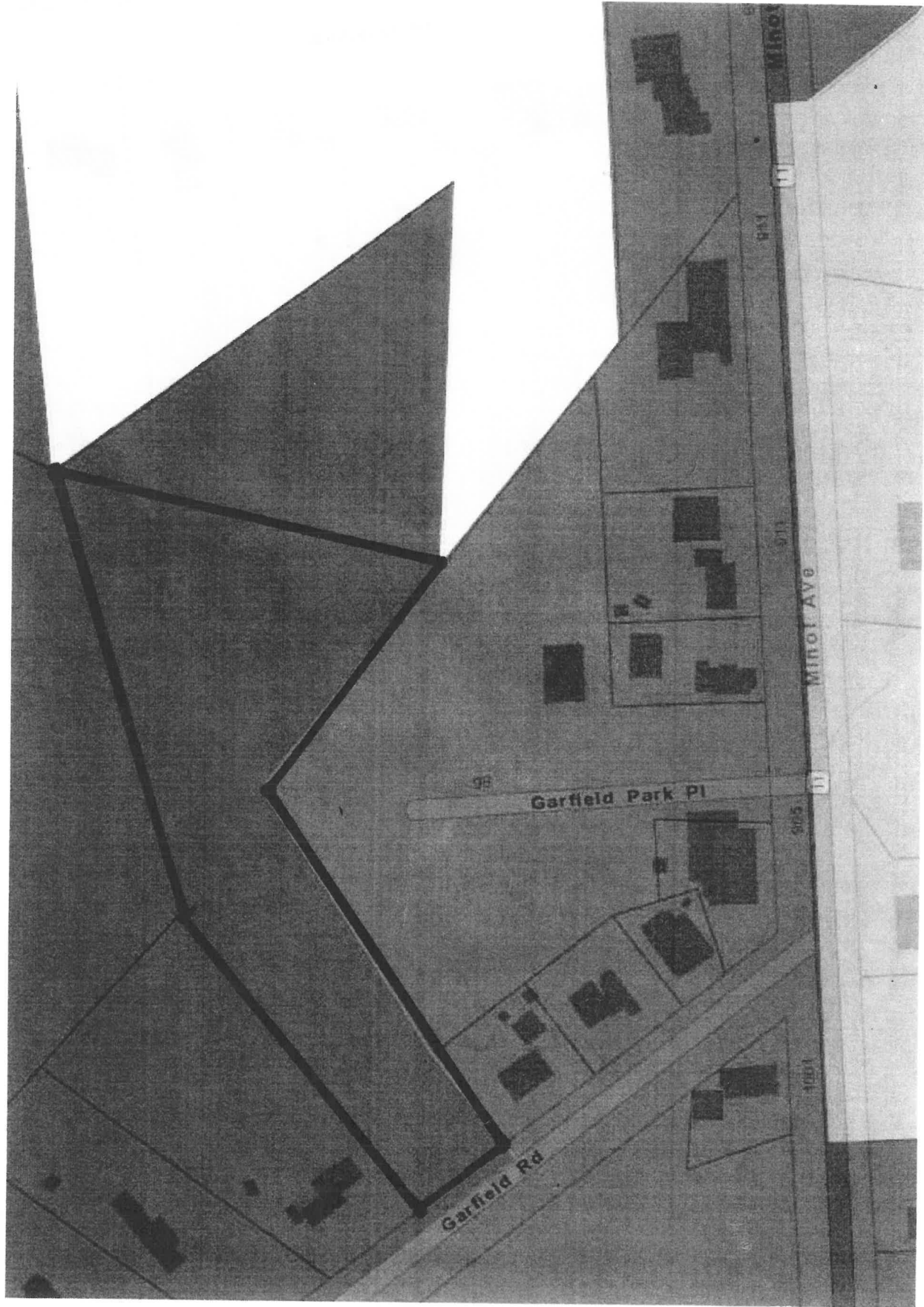
Date received by City Manager: _____

Date received by Mayor: _____

Recommended Date for Workshop Discussion: _____

Staff Assigned: _____

Proposed Minot Avenue and Garfield Road Zoning Map Amendment – Petro's Ace Hardware



REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the City of Auburn Zoning Map and the Future Land Use Map in the area of 951 Minot Avenue (PID#), 965 Minot Avenue (PID), and PID 217-002 to expand the General Business II Zoning District as shown on the attached map.

Print	Address	Sign
John Miller	134 STEVENS MILL RD	John Miller
SARAH MILLER	134 STEVENS MILL RD	Sarah Miller
Robert Thomas	138 Everett Rd. Auburn	Robert Thomas
Paul R. Har	470 Hubby Rd	Paul R. Har
Sean Colwell	23 Anita Ave	Sean Colwell
Don DeLoe	10 CORWELL AVE	Don DeLoe
Steven Day	34 Dillingham Hill Rd	Steven Day
Bruce Clark	81 Sunset Ave	Bruce Clark
MARK MACE	16 TOWNE ST	Mark Mace
Michael Biggs	33 Bramblewood Rd, Auburn ME 0410	Michael Biggs
John Santin	457 Stevens Mill Rd A	John Santin
Josh Wright	32 Houghton St	Josh Wright
Dave Ducharme	56 Longbow Ct	Dave Ducharme
Carolyn Fletcher	130 Riverside Ave	Carolyn Fletcher
Michael Gravel	6114 9th Ave	Michael Gravel
Cynthia St. Hilaire	219 Poland Rd	Cynthia St. Hilaire
Markman, Tom	227 Cook St	Markman, Tom
Stephen Doughty	35 W WAREHAM RD	Stephen Doughty
KEVIN L LANDRY	290 Manley Rd Auburn	Kevin L Landry
Jon Shaw	134 FAIRWAY RD	Jon Shaw
Dwayne Sanborn	64 Poland RD	Dwayne Sanborn
Gareth Sanborn	101 Valview Drive Auburn, ME	Gareth Sanborn
Scott Thebeau	101 Valview Dr. Auburn, ME	Scott Thebeau
Scott Demers	40 Sumner St Auburn Me.	Scott Demers
Emily Cuperbrook	918 Danville Corner Rd Auburn	Emily Cuperbrook
Kevin Joly	300 STEVENS MILL RD. AUBURN	Kevin Joly
Howard Sterling	167 Poland New Dr.	Howard Sterling
Seth Sterling	323 Minot Ave	Seth Sterling
FRANK GRANT	174 Monroe St	Frank Grant
GORDON SWEET	1724 MINOT AVE	Gordon O Sweet
Steve Landall	72 DAVIS AVE AUBURN	Steve Landall
	496 Poland Rd	Steve Landall

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the City of Auburn Zoning Map and the Future Land Use Map in the area of 951 Minot Avenue (PID#), 965 Minot Avenue (PID), and PID 217-002 to expand the General Business II Zoning District as shown on the attached map.

Print	Address	Sign
Cameron Ivers	25 Carson Street, Auburn, ME	
Daryl LaMose	34 West Waterman Rd	
Reggie Boufford	57 PRESIDENTIAL WAY	
Jon Krumer	37 Carson St	
Leann Giguere	17 ARBONIA ST Auburn, ME	
Sabrina Turcotte	88 Cleveland Ave Auburn, Me	
Roger Bussiere	393 Center St #57	
GEORGE BOUILLON	506 PARK AVE - AUBURN	
REGAN FOTTER	674 LAKE ST. AUBURN ME, USA	
PARLENE LEMIEUX	4 CONCORD PL Auburn, ME	
Cameron McIntosh	87 West Bates St. Auburn, ME	
MIKE MORIN	137 7th St. Auburn, ME	
DREH SALANGE	153 Sun-Diamond Dr Auburn, ME	
BILL CAMPBELL	176 WYLLIAM Rd	
Leann Giguere	10 Corn II Ave Auburn	
Pete Norrby	227 MELLOW RD.	
Douglas Gleason	583 WYLLIAM Hotel Rd	
Daniel MOISON	446 Mellow Road	
Amanda Morin	43 Dunn St.	
PETER GARCIA	201 WEST SHORE RD	
Louis St. Pierre - Ir	6000 521 Perkins Ridge Rd	
John Taylor	521 Perkins Ridge Rd	
Charles SIMA	6000 521 Perkins Ridge Rd	
Rick HAFNER	307 MELLOW Rd	
Patrick Francoeur	147 Broadview Ave	
STEPHEN BILLEY	33 MOORE BROOK RD AUB	
Michel O'Donnell	57 Pinnacle Drive Auburn ME 04210	
James Whitmore	37 RAFAEL ST Auburn, ME 04210	
Jenny Marchessault	24 PAVILLON DR AUBURN, ME 04210	
Richard Wing	285 GARFIELD Rd Auburn, ME	
SCOTT EATON	328 COOK ST AUBURN ME	
Michael Lupardo	100 TAFT AVE AUBURN, ME	



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 19, 2019

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

Subject: Proposed Zoning Map Amendment at 965 Minot Avenue

Information: There are a few ways to initiate a zoning amendment. The ordinance states: Amendments to the zoning ordinance, including the zoning map, may be initiated by the planning board on its own initiative or upon request by the city council or by a petition signed by not less than 25 registered voters of the city.

We have been working with John Petrocelli to discuss a change that would expand the commercial zone at his business (attached), and he has chosen to collect more than enough signatures to show support and to ask the Council to formally initiate the change.

We received a request from CC Titus to place this on a CC Workshop, with a copy of a petition. We are asking the Council to provide feedback and if it seems that there is support to give this formal consideration we will schedule it for the next Council meeting. The Process from there would be for the Council to ask the Planning Board to hold a Public Hearing and then provide a recommendation to the Council. Next the Council would hold a workshop(if desired), 2 readings and a Public Hearing for final adoption or denial.

Staff believes this change will provide an opportunity for expanding the business and could allow for safer vehicular and delivery access on Garfield Road.

City Budgetary Impacts: None.

Staff Recommended Action: Consider the proposal and tell staff to schedule for a vote to initiate consideration of the proposed zoning amendment.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: _____

Attachments: Petition and Council Agenda Request Form.

**CITY COUNCIL
AGENDA REQUEST FORM**

Requesting Councilor's Name: Andrew Titus, Ward 3

Supporting Councilor Name: Brenda Perry, At Large

Summary of Issue:

Petro's Ace Hardware and owner John Petrocelli Jr. is asking that a section of the land they own behind their business at 965 Minot Ave, be re-zoned to General Business II. This land borders Garfield Rd. (100ft frontage). The plan is to build an "exit" road for delivery trucks to leave his property via Garfield Rd.

Recommended Action for Consideration:

Because this section of Minot Ave. in front of his store is very busy, this change would allow delivery trucks leaving his business to turn onto Garfield Rd. The trucks would then use the traffic stop sign on Garfield Rd. to enter Minot Ave. This will make it safer for traffic on Minot Ave, as well as the truck drivers leaving the business's yard behind Petro's Ace Hardware.

In order for a workshop item to be considered for an upcoming Auburn City Council Workshop agenda, please complete the above and present it at any time to the Mayor and City Manager. Our goal is to have items requested on a workshop agenda within 90 days of the date received.

DO NOT WRITE BELOW THIS LINE

Date received by City Manager: _____

Date received by Mayor: _____

Recommended Date for Workshop Discussion: _____

Staff Assigned: _____

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the City of Auburn Zoning Map and the Future Land Use Map in the area of 951 Minot Avenue (PID#), 965 Minot Avenue (PID), and PID 217-002 to expand the General Business II Zoning District as shown on the attached map.

Print	Address	Signature
John Miller	134 STEVENS MILL RD	John Miller
SARAH MILLER	134 STEVENS MILL RD	Sarah Miller
Robert Thomas	138 Everett Rd. Auburn	Robert Thomas
David R. Shaw	47: Hately Rd	David R. Shaw
Sean Coakley	23 Anita Ave	Sean Coakley
Tom DeJoy	10 CORNELL AVE	Tom DeJoy
Steven Day	34 Dillingham Hill Rd	Steven Day
Bruce Clark	81 Sunset Hill	Bruce Clark
YARK MACIE	16 TOLLIN-EST	Yark Macie
Michael B. Gray	33 Bramblewood Dr, Auburn ME	Michael B. Gray
John Santin	457 Stevens Mill Rd A	John Santin
Josh Wright	32 Houghton St	Josh Wright
Dave Ducharme	56 Longbow Ct	Dave Ducharme
Carolyn Fletcher	130 Riverside Ave.	Carolyn Fletcher
Christina	16 Laurel Hill	Christina
M. Grace Grubel	219 Poland Rd	M. Grace Grubel
Quinn St. Hilaire	227 Carl St	Quinn St. Hilaire
Mikmas, Jr.	55 W. WAREHAM RD	Mikmas, Jr.
Stephen Daugherty	290 Maulay Rd. Auburn	Stephen Daugherty
KEVIN L LANDRY	134 FAIRWAY RD	Kevin L Landry
Joni Shaw	64 Poland RD	Joni Shaw
Lynette Sanborn	101 Valview Drive Auburn, ME	Lynette Sanborn
Garet Sanborn	101 Valview Dr. Auburn, ME	Garet Sanborn
Scott Thebeau	40 Sumner St Auburn Me.	Scott Thebeau
Scott Demaris	918 Dunville Corner Rd Auburn	Scott Demaris
Erin C. Grayson Cook	317 STEVENS MILL RD. Auburn	Erin C. Grayson Cook
Jim Joly	167 Pond View Dr	Jim Joly
Harold Sienko	321 Hilltop Dr	Harold Sienko
Sally Sterling	174 Monroe St	Sally Sterling
FRANK GRANT	1724 Minot Ave	Frank Grant
GORDON SWEET	72 DAVIS AVE AUBURN	Gordon Sweet
John Landry	196 Poland St. Rd	John Landry

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the City of Auburn Zoning Map and the Future Land Use Map in the area of 951 Minot Avenue (PID#), 965 Minot Avenue (PID), and PID 217-002 to expand the General Business II Zoning District as shown on the attached map.

Print	Address	Sign
Cameron Ivers	25 Carson Street, Auburn, ME	<i>[Signature]</i>
Daryl LaMoine	34 West Waterman Rd	<i>[Signature]</i>
Reggie Bufford	57 President Hill Way	<i>[Signature]</i>
Jon Krugner	37 Carson St.	<i>[Signature]</i>
Leann Gagnier	17 The Garden St Auburn, Me	<i>[Signature]</i>
Sabrina Turotte	88 Cleveland Ave Auburn, Me	<i>[Signature]</i>
Regis Bissiere	393 Center St #07	<i>[Signature]</i>
GEORGE BAXTER	506 PARK AVE - AUBURN	<i>[Signature]</i>
PEGAN FOTTER	674 LAKE ST. AUBURN ME, USA	<i>[Signature]</i>
Camron McEwen	87 West Bates St. Auburn ME	<i>[Signature]</i>
MIKE MORIN	137 11th St. Auburn ME	<i>[Signature]</i>
DREW SARGENT	153 SUNDOWN DR. AUBURN ME	<i>[Signature]</i>
BILL CAMPBELL	176 WYHAMER RD	<i>[Signature]</i>
Leann Gagnier	10 Cornhill Ave Auburn	<i>[Signature]</i>
Pat Amory	227 WHEELER RD	<i>[Signature]</i>
Douglas Steason	583 WHEELER Hotel Rd	<i>[Signature]</i>
Daniel Motion	446 Melrose Road	<i>[Signature]</i>
Amrock Motion	413 DUNDY ST.	<i>[Signature]</i>
PETER GARCIA	201 WEST SHORE RD	<i>[Signature]</i>
Luigi Di Pierre	1012 12 Perkins Ridge Rd	<i>[Signature]</i>
John Taylor	301 Franklin St	<i>[Signature]</i>
Charles Sizer	Charles Sizer 211 1/2 St	<i>[Signature]</i>
Rick HAFNER	307 WHEELER RD	<i>[Signature]</i>
Patrick Francour	147 Broadview Ave	<i>[Signature]</i>
STEPHEN BULLY	33 MADISON GREEN RD AUBURN	<i>[Signature]</i>
Michel Odonnell	57 PINEHURST DRIVE AUBURN ME 04210	<i>[Signature]</i>
James Whitmore	37 RAFAELI ST Auburn ME 04210	<i>[Signature]</i>
Johnny Macintosh	24 Avenue de l'Union ME 04210	<i>[Signature]</i>
Richard Wilby	285 Carfield Rd Auburn, ME	<i>[Signature]</i>
Scott Eaton	228 LOCK ST Auburn ME	<i>[Signature]</i>
Michael Lupard	100 TAFT AVE AUBURN, ME	<i>[Signature]</i>

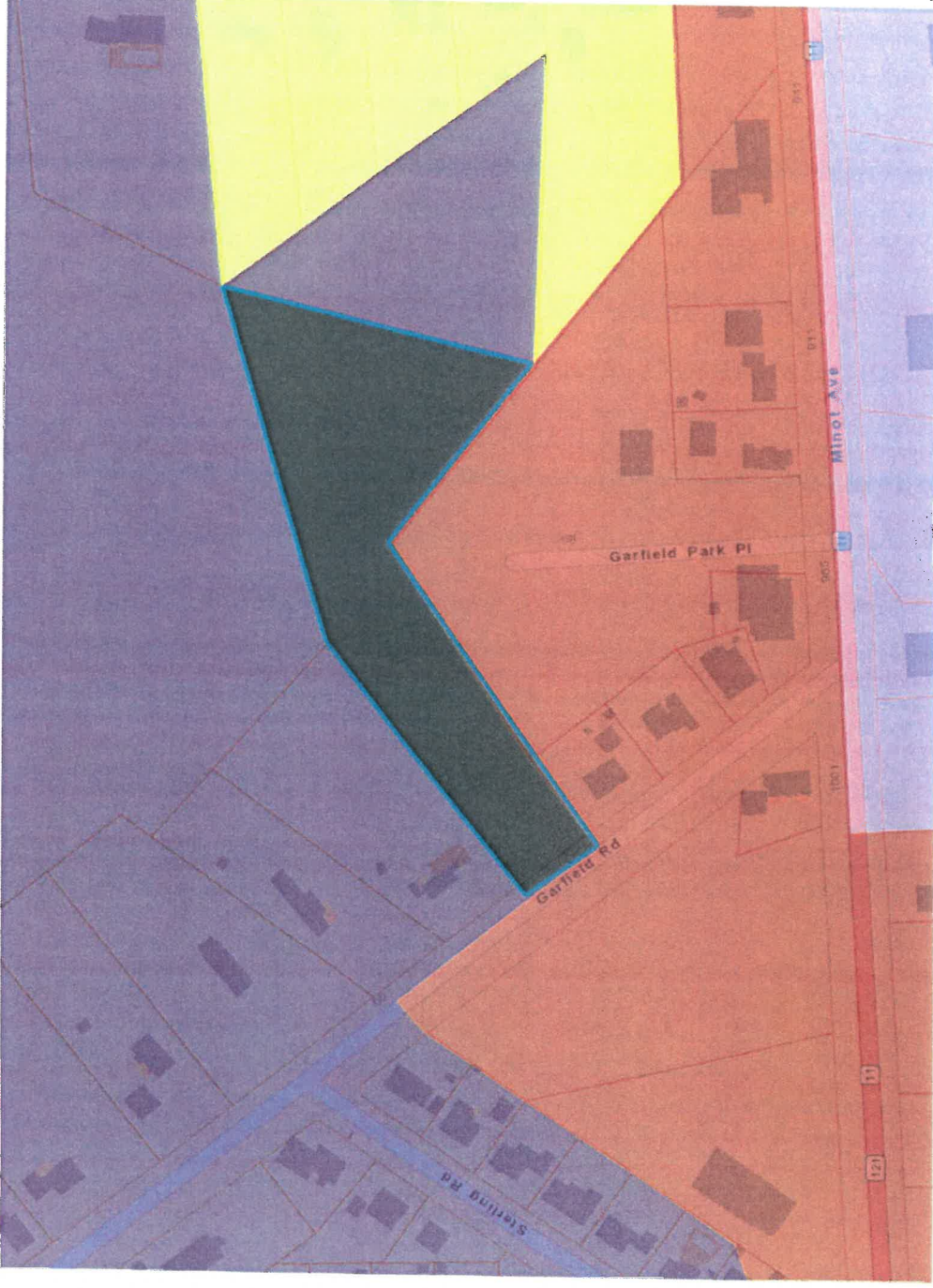
Measurement

Acres

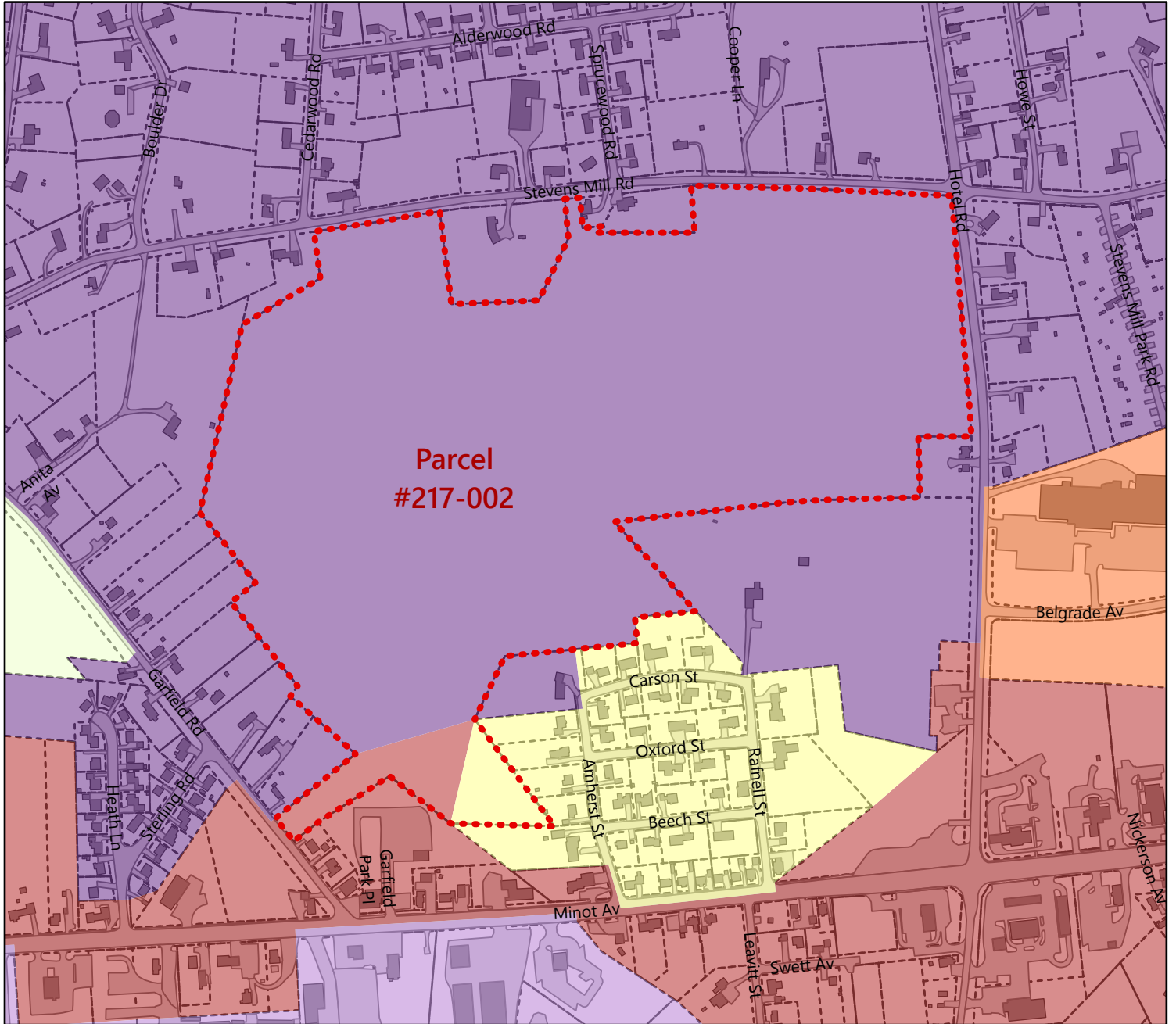
Measurement Result

2.35 Acres

Clear



Press CTRL to enable snapho



Parcel
#217-002

- AG - Agriculture and Resource Protection
- GB - General Business
- GB II - General Business II
- ID - Industrial
- SR - Suburban Residential
- UR - Urban Residential



0 250 500 Feet
1 inch equals 500 feet

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

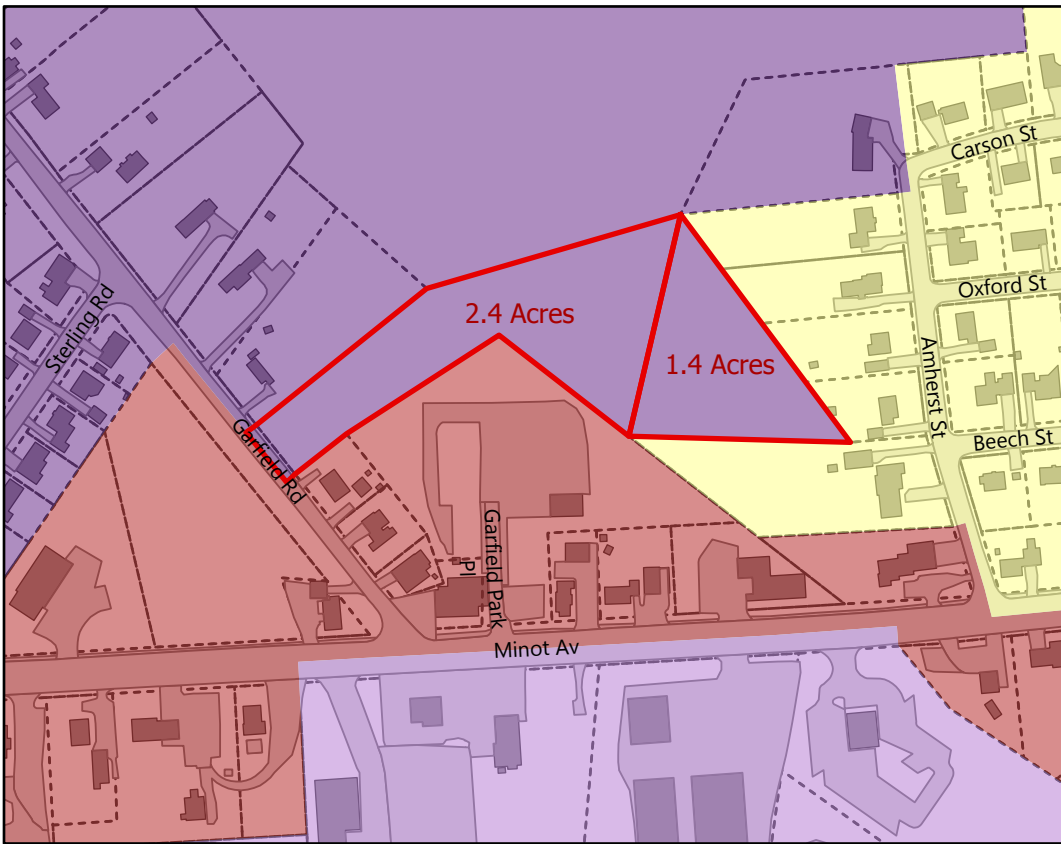
Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 14-10212019

Be it Ordained, that the City Council hereby adopts the proposed amendment to the Official Zoning Map to rezone a 2.4 Acre portion of PID 217-002 from Suburban Residential to General Business II and a 1.4 Acre portion from Suburban Residential to Urban Residential (as attached).

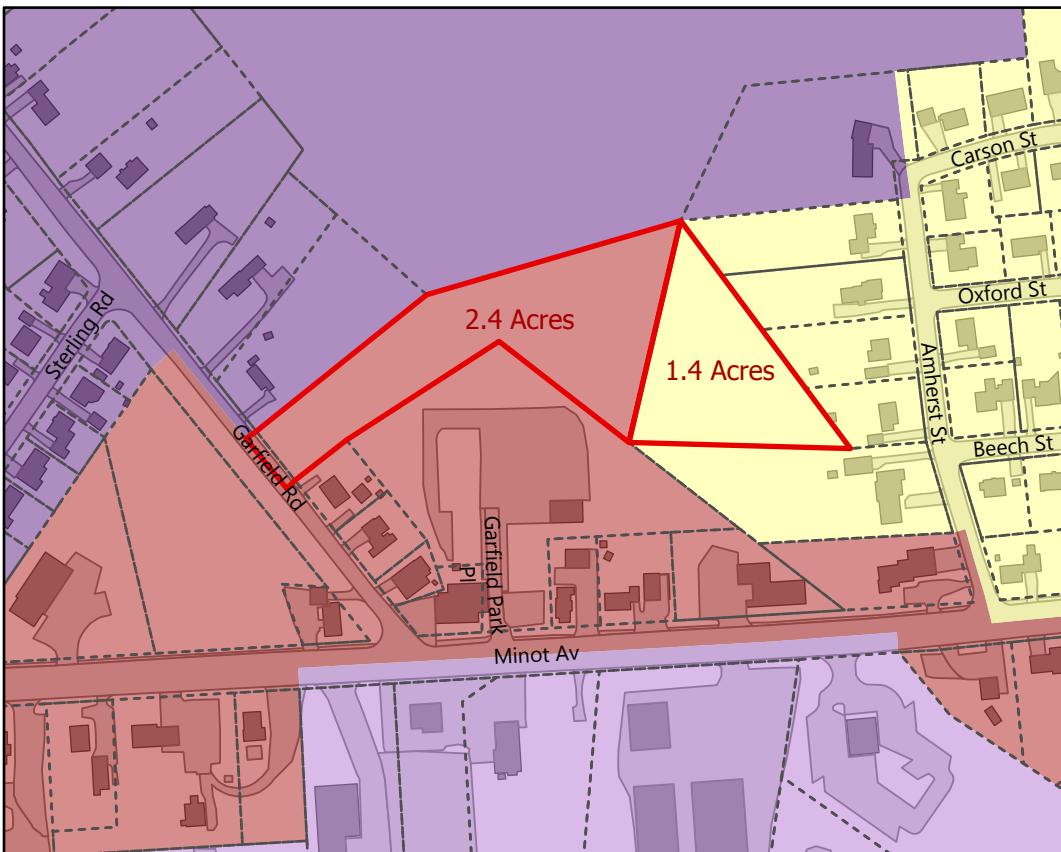
Be it Ordained, that the City Council hereby adopts the proposed amendment to the Future Land Use Map to rezone a 2.4 Acre portion of PID 217-002 from Low-Moderate Density Residential Development to Planned Commercial Development and a 1.4 Acre portion of PID 217-002 from Low-Moderate Density Residential to Business Expansion Transition (as attached).



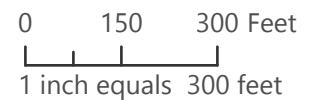
Current Zoning

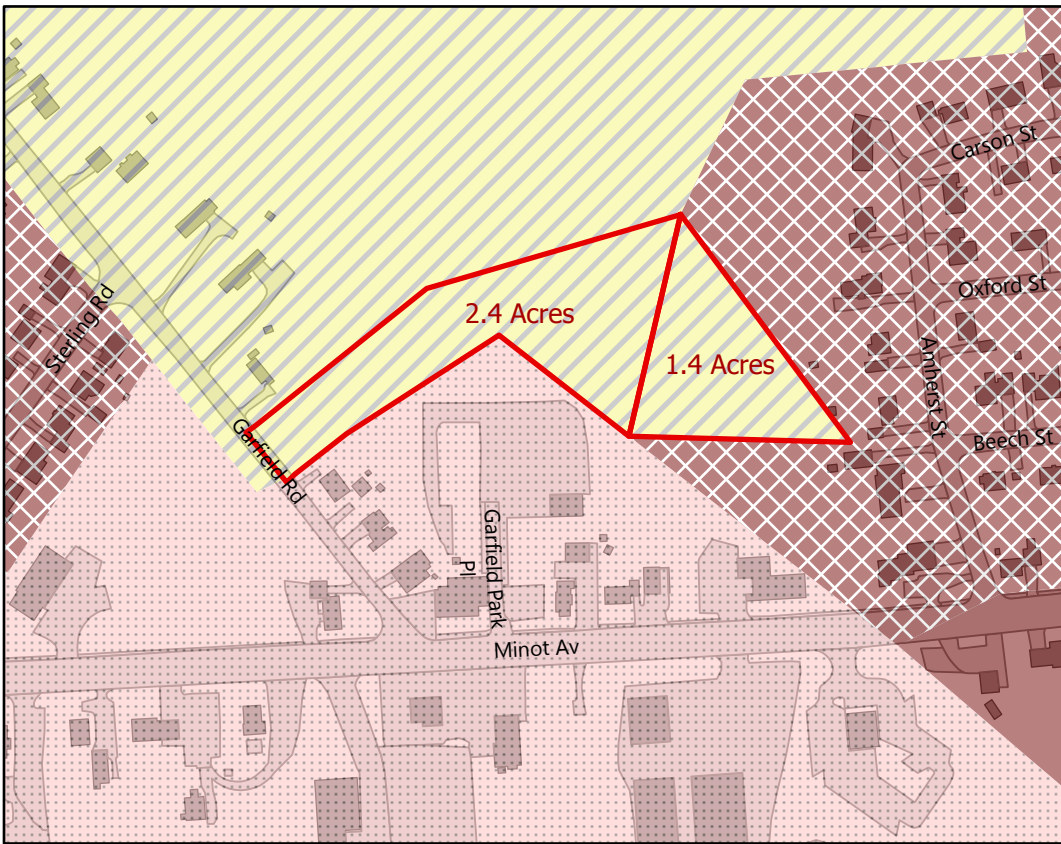


- GB II - General Business II
- ID - Industrial
- SR - Suburban Residential
- UR - Urban Residential
- 954 Minot - Proposed Changes

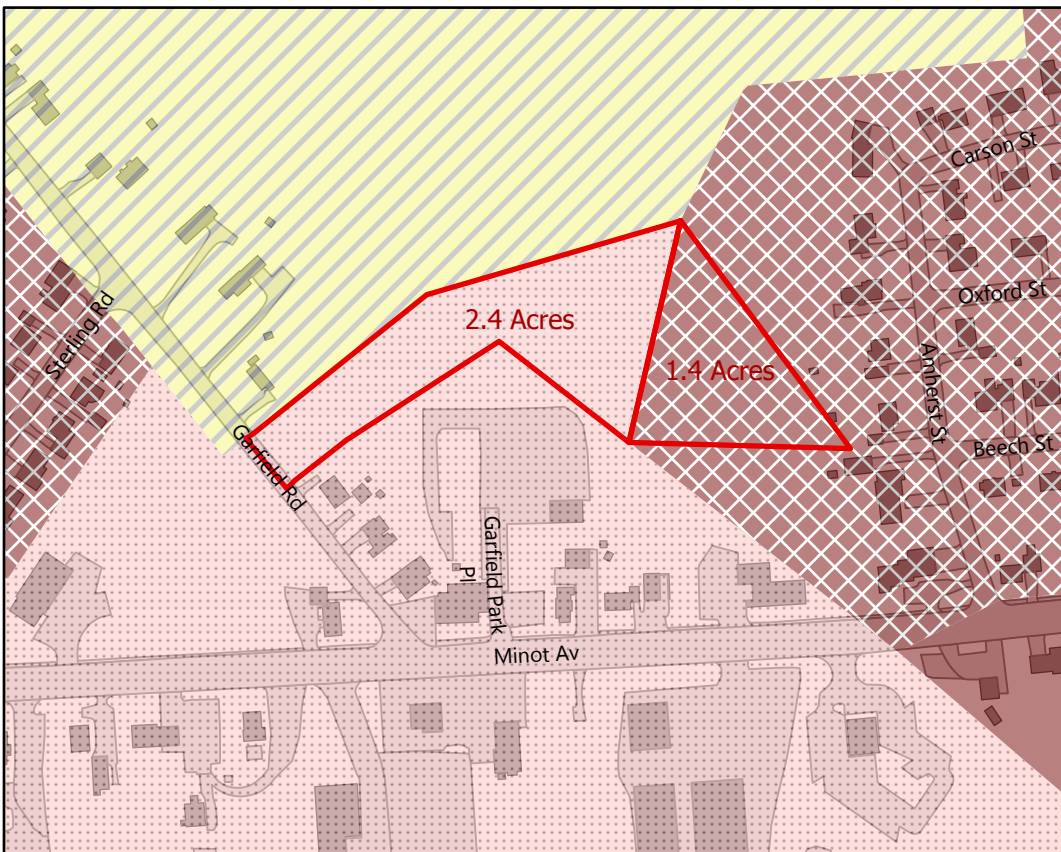


Proposed Zoning








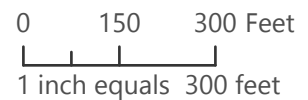


Current Future Land Use Map



Proposed Future Land Use Map

-  LMoDRD - Low-Moderate Density Residential Development
-  PCD - Planned Commercial Development
-  GBD - General Business Development
-  BXT - Business Expansion Transition
-  954 Minot - Proposed Changes





City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: 11/4/2019

Ordinance: 13-10212019

Author: Holli Olivier, Manager – Health & Social Services

Subject: Adoption of Appendices for General Assistance, Effective 10/1/2019 through 9/30/2020

Information: I’m seeking the approval of the new General Assistance Appendix A (the GA overall maximums), Appendix B (the food maximums), Appendix C (Lewiston / Auburn MSA Rental Maximums), and Appendix H (the funeral maximums). Once the appendices A-C and H are adopted, they will replace the FY 18/19 maximums for those appendices

These maximums are established as a matter of State law based on certain federal and HUD fair market values. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22, M.R.S.A. § 4305(4).

****By adopting the new appendices A-C and H, the program will be in compliance and receive the 70% reimbursement from the State****

City Budgetary Impacts: The overall maximums (Appendix A) is an average increase of \$79.00 per household per month. The food maximums (Appendix B) is an average increase approximately \$5.00 per individual per month. The housing maximums (Appendix C) is an average increase of \$71.00 per household per month. And the funeral maximums (Appendix H) in an average increase of \$295.00 per individual.

Staff Recommended Action: Approval of changes to the General Assistance Appendices A-C & H as required by State statute and ordinance. Public hearing and passage of first reading: 10/21/19. Second reading: 11/4/2019.

Previous Meetings and History: This is a yearly approval needed by council when changes are made to the appendices

City Manager Comments:

I concur with the recommendation. Signature:

- Attachments:** Health & Social Services Budget FY19/20 New Maximums
- Appendix A, Overall Maximums
 - Appendix B, Food Maximums
 - Appendix C, Housing Maximums
 - Appendix H, Funeral Maximums
 - Adoption form for 19-20

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

ORDINANCE 13-10152019

Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits

Be it Ordained, that the City Council hereby amends Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits to incorporate the following maximum levels of assistance to be effective on and after October 1, 2019 through September 30, 2020, as follows:

Sec. 24-23. - Annual adjustment of maximum benefits.

- (a) Each year the Maine Municipal Association provides for the city three appendices providing maximum benefits applicable for the period beginning October 1 and ending September 30 as mandated by state law and based on certain federal values effective on October 1 of each year, as follows:
 - (1) Appendix A, a listing of overall maximum levels of general assistance relating to all Maine municipalities.
 - (2) Appendix B, a listing of maximum levels of assistance for food.
 - (3) Appendix C, a listing of maximum levels for heated and unheated housing.
 - (4) Appendix H, a listing of funeral maximums, including burials and cremations.
- (b) The portion of these annual appendices applicable to the city, as adopted each year by the city council, are made a part of this chapter as though fully set forth herein and a copy thereof is available in the office of the city clerk.

Editor's note— The appendices referred to in this section are not codified but are available in the office of the city clerk.

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

Appendix A – GA Overall Maximums

Effective 10/1/2019 – 9/30/2020

TOTAL NUMBER IN HOUSEHOLD:	1	2	3	4	5
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	725	783	1,007	1,265	1,606

Add \$75.00 for each additional person

Appendix B – Food Maximums

Effective 10/1/2019 – 9/30/2020

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2019, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	45.12	194
2	82.56	355
3	118.37	509
4	150.23	646
5	178.60	768
6	214.19	921
7	236.74	1,018
8	270.70	1,164

****Note: For each additional person, add \$144 per month.**

Appendix C – Rental Maximums

Effective 10/1/2019 – 9/30/2020

Lewiston/Auburn MSA Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	133	574	156	671
1	137	591	167	719
2	177	763	216	929

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

3	224	965	273	1,174
4	288	1,240	348	1,497

APPENDIX H – FUNERAL MAXIMUMS

Effective 10/01/2019 – 9/30/2020

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is \$1,475. Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- The wholesale cost of a cement liner if the cemetery by-laws require one;
- The opening and closing of the grave site; and
- A lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- Removal of the body from a local residence or institution
- A secured death certificate or obituary
- Embalming
- A minimum casket
- A reasonable cost for transportation
- Other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be \$1,025. Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- A cremation lot in the least expensive section of the cemetery
- A reasonable cost for a burial urn not to exceed \$55
- Transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

**GENERAL ASSISTANCE ORDINANCE
APPENDICES A-C & APPENDIX H
2019-2020**

The Municipality of _____ adopts the MMA Model Ordinance GA Appendices (A-C & H) for the period of Oct. 1, 2019—September 30, 2020. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) _____ (year)
by the municipal officers:

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2019

Order: 125-10212019

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Kelsey Earle to the Lewiston-Auburn Transit Committee (LATC) for a three-year term.

Information: Passage of this order would confirm the appointment of Kelsey Earle, Executive Assistant to City Manager, to the Lewiston-Auburn Transit Committee. The seat was previously held by the former Executive Assistant Jody Durisko.

This was on the October 21, 2019 agenda and was postponed until tonight's meeting. Kelsey Earle has since asked that we withdraw her name. It appears on the November 4th agenda because Council voted to postpone this item until the meeting of November 4th. Based on that, staff recommends making a motion to postpone this item indefinitely, killing the motion. If that happens, the vacancy will be posted and will follow the Appointment Process adopted by the City Council.

City Budgetary Impacts: N/A

Staff Recommended Action: Staff recommends a motion to postpone this item indefinitely which will kill the motion. A second and vote would be needed.

Previous Meetings and History: This was on the October 21, 2019 agenda and was postponed until tonight's meeting.

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments: Order 125-10212019

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 125-10212019

ORDERED, that the City Council hereby appoints Kelsey Earle, to the Lewiston-Auburn Transit Committee (LATC) for a three year term ending July 1, 2022.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2019

Order: 131-11042019

Author: Brandon Chaloux, License Specialist

Subject: Liquor License and Special Amusement request for ALDZGD Inc., DBA Firehouse Grill

Information: ALDZGD Inc., DBA Firehouse Grill, an existing business under new ownership, located at 47 Broad Street, applied for a Liquor License and Special Amusement Permit. Police, Fire, and Code have completed the necessary inspections and have granted approval.

City Budgetary Impacts: None

Staff Recommended Action: Public hearing and recommend passage.

Previous Meetings and History: N/A

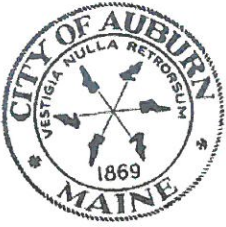
City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments:

Application
Public notice
Order



CITY OF AUBURN

BUSINESS LICENSE APPLICATION

Business Name: Firehouse Grill

Office of the City Clerk
60 Court St, Auburn, ME 04210
207.333.6600

www.auburnmaine.gov

Kelsey Earle - License Specialist- kearle@auburnmaine.gov

Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

NEW RENEWAL Expires: _____

Please check the boxes for all licenses you are applying for:

There is a late fee of \$25.00 for renewals that are 30-45 days late, \$50.00 for more than 46 days late, and \$100.00 for reoccurring

Food Service Establishments:

- *FSE Mobile Food distribution Unit.....
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use of location.
 - 3 Month \$100
 - 6 Month \$125
 - 12 Month \$150
- *FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I).....
Sq ft: Fee:
 - 1-2999 \$500
 - 3000-5999 \$600
 - 6000+ \$700
 Public hearing required for new license- \$100 fee
Background check must also be included.
- *FSE Serving Malt and/or Vinous.....
Sq ft: Fee:
 - 1-2999 \$300
 - 3000-5999 \$400
 - 6000+ \$500
 Public hearing required for new license- \$100 fee
Background check must also be included.
- *FSE with Sit Down (On/Off), no Alcohol.....
Sq ft: Fee:
 - 1-2999 \$150
 - 3000-5999 \$200
 - 6000+ \$250
- *Bottle Club/BYOB.....
Sq ft: Fee:
 - 1-2999 \$150
 - 3000-5999 \$200
 - 6000+ \$250
 Public hearing required for new license- \$100 fee
Background check must also be included.
- *Temp FSE (Per event max 7days) \$60

*All above licenses: include copy of floor plan, menu/draft menu, certified food handler certificate and a copy of all State licenses applicable.

Other Business Licenses Applying for:

- *Special Amusement \$125
Public hearing required for new license- \$100 fee
Please fill out supplemental questionnaire (pg 4).
- *Pawnshop/Pawn Broker \$100
- *Secondhand Dealer \$85
- *Massage Establishment/Therapist \$150
State license #: _____

Massage: Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.
- *Tattoo Artist \$150

**Above licenses: Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application. You can do it yourself on-line here: <http://www5.informe.org/online/pcr/>*
- Bowling Alley (fee per lane) \$85
of lanes: _____
- Roller Skating Rink
 - Partial Kitchen: \$60
 - Full kitchen: \$120
- Coin-Op Devices (fee per device)
\$50 per device up to 10 devices/\$30 per device 10 or more
of devices: _____
(Please provide list of devices)
- Motion Picture Theater (fee per screen) \$50
of screens: _____
- Juke Box (each) \$30
of boxes: _____
- Lodging House # of rooms: _____
10 rms or less: \$75
More than 10: \$150
- Pool Hall (fee per table) \$50
of tables : _____

Seating: _____ Occupancy load: _____

LICENSING FEE(S) TOTAL DUE: \$.500

625

NAME OF BUSINESS: Firehouse Grill BUSINESS ADDRESS: 47 Broad St.

BUSINESS MAILING ADDRESS: SAME

OWNER'S NAME (LOCAL/ONSITE): Gerry Gagne/mike Peters DOB: 2/1/67 4/3/70 PHONE: 212-6216 240-6057

OWNER'S ADDRESS: 30 Crest Ave 56 carrier Ct MAILING ADDRESS: SAME

PREFERRED EMAIL: _____

MANAGER'S NAME: N/A PHONE #: _____ DOB: _____

PREFERRED CONTACT NAME: Mike Peters PHONE #: 240-6057

EMAIL ADDRESS: skigolfme@yahoo.com

DESCRIPTION OF BUSINESS: Neighborhood Pub + Restaurant

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): Unknown

FORM OF BUSINESS ORGANIZATION: Corporation Partnership Sole Proprietorship LLC Other

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	Print Clearly Address Previous 5 years	Birth Date	% of Stock	Title
<u>Gerard Gagne</u>	<u>36 Crest Ave Auburn</u>	<u>2/1/67</u>	<u>51</u>	<u>Pres.</u>
<u>Michael Peters</u>	<u>56 Carrier Ct. Auburn</u>	<u>4/3/70</u>	<u>49</u>	<u>V.P.</u>

OWNER OF BUILDING/UNIT: Pacqui Properties PHONE # 240-6057

OWNER'S ADDRESS: 36 Carrier Ct.

HOURS OF OPERATION: Mon: 11-12 Tues: 11-12 Wed: 11-12 Thurs: 11-12
Fri: 11-12 Sat: 11-12 Sun: 11-12

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? Yes No (If yes, complete the following)

Name: _____ Date of conviction: _____

Offense: _____ Location: _____

Disposition: _____

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.


Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials
Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

READ CAREFULLY BEFORE SIGNING

I, Michael Peters, Owner/Operator of the business, hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature:  Date: 9/17/19

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	FIRE INSPECTOR <u>OK 9/24</u>
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	CODE ENFORCEMENT OFFICER <u>OK 9/24</u>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	POLICE _____
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	FINANCE <u>OK 9/24</u>

Comments:

Added special amusement, waiting on second approval. 10/1/19

Application date: <u>9/23/19</u>	License issued on: _____
Fees paid: License fee(s) ¹²⁵ 500	Public hearing fee <u>100</u> Background fee _____ Late fee _____
Total amount paid = \$ <u>600</u> 1108	

\$125 ca

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
 10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)
 TEL: (207) 624-7220 FAX: (207) 287-3434
 EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES <input type="checkbox"/> NO <input type="checkbox"/>	

PRESENT LICENSE EXPIRES: _____

NEW application: Yes No

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection (New Licensees/ Ownership Changes Only) Date : _____ Business hours: _____

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|---|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) | <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING |
| <input type="checkbox"/> OTHER: _____ | | <input type="checkbox"/> SELF-SPONSORED EVENTS
(QUALIFIED CATERERS ONLY) |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: ALDRGD INC	Business Name (D/B/A) Firehouse Grill
APPLICANT(S) –(Sole Proprietor) Gerry Gagne	DOB: 2/1/67
Michael Peters	DOB: 4/3/70
Address 36 Crest Ave 56 Cornier Ct	Physical Location: 47 Broad St.
City/Town Auburn State ME Zip Code 04210	City/Town Auburn State Me Zip Code 04210
Telephone Number (207) 376-4959 Fax Number N/A	Mailing Address Same As Above? <input checked="" type="checkbox"/>
Federal I.D. # 61-1944286	Business Telephone Number (207) 376-4959 Fax Number
Email Address: Firehouse grill2@gmail.com	Seller Certificate #: or Sales Tax #:
	Website:

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
- State amount of gross income from period of last license:
ROOMS \$ N/A FOOD \$ 300 K LIQUOR \$ 250 K
- Is applicant a corporation, limited liability company or limited partnership? YES NO
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you permit dancing or entertainment on the licensed premises? YES NO

When ready call:
240-6057
Mike
or
212-6216
Gerry

5. Do you own or have any interest in any other Maine Liquor License? Yes No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

7616 Mac's Grill
 License # Name of Business
1052 Minot Ave Auburn Me
 Physical Location City / Town

6. If manager is to be employed, give name: N/A

7. Business records are located at: 47 Broad St. Auburn

8. Is/are applicant(s) citizens of the United States? YES NO

9. Is/are applicant(s) residents of the State of Maine? YES NO

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
<u>Gerard Gagne</u>	<u>2/1/67</u>	<u>Lewiston, Me</u>
<u>Michael Peters</u>	<u>4/3/70</u>	<u>Middletown, Ct.</u>

11. Residence address on all of the above for previous 5 years (Limit answer to city & state)

Name: <u>Gerard Gagne 36 Crest Ave</u>	City: <u>Auburn</u>	State: <u>Me</u>
Name: <u>Michael Peters 56 Carrier Ct.</u>	City: <u>Auburn</u>	State: <u>Me</u>
Name: _____	City: _____	State: _____

12. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes No If Yes, give name: _____

14. Has/have applicant(s) formerly held a Maine liquor license? YES NO

15. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: Pocqui Properties

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) Restaurant - kitchen, Bar, Tables located on first floor of property

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES NO Applied for: Applications Submitted

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1.3 miles

Which of the above is nearest? School

19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: Mortgage from Androscoggin Bank

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Auburn, Me on 9/23, 20 19
Town/City, State Date

PLEASE SIGN IN BLUE INK

[Signature]
Signature of Applicant or Corporate Officer(s)
Michael Peters
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants: Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV Malt Liquor Only	\$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class III & IV Malt & Vinous Only	\$ 440.00
CLASS III & IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	
SELF-SPONSORED EVENTS: Qualified Caterers Only	\$ 700.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer. All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.**

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: _____, Maine

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][2003, c. 213, §1 (AMD) .]

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD) .]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD) .]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD) .]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW) .]

[2009, c. 81, §§1-3 (AMD) .]

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP) .]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]

[1995, c. 140, §6 (AMD) .]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347 (overnight)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov

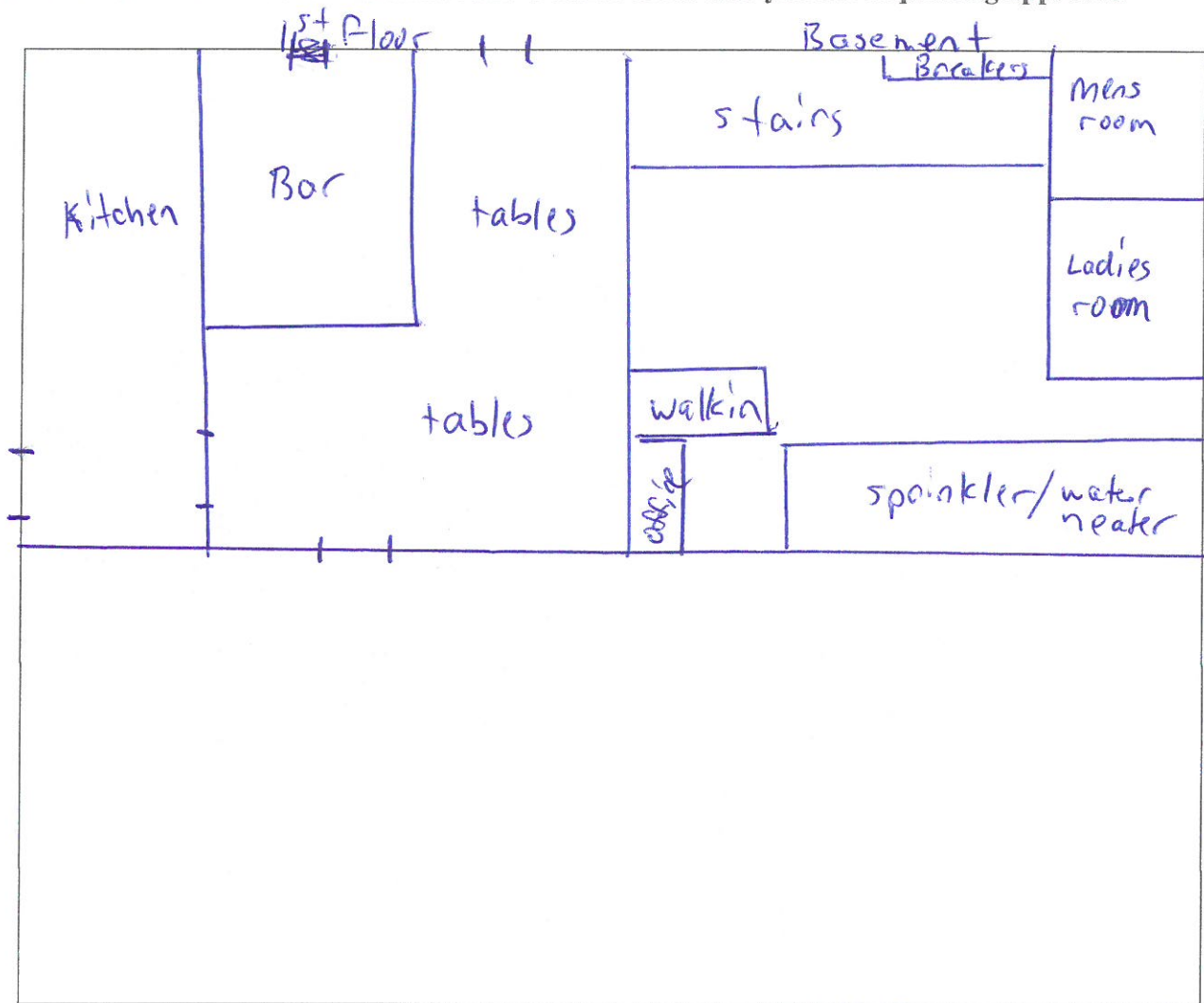


ON PREMISE DIAGRAM

(Facility Drawing/ Floor Plan)

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas with the following: • Entrances • Office area • Kitchen • Storage Areas • Dining Rooms • Lounges • Function Rooms • Restrooms • Decks • All Inside and Outside areas that you are requesting approval.





Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: ALDZGD INC
- Doing Business As, if any: Ficehouse Grill
- Legal Entity's FEIN #: 61-1944286
- Date of filing with Secretary of State: 8/23/19 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: N/A
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Gerard Gagne	36 Crest Ave. Auburn	2/1/67	President	51
Michael Peters	56 Carrier Ct. Auburn	4/3/70	Vice President	49

(Stock ownership in non-publicly traded companies must add up to 100%.)

- If Co-Op # of members: _____ (list primary officers in the above boxes)

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States? Yes No
9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____
Date of Conviction: _____
Offense: _____
Location of Conviction: _____
Disposition: _____

Signature:

PLEASE SIGN IN BLUE INK



Signature of Owner or Corporate Officer

9/23/19

Date

Michael Petero

Print Name of Owner or Corporate Officer

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

8 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0008
TELEPHONE: (207) 624-7220
FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

NOTICE

To avoid any delay in the processing of your application and issuance of your liquor license, please make sure that:

- You completed the application in full. It is suggested to have submitted 30 days prior to the expiration date of your liquor license.
- Application and Corporate Questionnaire forms are signed by the owner(s) or corporate officer(s).
- The application is signed by the Town or City Municipal Officers or County Commissioners.
- The license fee submitted is for the correct Class you are applying for and includes the \$10.00 filing fee. The check can be made payable to "Treasurer, State of Maine" and both fees can be submitted on one check. If the business is located in an unorganized township, the application must be approved by the County Commissioners and the \$10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
- Your room (if applicable), food and liquor gross income for the year is filled in
- A diagram of the facility to be licensed needs to accompany ALL New and Renewal applications.
- Corporations, limited liability companies, partnerships must complete and submit the Corporate Information Required for Business Entities who are Licensees. If not a publicly traded entity, ownership must add up to 100%.

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)

**CITY OF AUBURN
PUBLIC NOTICE**

A public hearing will be held by the Auburn City Council on Monday, November 4, 2019 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License and Special Amusement applications for:

**ALDZGD Inc., DBA Firehouse Grill
47 Broad Street, Auburn, Maine**

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

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 131-11042019

ORDERED, that the City Council hereby approves the Liquor License and Special Amusement permit for ALDZGD Inc., DBA Firehouse Grill located at 47 Broad Street, Auburn, Maine.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 4, 2019 **Orders:** 132-11042019, 133-11042019, 134-11042019

Author: Sue Clements-Dallaire, City Clerk

Subject: Ethics Committee Appointments

Information: It was recently discovered that the Ethics Committee Appointments were not made following proper protocol. In error, the appointments were made by the City Council when the Ordinance states that two regular voting members and one alternate member are appointed by the Mayor and appointed by the City Council and one regular voting member and one alternate is appointed by the School Committee Chair and confirmed by the School Committee.

The Mayor would like to appoint the following members, to be confirmed by a vote of the City Council.

Regular Voting Members

Jim Pross (3 year term)
Leonard Kimble (1 year term)

Alternate Member

Jared Doyle (3 year term)

City Budgetary Impacts: None

Staff Recommended Action: Confirm the appointments of the Mayor

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments: Ordinance on Ethics and Conflicts of Interest, Orders 132-11042019 – 135-11042019

DIVISION 2. - ETHICS AND CONFLICTS OF INTEREST⁽⁵⁾

Footnotes:

--- (5) ---

State Law reference— Conflicts of interest, 30-A M.R.S.A. § 2605.

Sec. 2-109. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Financial involvement means any existing (or current efforts toward achieving) ownership or investment interest, contract right, significant customer relationship, or employment relationship of or with a public official or a person with whom the public official has a personal relationship.

Municipal board means the city council, the school committee, the planning board, the board of zoning appeals, the civil service commission and the board of assessment review.

Participation in a matter means action by a public official to vote, decide, deliberate, influence or direct others in regard to matters currently before or anticipated as coming before a municipal board, or which involve the operation of municipal government or the school system.

Personal relationship means any family, affectional or social relationship that is characterized by one or more of the following:

- (1) Persons who are husband and wife, or parent and child.
- (2) Persons who share a physical intimacy with each other.
- (3) Persons who acknowledge an ongoing romantic relationship with each other.
- (4) Persons who live together in the same residence.
- (5) Persons who intermingle their financial assets without an accounting of separate ownership interests.

Public official means:

- (1) Any person holding an elected or appointed position with a municipal board;
- (2) The city manager;
- (3) The assistant city manager;
- (4) Directors of municipal and school system departments;
- (5) The city purchasing agent/deputy finance director;
- (6) The superintendent of schools;
- (7) The assistant superintendent of schools; and
- (8) School principals.

(Code 1967, § 1-4.2)

Sec. 2-110. - Policy; purpose and intent of division; adoption of additional standards.

- (a) It is the policy of the city that the proper operation of democratic government requires that public officials be independent, impartial and responsible to the citizens, that public office not be used for personal gain, and that the public have confidence in the integrity of its municipal government. The purpose and intent of this division is to promote the objective of protecting the integrity of the government of the city against actual or reasonably perceived conflicts of interest without creating unnecessary barriers to public service.
- (b) This division shall not prevent the city council, the school committee, the city manager or the superintendent of schools from adopting additional procedures and employment standards intended to prevent the exercise or appearance of improper influence or bias in the conduct of government business.

(Code 1967, § 1-4.1)

Sec. 2-111. - Ethics panel established; membership; powers and duties.

- (a) *Established; membership.* There shall be established an ethics panel consisting of three regular voting members and two alternate members. Two regular voting members and one alternate member of the ethics panel shall be appointed by the mayor with approval of a majority of the members of the city council, and one regular voting member and one alternate member of the ethics panel shall be appointed by the chair of the school committee with approval of a majority of the members of the school committee. A regular voting member or alternate member of the ethics panel may not hold any other city or school department office or position or be a member of any board or commission to which the city council or school committee has appointing authority.
- (b) *Term of members; chair.* The regular voting members of the ethics panel shall be appointed to staggered three-year terms. When the first appointments are made, one member shall be appointed by the mayor to a three-year term, one member shall be appointed by the chair of the school committee to a two-year term, and one member shall be appointed by the mayor to a one-year term. The mayor annually shall appoint one of the regular voting members to serve as chair of the ethics panel. Alternate members shall be appointed to three-year terms.
- (c) *Role of alternate members.* Alternate members of the ethics panel may participate and vote in ethics panel proceedings if a regular voting member is incapable or unavailable to serve in regard to a particular referral or is disqualified from participation because of a conflict of interest. The alternate member designated shall be selected by the chair of the ethics panel.
- (d) *Powers and duties.* The ethics panel shall have the authority to issue advisory opinions on questions relating to conflicts of interest and the incompatibility of employment positions.

(Code 1967, § 1-4.3)

Sec. 2-112. - Conflicts of interest generally.

- (a) *Standard of conduct.* A public official shall refrain from participation in a matter when there exists an actual, potential or reasonably perceived conflict of interest arising from a personal relationship or a financial involvement that would cause a reasonable person to believe that the public official cannot act in his official capacity without self-interest or bias.
- (b) *Referral of matters to ethics panel.* When a public official does not voluntarily refrain from participation in a matter and there is a question as to the existence of a conflict of interest under the standard set forth in subsection (a) of this section, the matter may be referred to the ethics panel for its advisory opinion as follows:
 - (1) A public official may refer to the ethics panel the question of whether he has an actual, potential or reasonably perceived conflict of interest;

- (2) Two or more members of the city council, the school committee or other municipal board may refer to the ethics panel the question of whether another member of that body, or a public official who serves under the authority of that body, has an actual, potential or reasonably perceived conflict of interest; or
 - (3) A registered voter within the city may request an advisory opinion from the ethics panel regarding whether an elected or appointed public official who serves on a municipal board has an actual, potential or reasonably perceived conflict of interest. Such request shall be made on forms available from the city clerk and shall be endorsed by the signatures of 25 registered voters within the city.
- (c) *Ethics panel determination.* The ethics panel shall determine whether the public official should refrain from participation in a matter because of the actual, potential or reasonably perceived existence of a conflict of interest arising from a personal relationship or a financial involvement that would cause a reasonable person to believe that the public official cannot act in his official capacity without self-interest or bias.

(Code 1967, § 1-4.4)

State Law reference— Conflicts of interest, 30-A M.R.S.A. § 2605.

Sec. 2-113. - Conduct relative to municipal contracts.

No municipal officer, employee or agent shall solicit or accept any gratuity or favor or anything of monetary value from any contractor or potential contractor with the city relative to the procurement of any supplies, equipment, construction or other services with municipal, state or federal grant funds. In addition to any other penalties which may be provided by law, any municipal officer, employee or agent who violates this section shall be subject to appropriate disciplinary action, including, in the case of an officer, removal from office; in the case of an employee, suspension or discharge from employment; and in the case of an agent, termination of such agency.

(Code 1967, § 1-2.1)

Sec. 2-114. - Incompatible employment positions.

(a) *Standard of conduct.*

- (1) *Generally.* A public official, other than the city manager or the superintendent of schools, who is a municipal or school department employee shall not hold a supervisory position, or be senior in the chain of command, to an individual with whom he has a personal relationship or a financial involvement (other than the municipal or school system employment relationship), unless:
 - a. The relationship is disclosed by the public official to the city manager or superintendent of schools, whoever is the appropriate senior administrative officer;
 - b. The city manager or superintendent of schools approves a management plan that is designed to prevent favoritism or any other improper influence in connection with the employment relationship and that provides ongoing oversight by a person not subordinate to either of the individuals who have the personal relationship or financial involvement; and
 - c. The city manager or superintendent of schools reports to the city council or the school committee, whichever is the appropriate legislative body, the existence of the potential incompatibility of employment positions and the establishment of a management plan to address the potential incompatibility.
- (2) *City manager and superintendent of schools.* Neither the city manager nor the superintendent of schools shall hold a supervisory position, or be senior in the chain of command, to an

individual with whom he has a personal relationship or financial involvement (other than the municipal or school system employment relationship), unless:

- a. The relationship is disclosed to the city council or school committee, whichever is the appropriate legislative body, by the city manager or superintendent of schools; and
 - b. The legislative body establishes a management plan that is designed to prevent favoritism or any other improper influence in connection with the employment relationship and that provides ongoing oversight by a person not subordinate to the city manager or superintendent of schools.
- (b) *Referral of matters to ethics panel.* The city manager, the superintendent of schools, or a majority of the members of the city council or the school committee may request an advisory opinion from the ethics panel relating to the incompatibility of employment positions and the formulation of a management plan.

(Code 1967, § 1-4.5)

Sec. 2-115. - Procedure for determinations by ethics panel.

- (a) *Referral of cases; notice of referral.*
 - (1) A referral to the ethics panel shall be in writing and shall describe with particularity the factual basis of the referral.
 - (2) The ethics panel promptly shall give notice of the referral to the chair of the municipal board concerned and the public official whose personal relationship or financial involvement is the subject of the referral.
- (b) *Fact-finding.*
 - (1) Upon receipt of a referral, the ethics panel shall determine the facts necessary to render an advisory opinion. The facts may be agreed upon and set forth in the referral. If additional fact-gathering is necessary, the ethics panel, or a person designated by it, may conduct informal interviews and solicit additional information. The ethics panel shall determine the facts through a formal hearing process only if so requested either by the public official who is the subject of a referral or by the public officials who submitted a referral.
 - (2) In regard to its gathering of facts relating to the existence and nature of a personal relationship, the ethics panel shall be limited to the voluntary statements and other information provided by the public official whose relationship is at issue.
- (c) *Deliberation.* Upon conclusion of its fact-finding, the ethics panel shall deliberate over the question referred to the panel. Any person may submit written comments to the ethics panel setting forth his position regarding the question under consideration.
- (d) *Issuance of advisory opinion.* Upon conclusion of fact-finding and deliberation, the ethics panel shall issue a written advisory opinion that includes findings of fact, application of the standards set forth in this division, and recommendations. The ethics panel shall furnish a copy of its advisory opinion to the chair of the municipal board concerned and the public official whose personal relationship or financial involvement is the subject of the opinion.
- (e) *Time limits.* The ethics panel shall attempt to issue its advisory opinion within two weeks of its receipt of a referral. The ethics panel may decline to consider referrals regarding conflict of interest questions relating to the final vote of a municipal board that occurred prior to the referral.

(Code 1967, § 1-4.6)

Sec. 2-116. - Effect of recommendations of ethics panel.

The opinion and recommendations of the ethics panel shall be advisory only. The members of a municipal board may vote to adopt the recommendation of the ethics panel as it relates to the participation in a matter by a public official.

(Code 1967, § 1-4.7)

Secs. 2-117—2-145. - Reserved.

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 132-11042019

ORDERED, that the City Council hereby appoints James Pross as a regular voting member to the Ethics Committee for a three year term ending November 1, 2022.

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 133-11042019

ORDERED, that the City Council hereby appoints Leonard Kimble as a regular voting member to the Ethics Committee for a one year term ending November 1, 2020.

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 134-11042019

ORDERED, that the City Council hereby appoints Jared Doyle as alternate member to the Ethics Committee for a three year term ending November 1, 2022.