



City Council Workshop & Meeting
Tuesday, April 16, 2019
Agenda

5:30 P.M. City Council Workshop

- A. Proposed Marijuana Ordinance – Phil Crowell (25 minutes)
- B. Farmer’s Market – Sabrina Best & Phil Crowell (15 minutes)
- C. Budget Presentations
 - a. Health and Social Services (5 minutes)
 - b. Police Department (25 minutes)
 - c. Economic and Community Development (30 minutes)
- D. School Budget Referendum Ballot – Sue Clements-Dallaire (10 minutes)

The City Council Workshop will resume at the beginning of the Council meeting if more time is needed.

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

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.
- II. **Minutes**
 - April 1, 2019 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Communications - Street Discontinuance
- 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** - None
- VI. **New Business** - None
- VII. **Reports**
 - a. **Mayor’s Report**

b. City Councilors' Reports

c. City Manager Report

d. Finance Director, Jill Eastman – March 2019 Monthly Finance Reports

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

IX. Executive Session – Economic Development (Auburn Industrial Park) pursuant to 1 M.R.S.A. Sec. 405 (6)(C).

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop Meeting Date: April 16, 2019

Author: Phil Crowell, Assistant City Manager

Subject: Adult Use and Medical Marijuana Business Ordinance

Information: The marijuana workgroup has been meeting regularly since the City Council meeting on February 5, 2018 to consider local impacts relating to adult use and medical marijuana businesses.

The workgroup has completed their work and is presenting to the council the proposed ordinance change. The proposed ordinances have been presented to the Planning Board and a public hearing has been held. The Planning Board has made recommendations for changes and some of these have been incorporated to this draft. Two workshops have been held with the city council to discuss the marijuana business ordinance, changes to the zoning ordinance and the odor ordinance. At this workshop we will discuss financial impacts and answer any questions the council may have before the first reading.

We are proposing the city council hold the public hearing and first reading at the May 6, 2019 meeting to determine if the City of Auburn will “opt-in” to allow marijuana businesses as outlined in state statute. If the council is in favor of “opting-in”, the city council will need to adopt the proposed ordinance with any recommended changes by council. Although the ordinance will become effective upon adoption, the adult use applications will not be received until a conditional license is approved by the State of Maine. While the “Marijuana Legalization Act” has already been approved, the rulemaking has yet to be completed. It is reported that rulemaking may have their work completed by Spring of 2020.

City Budgetary Impacts: New revenue and new expenses will occur with the adoption of this ordinance. The estimated financials will be reviewed at the April 16, 2019 workshop meeting.

Staff Recommended Action: If the city council votes to “opt-in” to allow marijuana businesses – staff recommends the city council approve the new and amended ordinances.

Previous Meetings and History: December 5, 2016, January 23, 2017, February 5, 2018, June 4, 2018, and November 19, 2018. Presented to the City Council during the March 18, 2019 and April 1, 2019 workshop.

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments:

Auburn’s Estimated Marijuana Business Projections

CITY OF AUBURN

**Adult Use and Medical Marijuana Businesses
Ordinance**

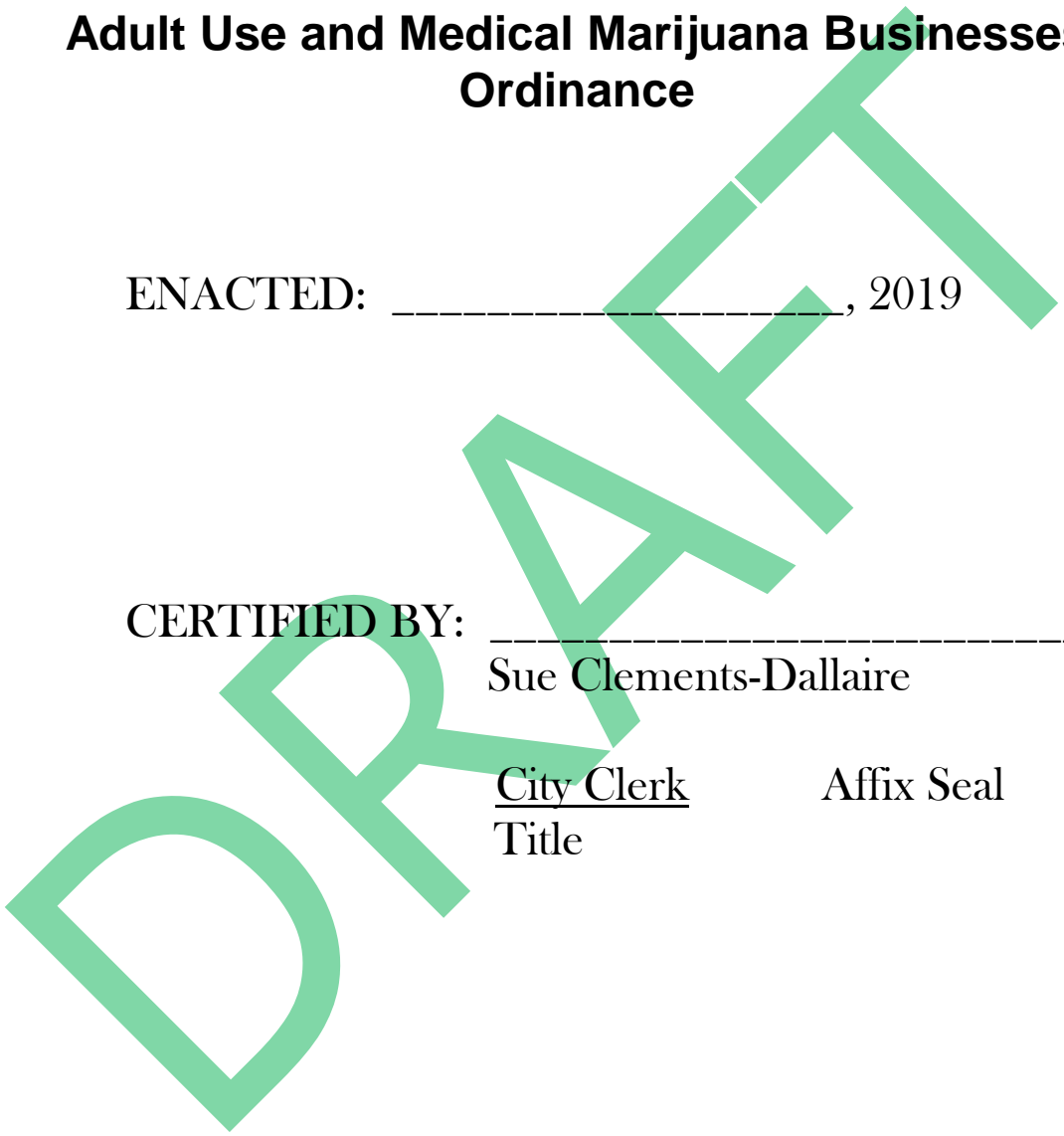
ENACTED: _____, 2019

CERTIFIED BY: _____

Sue Clements-Dallaire

City Clerk
Title

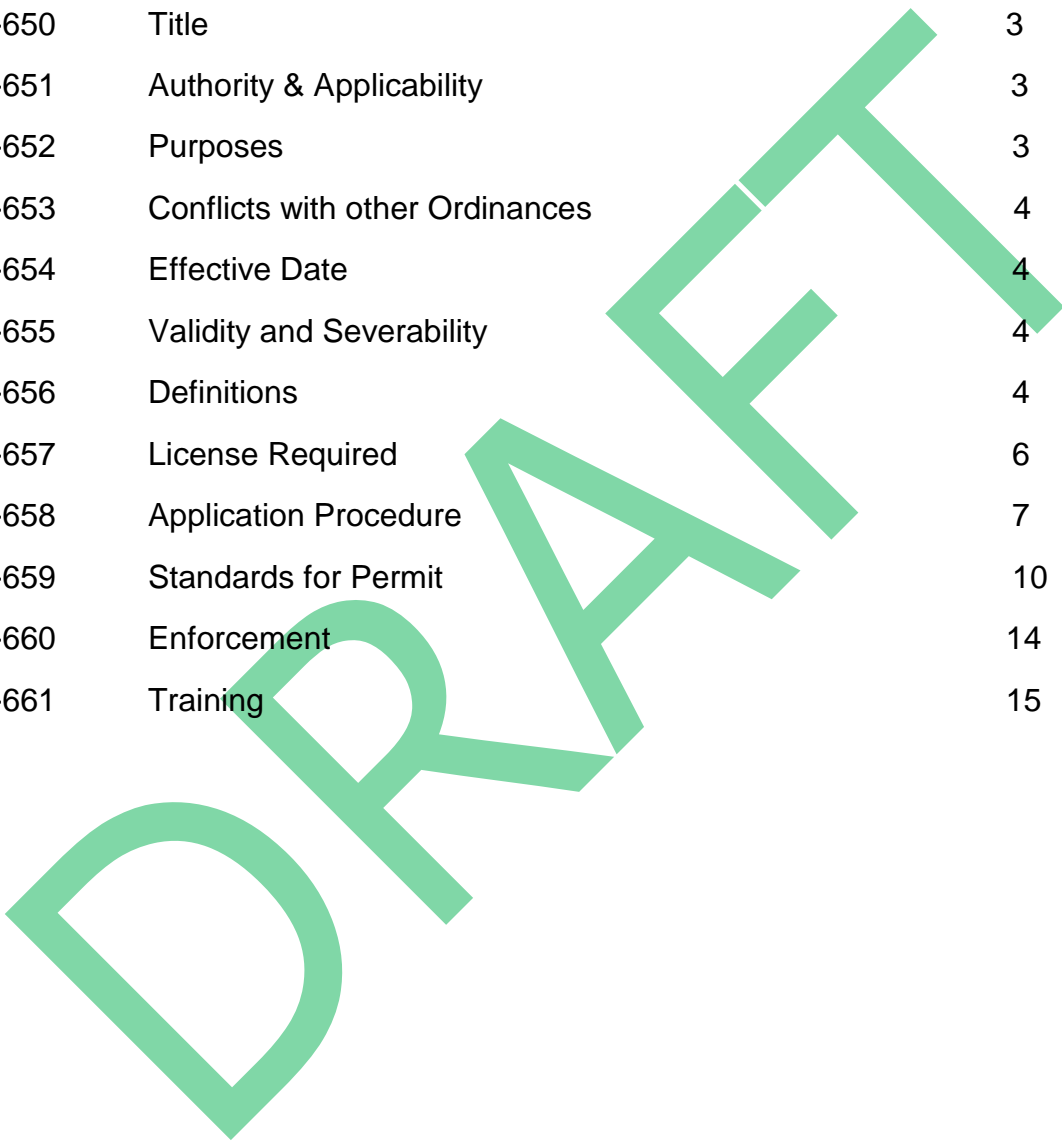
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City of Auburn
Chapter 14 – Business Licenses and Permits
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**Adult Use and Medical Marijuana Businesses Ordinance
Chapter 14 – Business Licenses and Permits**

14-650 Title:

This ordinance shall be known and cited as the “City of Auburn Adult Use and Medical Marijuana Businesses Ordinance” and will be referred to hereinafter as “this Ordinance”. This Ordinance limits all subject Adult Use and Medical Marijuana Businesses to the zoning districts specified under the Auburn Zoning Ordinance, prescribes definitions of Adult Use and Medical Marijuana Businesses, and provides for permitting/licensing and regulation of Adult Use and Medical Marijuana Businesses, and provides performance standards for Adult Use and Medical Marijuana Businesses.

14-651 Authority and Applicability:

WHEREAS, implementing a system for the regulation of stores, dispensaries, cultivation, manufacturing, and testing for the production and sale of marijuana, is a complex function with significant administrative demands on the City of Auburn; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a medical marijuana patient card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of marijuana; and

WHEREAS, the City of Auburn believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to adult use and medical use of marijuana throughout the City of Auburn; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. §101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. §2421 et seq.; and the City’s home rule authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S. §3001 et seq., and 30-A M.R.S. §4301 et seq.

14-652 Purpose:

It is the purpose of this Ordinance to regulate Adult Use and Medical Marijuana Businesses in order to promote the health, safety, and general welfare of the citizens of Auburn, and to establish reasonable and uniform regulations for the appropriate location of Adult Use and Medical Marijuana Businesses in Auburn.

Persons or entities wishing to establish an Adult Use or a Medical Marijuana Business within the City of Auburn shall first obtain a license from the Auburn City Council (hereinafter “the City Council”) and shall be subject to the provisions of this Ordinance. This Ordinance may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

14-653 Conflict with Other Ordinances; State Law:

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply. Nothing herein is intended to conflict with State law; whenever a provision of this Ordinance conflicts with State law the more restrictive provision shall apply. All applicants and licensees shall comply with all applicable State laws.

14-654 Effective Date:

The effective date of this Ordinance, and the business licensing thereunder, shall be the date of adoption by the City Council.

14-655 Validity and Severability:

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

14-656 Definitions:

Adult Use Cultivation facility: a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to Adult Use Products Manufacturing Facilities, to Adult Use Marijuana Stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to Adult Use Marijuana Stores.

Adult Use Marijuana Nursery Cultivation Facility: a facility licensed under this ordinance to cultivate not more than 1,000 SF of plant canopy pursuant to 28-B M.R.S. §501.

Adult Use Marijuana Store: a facility licensed under this ordinance to purchase adult use marijuana, immature marijuana plants and seedlings from an Adult Use Cultivation Facility, to purchase adult use marijuana and adult use marijuana products from an Adult Use Products Manufacturing Facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult Use Marijuana Testing Facility: a facility licensed under this ordinance to develop, research and test adult use marijuana, adult use marijuana products and other substances.

Adult Use Products Manufacturing Facility: a facility licensed under this ordinance to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Cultivation or Cultivate: the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale.

Harvested Marijuana: the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products.

Immature marijuana plant: a marijuana plant that is not a mature marijuana plant or a seedling.

Manufacture or Manufacturing: the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

"Marijuana" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

Marijuana Business: Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Testing Facility, Registered Dispensary, Registered Caregiver Retail Store, Adult Use Marijuana Cultivation Facility, Adult Use Marijuana Products Manufacturing Facility, Adult Use Testing Facility, or Adult Use Marijuana Store licensed under this Ordinance.

Medical Marijuana Cultivation Facility: a facility licensed under this ordinance to cultivate, prepare and package medical marijuana at a location that is not the residence of the Registered Caregiver or Qualifying Patient.

Medical Marijuana Manufacturing Facility: a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F.

Medical Marijuana Testing Facility: a public or private laboratory that:

A. Is authorized in accordance with 22 M.R.S. §2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and

B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the State of Maine.

Medical Use: the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.

Plant Canopy: the total surface area within the licensed premises of an Adult Use Marijuana Cultivation Facility that is authorized for use at any time by the cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of non-contiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

Qualifying patient: a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

Registered caregiver: a person or an assistant of that person that provides care for a qualifying patient and who is registered by the State of Maine pursuant to 22 M.R.S. § 2425-A.

Registered Caregiver Retail Store: a facility licensed to sell harvested marijuana to qualifying patients for the patients' medical use.

Registered Dispensary: an entity registered under 22 M.R.S. § 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Testing or test: the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency.

14-657 License Required:

No person may establish, operate or maintain a Marijuana Business without first obtaining a license from the City Council.

It is a violation of this Ordinance for any person to operate a Marijuana Business without a valid Marijuana Business license issued by the City pursuant to this Ordinance.

Pursuant to 28-B M.R.S. § 402, an applicant seeking to operate an Adult Use Marijuana Business may not submit an application for a license unless the applicant has been issued a conditional license by the State of Maine to operate the Adult Use Marijuana Business.

Marijuana Business Licenses shall be administered on a first come, first served basis based upon the date the application is deemed complete.

Registered Caregivers operating out of their residence shall apply for and obtain a permit for a home occupation in accordance with Article IX of the Auburn Zoning Ordinance and shall comply with all standards set forth in the article. In addition to the standards for home occupations, Registered Caregiver home occupations shall generate no more than five (5) vehicle trips per week associated with the caregiver operations. Registered Caregivers who cultivate medical marijuana only for themselves and/or members of their household are exempt from this requirement and are not required to obtain a permit or license.

The cultivation, manufacturing, testing or sale of adult use marijuana from a residence is prohibited, unless it is for personal use in accordance with 28-A M.R.S. § 1502. Home cultivation of adult use marijuana for personal use is exempt from the licensing requirements of this Ordinance. Provided, however, that outdoor cultivation of adult use marijuana for personal use is prohibited, unless the residence is located in an agricultural zoning district.

14-658 Application Procedure:

- A. An application for a license must be made on a form provided by the City.
- B. All applicants must be qualified according to the provisions of this Ordinance. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this Ordinance.
- C. Application to establish a Marijuana Business
 1. If the applicant who wishes to operate a Marijuana Business is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a Marijuana Business is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.
 2. The completed application for a Marijuana Business license shall contain the following information and shall be accompanied by the following documents:
 - a. If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty-one (21) years of age.
 - b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.

- c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.
- d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.
- e. If the applicant intends to operate the Marijuana Business under a name other than that of the applicant, they must state the Marijuana Business' name and submit the required registration documents.
- f. If the applicant, an officer, member or employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
- g. If the applicant has had a previous license under this Ordinance or other similar Marijuana Business license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the Marijuana Business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the Marijuana Business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
- h. If the applicant holds any other permits/licenses under this Ordinance or other similar Marijuana Business license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.
- i. The type of Marijuana Business for which the applicant is seeking a license.
- j. The location of the proposed Marijuana Business, including a legal description of the property, street address, and telephone number.
- k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the Marijuana Business

pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

- l. The applicant's mailing address and residential address.
 - m. Recent passport-style photograph(s) of the applicant(s).
 - n. The applicant's driver's license.
 - o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
 - p. A copy of a City Tax Map depicting: the subject property lines and the property lines of other properties containing any existing Marijuana Businesses within one thousand (1,000) feet of the subject property; and the property lines of any public or preexisting private school within seven hundred and fifty (750) feet of the subject property, measured in accordance with Section 14-659.
3. All applications for a Marijuana Business license shall be kept confidential by the City .
 4. All applicants, including all individuals, officers, directors, managers, members, and partners, for any Marijuana Business license, must be residents of the State, as defined in 28-B M.R.S. §102, and a majority of shares, partnership interests, and membership interests, or other equity interests in corporate applicants must be held or owned by persons who are residents. This residency requirement does not apply to applicants for Adult Use Marijuana Testing Facility licenses.
 5. If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents. This residency requirement does not apply to applicants for testing facility licenses.

E. Application and License Fees

All applications must be submitted with a \$500 fee. If an application is approved, the following license fees must be paid before the City will issue a license:

Marijuana Store: Annual Operation License Fee: \$5,000

Marijuana Manufacturing Facility: Annual Operation License Fee: \$2,500

Marijuana Testing Facility: Annual Operation License Fee: \$2,500

Adult Use Marijuana Cultivation:

Tier 1: 0 to 500 SF of plant canopy: Annual Licensing Fee: \$1,000.

Tier 2: 501-2,000 SF of mature plant canopy: Annual License Fee: \$1,500.

Tier 3: 2,001-7,000 SF of mature plant canopy: Annual License Fee: \$2,500.

Tier 4: greater than 7,000SF of mature plant canopy: Annual License Fee: \$5,000.

Medical Marijuana Cultivation: Annual Operation License Fee: \$1,000

Adult Use Marijuana Nursery Cultivation: Annual License Fee: \$1,000 (Plant canopies of individual Nursery Cultivations are permanently capped at 1,000 SF.)

Renewal applicants for Adult Use Marijuana Cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section.

Applicants for Adult Use Marijuana Cultivation licenses may not hold more than three (3) such licenses or a total combined plant canopy in excess of 30,000 SF.

14-659 Standards for License:

A. General

1. All Marijuana Businesses shall comply with applicable state and local laws and regulations.
2. Marijuana Businesses shall only be located within the zoning districts permitted in the Auburn Zoning Ordinance.
3. Marijuana Businesses may not be located on property within seven hundred and fifty (750) feet of the property line of a preexisting public or private school (K-12). For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S. §1, or any other educational facility that serves children from prekindergarten to grade 12.

Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the Marijuana Business is located. If the Marijuana Business is located within a commercial subdivision, the required setback shall be measured from the front door of the Marijuana Business to the property line of the school. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

4. Marijuana Businesses may not be located on property within one thousand (1,000) feet of the property line of a parcel containing one or more Marijuana

Businesses. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the property lines of the parcels of land on which the Marijuana Businesses are located. If the Marijuana Business is located within a commercial subdivision, the required setback shall be measured from the front door of each of the Marijuana Businesses. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

Notwithstanding the foregoing, more than one Marijuana Businesses may be located on the same parcel, provided all state and local requirements are met.

Adult Use and Medical Marijuana Cultivation Facilities and Adult Use and Medical Marijuana Manufacturing Facilities operating within the industrial zoning district are exempt from this setback requirement.

This setback requirement does not apply to properties with more than one Marijuana Business that are subdivided, as long as the Marijuana Business(es) located on the property were operating with City approval prior to December 13, 2018.

5. No outside cultivation or storage of marijuana, marijuana products, or related supplies is permitted, except that outdoor cultivation of marijuana in the Agricultural District is permitted.
6. Pursuant to 22 M.R.S. §2429-D(3), Registered Caregiver Retail Stores, Registered Dispensaries, Medical Marijuana Testing Facilities, and Medical Marijuana Manufacturing Facilities that were operating with City approval prior to December 13, 2018, are grandfathered in their current location and current use and shall be treated as legally non-conforming uses if their location or use is not in conformance with this ordinance or applicable zoning ordinances, provided, however, that said Marijuana Businesses shall apply for and obtain a license. The holder of a license for a Registered Caregiver Retail Store that complies with all applicable provisions of this Ordinance and the Auburn Zoning Ordinance may exchange their license for an Adult Use Marijuana Store license in the same location, provided they meet all requirements and standards to operate an Adult Use Marijuana Store. Said holder must file an application and pay a \$500 fee.
7. All Adult Use Marijuana Stores and Registered Caregiver Retail Stores must be operated from permanent locations, which may utilize telephone and internet orders as long as the buyer pays for and picks up such orders in the store on the day the order is made, an exception is made for Registered Caregiver Retail Stores whereas it may be a necessity for the business to deliver medical marijuana to a patient. These deliveries will be made by the business and no contracted/paid delivery service will be authorized. Delivery must be made directly to the Qualified Patient and proper identification is verified.

8. Adult Use Marijuana Stores and Registered Caregiver Retail Stores may not use vending machines for sales, may not have "drive-through" or "drive-up" window-serviced sales, and may not have internet-based sales with credit/debit card payment and delivery by USPS, UPS, FedEx, DHL, or any other global or local delivery service or courier.
9. Security measures at all Marijuana Business premises shall include, at a minimum, the following:
 - a. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with thirty (30) day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises; and
 - b. Door and window combination video and motion detector intrusion system with audible alarm and smart phone monitoring, maintained in good working condition; and
 - c. A locking safe permanently affixed to the premises that is suitable for storage of all marijuana, marijuana products, and cash stored overnight on the licensed premises; and
 - d. Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, that is either constantly on or activated by motion detectors, and complies with applicable provisions of the lighting performance standards in the City of Auburn Zoning Ordinance; and
 - e. Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks and bars; and
 - f. Methods to ensure that no person under the age of twenty-one (21) shall have access to marijuana and marijuana products.

11. Ventilation

All Marijuana Businesses are required to be in compliance with the Odor Nuisance Control and Abatement Performance Standards in the City's Zoning Ordinance, and all Marijuana Cultivation facilities shall have odor mitigation systems and a plan.

12. Operating Plan

Marijuana Businesses which cultivate, test, and/or manufacture are required to submit an operation plan that at a minimum addresses the following:

- a. wastewater; and
- b. disposal of waste

13. Required Notices

There shall be posted in a conspicuous location inside each Marijuana Store, at least one legible sign containing the following information:

On-site consumption of marijuana is illegal; Open and public consumption of marijuana in the State of Maine is illegal; The use of marijuana or marijuana products may impair a person's ability to drive a car or operate machinery; No one under the age of twenty-one (21) may purchase marijuana or marijuana products, except a minor with medical marijuana card; Loitering prohibited.

14. Signs

All signs used by and all marketing and advertising conducted by or on behalf of the marijuana business may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age. The signs, marketing, or advertising is prohibited from making any health or physical benefit claims. All signage shall meet the City's Sign Ordinance and may use an image or images of the marijuana plant or plants, or parts thereof, as long as they do not exceed 20% of the sign face, but there shall be no pictorial representations of other marijuana products, by-products, or paraphernalia associated with the use or distribution of retail marijuana.

The exterior of all Marijuana Stores shall display a 1' x 1' image of any universal symbol for Medical or adopted by the State's Department of Administration and Financial Services.

B. Right of Access/Background Check/Inspection

Every Marijuana Business shall allow law enforcement officers and the Auburn Code Enforcement Officer ("CEO") to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance. Every owner and employee of a Marijuana Business applying for a license, shall contact the Auburn Police Department for the purposes of fingerprinting and criminal background checking, and all premises managers for Marijuana Businesses shall submit emergency contact information to the Lewiston – Auburn 911 Communication Center.

Due to fire, explosion, and other hazards inherent in Marijuana Cultivation, Testing, and Manufacturing facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO² enrichment, extraction solvents (acetone, butane, propane, ethanol, heptane, isopropanol, CO², etc.), high-pressure extraction methods (CO², etc.), and flammable contents, the owners of all such facilities shall agree to be inspected annually by the Auburn Fire Department and have a Knox Box installed

at the structure's exterior entrance for emergency access. Knox Boxes shall be obtained and installed in coordination with the Auburn Fire Department.

C. Indemnification

By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the City, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Marijuana Business owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations.

By accepting a license issued pursuant to this Ordinance, the permittee/licensee agrees to indemnify, defend, and hold harmless the City, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a permitted/licensed Marijuana Business.

D. State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of Marijuana or Marijuana products, the additional or stricter regulation shall control the establishment or operation of any Marijuana Business in Auburn.

Compliance with all applicable State laws and regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with State laws or regulations shall be grounds for revocation or suspension of any license issued hereunder.

14-660 Enforcement

A. Violations

1. Any violation of this Ordinance, including failure to comply with any condition, may be enforced in accordance with 30-A M.R.S. §4452. Every day a violation exists constitutes a separate violation.
2. Commencement of any Marijuana Business without a City license for same shall be a violation of this Ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, the City can pursue fines and/or penalties under 30-A M.R.S. §4452.

B. Law Enforcement Officer (“LEO”) and Code Enforcement

Law enforcement officers and the CEO may at any reasonable time conduct on-site inspections to insure compliance with all applicable laws and conditions attached to license approvals, and shall investigate all complaints of alleged violations of the Ordinance.

1. If the LEO or CEO finds that any provision of this Ordinance is being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the City Council and be maintained as a permanent record.
2. The LEO or CEO shall keep a complete record of all essential transactions of the LEO or CEO, including Marijuana license applications submitted, permits/licenses granted or denied, training certifications, revocation actions, revocation of permits/licenses, appeals, court actions, violations investigated, violations found, and fees collected.

C. Legal Actions

When the above notification and/or inspection actions do not result in the voluntary correction or abatement of the violation by the subject Marijuana Business, the City Council, upon receiving written notification from the LEO or CEO, may institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance.

The City Council, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

D. Penalties/Fines

Any person, including but not limited to, a Marijuana Business owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or fails to comply with any of its requirements, shall be penalized in accordance with 30-A M.R.S. §4452.

14-661 Training:

- A. Individuals who sell marijuana and marijuana products, pursuant to a Marijuana Store business license, must complete responsible marijuana vendor sales practices training, if and when such training is available. This training may be completed on-line and an employee must be certified within 30 days of employment.

B. Recordkeeping.

Marijuana Store licensees shall maintain on the licensed premises, written records of the vendor training programs completed by individuals who sell marijuana and marijuana products and shall produce those records upon request by the CEO or LEO with the Auburn Police Department.

C. Failure to comply with the training requirements.

Failure to meet the training requirement imposed by § 14-661 may result in the denial/revocation of a Marijuana Business license.

DRAFT

DIVISION 12. - GENERAL BUSINESS DISTRICT

Sec. 60-498. - Purpose.

This district is intended to include commercial uses serving both the city and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area.

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. - Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Wholesale bakeries.
- (12) Retail laundries and dry cleaners, but not plants.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Warehouses, wholesale offices, salesrooms and showrooms.
- (18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.
- (19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (20) Animal hospitals and pet shops, but no kennels.
- (21) Business equipment repair and business services.
- (22) Radio and television studios.
- (23) Printing shops, but not publishing plants.
- (24) Retail, service, office and commercial uses similar to the foregoing.
- (25) Carwashes.
- (26) Accessory uses, building and structures.

- (27) Shelters for abused persons.
- (28) Greenhouses and lawn maintenance services.
- (29) Temporary outdoor places of amusement.
- (30) Churches and temples.

(31) Adult Use and Medical Marijuana Stores subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances.

(32) Marijuana Cultivation accessory to a licensed retail store on the same property.

SECTION BREAK

DIVISION 13. - MINOT AVENUE (GBII)

Sec. 60-524. - Purpose.

This district is intended to allow commercial development to locate along the Minot Avenue corridor which is most compatible with local scale business. The corridor is also an arterial which requires that good sound access management design is incorporated into the uses consistent with the access management ordinance.

(Ord. of 9-21-2009, § 3.63A)

Sec. 60-525. - Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Retail bakeries.
- (12) Retail laundries and dry cleaners.

- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Restaurants, dining rooms or lunchrooms.
- (18) Bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (19) Animal hospitals and pet shops, but not kennels.
- (20) Business equipment repair and business services.
- (21) Radio and television studios.
- (22) Printing shops, but not publishing plants.
- (23) Carwashes.
- (24) Accessory uses, buildings and structures.
- (25) Greenhouses.
- (26) Seasonal outdoor places of amusement.
- (27) Churches and temples.
- (28) Shelters for abused persons.
- (29) Adult Use and Medical Marijuana Stores subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances.
- (30) Marijuana Cultivation accessory to a licensed retail store on the same property.

SECTION BREAK

DIVISION 15. - INDUSTRIAL DISTRICT

Sec. 60-577. - Purpose.

This district is intended to provide for those manufacturing, processing, transportation and storage uses which should be separated from other uses by reason of characteristics which may conflict with other uses. The exclusion of residential and commercial uses is intended to promote the economic welfare of the city by reserving especially suited areas for industry.

(Ord. of 9-21-2009, § 3.71A)

Sec. 60-578. - Use regulations.

- (a) *Permitted uses.* The following uses are permitted, provided that the use proposed will not be noxious, offensive or detrimental to the neighborhood or to the city by reason of danger of fire or explosion; pollution of waterways or groundwater; vibration; emission of corrosive, toxic or

unhealthful fumes, gas, smoke, soot obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics:

- (1) Farming of field crops, row crops, orchards and truck gardens.
- (2) Plant and tree nurseries, wholesale nurseries, landscape services and greenhouses; on-premises sales permitted.
- (3) Farm dwellings on premises actively farmed.
- (4) Financial institutions.
- (5) Office buildings.
- (6) Post offices.
- (7) Telephone exchanges or telephone business offices.
- (8) Public transportation passenger stations.
- (9) Churches or temples.
- (10) Municipal uses buildings.
- (11) Airports.
- (12) Wholesale businesses, warehouses, trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious material.
- (13) Manufacture, compounding, processing or packaging of foods and food products, except uses approved by resolution of the city council allowing review and recommendation of the planning board in the same manner as a special exception.
- (14) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber textiles or cloth products, tobacco, or wood, bark or wood products.
- (15) Manufacture of ceramic products, brick and cinder blocks.
- (16) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products, office equipment.
- (17) Building material sales yard and contractor's equipment storage yard and plant.
- (18) Research, experimental or testing laboratories.
- (19) Lumber yard, including planning, milling and other processing.
- (20) Ice manufacturing and storage plant.
- (21) Beverage bottling plants.
- (22) Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants.
- (23) Accessory uses and buildings, including but not limited to:
 - a. Retail sales of products manufactured on premises.
 - b. Dwellings used as living quarters for caretakers or watchmen and their families.
 - c. Storage boxes or space trailers as defined in section 60-666(12) used for the storage of nonhazardous material by the commercial or industrial use which occupies the property.
- (24) Training schools.

(25) Uses similar to those in this subsection (a) and not elsewhere named in the following subsections, provided that the use will not be noxious.

(26) Any new or existing building proposed as a complex of three or more business and/or offices provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(27) Adult Use and Medical Marijuana Cultivation, Manufacturing and Testing Facilities subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances. Retail sales of products manufactured on the premises and products accessory to the industry are allowable with required license.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:

(1) Uses similar to those found in subsection (a) of this section and not elsewhere named in the following subsection; that in the determination of the municipal officer charged with enforcement do not meet the requirements subsection (a) of this section.

(2) Automobile filling stations.

(3) Automobile and marine repair and service stations, automobile and marine paint and body repair shops.

(4) Restaurants and diners, including drive-in and carry-out restaurants.

(5) Retail food stores.

(6) Microwave, radio, radar, television or radio-telephone transmitting or broadcasting towers, including studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than 1½ times its height from the nearest property line.

(7) Motels and hotels.

(8) Automobile scrap yards.

(9) Off-street parking accessory, to a permitted use whether or not located on the same lot.

(10) Outdoor advertising.

(11) Junkyard.

(12) Airplane manufacture or assembly.

(13) Alcohol, methanol, or ethanol manufacture.

(14) Automobile or automotive manufacture or assembly.

(15) Brewery or distillery.

(16) Manufacture, or bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.

(17) Machinery and machine tool manufacture.

(18) Metal fabrication plant.

(19) Municipal incinerator or sewage treatment plant.

(20) Manufacture of cosmetics, toiletries and pharmaceuticals.

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

SECTION BREAK

DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. - Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) 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. 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.
 - c. 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.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult Use and Medical Marijuana Cultivation, but not retail sales of any kind.
- (15) Marijuana Manufacturing accessory to a licensed cultivation site.

SECTION BREAK

DIVISION 14. - FORM BASED CODE

Sec. 60-554. - Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS 2)
Residential Type Use						
Single Family	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	1 sp/DU

Townhouse	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	S	S	S	P	½ sp/employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/Lodginghouse	P	P	P	S	X	1 sp/guestroom plus
						1 sp/employee
Office/Service Type Use						
Professional Offices	S	S	P	P	P	1 sp/400 sf
Medical and Dental Clinics	S	S	P	P	P	1 sp/400 sf
Personal Services	S		P	P	P	1 sp/400 sf
Retail Type Use						
General Retail	S	S	P	P	P	1 sp/400 sf
Age Restricted Retail (3)	S	S	S	S	S	1 sp/400 sf
Specialty Shops	S	P	P	P	P	1 sp/400

Restaurant up to 30 seats w/16 outdoor	X	S	P	P	P	1 sp/4 seats
Restaurant over 30 seats w/16 outdoor		S	S	P	P	1 sp/4 seats
Halls, Private Clubs, Indoor Amusement	S	S	S	P	P	1 sp/400 sf
Artist Studios, Performing Art Center	S	S	P	P	P	1 sp/400 sf
Civic						
Church or Places of Worship	S	S	P	P	P	1 sp/5 seats
Government Offices	X	X	P	P	P	1 sp/400 sf
Art Galleries	S	P	P	P	P	1 sp/400 sf
Transportation Facilities	X	X	S	S	S	1 sp/400 sf
Adaptive Reuse of Structures of Community Significance	S	S	S	S	S	To be determined by the planning board depending on use(s)

Notes:

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) *Parking requirements in T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to planning board approval.
- (3) Where more than 50% of floor space is devoted to age restricted goods. [This may include licensed Adult Use or Medical Marijuana Stores.](#)

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017)

Sec. 60-1038. - Odors.

- ~~(a) For purposes of this section, the term "odor threshold" is defined as the minimum concentration in air of a gas, vapor, or particulate matter than can be detected by the abutters of the property in question.~~
- ~~(b) No development in any zone may generate any odor that reaches the odor threshold, measured at the lot line of the enterprise generating the odor.~~

~~(Ord. of 9-21-2009, § 5.6E)~~

(a) Nuisance Control and Abatement

Statutory authority; administration and enforcement; severability.

1. Authorization. This article is adopted pursuant to 30-A M.R.S.A. § 3001 and the City's Home Rule Powers as provided for in Article VII-A of the Maine Constitution and Title 30-A M.R.S.A. §§ 2101 through 2109 and in accordance with the authority of the City to seek judicial remedies in order to protect the inhabitants of the City, the City as a municipal corporation, and individual residents of the City as provided for by the laws of the State of Maine, including, but not limited to 17 M.R.S.A. §§ 2702, 2705 and 2706; 30-A M.R.S.A. § 2002 and at common law.
2. Administration and enforcement. The Code Enforcement Officer of the City of Auburn shall administer and enforce this article.
3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

(b) Purpose.

The City finds that because most odorous pollutants have a complex chemical composition and may elicit a broad spectrum of responses by the receptors, special methods must be employed in their measurement and characterization. Although analytical data are more precise and may be useful in identifying a source, it is the human response or the sensory data that is most critical in determining the necessary degree of odor control. Analytical data may be used to specify permissible emission levels from a source, but sensory data must be employed to assess the impact in the surrounding community. The latter is the City's primary concern.

(c) Objectionable odor determination.

An odor will be deemed objectionable and is a public nuisance when any of the following occurs:

1. Creates a public nuisance at common law; or

2. The erection, continuance or use of any building or place for the exercise of trade, employment or manufacture which, by noxious exhalations or offensive smells, become injurious and dangerous to the health, comfort or property of individuals or the public; or
3. All members of a panel consisting of a representative from the Economic and Community Development Department, Police Department and Fire Department shall investigate complaints to determine following concurrent, personal observation, that the odor at the property line of the source based on City Tax Maps or elsewhere in the City is objectionable, taking into account its nature, concentration, location, and duration and are able to identify the source.

(d) Compliance required; applicability.

No odor source, land use, facility, or activity shall be exempt from complying with the odor management standards contained in this article, Chapter 60-1038, Zoning, because of grandfathering or because of being an existing use, facility, or activity at the time the standards were enacted. The odor standards apply to all existing and future odor sources, land uses, facilities, and activities in the City, except as otherwise provided herein.

(e) Observation procedures.

Odor observation shall be undertaken to arrive at a determination that an objectionable odor exists, shall be at or beyond the property line or at or near places where people live or work.

(f) Enforcement.

In the event that the Economic and Community Development Department receives complaints that smells or odors are detectable beyond the property line, the following process shall be used to correct the odor problem:

1. Within seven days of receiving a complaint, the Economic and Community Development Department shall investigate the property to assess the situation and discuss odor compliance with the business operator, including but not limited to asking the business operator what is being done to mitigate odors. If the Economic and Community Development Department detects odor beyond the property lines and/or the operator indicates that odor management provisions installed within the facility are not being followed, the Economic and Community Development Department shall provide verbal notice of violation to the operator and instructions to comply with odor management provisions and require the operator to notify the Economic and Community Development of conformance within 10 days.
2. If complaints persist and/or the Economic and Community Development Department continues to observe an odor issue, the Economic and Community Development Department shall assemble the panel authorized as described above to investigate the complaints. If the Economic and Community Development Department and the panel observe odor issues after the ten-day period as described above, the Economic and Community Development Department shall notify the operator of violation in writing and require notification of conformance within 10 days.

3. If complaints persist and/or the Economic and Community Development Department and the panel continue to observe odor issues after the ten-day period described above, the Code Enforcement Department shall provide a second written notice of violation, assess a citation for a first violation, as specified under Chapter 2. Administration Sec. 2-610. Penalties, and require the operator to prepare an Odor Control Plan that meets the requirements of Article XIII, Environmental Performance Standards of the Zoning Ordinance, and any relevant sections of the NFPA, Chapter 54, Ventilation or Chapter 38 (as applicable), and submit a written report from a mechanical engineer or odor management specialist with recommendations for modification/ improvement of the ventilation system within 45 days and installation of recommendations and notice of compliance within 60 days. [EC1]The City may use contracted staff and peer review escrow fees to review an Odor Control Plan.
4. If the operator has not submitted the required report within 45 days, or if the operator has not submitted evidence of compliance within 60 days as described above, the Economic and Community Development Department shall provide a third written notice of violation and assess a citation for a second violation, as specified under Chapter 2. Administration Sec. 2-610. Penalties.
5. If the operator has not submitted the required report within 60 days as described above or if the operator has not submitted evidence of compliance within 75 days, the Code Enforcement Officer, or their designee, [EC2]shall assess a citation for a third violation, as specified under Chapter 2, Article VIII, 2-610 (Code Enforcement), Chapter 14, Article 11, and or Sec.14-27(Business License), and temporarily suspend the business license, as applicable.
6. If the operator has not submitted the required report within 75 days as described above or if the operator has not submitted evidence of compliance within 90 days, the City Manager shall ask the City Council to permanently revoke the business license, per Sec.14-48, as applicable.[EC3]
7. Upon request of the City Manager, and as directed by Chapter 14, the City Council shall undertake the required process to consider revocation of the business license.

Auburn's Estimated Marijuana Business Projections

FY19 Revenue Projections

Business Type		Estimated	App Fee	Total App Fee	License Fee	Total License
Marijuana Stores	Adult	0	\$ -	\$ -	\$ -	\$ -
	Medical	6	\$ 500.00	\$ 3,000.00	\$ 5,000.00	\$ 30,000.00
Manufacturing		3	\$ 500.00	\$ 1,500.00	\$ 2,500.00	\$ 7,500.00
Testing		0	\$ 500.00	\$ -	\$ 2,500.00	\$ -
Cultivation	Medical	40	\$ 500.00	\$ 20,000.00	\$ 1,000.00	\$ 40,000.00
Cultivation	Adult					
	Tier 1	0	\$ 500.00	\$ -	\$ 1,000.00	\$ -
	Tier 2	0	\$ 500.00	\$ -	\$ 1,500.00	\$ -
	Tier 3	0	\$ 500.00	\$ -	\$ 2,500.00	\$ -
	Tier 4	0	\$ 500.00	\$ -	\$ 5,000.00	\$ -
Caregiver		100	\$ 100.00	\$ 10,000.00	\$ -	\$ -
				\$ 34,500.00		\$ 77,500.00
						\$ 112,000.00

FY20 Revenue Projections

Business Type		Actual	New App	App Fee	Total App Fee	License Fee	Total License
Marijuana Stores	Adult	11	11	\$ 500.00	\$ 5,500.00	\$ 5,000.00	\$ 55,000.00
	Medical	2	0	\$ 500.00	\$ -	\$ 5,000.00	\$ 10,000.00
Manufacturing		3	0	\$ 500.00	\$ -	\$ 2,500.00	\$ 7,500.00
Testing		2	0	\$ 500.00	\$ -	\$ 2,500.00	\$ 5,000.00
Cultivation	Medical	20	5	\$ 500.00	\$ 2,500.00	\$ 1,000.00	\$ 20,000.00
Cultivation	Adult						
	Tier 1	15	15	\$ 500.00	\$ 7,500.00	\$ 1,000.00	\$ 15,000.00
	Tier 2	15	15	\$ 500.00	\$ 7,500.00	\$ 1,500.00	\$ 22,500.00
	Tier 3	15	15	\$ 500.00	\$ 7,500.00	\$ 2,500.00	\$ 37,500.00
	Tier 4	10	10	\$ 500.00	\$ 5,000.00	\$ 5,000.00	\$ 50,000.00
Caregiver		100	100	\$ 100.00	\$ 10,000.00	\$ -	\$ -
					\$ 45,500.00		\$ 222,500.00
Total Revenue							\$ 268,000.00
Expenses							\$ (152,689.00)
						\$ 115,311.00	

FY21 Revenue Projections

Business Type		Actual	New App	App Fee	Total App Fee	License Fee	Total License
Marijuana Stores	Adult	6	1	\$ 500.00	\$ 500.00	\$ 5,000.00	\$ 30,000.00
	Medical	2	0	\$ 500.00	\$ -	\$ 5,000.00	\$ 10,000.00
Manufacturing		3	0	\$ 500.00	\$ -	\$ 2,500.00	\$ 7,500.00
Testing		1	0	\$ 500.00	\$ -	\$ 2,500.00	\$ 2,500.00
Cultivation	Medical	10	5	\$ 500.00	\$ 2,500.00	\$ 1,000.00	\$ 10,000.00
Cultivation	Adult						
	Tier 1	10	2	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 10,000.00
	Tier 2	10	2	\$ 500.00	\$ 1,000.00	\$ 1,500.00	\$ 15,000.00
	Tier 3	10	5	\$ 500.00	\$ 2,500.00	\$ 2,500.00	\$ 25,000.00
	Tier 4	10	5	\$ 500.00	\$ 2,500.00	\$ 5,000.00	\$ 50,000.00
Caregiver		75	75	\$ 100.00	\$ 7,500.00	\$ -	\$ -
					\$ 17,500.00		\$ 160,000.00
Total Revenue							\$ 177,500.00
FY22 Expenses							\$ (80,000.00)
						\$ 97,500.00	



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 16, 2019

Author: Sue Clements-Dallaire, City Clerk

Subject: FY 20 Budget Presentations

Information: There will be a brief presentation of the proposed FY 20 operations and Capital Improvement Plan budgets on the following departments:

- a. Health and Social Services
 - b. Police Department
 - c. Economic and Community Development
-

City Budgetary Impacts: To be determined.

Staff Recommended Action: After presentation, staff will be available for questions and discussion.

Previous Meetings and History: Annual review and discussion.

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 16, 2019

Author: Phil Crowell, Assistant City Manager & Sabrina Best, Recreation Deputy Director

Subject: Farmer's Market Update

Information: Attached is a written Memo updating the council on the history of Auburn's Farmer's Market, a breakdown of FY19 expenses and options for 2019.

City Budgetary Impacts: \$5,000 in Recreation Budget under Community Programs.

Staff Recommended Action: None

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:

Farmer's Market Memo



City of Auburn, Maine

Office of the City Manager

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

TO: Peter Crichton, City Manager
FROM: Phil Crowell, Assistant City Manager
RE: Farmer's Market Update
DATE: April 11, 2019

HISTORY: The Auburn Farmer's Market began in 2016 at Festival Plaza on Wednesday afternoons. No City funding was allocated for this pilot project which was launched to determine if there was adequate interest in hosting a Farmer's Market in Auburn. In 2017, the City Council appropriated \$5,000 for the market, a part-time employee was hired to coordinate the market, which was moved to Tuesdays and held in the Happy Days parking lot in New Auburn. The location was again changed, this time to the Rolly's parking lot. The date remained the same. The council again appropriated \$5,000.

For FY19 we have spent \$3,211.93 for the following expenses:

- Portable Bathroom - \$416.00
- Verizon - \$264.61
- Printing – \$31.32
- Salary - \$2,500

The fiscal year accounts for two parts of the farmer's market seasons which is why there is a current balance in the account.

The city council has several options:

1. Continue with the Farmer's Market in Auburn – see proposal below
2. Collaborate with the St. Mary's Nutrition Center and support the Farmer's Market in Lewiston
3. Discontinue the Farmer's Market
4. Propose an alternative solution

If we continue with the market, the plan is to change the day and location to help increase foot traffic and ease of access for customers. We will hold the market on Wednesdays, starting June 19 and run until September 25, totaling 15 weeks. Venders will set up in the City Hall Parking Lot (on the sidewalk) across from Festival Plaza (131 Main Street). Our goal is to engage patrons leaving work from this area, along with those waiting for the Auburn Community Band performances. With easier entry and exit points, those traveling through in vehicles will feel comfortable pulling into this parking lot area to purchase items on their way home. The market will run from 4:30-7:30PM, which will allow venders to participate in another market (Falmouth) earlier in the day to still hit Auburn's commuters and Community Band viewers.

In addition to the market, staff will be working with Auburn Housing Authority to ensure that past loyal customers from Barker Mill Arms will still have access to vendors and discounts. Details will be worked out with Barker and Esplanade residents, volunteers and Recreation staff.

Auburn's Market will once again be accepting EBT/Credit Cards (EBT is the card provided to SNAP users, Supplemental Nutrition Assistant Program), which support any vendor that does not have this option setup individually and allows for customers to shop at any vendor booth. This data must be collected and recorded for reporting purposes.

Auburn's Market is enrolled in the *Maine Harvest Market Bucks* program, a federal grant through the Maine Federation of Farmers' Markets (MFFM). This program is an incentive program for SNAP participants and are for the purchase of fruits and vegetables. Last year, Auburn's Market recorded a total of \$487 Harvest Market Bucks redeemed, which was reimbursed by MFFM. In addition to the Harvest Bucks incentive program, we issued 100 coupons for "\$1 off" and had \$41 redeemed. We also issued \$1,000 in "\$5 off" senior coupons, of which \$641 was redeemed. Both the \$1 and \$5 off Senior coupons will be utilized again this year.

Our target is to confirm 6-7 vendors for the full season, who will offer staple items such as produce, meats and seedlings, along with other items such as jams, jellies, and homemade baked goods.

We currently have interest from:

- Clay Hill Farm - Pasture raised meats and fresh eggs
- Nick Murray - Hemp seedlings
- Elis Homestead - Vegetables, fruits
- John Staples - Herbs and spices and custom blends
- Chirp Creek Farm - Vegetables and chicken
- Hannah Witcher - Gelato vendor
- PAL Center – Pickled Beets and Beans (day table option)

The Farmer's Market is organized and implemented with the help of a part time position. Organizing the Market again this year will be Kathy Shaw, who is responsible for soliciting vendors; ensuring there is a well-balanced list of vendor offerings (not all vendors selling the same item); verifying all vendors have proper insurance, permits, and licenses; handing out any marketing and promotional fliers and coupons; set-up on day of event; recording/managing the credit/EBT machine and paperwork; working with Recreation staff for reimbursement slips and record-keeping for the various incentive programs; "take down" and clean-up of Market area at end of day; and continued community outreach for increased foot traffic.

Conversations with the St. Mary's Nutrition Center are ongoing, and we will have more information available at the City Council meeting.



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 16, 2019

Author: Sue Clements-Dallaire, City Clerk

Subject: School Budget Referendum Ballot

Information: The date for the School Budget Validation Referendum has been set to be held on June 11, 2019. State law provides the language for the ballot as noted below.

Title 20-A §1486 (F) states that the article to be voted on must be in the following form:

(1) "Do you favor approving the (name of regional school unit) budget for the upcoming school year that was adopted at the latest (name of regional school unit) budget meeting? Yes or No"

Title 20-A §1486 (1.) states the following:

Every 3 years, the voters in a regional school unit shall consider continued use of the budget validation referendum process. The warrant at the budget validation referendum in the 3rd year following adoption or continuation of the referendum process must include an article by which the voters of the school administrative unit may indicate whether they wish to continue the process for another 3 years. The warrant for the referendum to validate the fiscal year 2010-11 budget is deemed the 3rd-year warrant. A vote to continue retains the process for 3 additional years. A vote to discontinue the process ends its use beginning with the following budget year and prohibits its reconsideration for at least 3 years.

This year, per State Statute, we will be adding the second question on the 3-year continuation to the ballot. It last appeared on the ballot in 2016.

In addition, the School Department has asked that we add a third question which would be a non-binding, advisory question (below).

I find the school budget for the upcoming school year that was adopted by the City Council to be:

TOO HIGH ACCEPTABLE TOO LOW

City Budgetary Impacts: None

Staff Recommended Action: Provide direction

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Sample Ballot Design

SAMPLE
SCHOOL BUDGET
VALIDATION REFERENDUM
AUBURN, MAINE
JUNE 11, 2019

INSTRUCTIONS TO VOTERS

TO VOTE, completely fill in the OVAL to the LEFT of your choice like this: If you make a mistake, you may request a new ballot.

QUESTION 1: BUDGET VALIDATION REFERENDUM

Do you favor approving the City of Auburn's school budget for the upcoming school year that was adopted by the Auburn City Council at their latest budget meeting?

- YES
 NO

QUESTION 2: CONTINUATION OF THE BUDGET VALIDATION REFERENDUM PROCESS

Do you wish to continue the budget validation referendum process in the City of Auburn for an additional three years?

- YES
 NO

INFORMATIONAL NOTE:

A "YES" vote will require the City of Auburn to continue to conduct a referendum to validate the City's annual school budget for the next three years.

A "NO" vote will discontinue the budget validation for at least three years and provide instead that the City's annual school budget shall be finally adopted at a meeting of the Municipal Council.

QUESTION 3: NON BINDING ADVISORY QUESTION

The following is a non-binding expression of opinion for the consideration of the School Committee and City Council.

I find the school budget for the upcoming school year that was adopted by the City Council to be:

- TOO HIGH
- ACCEPTABLE
- TOO LOW

SAMPLE

IN COUNCIL REGULAR MEETING APRIL 1, 2019 VOL. 35 PAGE 32

Mayor Levesque called the meeting to order at 7:07 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. Consent Items

1. Order 44-04012019*

Setting the date for the School Budget Validation Referendum Election for June 11, 2019.

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

Passage 7-0.

II. Minutes

- o March 18, 2019 Regular Council Meeting
- o March 25, 2019 Special Council Meeting

Motion was made by Councilor Fournier and seconded by Councilor Gerry to approve the minutes of the March 18, 2019 Regular Council Meeting. Passage 7-0.

Motion was made by Councilor Young and seconded by Councilor Walker to approve the minutes of the March 25, 2019 Special Council Meeting. Passage 7-0.

III. Communications, Presentations and Recognitions

- Recognition – The Edward Little High School Girls Ski Team 2019 Class A Alpine Skiing State Champions. The Mayor read a proclamation.
- Communication – Maine Waste to Energy Update (John King, Executive Director and Paul Landry, President of the Board of Directors)
- Communication – City Manager’s Office Update (City Manager, Peter Crichton)

IV. Open Session

Larry Pelletier, 129 Second Street, commented on trash and litter in the City.

Laurier B. Morrisette, Bearce Street, spoke on Child Abuse Awareness month.

Mary Sylvester, 208 Maple Hill Road commented on the Capital Improvement Plan workshop presentation and the Strategic Plan.

V. Unfinished Business - None

VI. New Business

1. 2019 FFY CDBG/HOME Budget – Public Comment

No one from the public spoke.

1. Resolve 05-04012019

Granting permission to the Auburn Water District to issue its bonds in the amount of up to \$400,000 to finance the Alum treatment for Lake Auburn.

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

Motion was made by Councilor Titus and seconded by Councilor Fournier to amend the Resolve by adding the following language:

The Council understands that a prior, obligatory agreement by the AWD superintendent and the City of Lewiston Water Department agreed to a 50/50 split funding formula for the Alum treatment to take place this fall. The current agreement calls for a 50/50 split for capital projects, however this treatment which is a maintenance issue which their agreement calls for a funding percentage to be based on respective water use.

The Council understands that a plan will be in place to assure that going forward ALL expenses, capital investment as well as maintenance for the Lake Auburn water supply, will be split with the City of Lewiston, at a percentage that the trustees may agree is proportional to water usage.

Passage of amendment 6-1 (Councilor Walker opposed).

Passage of Resolve 05-04012019 as amended 6-0-1 (Councilor Walker abstained).

VII. Reports

Mayor Levesque – Announced the date that the next regular council meeting will be held is on Tuesday, April 16, 2019 due to the April 15th Patriot's Day holiday. The Mayor will not be attendance, and he asked that Councilor Titus act as Mayor Pro Tem during his absence. He reported that he attended a breakfast celebration for Senator Collins hosted by Senior's Plus a few weeks ago, and as part of this, we've received publications that are available in the City Manager's office for anyone that would like a copy. Later that day, he had lunch with HUD Secretary Ben Carson, and they discussed opportunity zones. He also provided an update on his position on local option sales tax.

Councilor Young – reported on the recent passing of Rebecca Webber.

Councilor Walker – no report

Councilor Fournier – no report

Councilor Titus – provided an update on the Water and Sewer District meetings. He also reported that he had a good visit at Washburn School. The Sunderland Drive Neighborhood Watch Group will be meeting tomorrow at Sam's on Court Street. Last, he wanted to thank the Mayor and City Manager for their work fighting for the cause of Auburn's Revenue Share funding.

Councilor Hayes – reported that the Airport Board will be meeting this Thursday night.

Councilor Lasagna – reported that on April 9th at 7:00 PM the high school building committee will be meeting.

Councilor Gerry – reported that there is an Age Friendly Committee meeting tomorrow at 5:30 PM at the Senior Center which is next to the Hasty Community Center. She commented on the workshop discussion on recreation programs, and why she has been wearing a hat during the meetings.

City Manager – reported that he will be presenting the proposed FY20 operating budget next Monday. We will also be discussing the Farmer's Market during the workshop that same night. He also reported on the Ag/Forestry working group who will be meeting in the near future.

Assistant City Manager – provided an update on the Strategic Plan. The Invest Subcommittee met last Thursday and will meet again on April 11th at 6:00 PM here at Auburn Hall. They will be wrapping up soon and the Strategic Planning Committee will meet on April 23rd at 8:00 AM.

VIII. Open Session - No one from the public spoke.

IX. Executive Sessions:

Legal consultation on rights and responsibilities, pursuant to 1 MRSA Sec. 405(6)(E).

Motion was made by Councilor Fournier and seconded by Councilor Lasagna.

Passage 7-0, time 8:42 PM. Council was declared out of executive session at 8:45 PM.

Economic Development (Intermodal Facility), pursuant to 1 MRSA Sec. 405(6)(C).

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

Passage 4-0 (Councilors Gerry, Titus, and Hayes were not in the room for the vote), time 8:46 PM. Council was declared out of executive session at 9:03 PM.

Legal consultation on rights and responsibilities, pursuant to 1 MRSA Sec. 405(6)(E).

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

Passage 4-0 (Councilors Titus, Hayes, and Gerry were not in the room for the vote), time 9:04 PM. Council was declared out of executive session at 9:12 PM.

Economic Development (Auburn Industrial Park), pursuant to 1 MRSA Sec. 405(6)(C).

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

Passage 5-0 (Councilors Gerry and Hayes were not in the room for the vote), time 9:13 PM. Council was declared out of executive session at 9:23 PM.

- X. **Adjournment** - Motion was made by Councilor Lasagna and seconded by Councilor Gerry to adjourn. All were in favor and the meeting adjourned at 9:24 PM.

A TRUE COPY

ATTEST *Susan Clements-Dallaire*

Susan Clements-Dallaire, City Clerk


PETITION FOR THE DISCONTINUANCE OF
BUTLER HILL ROAD

To the Municipal Officers of the City of Auburn:

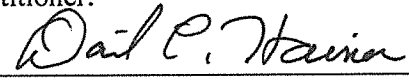
The undersigned respectfully submit that a portion of the Butler Hill Road, a former county way, now a town way as per 23 M.R.S.A. § 3021(3)(B), is no longer of public benefit and necessity and hereby request that same be discontinued as provided in 23 M.R.S.A. § 3026 and that the City of Auburn not retain a public easement over the herein described discontinued area. As the abutting property owner(s) I/we hereby waive any claim for damages resulting from the discontinuance of this road..

Dated this 29 day of MARCH 2016 2019

Witness:



Petitioner:



Description of street requested to be discontinued:

That portion of Butler Hill Road in the City of Auburn from where it crosses the Auburn/Minot municipal boundary just southerly of the residence of David C. Haines, northerly and northeasterly three thousand three hundred seventy five (3,375) feet, more or less, to a point where the northeasterly boundary of David C. Haines crosses said road.

April 8, 2019
Auburn City Council
c/o Susan Clements-Dallaire, City Clerk
City of Auburn
60 Court St.
Auburn, Maine 04210

To the Council:

Since 1971 I have owned the majority of the road frontage on both sides of Butler Hill Road in Auburn and Minot.

Some time ago I contacted then City Manager, Clint Deschene, to allow the City of Auburn to discontinue maintaining the 3375 feet of Butler Hill Road that passes through my land. I have signed a petition to discontinue the road, waiving any claim for damages resulting from the discontinuance.

There are many good reasons to close this road:

1. **Cost Savings for Auburn.** The City very frequently grades this dirt road, plows it with each snowstorm, and hauls away roadside trash several times a year. This is a large cost compared to the minimal traffic on the road.

2. **Public Safety:** Butler Hill Road ends at a blind curve at Minot Corner, where it enters Rte. 121 on a steep grade. Two other roads, also with poor visibility, enter the highway at that intersection. Within the last year there was a fatality near that dangerous intersection.

3. **Neighborhood Concerns.** We have no Auburn neighbors, but for decades our Minot neighbors have suggested closing the Auburn portion of the road. Vehicles traveling north often are going over 60 mph as they pass within 30 feet of our home, so the Postal Service asked us to move our mailbox so the carrier a better view of traffic speeding past the end of our drive, which is 150 feet below a blind hill. Vehicles approaching Minot Corner sometimes go even faster. After several close calls, one neighbor relocated his drive to give him better visibility.

4. **Environmental Hazards.** For decades the road has been a dumping ground for everything from tires, television sets, refrigerators, air conditioners, dead animals, and even a human corpse. My wife and I drag discarded tires from the woods, collect cans and bottles and, at times, have called the Auburn Police Department when we have witnessed dumping. We appreciate that Auburn Public Works responds quickly when called to pick up the mess. Last summer we notified the DEP of a minor oil spill on the road.

5. **Criminal Activity.** During the decades I have lived here the road has been a magnet for prostitution, drug manufacture, drug dealing, and even one murder.

6. **Wildlife Protection.** A wildlife consultant found that the culvert which crosses Butler Hill Road empties into a stream where native Brook Trout breed. This culvert attracts much of

the dumping and we are concerned that hazardous waste will contaminate our 20 acres of trout habitat.

7. Protection of Our Property. It is not easy to provide adequate protection for over a mile of isolated rural road frontage. Several times the Auburn Police Department has evicted squatters from our property. Our stone boundary walls have been vandalized. While we encourage hunting on our land, we have heard several instances of night hunting along the road.

8. Interested Parties. Supportive parties for discontinuance include our neighbors, the Androscoggin Sheriff's officer who patrols the road, and several Minot officials.

9. Some History. Clint Deschene first assigned this project to Howard Kroll, who held several meetings with me and city employees at that time, including Fire Chief (Frank Roma), Chief of Police (Phil Crowell), Director of Public Works (Denis D'Auteuil), 911 Coordinator (Phyllis Gamache), and City Engineer (Gary Johnson). Discontinuance will not affect Fire and Police coverage, because emergency vehicles covering our house would still arrive by the closest route, from Rte. 121 at the south end of Butler Hill Road.

I appreciate your consideration of my request to discontinue Butler Hill Road.

Sincerely,

David Haines
384 Butler Hill Road
Auburn, Maine 04210

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services



TO: Peter Crichton, City Manager

FROM: Jill Eastman, Finance Director

REF: March 2019 Financial Report

DATE: April 16, 2019

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

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

Revenues

Revenues collected through March 31st, including the school department were \$73,380,198, or 84.62%, of the budget. The municipal revenues including property taxes were \$54,436,369, or 89.21% of the budget which is more than the same period last year by \$2,237,391. The accounts listed below are noteworthy.

- A. March 15th the second installment for real estate taxes were due. The City collected \$11,403,385 in the month of March.
- B. Excise tax for the month of March is at 77.69%. This is a \$71,657 increase from FY 18.
- C. State Revenue Sharing for the month of March is 71.88% or \$1,214,490. This is a 0.58% decrease from last March to this March.

Expenditures

City expenditures through March 2019 are \$30,343,972 or 70.53%, of the budget. Noteworthy variances are:

- A. Transfer to TIF: Last fiscal year the transfer from the General Fund to the TIF Funds was done in March, this year the transfer will be made in April.
- B. The transfer to Worker's Compensation was made in March last year and this year it will be done in April.

Investments

This section contains an investment schedule as of March 31st. Currently the City's funds are earning an average interest rate of 1.95%.

Respectfully submitted,

A handwritten signature in black ink that reads "Jill M. Eastman". The signature is written in a cursive, flowing style.

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND, WC AND UNEMPLOYMENT FUND
AS of March 2019, February 2019, and June 2018

ASSETS	UNAUDITED March 31 2019	UNAUDITED February 28 2019	Increase (Decrease)	AUDITED JUNE 30 2018
CASH	\$ 23,780,932	\$ 16,592,287	\$ 7,188,645	\$ 11,450,641
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	1,342,375	1,362,243	(19,868)	1,941,626
TAXES RECEIVABLE-CURRENT	3,111,813	14,515,197	(11,403,385)	1,822,799
DELINQUENT TAXES	755,469	755,500	(32)	664,795
TAX LIENS	683,558	762,047	(78,489)	724,636
NET DUE TO/FROM OTHER FUNDS	2,708,706	2,854,416	(145,711)	3,182,810
TOTAL ASSETS	\$ 32,382,852	\$ 36,841,691	\$ (4,458,839)	\$ 19,787,307
 LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	\$ (88,014)	\$ 76,985	\$ (164,999)	\$ (1,073,230)
PAYROLL LIABILITIES	(663,016)	(995,196)	332,179	(709,471)
ACCRUED PAYROLL	(3,272)	(3,272)	-	(2,771,642)
STATE FEES PAYABLE	(19,102)	(2,993)	(16,110)	
ESCROWED AMOUNTS	-	-	-	(1,600)
DEFERRED REVENUE	(3,633,173)	(15,109,898)	11,476,724	(2,054,690)
TOTAL LIABILITIES	\$ (4,406,578)	\$ (16,034,373)	\$ 11,627,795	\$ (6,610,633)
FUND BALANCE - UNASSIGNED/ASSIGNED	\$ (24,443,875)	\$ (17,274,919)	\$ (7,168,956)	\$ (9,644,275)
FUND BALANCE - RESTRICTED	(1,931,802)	(1,931,802)		(1,931,802)
FUND BALANCE - NON SPENDABLE	(1,600,597)	(1,600,597)	-	(1,600,597)
TOTAL FUND BALANCE	\$ (27,976,274)	\$ (20,807,318)	\$ (7,168,956)	\$ (13,176,674)
TOTAL LIABILITIES AND FUND BALANCE	\$ (32,382,852)	\$ (36,841,691)	\$ 4,458,839	\$ (19,787,307)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH March 31, 2019 VS March 31, 2018

DEPARTMENT	FY 2019 BUDGET	Unaudited EXP THRU MAR 2019	% OF BUDGET	FY 2018 BUDGET	Unaudited EXP THRU MAR 2018	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	\$ 48,772,945	\$ 46,045,527	94.41%	\$ 48,061,530	\$ 44,194,815	91.95%	\$ 1,850,712
PRIOR YEAR TAX REVENUE	\$ -	\$ 724,567		\$ -	\$ 830,051		\$ (105,484)
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 1,190,000	\$ 997,694	83.84%	\$ 1,015,000	\$ 821,845	80.97%	\$ 175,849
EXCISE	\$ 3,835,000	\$ 2,979,407	77.69%	\$ 3,810,000	\$ 2,907,750	76.32%	\$ 71,657
PENALTIES & INTEREST	\$ 150,000	\$ 102,473	68.32%	\$ 150,000	\$ 88,435	58.96%	\$ 14,038
TOTAL TAXES	\$ 53,947,945	\$ 50,849,668	94.26%	\$ 53,036,530	\$ 48,842,896	92.09%	\$ 2,006,772
LICENSES AND PERMITS							
BUSINESS	\$ 62,000	\$ 51,811	83.57%	\$ 62,000	\$ 50,502	81.45%	\$ 1,309
NON-BUSINESS	\$ 355,000	\$ 357,743	100.77%	\$ 345,000	\$ 347,981	100.86%	\$ 9,762
TOTAL LICENSES	\$ 417,000	\$ 409,554	98.21%	\$ 407,000	\$ 398,483	97.91%	\$ 11,071
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	\$ 400,000	\$ 403,684	100.92%	\$ 400,000	\$ 406,860	101.72%	\$ (3,176)
STATE REVENUE SHARING	\$ 1,689,669	\$ 1,214,490	71.88%	\$ 1,509,117	\$ 1,093,529	72.46%	\$ 120,961
WELFARE REIMBURSEMENT	\$ 103,747	\$ 30,810	29.70%	\$ 95,000	\$ 127,842	134.57%	\$ (97,032)
OTHER STATE AID	\$ 32,000	\$ 14,819	46.31%	\$ 32,000	\$ 14,943	46.70%	\$ (124)
CITY OF LEWISTON	\$ 228,384	\$ -	0.00%	\$ 228,384	\$ -	0.00%	\$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 2,453,800	\$ 1,663,803	67.81%	\$ 2,264,501	\$ 1,643,174	72.56%	\$ 20,629
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	\$ 144,440	\$ 122,819	85.03%	\$ 144,440	\$ 90,767	62.84%	\$ 32,052
PUBLIC SAFETY	\$ 236,277	\$ 128,495	54.38%	\$ 236,277	\$ 109,234	46.23%	\$ 19,261
EMS TRANSPORT	\$ 1,250,000	\$ 774,548	61.96%	\$ 1,250,000	\$ 712,592	57.01%	\$ 61,956
TOTAL CHARGE FOR SERVICES	\$ 1,630,717	\$ 1,025,862	62.91%	\$ 1,630,717	\$ 912,593	55.96%	\$ 113,269
FINES							
PARKING TICKETS & MISC FINES	\$ 70,000	\$ 55,632	79.47%	\$ 70,000	\$ 40,770	58.24%	\$ 14,862
MISCELLANEOUS							
INVESTMENT INCOME	\$ 32,000	\$ 82,836	258.86%	\$ 32,000	\$ 36,617	114.43%	\$ 46,219
RENTS	\$ 35,000	\$ 21,085	60.24%	\$ 35,000	\$ 27,922	79.78%	\$ (6,837)
UNCLASSIFIED	\$ 10,000	\$ 49,137	491.37%	\$ 10,000	\$ 57,465	574.65%	\$ (8,328)
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 21,331		\$ -	\$ 45,117		\$ (23,786)
SALE OF PROPERTY	\$ 20,000	\$ 63,801	319.00%	\$ 20,000	\$ 14,611	73.06%	\$ 49,190
RECREATION PROGRAMS/ARENA							\$ -
MMWAC HOST FEES	\$ 221,000	\$ 169,304	76.61%	\$ 215,000	\$ 163,789	76.18%	\$ 5,515
TRANSFER IN: TIF	\$ 1,317,818	\$ -	0.00%	\$ 1,287,818	\$ -	0.00%	\$ -
TRANSFER IN: Other Funds	\$ 97,718	\$ -	0.00%	\$ 54,718	\$ -	0.00%	\$ -
ENERGY EFFICIENCY							\$ -
CDBG	\$ 214,430	\$ 10,250	4.78%	\$ 214,430	\$ 15,541	7.25%	\$ (5,291)
UTILITY REIMBURSEMENT	\$ 27,500	\$ 14,107	51.30%	\$ 27,500	\$ -	0.00%	\$ 14,107
CITY FUND BALANCE CONTRIBUTION	\$ 527,500	\$ -	0.00%	\$ 412,500	\$ -	0.00%	\$ -
TOTAL MISCELLANEOUS	\$ 2,502,966	\$ 431,850	17.25%	\$ 2,308,966	\$ 361,062	15.64%	\$ 70,788
TOTAL GENERAL FUND REVENUES	\$ 61,022,428	\$ 54,436,369	89.21%	\$ 59,717,714	\$ 52,198,978	87.41%	\$ 2,237,391
SCHOOL REVENUES							
EDUCATION SUBSIDY	\$ 24,302,914	\$ 18,501,447	76.13%	\$ 22,039,568	\$ 16,786,691	76.17%	\$ 1,714,756
EDUCATION	\$ 674,191	\$ 442,382	65.62%	\$ 811,744	\$ 503,549	62.03%	\$ (61,167)
SCHOOL FUND BALANCE CONTRIBUTION	\$ 719,417	\$ -	0.00%	\$ 906,882	\$ -	0.00%	\$ -
TOTAL SCHOOL	\$ 25,696,522	\$ 18,943,829	73.72%	\$ 23,758,194	\$ 17,290,240	72.78%	\$ 1,653,589
GRAND TOTAL REVENUES	\$ 86,718,950	\$ 73,380,198	84.62%	\$ 83,475,908	\$ 69,489,218	83.24%	\$ 3,890,980

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH MARCH 31, 2019 VS MARCH 31, 2018

DEPARTMENT	FY 2019	Unaudited	% OF	FY 2018	Unaudited	% OF	VARIANCE
	BUDGET	EXP THRU MAR 2019	BUDGET	BUDGET	EXP THRU MAR 2018	BUDGET	
ADMINISTRATION							
MAYOR AND COUNCIL	\$ 111,610	\$ 87,292	78.21%	\$ 80,300	\$ 63,354	78.90%	\$ 23,938
CITY MANAGER	\$ 474,086	\$ 353,866	74.64%	\$ 581,170	\$ 378,465	65.12%	\$ (24,599)
CITY CLERK	\$ 185,898	\$ 125,655	67.59%	\$ 181,332	\$ 132,649	73.15%	\$ (6,994)
FINANCIAL SERVICES	\$ 694,109	\$ 520,901	75.05%	\$ 675,239	\$ 474,343	70.25%	\$ 46,558
HUMAN RESOURCES	\$ 149,953	\$ 105,617	70.43%	\$ 156,887	\$ 108,037	68.86%	\$ (2,420)
INFORMATION TECHNOLOGY	\$ 588,403	\$ 415,365	70.59%	\$ 531,551	\$ 410,012	77.14%	\$ 5,353
TOTAL ADMINISTRATION	\$ 2,204,059	\$ 1,608,696	72.99%	\$ 2,206,479	\$ 1,566,860	71.01%	\$ 41,836
COMMUNITY SERVICES							
ECONOMIC & COMMUNITY DEVELOPMENT	\$ 1,471,918	\$ 802,738	54.54%	\$ 1,717,028	\$ 801,960	46.71%	\$ 778
HEALTH & SOCIAL SERVICES	\$ 223,500	\$ 112,837	50.49%	\$ 220,870	\$ 174,502	79.01%	\$ (61,665)
RECREATION & SPECIAL EVENTS	\$ 384,630	\$ 302,814	78.73%	\$ 388,581	\$ 254,675	65.54%	\$ 48,139
PUBLIC LIBRARY	\$ 998,189	\$ 831,824	83.33%	\$ 998,189	\$ 748,642	75.00%	\$ 83,182
TOTAL COMMUNITY SERVICES	\$ 3,078,237	\$ 2,050,213	66.60%	\$ 3,324,668	\$ 1,979,779	59.55%	\$ 70,434
FISCAL SERVICES							
DEBT SERVICE	\$ 6,702,508	\$ 6,631,152	98.94%	\$ 6,366,533	\$ 6,298,375	98.93%	\$ 332,777
FACILITIES	\$ 650,641	\$ 483,739	74.35%	\$ 640,201	\$ 438,877	68.55%	\$ 44,862
WORKERS COMPENSATION	\$ 581,360	\$ -	0.00%	\$ 555,164	\$ 555,164	100.00%	\$ (555,164)
WAGES & BENEFITS	\$ 6,471,614	\$ 4,421,308	68.32%	\$ 5,960,970	\$ 4,468,500	74.96%	\$ (47,192)
EMERGENCY RESERVE (10108062-670000)	\$ 431,003	\$ -	0.00%	\$ 415,454	\$ -	0.00%	\$ -
TOTAL FISCAL SERVICES	\$ 14,837,126	\$ 11,536,199	77.75%	\$ 13,938,322	\$ 11,760,916	84.38%	\$ (224,717)
PUBLIC SAFETY							
FIRE DEPARTMENT	\$ 4,422,256	\$ 3,195,342	72.26%	\$ 4,227,575	\$ 3,328,267	78.73%	\$ (132,925)
FIRE EMS	\$ 683,181	\$ 528,436	77.35%	\$ 708,828	\$ 360,490	50.86%	\$ 167,946
POLICE DEPARTMENT	\$ 4,166,631	\$ 2,982,008	71.57%	\$ 4,043,998	\$ 3,012,487	74.49%	\$ (30,479)
TOTAL PUBLIC SAFETY	\$ 9,272,068	\$ 6,705,786	72.32%	\$ 8,980,401	\$ 6,701,244	74.62%	\$ 4,542
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	\$ 4,778,668	\$ 3,649,942	76.38%	\$ 4,611,116	\$ 3,408,765	73.92%	\$ 241,177
SOLID WASTE DISPOSAL*	\$ 988,013	\$ 677,409	68.56%	\$ 964,118	\$ 640,107	66.39%	\$ 37,302
WATER AND SEWER	\$ 645,216	\$ 474,537	73.55%	\$ 632,716	\$ 328,858	51.98%	\$ 145,679
TOTAL PUBLIC WORKS	\$ 6,411,897	\$ 4,801,888	74.89%	\$ 6,207,950	\$ 4,377,730	70.52%	\$ 424,158
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	\$ 172,000	\$ 172,821	100.48%	\$ 167,800	\$ 164,267	97.89%	\$ 8,554
E911 COMMUNICATION CENTER	\$ 1,123,081	\$ 842,674	75.03%	\$ 1,088,857	\$ 801,841	73.64%	\$ 40,833
LATC-PUBLIC TRANSIT	\$ 199,130	\$ 199,130	100.00%	\$ 189,949	\$ 189,949	100.00%	\$ 9,181
TAX SHARING	\$ 270,000	\$ 18,800	6.96%	\$ 270,000	\$ 16,809	6.23%	\$ 1,991
TOTAL INTERGOVERNMENTAL	\$ 1,764,211	\$ 1,233,425	69.91%	\$ 1,716,606	\$ 1,172,866	68.32%	\$ 60,559
COUNTY TAX							
TIF (10108058-580000)	\$ 2,407,766	\$ 2,407,765	100.00%	\$ 2,296,224	\$ 2,296,224	100.00%	\$ 111,541
OVERLAY	\$ 3,049,803	\$ -	0.00%	\$ 3,049,803	\$ 3,049,803	100.00%	\$ (3,049,803)
	\$ -	\$ -		\$ -	\$ -	0.00%	\$ -
TOTAL CITY DEPARTMENTS	\$ 43,025,167	\$ 30,343,972	70.53%	\$ 41,720,453	\$ 32,905,422	78.87%	\$ (2,561,450)
EDUCATION DEPARTMENT							
	\$ 43,693,783	\$ 26,986,286	61.76%	\$ 41,755,455	\$ 27,437,699	65.71%	\$ (451,413)
TOTAL GENERAL FUND EXPENDITURES	\$ 86,718,950	\$ 57,330,258	66.11%	\$ 83,475,908	\$ 60,343,121	72.29%	\$ (3,012,863)

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF March 31, 2019**

INVESTMENT		FUND	BALANCE March 31, 2019	BALANCE February 28, 2019	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	\$ 4,238,039.62	\$ 4,232,644.12	1.50%
ANDROSCOGGIN BANK	502	SR-TIF	\$ 1,025,364.19	\$ 1,024,058.83	1.50%
ANDROSCOGGIN BANK	836	GENERAL FUND	\$ 4,315,212.17	\$ 4,311,325.11	1.50%
ANDROSCOGGIN BANK	801	WORKERS COMP	\$ 51,223.51	\$ 51,158.30	1.50%
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	\$ 32,480.27	\$ 32,438.92	1.50%
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	\$ 85,834.58	\$ 85,725.31	1.50%
NORTHERN CAPITAL	02155	CAPITAL PROJECTS	\$ 750,000.00	\$ 750,000.00	2.30%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	2.45%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	2.00%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	2.15%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	2.30%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	2.60%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 1,000,000.00	\$ 1,000,000.00	2.55%
GRAND TOTAL			\$ 13,248,154.34	\$ 13,237,350.59	1.95%

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2018 - June 30, 2019
Report as of March 31, 2019

	Beginning	March 2019					Ending
	Balance 03/01/19	New Charges	Payments	Refunds	Adjustments	Write-Offs	Balance 3/31/2019
Bluecross	\$ 15,110.90	\$ 5,279.20	\$ (5,116.70)		\$ (3,027.88)		\$ 12,245.52
Intercept	\$ -	\$ 400.00			\$ 200.00		\$ 600.00
Medicare	\$ 55,747.87	\$ 129,994.20	\$ (47,728.16)		\$ (81,036.91)		\$ 56,977.00
Medicaid	\$ 27,614.88	\$ 29,461.20	\$ (15,149.12)		\$ (6,582.20)		\$ 35,344.76
Other/Commercial	\$ 84,351.76	\$ 23,006.40	\$ (7,659.60)	\$ (492.06)	\$ (14,672.90)		\$ 84,533.60
Patient	\$ 122,316.99	\$ 9,013.40	\$ (6,640.66)		\$ (118.58)	\$ (18,052.06)	\$ 106,519.09
Worker's Comp	\$ 1,586.93	\$ -	\$ (1,637.20)		\$ 14,397.67		\$ 14,347.40
TOTAL	\$ 306,729.33	\$ 197,154.40	\$ (83,931.44)	\$ (492.06)	\$ (90,840.80)	\$ (18,052.06)	\$ 310,567.37

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2018 - June 30, 2019
Report as of March 31, 2019

	July 2018	August 2018	Sept 2018	Oct 2018	Nov 2018	Dec 2018	Jan 2019	Feb 2019	Mar 2019	Adjustment	Totals	% of Total
No Insurance Information	\$ 10,977.40	\$ 2,518.00	\$ 1,550.40	\$ 3,166.60	\$ 4,538.40	\$ 1,371.40	\$ 934.00	\$ 6,586.40	\$ 5,522.20	\$ (30,949.20)	\$ 6,215.60	0.35%
Bluecross	\$ 6,344.40	\$ 8,486.40	\$ 4,124.40	\$ 7,998.20	\$ 2,676.20	\$ 12,286.20	\$ 6,583.60	\$ 6,765.40	\$ 5,279.20	\$ 3,993.00	\$ 64,537.00	3.66%
Intercept	\$ 200.00	\$ 100.00		\$ 300.00	\$ 100.00		\$ 100.00	\$ -	\$ 400.00		\$ 1,200.00	0.07%
Medicare	\$ 103,152.60	\$ 132,913.20	\$ 118,842.80	\$ 122,609.60	\$ 97,778.80	\$ 94,531.40	\$ 118,093.60	\$ 129,081.40	\$ 129,994.20	\$ 34,715.80	\$ 1,081,713.40	61.32%
Medicaid	\$ 30,752.80	\$ 47,771.60	\$ 30,102.60	\$ 31,127.20	\$ 27,115.80	\$ 25,258.20	\$ 31,541.00	\$ 29,991.20	\$ 29,461.20	\$ 7,221.20	\$ 290,342.80	16.46%
Other/Commercial	\$ 24,030.40	\$ 19,494.00	\$ 13,526.00	\$ 21,522.60	\$ 25,029.40	\$ 19,307.80	\$ 25,738.40	\$ 33,013.60	\$ 17,484.20	\$ (6,764.60)	\$ 192,381.80	10.91%
Patient	\$ 19,183.20	\$ 17,841.80	\$ 12,560.00	\$ 15,276.60	\$ 17,126.80	\$ 8,533.60	\$ 15,658.20	\$ 11,075.60	\$ 9,013.40	\$ (13,071.80)	\$ 113,197.40	6.42%
Worker's Comp	\$ 2,425.60	\$ 901.80	\$ 1,591.00	\$ 908.80		\$ 1,880.60	\$ 1,784.00			\$ 4,855.60	\$ 14,347.40	0.81%
TOTAL	\$ 197,066.40	\$ 230,026.80	\$ 182,297.20	\$ 202,909.60	\$ 174,365.40	\$ 163,169.20	\$ 200,432.80	\$ 216,513.60	\$ 197,154.40	\$ -	\$ 1,763,935.40	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2018 - June 30, 2019
Report as of March 31, 2019

	July 2018	August 2018	Sept 2018	Oct 2018	Nov 2018	Dec 2018	Jan 2019	Feb 2019	Mar 2019	Adjustment	Totals	% of Total
No Insurance Information	14	3	2	4	5	2	1	8	7		46	2.07%
Bluecross	8	10	5	10	3	15	8	8	6		73	3.29%
Intercept	2	1	0	3	1	0	1	0	4		12	0.54%
Medicare	129	164	148	153	119	116	145	161	158		1293	58.27%
Medicaid	39	60	38	42	33	32	40	40	37		361	16.27%
Other/Commercial	35	27	17	28	34	25	32	42	24		264	11.90%
Patient	23	23	16	19	23	11	20	13	11		159	7.17%
Worker's Comp	3	1	2	1	0	2	2	0			11	0.50%
TOTAL	253	289	228	260	218	203	249	272	247	0	2219	100.00%

**EMS BILLING
AGING REPORT
July 1, 2018 to June 30, 2019
Report as of March 31, 2019**

	Current		31-60		61-90		91-120		121+ days		Totals	
Bluecross	\$ 10,968.22	90%	\$ 2,089.68	17%	\$ 70.05	1%	\$ 86.92	1%	\$ (969.35)	-8%	\$ 12,245.52	3.94%
Intercept	\$ 600.00	100%	\$ -		\$ -		\$ -		\$ -		\$ 600.00	0.19%
Medicare	\$ 56,949.13	100%	\$ -	0%	\$ -	0%	\$ 678.00	1%	\$ (650.13)	-1%	\$ 56,977.00	18.35%
Medicaid	\$ 29,222.70	83%	\$ 5,345.88	15%	\$ 1,260.91	4%	\$ 573.18	2%	\$ (1,057.91)	-3%	\$ 35,344.76	11.38%
Other/Commercial Patient	\$ 50,045.90	59%	\$ 22,765.45	27%	\$ 4,459.60	5%	\$ 1,565.80	2%	\$ 5,696.85	7%	\$ 84,533.60	27.22%
Worker's Comp	\$ -	38%	\$ 8,359.39	8%	\$ 20,756.59	19%	\$ 22,177.45	21%	\$ 15,208.99	14%	\$ 106,519.09	34.30%
	\$ -		\$ 14,347.40				\$ -		\$ -		\$ 14,347.40	4.62%
TOTAL	\$ 187,802.62		\$ 52,907.80		\$ 26,547.15		\$ 25,081.35		\$ 18,228.45		\$ 310,567.37	
	60%		17%		9%		8%		6%		100%	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS
As of March 31, 2019

	1902	1905	1910	1913	1914	1915	1917	1922	1926	1927	1928	1929	1930	1931
	Riverwatch	Winter Festival	Community Service	Police Fitness Equipment	Oak Hill Cemeteries	Fire Training Building	Wellness Grant	Walmart Risk/Homeless	Healthy Androscoggin	Insurance Reimbursement	Vending	Fire Prevention	211 Fairview	Donations
Fund Balance 7/1/18	\$ 969,900.91	\$ (5,390.23)	\$ 5,008.52	\$ 5,112.53	\$ 30,205.71	\$ (488.84)	\$ 4,851.85	\$ 7,278.18	\$ 3,368.05	\$ 925.21	\$ -	\$ 4,791.12	\$ (566,303.71)	\$ 1,084.69
Revenues FY19	\$ 59,412.36	\$ 3,159.11	\$ 699.00		\$ 700.00		\$ 7,442.61		\$ 1,836.00		\$ 812.00			
Expenditures FY19	\$ 161,865.00	\$ 12,868.07	\$ 408.81	\$ 343.00			\$ 5,871.37				\$ 1,113.87			\$ 322.29
Fund Balance 3/31/19	\$ 867,448.27	\$ (15,099.19)	\$ 5,298.71	\$ 4,769.53	\$ 30,905.71	\$ (488.84)	\$ 6,423.09	\$ 7,278.18	\$ 5,204.05	\$ 925.21	\$ (301.87)	\$ 4,791.12	\$ (566,303.71)	\$ 762.40

	2003	2005	2006	2007	2008	2010	2013	2014	2019	2020	2025	2030	2032	2033
	Byrne JAG	MDOT	PEACE	Seatbelt Grant	Homeland Security	State Drug Money	OUI Grant	Speed Grant	Law Enforcement Training	CDBG	Community Cords	Parking	HEAPP	Safe School/Health (COPS)
Fund Balance 7/1/18	\$ 2,808.57	\$ (101,600.31)	\$ 2,099.08	\$ 4,322.93	\$ (110,031.67)	\$ 6,158.77	\$ 9,263.39	\$ 6,931.00	\$ (7,637.91)	\$ 4,261,266.85	\$ 30,846.63	\$ (47,430.39)	\$ (4,994.50)	\$ (15,906.07)
Revenues FY19		\$ 699,304.74			\$ 86,573.34	\$ 13,158.83	\$ 4,764.00	\$ 9,924.00	\$ 1,440.00	\$ 302,403.02	\$ 5,918.24	\$ 114,404.00		
Expenditures FY19	\$ 995.00	\$ 338,418.62	\$ 514.88		\$ 101,816.97	\$ 13,914.26	\$ 5,938.70	\$ 6,800.89	\$ 1,040.00	\$ 735,008.84	\$ 1,626.50	\$ 149,604.62		
Fund Balance 3/31/19	\$ 1,813.57	\$ 259,285.81	\$ 1,584.20	\$ 4,322.93	\$ (125,275.30)	\$ 5,403.34	\$ 8,088.69	\$ 10,054.11	\$ (7,237.91)	\$ 3,828,661.03	\$ 35,138.37	\$ (82,631.01)	\$ (4,994.50)	\$ (15,906.07)

	2037	2038	2040	2041	2044	2045	2046	2048	2050	2051	2052	2053	2054	2055
	Bulletproof Vests	Community Action Team	Great Falls TV	Blanche Stevens	Federal Drug Money	Forest Management	Joint Land Use Study	TD Tree Days Grant	Project Lifesaver	Project Canopy	Nature Conservancy	St Louis Bells	EMS Transport Capital Reserve	Work4ME-PAL
Fund Balance 7/1/18	\$ 11,994.90	\$ 7,206.21	\$ 20,536.23	\$ 24,233.19	\$ 36,044.77	\$ 4,436.52	\$ 0.57	\$ -	\$ 89.35	\$ (420.71)	\$ 975.05	\$ 1,607.75	\$ 32,161.59	\$ (13,692.41)
Revenues FY19	\$ 5,649.19			\$ 3,940.00	\$ 30,140.05			\$ 13,450.00		\$ 8,359.06				\$ 70,277.33
Expenditures FY19	\$ 6,315.29			\$ 2,121.70	\$ 15,870.99	\$ 91.18				\$ 7,938.35		\$ 750.00	\$ 29,118.00	\$ 9,752.68
Fund Balance 3/31/19	\$ 11,328.80	\$ 7,206.21	\$ 20,536.23	\$ 26,051.49	\$ 50,313.83	\$ 4,345.34	\$ 0.57	\$ 13,450.00	\$ 89.35	\$ -	\$ 975.05	\$ 857.75	\$ 73,320.92	\$ (23,445.09)

	2056	2057	2058	2059	2060	2061	2062	2201	2500
	Lake Auburn Neighborhood	ASPCA Grant	Barker Mills Greenway	Distracted Driving	My Life My Choice JJAG	150th Celebration	Employee Store	EDI Grant	Parks & Recreation
Fund Balance 7/1/18	\$ 125.00	\$ 800.00	\$ (2,597.43)	\$ (10,736.00)	\$ -	\$ (3,154.86)	\$ 36.73	\$ (1,484,407.18)	\$ 152,783.45
Revenues FY19				\$ 33,893.00		\$ 92,365.00	\$ 827.64		\$ 174,143.70
Expenditures FY19				\$ 14,328.00		\$ 53,711.16	\$ 756.68		\$ 273,664.50
Fund Balance 3/31/19	\$ 125.00	\$ 800.00	\$ (2,597.43)	\$ 8,829.00	\$ -	\$ 35,498.98	\$ 107.69	\$ (1,484,407.18)	\$ 53,262.65

	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	Total Special Revenues
	Tambrands TIF 4	J Enterprises TIF 5	Tambrands II TIF 6	J & A Properties TIF 7	Formed Fiber TIF 8	Mall TIF 9	Downtown TIF 10	Safe Handling TIF 11	Auburn Industrial TIF 12	Auburn Plaza TIF 13	Auburn Plaza II TIF 14	Webster School TIF 16	Bedard Pharm TIF 17	Slapshot LLC TIF 18	Hartt Transport TIF 19			
Fund Balance 7/1/18	\$ 1,841.15	\$ (6,499.56)	\$ (330,682.42)	\$ 2,558.27	\$ 486.17	\$ 2,083.99	\$ 257,728.49	\$ 183.21	\$ (338,049.92)	\$ 50,325.30	\$ 3,883.14	\$ 348.35	\$ 1,366.79	\$ (61.12)	\$ (18.32)			
Revenues FY19																		\$ 1,744,996.22
Expenditures FY19						\$ 680.00	\$ 376,465.52		\$ 200,310.00	\$ 78,332.91	\$ 641,048.09	\$ 15,375.19		\$ 141,048.00				\$ 3,406,149.93
Fund Balance 3/31/19	\$ 1,841.15	\$ (6,499.56)	\$ (330,682.42)	\$ 2,558.27	\$ 486.17	\$ 1,403.99	\$ (118,737.03)	\$ 183.21	\$ (538,359.92)	\$ (28,007.61)	\$ (637,164.95)	\$ (15,026.84)	\$ 1,366.79	\$ (141,109.12)	\$ (18.32)			\$ 1,258,802.89

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Peter Crichton, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for March 31, 2019



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of March 31, 2019.

INGERSOLL TURF FACILITY

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of March 31, 2019.

Current Assets:

As of the end of March 2018 the total current assets of Ingersoll Turf Facility were \$164,597. This consisted cash and cash equivalents of \$85,725 and an interfund receivable of \$78,872 an increase from February of \$20,549.

Noncurrent Assets:

Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of March 31, 2019 was \$172,719.

Liabilities:

Ingersoll had accounts payable of \$301 as of March 31, 2019.

Statement of Activities:

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

The operating revenues for Ingersoll Turf Facility through March 2019 are \$187,394. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through March 2019 were \$104,001. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of March 2019, Ingersoll has an operating gain of \$83,393 compared to February's of \$61,814.

As of March 31, 2019, Ingersoll has an increase in net assets of \$83,393.

The budget to actual reports for revenue and expenditures, show that the revenue for FY19 compared to FY 18.

Statement of Net Assets
Ingersoll Turf Facility
March 31, 2019
Business-type Activities - Enterprise Fund

	March 31, 2019	February 28, 2019	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 85,725	\$ 85,627	\$ 98
Interfund receivables/payables	\$ 78,872	\$ 58,323	20,549
Accounts receivable	-	-	-
Total current assets	164,597	143,950	20,647
Noncurrent assets:			
Capital assets:			
Buildings	672,279	672,279	-
Equipment	119,673	119,673	-
Land improvements	18,584	18,584	-
Less accumulated depreciation	(637,817)	(637,817)	-
Total noncurrent assets	172,719	172,719	-
Total assets	337,316	316,669	20,647
LIABILITIES			
Accounts payable	\$ 301	\$ 1,233	\$ (932)
Total liabilities	301	1,233	(932)
NET ASSETS			
Invested in capital assets	\$ 172,719	\$ 172,719	\$ -
Unrestricted	\$ 164,296	\$ 142,717	\$ 21,579
Total net assets	\$ 337,015	\$ 315,436	\$ 21,579

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
March 31, 2019

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	\$ 187,394
Operating expenses:	
Personnel	63,488
Supplies	17,180
Utilities	15,646
Repairs and maintenance	5,189
Rent	-
Depreciation	-
Capital expenses	-
Other expenses	2,498
Total operating expenses	104,001
Operating gain (loss)	83,393
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	83,393
Transfers out	-
Change in net assets	83,393
Total net assets, July 1	253,622
Total net assets, March 31, 2019	\$ 337,015

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through March 31, 2019 compared to March 31, 2018

REVENUE SOURCE	FY 2019 BUDGET	ACTUAL REVENUES THRU MAR 2019	% OF BUDGET	FY 2018 BUDGET	ACTUAL REVENUES THRU MAR 2018	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship	\$ 20,500	\$ 13,075	63.78%	\$ 17,000	\$ 14,250	83.82%
Batting Cages	\$ 12,240	\$ 15,423	126.00%	\$ 11,520	\$ 12,221	106.09%
Programs	\$ 90,000	\$ 70,105	77.89%	\$ 80,000	\$ 62,604	78.26%
Rental Income	\$ 102,300	\$ 88,406	86.42%	\$ 103,650	\$ 57,684	55.65%
TOTAL CHARGE FOR SERVICES	\$ 225,040	\$ 187,009	83.10%	\$ 212,170	\$ 146,759	69.17%
INTEREST ON INVESTMENTS	\$ -	\$ 385		\$ -		
GRAND TOTAL REVENUES	\$ 225,040	\$ 187,394	83.27%	\$ 212,170	\$ 146,759	69.17%

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through March 31, 2019 compared to March 31, 2018

DESCRIPTION	ACTUAL			ACTUAL			Difference
	FY 2019 BUDGET	EXPENDITURES THRU MAR 2019	% OF BUDGET	FY 2018 BUDGET	EXPENDITURES THRU MAR 2018	% OF BUDGET	
Salaries & Benefits	\$ 120,000	\$ 63,488	52.91%	\$ 106,624	\$ 70,053	65.70%	\$ (6,565)
Purchased Services	\$ 19,460	\$ 7,687	39.50%	\$ 21,110	\$ 8,590	40.69%	\$ (903)
Programs	\$ 15,220	\$ 4,047	26.59%	\$ 7,000	\$ 4,047	57.81%	\$ -
Supplies	\$ 4,600	\$ 13,133	285.50%	\$ 5,000	\$ 8,906	178.12%	\$ 4,227
Utilities	\$ 30,920	\$ 15,646	50.60%	\$ 39,720	\$ 10,311	25.96%	\$ 5,335
Insurance Premiums	\$ 2,505	\$ -	0.00%	\$ 2,431	\$ -	0.00%	\$ -
Capital Outlay	\$ 30,000	\$ -	0.00%	\$ 42,490	\$ 33,048	77.78%	\$ (33,048)
	\$ 222,705	\$ 104,001	46.70%	\$ 224,375	\$ 134,955	60.15%	\$ (30,954)
GRAND TOTAL EXPENDITURES	\$ 222,705	\$ 104,001	46.70%	\$ 224,375	\$ 134,955	60.15%	\$ (30,954)

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Peter Crichton, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for March 31, 2019



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of March 31, 2019.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, February 28, 2019.

Current Assets:

As of the end of March 2019 the total current assets of Norway Savings Bank Arena were (\$1,306,715). These consisted of cash and cash equivalents of \$138,251, accounts receivable of \$97,291, and an interfund payable of \$1,542,257.

Noncurrent Assets:

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of March 31, 2019 was \$342,462.

Liabilities:

Norway Arena had accounts payable of \$12,569 as of March 31, 2019.

Statement of Activities:

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

The operating revenues for Norway Arena through March 2018 are \$825,989. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through March 2019 were \$599,694. These expenses include personnel costs, supplies, utilities, repairs, rent, capital purchases and maintenance.

At the end of March 2019, there was an operating gain of \$226,295.

As of March 2019, Norway Arena has a overall loss of \$153,568, after the debt service (rent) was deducted from the operating gain, compared to the February 2019 operating loss of \$69,215 an increase in the net loss for the fiscal year of \$84,353.

As of March 31, 2019, Norway Arena has a decrease in net assets of \$153,568.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
March 31, 2019
Business-type Activities - Enterprise Fund

	March 31, 2019	February 28, 2019	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 138,251	\$ 138,022	\$ 229
Interfund receivables	\$ (1,542,257)	\$ (1,530,792)	\$ (11,465)
Prepaid Rent	\$ -	\$ -	\$ -
Accounts receivable	97,291	165,711	(68,420)
Total current assets	(1,306,715)	(1,227,059)	(79,656)
Noncurrent assets:			
Capital assets:			
Buildings	58,223	58,223	-
Equipment	514,999	514,999	-
Land improvements	-	-	-
Less accumulated depreciation	(230,760)	(230,760)	-
Total noncurrent assets	342,462	342,462	-
Total assets	(964,253)	(884,597)	(79,656)
LIABILITIES			
Accounts payable	\$ 12,569	\$ 7,872	\$ 4,697
Net pension liability	170,806	170,806	-
Total liabilities	183,375	178,678	4,697
NET ASSETS			
Invested in capital assets	\$ 342,462	\$ 342,462	-
Unrestricted	\$ (1,490,090)	\$ (1,405,737)	\$ (84,353)
Total net assets	\$ (1,147,628)	\$ (1,063,275)	\$ (84,353)

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
March 31, 2019

	Norway Savings Arena
Operating revenues:	
Charges for services	\$ 825,989
Operating expenses:	
Personnel	274,610
Supplies	47,447
Utilities	195,465
Repairs and maintenance	26,694
Depreciation	-
Capital expenses	19,156
Other expenses	36,322
Total operating expenses	599,694
Operating gain (loss)	226,295
Nonoperating revenue (expense):	
Interest income	-
Debt Service (Rent)	(379,863)
Interest expense (debt service)	-
Total nonoperating expense	(379,863)
Gain (Loss) before transfer	(153,568)
Transfers out	-
Change in net assets	(153,568)
Total net assets, July 1	(994,060)
Total net assets, March 31, 2019	\$ (1,147,628)

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through March 31, 2019 compared to March 31, 2018

REVENUE SOURCE	FY 2018 BUDGET	ACTUAL REVENUES THRU MAR 2019	% OF BUDGET	FY 2018 BUDGET	ACTUAL REVENUES THRU MAR 2018	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concissions	\$ 16,500	\$ 12,000	72.73%	\$ 18,000	\$ 6,485	36.03%	\$ 5,515
Vending Machines	\$ 9,000	\$ 6,536	72.62%	\$ -	\$ 8,253		\$ (1,717)
Skate Rentals	\$ 5,000	\$ 1,010	20.20%	\$ -	\$ 5,328		\$ (4,318)
Sponsorships	\$ 300,000	\$ 143,450	47.82%	\$ 275,000	\$ 159,818	58.12%	\$ (16,368)
Pro Shop	\$ 8,500	\$ 5,908	69.50%	\$ 8,500	\$ 3,517	41.38%	\$ 2,391
Programs	\$ 31,000	\$ -	0.00%	\$ 31,000	\$ 18,212	58.75%	\$ (18,212)
Rental Income	\$ 774,000	\$ 622,930	80.48%	\$ 705,250	\$ 544,873	77.26%	\$ 78,057
Camps/Clinics	\$ 50,000	\$ 12,480	24.96%	\$ 50,000	\$ 27,838		\$ (15,358)
Tournaments	\$ 50,000	\$ 21,675	43.35%	\$ 50,000	\$ 13,050	26.10%	\$ 8,625
TOTAL CHARGE FOR SERVICES	\$ 1,244,000	\$ 825,989	66.40%	\$ 1,137,750	\$ 787,374	69.20%	\$ 38,615

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through March 31, 2019 compared to March 31, 2018

DESCRIPTION	ACTUAL			ACTUAL			VARIANCE
	FY 2019 BUDGET	EXPENDITURES THRU MAR 2019	% OF BUDGET	FY 2018 BUDGET	EXPENDITURES THRU MAR 2018	% OF BUDGET	
Salaries & Benefits	\$ 344,000	\$ 274,610	79.83%	\$ 344,000	\$ 286,962	83.42%	\$ (12,352)
Purchased Services	\$ 71,656	\$ 63,016	87.94%	\$ 71,656	\$ 51,896	72.42%	\$ 11,120
Supplies	\$ 37,100	\$ 47,447	127.89%	\$ 37,100	\$ 50,788	136.89%	\$ (3,341)
Utilities	\$ 225,150	\$ 195,465	86.82%	\$ 225,150	\$ 156,278	69.41%	\$ 39,187
Capital Outlay	\$ 103,500	\$ 19,156	18.51%	\$ 103,500	\$ 12,585	12.16%	\$ 6,571
Rent	\$ 507,000	\$ 379,863	74.92%	\$ 507,000	\$ 379,863	74.92%	\$ -
	\$ 1,288,406	\$ 979,557	76.03%	\$ 1,288,406	\$ 938,372	72.83%	\$ 41,185
GRAND TOTAL EXPENDITURES	\$ 1,288,406	\$ 979,557	76.03%	\$ 1,288,406	\$ 938,372	72.83%	\$ 41,185



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 16, 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.