



City Council Meeting and Workshop

January 13, 2014

(Postponed meeting of January 6, 2014)

Agenda

5:30 P.M. Workshop

- A. Citizen Participation Plan – Reine Mynahan (presentation 15 minutes, discussion 30 minutes)
- B. Street Opening/Excavation Fees – Dan Goyette (10 minutes)

The following items were carried over from the January 2, 2013 City Council Workshop. The items will be discussed as time permits during this workshop.

- a) Committee appointments and Assignments
- b) Council Meeting and Workshop structure
- c) Budget Calendar-confirm School Budget Validation date.
- d) Election of Mayor Pro-tempore for next 2 years
- e) Council Office

7:00 P.M. City Council Meeting

Pledge of Allegiance

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

1. Order 01-01062014*

Confirming Police Chief, Phil Crowell's appointment of Greg S. Pealaterre as Constable with a firearm for the Auburn Police Department.

2. Order 02-01062013*

Confirming Chief Crowell's appointment of Constables without firearms for the Auburn Police Department.

II. Minutes - December 16, 2013 Regular Council Meeting

III. Reports

Mayor's Report

City Manager's Report

- Update on the Downtown Auburn Transportation Center
- Council Code of Conduct
- Memo on Mission Statements
- Council Library on Network

Committee Reports

- **Transportation**

Auburn City Council Meeting & Workshop

January 13, 2014 (Postponed meeting of January 6, 2014)

- Androscoggin Transportation Resource Center – Mayor LaBonte
 - Lewiston Auburn Transit – Councilor Gerry
 - Airport, Railroad – Councilor Hayes
 - Bike-Ped Committee
- **Housing**
 - Community Development Block Grant, Neighborhood Stabilization Program, Auburn Housing Authority – Councilor Gerry
- **Economic Development**
 - L-A Economic Growth Council, Auburn Business Development Corporation
- **Education**
 - Auburn School Committee – Councilor LaFontaine
 - Auburn Public Library – Councilor LaFontaine
 - Great Falls TV – Councilor Young
- **Environmental Services**
 - Auburn Water District, Auburn Sewerage District – Councilor Crowley
 - Mid-Maine Waste Action Corp. – Councilor Walker
- **Recreation**
 - Recreation and Special Events Advisory Board – Councilor Crowley
- **Public Safety**
 - LA 911 – Councilor Walker

City Councilors' Reports

IV. Communications, Presentations and Recognitions

- Downtown Walking Tour – Al Manorian

V. Open Session – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*. Time limit for open sessions, by ordinance, is 45 minutes.

VI. Unfinished Business - None

VII. New Business

1. Order 03-01062014

Authorizing the City Manager, or his designee, to solicit bids and to authorize the expenditure of up to \$45,000 from the Municipal Fund Balance for the demolition and removal of the Dangerous Building at 9 Gamage Avenue.

VIII. Executive Session

- Discussion regarding County Dispatch, pursuant to 1 M.R.S.A. §405(6)(E).
- Discussion regarding Monty Hydro Canal negotiations, pursuant to 1 M.R.S.A. §405(6)(C).
- Discussion regarding labor negotiations I.A.F.F. (International Association of Firefighters) Local 797 pursuant to 1 M.R.S.A. §405(6)(D).

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

X. Adjournment

Auburn City Council Meeting & Workshop

January 13, 2014 (Postponed meeting of January 6, 2014)

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

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

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

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

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

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

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

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

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

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

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

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



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: January 13, 2014

Item A

Author: Reine Mynahan, Community Development Director

Item(s) checked below represent the subject matter related to this workshop item.

☐ Comprehensive Plan ☐ Work Plan ☐ Budget ☐ Ordinance/Charter ☒ Other Business* ☐ Council Goals**

**If Council Goals please specify type: ☐ Safety ☐ Economic Development ☒ Citizen Engagement

Subject: Citizen Participation Plan

Information: See attached memorandum which describes the need for adopting a Citizen Participation Plan, and the three avenues by which citizens are engaged in the Community Development Program.

There are several proposed changes to the Citizen Participation Plan. First, in keeping with the direction to emphasize redevelopment of the Downtown, there will be three persons on the Citizen's Advisory Committee appointed by the Mayor to represent the Downtown. There is also a reduction in the number of persons who will participate on this committee. Second, the Community Development Department will provide up-to-date information about the Consolidated Plan and the Community Development and HOME Programs through social media. Third, there will be a public hearing prior to submission of the Consolidated Annual Performance and Evaluation Report to the Department of Housing and Urban Development.

Financial: Receipt of Community Development and HOME Investment Partnerships Program grant funds are contingent upon meeting certain federal regulations, one of which is compliance with citizen participation.

Action Requested at this Meeting: Review and comments on the proposed plan. This is scheduled for adoption during the January 21st meeting.

Previous Meetings and History: This item was scheduled for 1/6/2014 but due to inclement weather, the meeting was postponed to 1/13/2014.

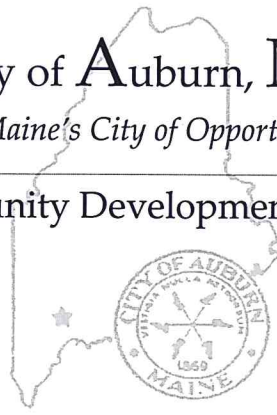
Attachments:


Memo

Draft Citizen Participation Plan

**Agenda items are not limited to these categories.*

City of Auburn, Maine
"Maine's City of Opportunity"
Community Development Program



MEMO: Mayor Jonathan Labonte and City Councilors
FROM: Reine Mynahan, Community Development Director
RE: Citizen Participation Plan 
DATE: December 20, 2013

The City must produce a Consolidated Plan every five years. The Consolidated Plan is the planning document that drives activities of the Community Development Program and informs budget decisions. The next Consolidated Plan will begin July 1, 2015. The first action in preparing for production of this document is to adopt a Citizen Participation Plan. I have made several changes to the current plan. The deleted text has a cross through and new text is underlined. The Department of Housing and Urban Development encourages engagement of persons who may be affected by the programs, especially persons who live in low income neighborhoods, are of low income, and represent the homeless as well as persons with special needs.

Citizen engagement occurs through three avenues. The Citizen Advisory Committee serves for 5 years and is engaged in the process of reviewing needs, determining priorities, and setting goals. The Community Development Loan Committee is charged with approving loans offered through the various Community Development and HOME Programs. Finally, there are public hearings that occur prior to the adoption of the Consolidated Plan, Annual Action Plans, and substantial program amendments.

DRAFT
CITY OF AUBURN
CITIZEN PARTICIPATION PLAN
~~2010-2015~~2015-2019

~~Adopted 1-5-2010~~

1. INTRODUCTION

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

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

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

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

The Citizen’s Participation Plan is an effort to create a collaborative process whereby citizens assist in developing a vision for community development housing actions. The City Council will consider both public comments and recommendations of the Citizen’s Advisory

Committee (CAC) in making decisions to allocate Community Development and HOME resources.

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

2. GOAL

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

3. OBJECTIVES

The objectives of the Citizen Participation Plan are to:

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

4. PUBLIC PARTICIPATION

A. NOTICES OF PUBLIC MEETINGS

Public meetings are held to obtain views of citizens and public agencies with respect to the Community Development Program. Meeting notices will be published ~~in the local newspaper prior to meetings~~ on the City's website.

At least 30 days before adoption by the City Council, a summary of the proposed Consolidated Plan and Annual Action Plan will be published on the City's web site to give citizens an opportunity to review and comment on the plan. The summary will describe the general contents of the Consolidated Plan. The public notice will indicate the location where copies can be examined or how to find it on the web site.

A public notice will be placed in a local newspaper announcing the availability of the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER provides a review of program progress and performance of the Community Development Block Grant Program.

B. AVAILABILITY OF PUBLIC DOCUMENTS

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

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

C. CITIZENS ADVISORY COMMITTEE

A Citizen's Advisory Committee will be created to assist in developing the Consolidated Plan. The committee will remain a standing committee for 5 years. There shall be three persons appointed by the Mayor who represent the interests of persons served by the Community Development Programs, one of which is a City Councilor. Community Development staff shall solicit members ~~and will attempt to achieve the following representation: who will be representative of one of more of the following categories: one person who lives in the each of the target areas Union Street Target Area, Downtown Target Area, and the New Auburn Target~~

~~Area: a home owner who has participated in the City's homebuyer program; two persons who are~~

~~low income renters (preferably tenants living in public housing or in Section 8 subsidized housing);~~

- ~~• special needs population a representative of or persons who has a disability or with understands the special needs population; a representative from the Community Development Loan Committee; a City Councilor;~~
- ~~• a representative from Lewiston-Auburn Alliance for Services to the Homeless~~
- ~~• a representative of Auburn Housing Authority;~~
- ~~• a realtor or landlord;~~
- ~~• a non-profit or for-profit housing developer;~~
- ~~• a person of minority race or ethnic background, community or faith based organization;~~
- ~~• a person who has participated in one of the City's housing program; and~~
- ~~• A person who resides in a target area. a Auburn landlord.~~

At the first meeting, CAC members shall elect a chairperson amongst them to serve as facilitator of meetings, to serve as spokesperson, and to act as liaison with Community Development staff.

1) CAC Meetings:

a) Consolidated Plan

In year 2010~~15~~-19, the CAC will be involved in assisting with development of the 5-year Consolidated Plan by considering needs and resources, and prioritizing goals and objectives.

b) Annual Action Plan

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

c) Consolidated Annual Performance and Evaluation Report (CAPER)

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

2) Consolidated Plan Considerations:

During the study process, the CAC will consider data on housing needs to establish priorities. The CAC will consider the needs of extremely low-income, low-income, moderate-income, and middle income families; renters and owners; persons who are elderly, disabled,

persons with HIV/AIDS and their families; single persons, large families, public housing residents, families on the public housing or section 8 tenant-based waiting list, and homeless; consider specific problems such as cost-burden, severe cost-burden, substandard housing and overcrowding.

D. COMMUNITY DEVELOPMENT LOAN COMMITTEE

Review of loans by the Community Development Loan Committee shall be another means of obtaining citizen participation, particularly by persons who are low income and persons who live in target areas. There shall be nine persons residing in Auburn appointed by the City Council to the Community Development Loan Committee, two of which are low-income persons and two who own property in target areas. Names of persons wishing to serve may be submitted to the City Council by soliciting involvement from a) clients who have participated in one of the Community Development Programs, b) persons living in federally subsidized housing, or c) persons who live in one of the target areas.

E. OTHER PUBLIC PARTICIPATION

Community Development staff shall solicit input from citizens who may be affected by Community Development projects to give them an opportunity to express their views concerning problems, suggestions and alternatives to the proposed projects. A public notice will announce the availability of City documents and may include: Public meetings will be held where there is an elevator to accommodate handicapped or elderly persons and will be held at a time that is convenient to most people.

~~Information to be presented to citizens may include:~~

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

F. CITY WEBSITE AND SOCIAL MEDIA NETWORKING

The City of Auburn's website will provide up-to-date information on the Community Development and HOME Investment Partnerships Programs. The draft and adopted Consolidated Plan, Annual Action Plans, Consolidated Annual Performance and Evaluation

Reports, various adopted guidelines and policies, and the Citizen Participation Plan will be available.

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

FG. PUBLIC HEARINGS

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

1) Consolidated Plan - A public hearing will be held prior to adoption of the Consolidated Plan. A draft Consolidated Plan will be available to the public 30 days prior to adoption. Copies will be available free of charge.

2) Consolidated Annual Action Plan - A public hearing will be held prior to adoption of each Consolidated Annual Action Plan. A draft Annual Action Plan will be available 30 days prior to adoption. Copies will be available free of charge.

3) Amendments - A public hearing will be held prior to adoption of any substantial amendments to the Consolidated Plan and Annual Action Plans. A substantial program amendment description will be available 14 days prior to adoption. Copies will be available free of charge.

4) Consolidated Annual Performance and Evaluation Report - A public hearing will be held prior to submission of the Consolidated Annual Performance and Evaluation Report. The report will be available 30 days prior to submission. Copies will be available free of charge.

GH. CONSIDERATION OF COMMENTS

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

III. RESPONSE TO PROPOSALS/COMMENTS

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

5. SPECIAL CONSIDERATIONS

A. ACCOMMODATIONS

Where French is the primary language of a significant number of persons living in Auburn, a French-speaking person will be available at Auburn Hall who will provide assistance to translate basic program information. If non-English speaking persons are expected to attend a meeting, arrangements will be made to have a translator present.

Persons with special needs for mobility, hearing and visual impairments, or the homebound will be required to contact the Community Development Department in advance so that arrangements can be made to provide adequate communication assistance.

B. TECHNICAL ASSISTANCE

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

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

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

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

6. COMPLAINTS AND GRIEVANCES

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

Community Development Block Grant Program
City of Auburn
60 Court Street, ~~Suite 344~~
Auburn, ME 04210
Attention: Community Development ~~Administrator~~ Director

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

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

7. AMENDMENTS TO CONSOLIDATED PLAN

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

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

a) Minor Amendment

A minor amendment will be approved by the City Manager.

b) Substantial Amendment

A substantial amendment must be authorized by the City Council and submitted to the U. S. Department of Housing and Urban Development. A substantial amendment is defined as a change that exceeds 10% of the amount of annual Community Development or HOME Program budget (which includes the annual allocation, reprogrammed funds and program income) for the year in which the amendment is being considered. A public notice of the change will be published 30 days before adoption of an amendment by the City Council. An additional public hearing for a program amendment will be held in advance of a City Council vote.

HUD REGULATIONS FOR PREPARING A CONSOLIDATED PLAN

MANDATORY CONSOLIDATED PLAN SUBMISSION

1. Produce a planning document which builds on a participatory process among citizens, organizations, businesses and other stakeholders
2. Develop a strategy to be followed in carrying out HUD programs
3. Utilize their management tool for assessing performance and tracking results
4. Adopt a citizen participation plan that sets forth policies and procedures for citizen participation. The plan must encourage citizens to participate in the development of the CP, any substantial amendments and the performance report, particularly those are low income and living in blighted areas where funds are to be used. Take actions to include minorities and non-English speaking persons, and persons with disabilities. Encourage participation by persons in local and regional institutions and other organizations.
 - a. Hold at least 1 public hearing
 - b. Make plan available to the public /timely access to meetings and records
 - c. Provide technical assistance to groups who need it.
5. Consolidated Plan submitted to HUD 45 days before start of new program year
6. Contents of CP
 - a. Housing Needs Assessment/summary of housing needs for ensuing five year period/based on census data. Includes number and type of families in need of housing assistance by income categories, renters and owners, elderly persons, single persons, large families, public housing residents, public housing and Section 8 tenant waiting list, persons with HIV/AIDS, disabilities. Description should include burden and severe cost burden, overcrowding, substandard housing conditions by income group, and define substandard. For these categories, needs by racial or ethnic group with disproportionately greater need.
 - b. Homeless Needs Assessment/summary of nature and extent of homelessness, facilities and services for individuals and families with children, sheltered and unsheltered subpopulations, racial and ethnic groups.
 - c. Lead-based Paint/summary of housing units occupied by income group that contain leased-based paint hazards.
 - d. Housing Market Analysis/describe significant characteristics of the market including supply and demand, condition and cost of housing, housing available for persons with disabilities, special needs, HIV/AIDS, number of vacant and

abandoned buildings, whether they are suitable for rehab. Areas of concentrations of racial/ethnic minorities and low income.

- e. Public and Assisted Housing/Identify public housing developments, physical condition, needs of tenants/waiting lists.
 - f. Describe number and targeting of units currently assisted
 - g. Homeless facilities/Inventory and services, emergency shelter, transitional housing, permanent supportive housing, and permanent housing needs of homeless including chronically homeless.
 - h. Special need facilities and services/require supportive housing but not homeless/Vets, mental and physical health institutions
 - i. Barriers to affordable housing/cost of housing development affected by public policies/tax policies, land use controls, zoning ordinances, building codes, fees and charges, growth limits
 - j. Consult with public and private agencies that provide assisted housing, health services, social and fair housing services (children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons) during the preparation
 - k. Consult with state and local health and child welfare agencies and exam data on lead hazards and poisonings
 - l. Notify adjacent units of local governments on problems that go beyond a single jurisdiction
 - m. Consult with Public Housing concerning public housing needs
7. Describe rationale for allocating investment geographically and among different activities and needs
8. Describe rationale for establishing priorities and specific objectives. Identify resources to be made available, accomplishments and outcomes.
9. Complete affordable housing priority needs table prescribed by HUD.
10. Complete non-homeless special needs table
11. Complete non-housing community development plan including long/short term objectives in accordance with the primary objective.
12. Produce summary of goals, programs, and policies for reducing the number of poverty level families and policies for producing and preserving affordable housing.
13. Describe institutional structure.
14. Describe enhanced coordination with agencies



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: January 13, 2014

Item B

Author: Dan Goyette, City Engineer & Deputy Director of Public Services

Item(s) checked below represent the subject matter related to this workshop item.

☐ Comprehensive Plan ☐ Work Plan ☒ Budget ☐ Ordinance/Charter ☐ Other Business* ☐ Council Goals**

**If Council Goals please specify type: ☐ Safety ☐ Economic Development ☐ Citizen Engagement

Subject: Excavation Permit Fee Schedule

Information: Staff spends a significant amount of time and effort tracking excavation permits. Staff must log the permit information into MUNIS, conduct a minimum of two site visits, send bills, and then close out the permit. The current minimum fee is \$10 which does not approach covering the costs associated with each permit. The recommendation is to make the minimum cost for an excavation permit \$20. So far in 2013 there have been approximately 150 minimum cost permits out of a total of 400 permits.

Financial: Increased revenues will help to transfer inspection costs from the general tax payer to the users of inspection services.

Action Requested at this Meeting: Review the proposed change and move the change onto a future council agenda for approval.

Previous Meetings and History: This item was scheduled for 1/6/2014 but due to inclement weather, the meeting was postponed to 1/13/2014.

Attachments: Current and Proposed Excavation Fee Permit Schedule

*Agenda items are not limited to these categories.

Existing Fee Schedule

46-82		
Excavation permits:		
	Minimum charge—single continuous work area	10.00
	Maximum charge—single continuous work area	500.00
Street openings—per square foot:		
	Newly constructed, reconstructed or repaved street	6.00
	Paved streets	5.00
	Gravel streets and shoulders	3.00
	Construction areas (streets scheduled for full-depth construction)	5.00
Sidewalk openings—per square foot:		
	Concrete	1.50
	Brick	1.50
	Bituminous concrete	2.00
Other openings:		
	Esplanade—per square foot	0.50
	Granite curbing—per linear foot	1.00
	Bituminous curbing—per linear foot	0.75
	Entrance permit—each	20.00
	Private property	N/C

Proposed Fee Schedule

46-82		
Excavation permits:		
	Minimum charge—single continuous work area	20.00
	Maximum charge—single continuous work area	500.00
Street openings—per square foot:		
	Newly constructed, reconstructed or repaved street	6.00
	Paved streets	5.00
	Gravel streets and shoulders	3.00
	Construction areas (streets scheduled for full-depth construction)	5.00
Sidewalk openings—per square foot:		
	Concrete	1.50
	Brick	1.50
	Bituminous concrete	2.00
Other openings:		
	Esplanade—per square foot	0.50
	Granite curbing—per linear foot	1.00
	Bituminous curbing—per linear foot	0.75
	Entrance permit—each	20.00
	Private property	N/C

COMMITTEES & BOARDS OF THE CITY OF AUBURN

Board Name

911

ABDC

*** Airport - see notes**

ATRC

Audit and Procurement

***Board of Assessment Review**

***Cable TV Advisory**

CDBG Community Advisory

***CDBG Loan**

Discharge

Energy

Ethics Advisory

Forestry

***Auburn Housing**

Investment Advisory

LA Public Health

LAEGC

***LATC**

LAWPC

Library

MMWAC

Neighborhood Stabilization

New Auburn Master Plan Implementation

***Planning Board**

Railroad

***Recreation Advisory**

Recycling

School

***Sewerage District**

USM

***Water District**

***Zoning Board of Appeals**

*Council appointed

The Auburn-Lewiston Airport Board, one Auburn resident seat is Council appointed

COUNCIL MEETING FORMAT

The Council of the City of Auburn hereby adheres to this format for Council Meetings based upon the necessity of conducting business while aspiring to help build consensus in the community.

MEETINGS / SCHEDULE

1. The Council sets the schedule at the first meeting in July for the entire year including the first meeting of the next fiscal year. The Meeting Schedule shall follow the Charter and will be the 1st and 3rd Mondays except for holidays.
2. Meetings shall follow Auburn Charter and Ordinance. The meetings will begin at 6:00 pm with the possibility of executive sessions occurring during a workshop in advance.
3. Meetings will end at 10:00 pm unless a majority of the Council votes to extend. No discussion or action shall occur after 10:00 pm until a vote to extend has occurred.
4. The Mayor as presiding officer of meetings should always gain a sense of the Council to determine if a break is needed at 9:00 pm. At this time the Mayor and Manager can confer to determine if the agenda will be completed by 10:00 pm.
5. The City Council may meet in workshop from 6:00 to 7:00 on the regular meeting nights. The Council will reserve the second Monday of each month for workshops. (The Goal of the Council is not meet in workshop for the months on June, July, and August).
6. Special Meetings shall follow the Auburn Charter.

Sec. 2.4. Meetings.

The City council shall, at the call of the city clerk or deputy city clerk, first meet at Auburn Hall or such other public location within the city within 45 days after the regular municipal election to be sworn to the faithful discharge of their duties by the city clerk or deputy city clerk. The city council shall meet for subsequent meetings at such time and place as set by ordinance or resolution except that it shall meet regularly twice each month. All meetings of the city council, other than "executive sessions," shall be open to the public as required by state statute, and the city council shall promote effective public participation in and public notice of its meetings in the contemporary means of information sharing. Agendas and supporting information for meetings shall be available to the public at the city clerk's office at least two business days prior to the meeting, as well as electronically through the city's website, if available. Special meetings may be called by the mayor, or shall be called by the mayor or city

manager on the written request of a majority of the voting members of the city council addressed to the mayor or the city manager.

ORDINANCE

Sec. 2-52. Actions.

The council shall act only by an oral motion, ordinance, order or resolve. All ordinances, orders, and resolves, except those pertaining to appropriations, shall be confined to one subject that is clearly stated in the title. When the city council expresses anything by way of command, the form of expression shall be "ordered." When it expresses opinions, principles, facts or propositions, the form shall be "resolved," with the exception of the appropriation resolve.

(Code 1967, § 1-3.1)

Sec. 2-53. Attendance.

Every member shall attend all meetings of the council, unless prevented by illness or absence from the city, or unless excused by a vote of the council.

(Code 1967, § 1-3.2)

Sec. 2-54. Duties of city clerk; journal of proceedings.

(a) The city clerk shall:

- (1) Give notice of city council meetings;
- (2) Attend all meetings of the council and keep the journal of its proceedings;
- (3) Authenticate by his signature and record in full all ordinances and resolutions;
and
- (4) Perform such other duties as shall be required by law or as ordered by the Council.

(b) The recorded tapes of the meetings of the city council and a summary of council actions prepared by the city clerk shall constitute the official journal of its proceedings. In case of the temporary absence of the city clerk, the city council may appoint a clerk pro tempore, with all the powers, duties and obligations of the city clerk.

(Code 1967, § 1-3.3)

State law reference— Municipal clerks generally, 30-A M.R.S.A. § 2651 et seq.

Sec. 2-55. Presiding officer in absence of mayor.

In the temporary absence or disability of the mayor, any member of the city council may call the council to order at any duly called meeting to elect a chair pro tempore from among its number, and he shall exercise all the powers of the mayor during such temporary absence or disability of the mayor.

(Code 1967, § 1-3.4)

Sec. 2-56. Conduct of meeting by mayor.

The mayor shall:

- (1) Take the chair at the time appointed for a council meeting, call the members to order, and, if a quorum is present, proceed to business.
- (2) Preserve order, and decide all questions of order subject to any appeal to the council on motion regularly seconded.
- (3) Declare all votes; but if a vote is doubted he shall make a return of the members voting for and against the question, without debate, and declare the result.
- (4) Propound all questions in the order in which they were moved, unless the subsequent motion shall have precedence in its nature, except that in naming of sums or fixing of times, the largest sums and longest times shall be put first.
- (5) Name the member entitled to speak when more than one member addresses the chair at the same time.
- (6) Consider a motion to adjourn as always in order except on immediate repetition.
- (7) Present all petitions and other papers addressed to the council, or cause them to be presented, and they shall lie on the table and be taken up in the order in which they were presented, unless the council shall otherwise direct.

(Code 1967, § 1-3.5)

Sec. 2-57. Agenda.

The agenda for each meeting of the city council shall be prepared by the city clerk. Such agenda shall be distributed by the city clerk to the city manager, the mayor and each member of the council at least two business days prior to the meeting.

(Code 1967, § 1-3.6)

Sec. 2-58. Time and place of regular meetings.

The dates and time of the regular meetings of the city council shall be the first and third Mondays of each calendar month at 7:00 p.m. If a regular meeting night falls on a legal holiday or the night before a legal holiday, then the stated meeting shall be held on the following Tuesday at the same time and place unless the city council shall, at the meeting held next prior to the meeting falling on the holiday or the night before the holiday, fix a different alternate meeting date. The place of such meetings shall be the city council chamber in the city building, hereby designated to be the regular meeting place, unless the council designates another meeting place. All meetings of the city council shall be open to the public, and may be continued to another location.

(Code 1967, § 1-3.7; Ord. of 1-12-1998)

Sec. 2-59. Order of business.

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

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

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

Sec. 2-60. Enacting clause of ordinances.

The enacting clause of ordinances shall be "Be it ordained by the Auburn City Council, that:...."

(Code 1967, § 1-3.17)

State law reference— Ordinance authority of municipalities, 30-A M.R.S.A. § 2801; procedure for enactment of ordinances, 30-A M.R.S.A. § 2802.

Sec. 2-61. Ordinances to be in writing; recording.

All ordinances shall be written out, without interlineations or erasure, before their passage. The city clerk, or someone under his direction, after their passage, shall cause them to be recorded in a book kept for that purpose, with proper margins and index, which book shall be preserved in the office of the city clerk and shall be subject to the inspection of any citizen.

(Code 1967, § 1-3.18)

Sec. 2-62. Applicability of Robert's Rules of Order.

In all cases where the parliamentary proceedings for council meetings are not determined in this article, Robert's Rules of Order, Newly Revised, shall be taken as authority to decide the course of proceedings.

(Code 1967, § 1-3.19)

Sec. 2-63. Suspension of rules.

The city council rules and order of business shall be observed in all cases unless suspended temporarily for a special purpose by a vote of the city council.

(Code 1967, § 1-3.20)

Sec. 2-64. Violation of rules.

If any member of the council, in speaking or otherwise, transgresses the rules of the city council, the presiding officer shall, or any member may, call him to order, in which case the member so called to order shall immediately sit down unless permitted by the mayor to explain, and the city council shall decide the question without debate. If the decision be in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the council to proceed in order.

(Code 1967, § 1-3.21)

Sec. 2-65. Subject matter and decorum when addressing council.

Every member of the council, while speaking:

- (1) Shall confine himself to the subject under debate;
- (2) Shall refrain from personalities; and
- (3) Shall not refer to any other member of the council except in a respectful manner.

(Code 1967, § 1-3.22)

Sec. 2-66. Recognition of members desiring to speak.

A councilmember about to speak shall respectfully address the chair, and shall not commence to speak until recognized by the presiding officer.

(Code 1967, § 1-3.23)

WORKSHOPS

1. Workshops can be scheduled as needed but the second Monday of each month will be dedicated solely to workshop matters. No action will occur during these meetings unless deemed an emergency or time sensitive. Workshops shall be limited to policy matters of the Council and shall not be used for routine business of the City. Routine business should be understood to include actions in response to existing policies, ordinances, laws, or those deemed incidental to City operations by the City Manager.
 - a. The Workshop will still be led by the Mayor in cooperation with the City Manager. The purpose of the collaborative facilitation of the meeting is to keep the flow of the discussion and assure participation of all attendees. Workshops will not adhere to Robert's Rules; instead they will concentrate on Consensus Building as opposed to majority rule. Further all items placed on the Workshop agenda will not be acted upon but rather brought to consensus and a draft motion will be developed for the Council to act upon at the next meeting of the City Council. The Council will take a straw poll to confirm consensus or majority support.
 - b. Workshops are not limited to Council members and are intended to foster an environment of open discussion. In order to help develop this atmosphere interested parties will be invited to formally participate in the workshop process. In order to effectively oversee these meetings the Council adopts guidelines for behavior and procedure. An environment shall be fostered where interested parties are asked to share opinions and insight in the determination of consensus.

- c. Motions that are returned from a workshop shall be open to debate by the Council and public input. The Council should strive not to amend a motion recommended from a workshop; but the Council may refer an item back to workshop for further review. After one referral back to a workshop the Council will act on the item with or without amendment. (Note it is the intent of the City of Auburn to develop consensus and support credible practices to implement motions as they are created in workshop. However, the Council, as the elected body of the City, must conduct business and has the final responsibility to the community to make sound judgments. For those purposes the Council by majority vote may amend a motion as presented from a workshop.)
 - d. Items scheduled for workshop must meet all of the following criteria:
 - i. A workshop request form, filled out by a Councilor and referred by staff with support by the Mayor, or by the City Manager.
 - ii. Appeared on a Council agenda as New Business to refer to a workshop with a majority vote of the Council. Discussion during the referral process shall be very limited, this step is solely to determine majority support of the Council to workshop the requested item.
 - iii. Be consideration of policy matter of the city and are not part of the routine operations of the City.
 - e. A resident requesting a workshop item should present to a Councilor or City Manager. The Councilor then may choose to present on a Council workshop request form.
 - f. The months of February to May of each year shall prioritize workshops to discussion of the annual budget.
2. The City Manager shall maintain a list of potential workshops items that will be circulated once a month.
 3. Agendas for Workshops shall include the list of items approved and intended to be work shopped at that meeting. The posting requirements for a regular council meeting shall also be followed for workshops. The Manager may also list other items that are prepared for discussion in the event that time would allow the Council to consider more items than originally planned. However, in no circumstance should an item be work shopped if not prepared or listed for potential discussion. This allows for all interested persons to participate in the process.

GENERAL PROVISIONS

Please note that the Council always appreciates and invites public comment. Inviting public participation at Workshops is designed to make the oversight of the community more efficient and promote more open discussion to bring matters to consensus rather than majority rule. Part of this is the understanding that items can not and should not be

repeatedly discussed. The Mayor must maintain decorum in all meetings, as required in charter. Persons not adhering to the Ground Rules should expect to have their participation limited or removed from the meeting.

The above items are an outline for the format for Workshops and Council Meetings. None of the above items change the Charter requirements for the City of Auburn. These guidelines, Workshop Ground Rules, Workshop Request Forms, the Charter, and State/Federal Laws should all be used in cooperation for the effective management of City of Auburn.

WORKSHOP GROUND RULES

Behavior of Participants:

1. ***Only one person speaks at a time*** and no one will interrupt when another person is speaking.
2. ***Each person should identify themselves*** and the constituency they represent. Disclose any interests that may influence your perceptions. (IE. Board Memberships, Career Interests, etc).
3. ***Express your own views***, rather than speaking for others or assigning motives to others.
4. ***No one will make personal attacks.*** Challenge ideas not people. If an attack is made the facilitator will ask the participants to refrain. If attacks continue the facilitator may ask the group to take a break to cool off.
5. ***No grandstanding.*** Please avoid prolonged speeches, extended comments, or repeating the same question, so that everyone has a fair chance to speak and contribute.
6. Everyone will make every effort to ***stay on track.*** The overall intent is to move forward.
7. ***Focus on the merits of what is being said;*** make a good faith effort to understand the concerns of others. Clarifying questions are encouraged, but disparaging comments and rhetorical questions are discouraged.
8. ***No surprises!*** Questions and concerns will be brought up when they arise, not held to later in discussions so as to confuse the progress made earlier.
9. All participants will seek to ***identify options or proposals that represent common ground,*** without minimizing legitimate disagreements. Each participant will do his best to take account of the interests of the group as a whole.
10. Each person ***reserves the right to disagree*** with any proposal and in doing so ***accepts the responsibility for offering alternatives*** that accommodate her interests as well as others interests.
11. Each person agrees to ***keep the community and their constituencies informed*** about issues or options being considered by the group. Input and advice from the constituencies needs to be brought back to the group as they emerge.
12. In the event that anyone speaks to the media ***the comments must be limited to his own views.*** No member should speak on behalf of other participants. The City Council stresses the importance that the City Manager must keep the media apprised of the process but he too should refrain from speaking on the behalf of other participants.

BUDGET SCHEDULE 2014

Budget Dialogues: A new approach to the budget to instill transparency and invite citizen participation. Each Budget Dialogue will begin with a public session for residents to comment only on departments on the agenda for the workshop that evening. Conversation in public comment should be limited to 30 minutes total. Residents and interested parties may still be provided time to speak during the workshop at the discretion of the City Manager in cooperation with the Mayor as parliamentarian. The Budget dialogues will start with departments on the workshop agenda for that meeting, but if time allows will open to the budget in general.

Staff: Presentation of staff at workshops will have full Council material but will be limited to Budget Drivers, Required components of the Budget that “must” be funded, the Bottom Line cost or impact, and questions from Council.

January 2nd: 1. Council Approves Budget Calendar.
2. Council considers School Election Date Request.

January 10th: 1. City Staff finishes CIP in new format in books.
2. City Staff submits budgets to Finance in new formats to put into books.

January 15th: Potential joint meeting with School Committee.

February 3rd: Assessing presents valuation in workshop. Council directs any potential action.

February 10th: 1. Joint Meeting with school on CIP. Not the Hearing for adoption by Council.
2. Budget discussion City Council. Overview of format and information. Discussion of compliance with Performance Based Budgeting. Initial Draft Budget presented.

February 24th: Begin Budget Dialogues #1:
1. Administration and Planning and Development Budget Presentations (Assessing, City Clerk, City Manager, Planning and Development, County Tax, Finance, Fringe Benefits, Health & Social Services, Human Resources, ICT, Legal, Mayor & Council, Worker’s Compensation, Special Funds, & Enterprise Funds).

March 3rd: Budget Dialogue #2:
1. CDBG Budget Presentation.

March 10th:
1. Joint Budget Meeting with School. Presentation of School Budget.

March 17th:
1. CIP Budget Presented in Workshop for Publication of Hearing on April 7th:
2. Budget Dialogue #3
Joint Services, Library, Public Safety

March 24th:

1. Budget Dialogue #4 (Final)
Facility and Transportation Budget Presentations (Public Services (Engineering, Public Works, & Parks), Recreation, Property, & Water and Sewer).
2. Public Hearing on CIP

April 2nd:

This Item must be met to even consider a May School Validation Vote.

School Committee Approves Budget to be presented to City Council on April 7th.

April 7th:

1. Council approves CIP.
 - a. 1st Reading Bonds
2. Workshop Proposed School Budget
3. Adopt School Budget for May 6th Vote. Absentee begins no later than April 21st.

April 21st:

1. 2nd Reading Bonds
2. Council Workshop on Full City Budget. Manager's Budget presented per Charter.

May 5th:

Public Hearing and Final Workshop of City Budget

May 6th:

Potential May Vote of School Budget.

May 19th:

Adoption of Final City Budget and CDBG Budget.

June 10th:

Primary and Either First or Second School Budget Validation Vote.

Election of Mayor Pro-tempore for next 2 years.

- a. Sec. 2-55. Presiding officer in absence of mayor. In the temporary absence or disability of the mayor, any member of the city council may call the council to order at any duly called meeting to elect a chair **pro tempore** from among its number, and he shall exercise all the powers of the mayor during such temporary absence or disability of the mayor.
- b. Within the definition of this ordinance I recommend that City Council elect a Mayor Pro Tempore to serve in the absence of the Mayor for the next 2 years. Per operation at Council meetings the absence of both the Mayor and the pro tempore will result in the senior most Councilor presiding.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: January 13, 2014

Order 01-01062014

Author: Phillip L. Crowell, Jr., Chief of Police

Item(s) checked below represent the subject matter related to this workshop item.

☐ Comprehensive Plan ☐ Work Plan ☐ Budget ☐ Ordinance/Charter ☒ Other Business* ☐ Council Goals**

**If Council Goals please specify type: ☒ Safety ☐ Economic Development ☐ Citizen Engagement

Subject: Confirm Chief Crowell's appointment of Greg S. Pealatero as a Constable with a firearm for the Auburn Police Department.

Information: The Auburn Police Department requests City Council appointment of Greg S. Pealatero as a Constable with a firearm for the City of Auburn.

Financial: n/a

Action Requested at this Meeting: Motion to confirm Chief Crowell's appointment of Greg S. Pealatero and as a Constable with a firearm for the Auburn Police Department.

Previous Meetings and History: This item was scheduled for 1/6/2014 but due to inclement weather, the meeting was postponed to 1/13/2014.

Attachments:

- Memo from the Chief
- Order 01-01062014

**Agenda items are not limited to these categories.*



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

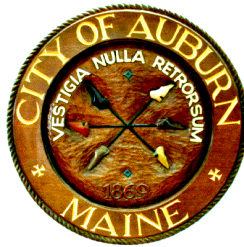
Rita P. Beaudry
Executive Assistant

To: Honorable Mayor Jonathan Labonte and Members of the City Council
From: Phillip L. Crowell, Jr., Chief of Police
Date: December 13, 2013
Re: CONSTABLE

We request that the following named person be named a Constable for the Auburn Police Department:

Greg S. Pealaterre with Firearm New Hire Police Officer

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



Jonathan P. LaBonte, Mayor

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

IN CITY COUNCIL

ORDER 01-01062014

ORDERED, that Greg S. Pealatore be named a Constable with a firearm for the Auburn Police Department.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: January 13, 2014

Order 02-01062014

Author: Phillip L. Crowell, Jr.

Item(s) checked below represent the subject matter related to this workshop item.

☐ Comprehensive Plan ☐ Work Plan ☐ Budget ☐ Ordinance/Charter ☒ Other Business* ☐ Council Goals**

**If Council Goals please specify type: ☒ Safety ☐ Economic Development ☐ Citizen Engagement

Subject: Chief of Police Crowell requests that the Auburn City Council appoint or re-appoint civilians to serve documents on behalf of the Auburn Police Department. These civilians will act as Constables without firearms.

Information: Motion to confirm Chief Crowell's appointment and re-appointment of Constables without firearms for the Auburn Police Department.

Financial: n/a

Action Requested at this Meeting: Motion to confirm Chief Crowell's appointment and re-appointment of Constables without firearms for the Auburn Police Department.

Previous Meetings and History: Annually, request is made for appointments and re-appointments for the next calendar year. This item was scheduled for 1/6/2014 but due to inclement weather, the meeting was postponed to 1/13/2014.

Attachments:

- Memo from Chief
- Order 02-01062014

*Agenda items are not limited to these categories.



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Executive Assistant

To: Honorable Mayor Jonathan LaBonte and Members of the
City Council

From: Phillip L. Crowell, Jr., Chief of Police

Date: December 19, 2013

Re: CONSTABLES

We request that the following named persons be appointed or re-appointed to serve documents as Constables on behalf of the Auburn Police Department for 2014.

Lucien Asselin	Civil Process Only	Without Firearm	Re-appointment
Steven Chouinard	Civil Process Only	Without Firearm	Re-appointment
Harry Darling	Civil Process Only	Without Firearm	Re-appointment
Harry Gorman	Civil Process Only	Without Firearm	Re-appointment
Claire Barclay	Civil Process Only	Without Firearm	Re-appointment
Matthew Conde	Civil Process Only	Without Firearm	Re-appointment
Kenneth Edgerly	Civil Process Only	Without Firearm	Re-appointment
Joan Godbout	Civil Process Only	Without Firearm	Re-appointment
Ellery Hewey	Civil Process Only	Without Firearm	Re-appointment
Cynthia MacDonald	Civil Process Only	Without Firearm	Re-appointment
George Mathews	Civil Process Only	Without Firearm	Re-appointment

Sheryl Mathews	Civil Process Only	Without Firearm	Re-appointment
Jerry Webster	Civil Process Only	Without Firearm	Re-appointment
Jeffrey Campbell	Civil Process Only	Without Firearm	Re-appointment
Glenn Garry	Civil Process Only	Without Firearm	Re-appointment
Janice Jannetty	Civil Process Only	Without Firearm	Re-appointment
Janice Lare	Civil Process Only	Without Firearm	Re-appointment
Kristal Parshall Goff	Civil Process Only	Without Firearm	Re-appointment
Erik Rider	Civil Process Only	Without Firearm	Re-appointment
Paul Potvin	Civil Process Only	Without Firearm	Appointment

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



Jonathan P. LaBonte, Mayor

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

IN CITY COUNCIL

ORDER 02-01062014

ORDERED, that the following civilians be appointed or re-appointed to serve documents as Constables without firearms on behalf of the Auburn Police Department:

Lucien Asselin	Civil Process Only	Without Firearm	Re-appointment
Steven Chouinard	Civil Process Only	Without Firearm	Re-appointment
Harry Darling	Civil Process Only	Without Firearm	Re-appointment
Harry Gorman	Civil Process Only	Without Firearm	Re-appointment
Claire Barclay	Civil Process Only	Without Firearm	Re-appointment
Matthew Conde	Civil Process Only	Without Firearm	Re-appointment
Kenneth Edgerly	Civil Process Only	Without Firearm	Re-appointment
Joan Godbout	Civil Process Only	Without Firearm	Re-appointment
Ellery Hewey	Civil Process Only	Without Firearm	Re-appointment
Cynthia MacDonald	Civil Process Only	Without Firearm	Re-appointment
George Mathews	Civil Process Only	Without Firearm	Re-appointment
Sheryl Mathews	Civil Process Only	Without Firearm	Re-appointment
Jerry Webster	Civil Process Only	Without Firearm	Re-appointment
Jeffrey Campbell	Civil Process Only	Without Firearm	Re-appointment

Glenn Garry	Civil Process Only	Without Firearm	Re-appointment
Janice Jannetty	Civil Process Only	Without Firearm	Re-appointment
Janice Lare	Civil Process Only	Without Firearm	Re-appointment
Kristal Parshall Goff	Civil Process Only	Without Firearm	Re-appointment
Erik Rider	Civil Process Only	Without Firearm	Re-appointment
Paul Potvin	Civil Process Only	Without Firearm	Appointment

IN COUNCIL REGULAR MEETING DECEMBER 16, 2013 VOL. 33 PAGE 200

Mayor LaBonte called the meeting to order at 7:13 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 112-12162013*

Accepting the transfer of Forfeiture Asset (Philip Moser).

2. Order 113-12162013*

Confirming Police Chief, Phil Crowell's appointment of David K. Brown, II as Constable with a firearm for the Auburn Police Department.

3. Order 114-12162013*

Approving the 180 day moratorium on tree harvesting.

Motion was made by Councilor Hayes and seconded by Councilor Walker to approve the consent items. Passage 7-0.

II. Minutes

- December 2, 2013 Regular Council Meeting

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to approve the minutes of December 2, 2013. Passage 7-0.

III. Reports

Mayor's Report – The Mayor welcomed Councilor Lee.

City Councilors – Councilors Hayes and Crowley submitted written reports. Councilors Young and Gerry reported, and Councilor Crowley reported on a few additional items.

City Manager's Report – Railroad Board Meeting update.

Finance Director, Jill Eastman – November 2013 Monthly Finance Report

Motion was made by Councilor Crowley and seconded by Councilor Gerry to accept and place on file the November 2013 finance report. Passage 7-0.

IV. Communications, Presentations and Recognitions

- Mary Sylvester – Community Conversations Review
- Audit Presentation – Casey Leonard of Runyon Kersteen Ouellette
- Matrix updates – Frank Roma

IN COUNCIL REGULAR MEETING DECEMBER 16, 2013 VOL. 33 PAGE 201

- V. Open Session** – Andy Titus-17 Lamplighter Circle, Joe Gray-Sopers Mill Road, and Don St. Germaine all spoke.

VI. Unfinished Business

1. Order 86-10072013

Approving the renewal of an Auto Graveyard/Junkyard permit for Morris Auto Parts (Public hearing).

Motion was made by Councilor Gerry and seconded by Councilor LaFontaine.

Public hearing – Don St. Germaine, owner of Morris Auto Parts.

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine to amend by replacing the order with an order to deny the annual renewal request based on the findings of fact and conclusions (included in the amended order).

Public comment – Joe Gray-Sopers Mill Road

Passage on amendment, 7-0 (a roll call vote was taken). Passage on Order 86-10072013 as amended and with the attached findings of fact and conclusions, 7-0.

2. Order 108-12022013

Amending the Auburn Mall TIF district 14 (Public hearing).

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes to amend the Auburn Mall TIF district 14.

The Mayor re-opened the public hearing (was continued from the 12/2/2013 Council meeting). Andy Titus-17 Lamplighter Circle and Joe Gray-Sopers Mill Road spoke.

Passage 5-2 (Councilors Crowley and Gerry opposed). A roll call vote was taken.

3. Order 109-12022013

Adopting the new Ice Arena TIF district 18 (Public hearing).

Motion was made by Councilor LaFontaine and seconded by Councilor Lee to adopt the new Ice Arena TIF district 18.

IN COUNCIL REGULAR MEETING DECEMBER 16, 2013 VOL. 33 PAGE 202

The Mayor opened the Public hearing (was continued from the 12/2/2013 Council meeting). Andy Titus-17 Lamplighter Circle spoke.

Motion was made by Councilor Hayes and seconded by Councilor Gerry to amend the attached document referenced in the order by editing table 1 on page 4 (Captured Assessed Value) from;
1-5 years 100% 6-10 years 75% 11-15 years 50% 16-20 years 25%
to; 1-5 years 80% 6-10 years 70% 11-15 years 60% 16-20 years 40%

Motion on the amendment failed, 3-4 (Councilors Young, LaFontaine, Lee, and Walker opposed). A roll call vote was taken.

Passage of Order 109-12022013, 5-2 (Councilors Crowley and Gerry opposed). A roll call vote was taken.

VII. New Business

4. Order 115-12162013

Accepting the FY 2013 Comprehensive Annual Financial Report.

Motion by Councilor LaFontaine and seconded by Councilor Young.
Passage 5-1-1 (Councilor Gerry opposed and Councilor Crowley abstained).

5. Order 116-12162013

Authorizing the City Manager to execute the collective bargaining agreement with the MAP Command Unit.

Motion by Councilor LaFontaine and seconded by Councilor Lee.

Public comment – Joe Gray, Sopers Mill Road

Passage 4-3 (Councilors Gerry, Crowley, and Walker opposed). A roll call vote was taken.

6. Order 117-12162013

Authorizing the City Manager to execute the collective bargaining agreement with I.A.F.F. (International Association of Firefighters) Local 797.

No action was needed on this item.

VIII. Open Session – No one from the public spoke

IN COUNCIL REGULAR MEETING DECEMBER 16, 2013 VOL. 33 PAGE 203

IX. Executive Session

- Discussion regarding labor negotiations (MAP Patrol) pursuant to 1 M.R.S.A. §405(6)(D).

Motion was made by Councilor LaFontaine and seconded by Councilor Gerry to enter into executive session. Passage 6-1 (Councilor Young opposed). Time 10:03 P.M.

The Mayor declared Council out of Executive Session at 10:25 P.M.

X. Adjournment

Motion was made by Councilor LaFontaine and seconded by Councilor Lee to adjourn. Passage 4-0 (Councilors Young, Gerry, and Hayes were not in the room during the vote), 10:27 P.M.

A True Copy.

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

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Manager

Date: 31 December 2013

To: Mayor LaBonte and Members of the City Council

From: Clinton Deschene, City Manager

RE: **Downtown Auburn Transportation Center Status**

Dear Mayor LaBonte and Members of the City Council:

FHA (Federal Highway Administration) has informed MDOT (Maine Department of Transportation) that the grant awarded to construct the Downtown Auburn Transportation Center will expire on September 30, 2014. All funds will be required to be spent or they will be lost. In addition to this important deadline I wanted you to be aware of a few items that are ongoing and important to the success of this project:

- (1) Staff are continuing to negotiate with Hannaford on a contract that is agreeable to both them and the City. I expect to have a final contract for your approval at the January 21, 2014 meeting;
- (2) LATC (Lewiston Auburn Transportation Center) and City Staff have selected Harriman Associates to design, acquire permits and assist in selecting the most qualified firm to construct the facility;
- (3) Staff is working with LATC Committee Members on the language in the proposed Hannaford contract that limits their ability to seek advertising on their buses from similar businesses such as grocery stores, pharmacies, etc.;
- (4) Staff is working with interested parties on the promotion of this facility to serve as an information center to visitors to the Auburn-Lewiston region and to the Western Mountains; and
- (5) Staff is working with potential transportation vendors and the various government agencies on providing connection to Portland.

My staff is committed to making this project a success and linking Auburn to Portland for the benefit of our citizens and visitors alike.

Sincerely,

Clinton Deschene
City Manager

CITY COUNCIL CODE OF CONDUCT

CITY OF AUBURN, MAINE

INTRODUCTION

The City Council serves an essential role as the governing body of the City of Auburn. The City Council of the City of Auburn is committed to serving the public interest and common good of the City and its residents, and Councilors are expected to act accordingly. In order to foster reasonable, effective, and cooperative governance of the City, Councilors shall adhere to the following Code.

Council members are expected to support and demonstrate the following values:

- Respect for their fellow councilors, citizens of Auburn and City staff;
- Open mindedness;
- Careful consideration of all matters that come before the Council and participation in constructive debate and deliberations;
- Appropriate demeanor and polite oral and written communications;
- Integrity and commitment to the best interest of the City and its inhabitants;
- Acceptance and support for decisions and actions taken by the Council, whether or not an individual Councilor voted with the majority.

The City of Auburn Charter provides that the City Council is comprised of the Mayor and seven City Councilors. For purposes of this Code of Conduct, the terms “Council” and “Councilor” shall include the Mayor unless specified otherwise.

INTERACTIONS WITH THE PUBLIC

Councilors shall treat members of the public with courtesy, respect, and professionalism and shall not demonstrate bias against, nor favor, any member of the public.

To ensure clear and effective communication, Councilors shall:

- Clearly distinguish between their personal positions and the official position of the Council and City when dealing with members of the public;
- Defer to the City Manager or the Mayor to speak on behalf of the City or the Council when speaking as a body; and
- Not disclose information received, or statements made, in executive session.

INTERACTIONS WITH CITY STAFF

The Council’s role is to establish City policies, ordinances and priorities as the City’s governing body. It is City staff’s duty to provide relevant information to the Council and to implement the Council’s decisions. Actions by staff in providing information to the Council or in implementing Council decisions should not be construed as constituting disagreement with, or disparagement of, any Councilor who held a minority

position on a particular issue. Staff may not be instructed or influenced by any individual Councilor acting separate from the Council as a whole.

Administering the day-to-day functions of the City is the responsibility of the City Manager. Councilors must respect the distinction between their role in voting to establish policies and ordinances, and the City Manager's role in executing those policies and ordinances, administering the operation of City departments, and overseeing the work of City employees. As such, Councilors shall:

- Not issue directives to City staff;
- Make all requests for information through the City Manager;
- In their official capacity, interact with City staff solely through the City Manager, as required by Section 7.1(B) of the City Charter, which states that "[t]he Mayor and Councilors shall direct administrative functions of the City solely through the City Manager."
- Avoid confusion over whether a Councilor is acting in an official or private capacity when interacting with City staff, and acknowledge the impropriety of dealing with staff members outside of the prescribed role of the Council.

It is important for all Councilors to recognize that any conduct or behavior that intrudes on the direction and supervision responsibilities of the City Manager relative to City employees interferes with the efficient operation of City government and must be avoided.

INTERACTIONS WITH FELLOW COUNCILORS

The Council's role is as a governing body. With the exception of the Mayor's specific duties under Section 3.3 of the City Charter, no Councilor has any individual authority outside of the governing process by which the Council acts as a whole in its official capacity. As individuals, when not acting in their corporate collective capacity as the City Council, individual Councilors may exercise and are limited to the same rights as other citizens. Although Councilors are free to advocate for their position during the decision-making process, the decisions of the Council are binding on the City. Councilors must put aside disagreements and accept the will of the Council once a decision is made.

Councilors' communications with each other shall:

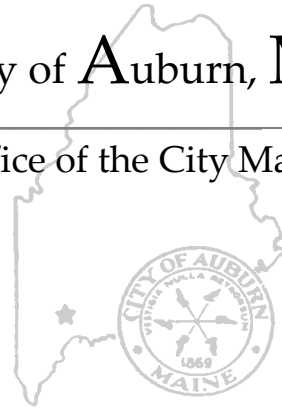
- Be civil;
- Not contain personal attacks or criticism; and
- Not discourage free and open debate and exchange of ideas.

CONCLUSION

Councilors must recognize the trust and responsibility granted to them by the City of Auburn, and shall endeavor to repay that trust through earnest contribution to effective City governance. To effectively achieve this goal, Councilors must abide by this Code of Conduct and, above all, be guided by the overarching principle of respect for others. Repeated or serious failure to comply with this Code of Conduct may be met with official reprimand or censure as approved by a majority of the Council.

City of Auburn, Maine

Office of the City Manager



TO: Mayor Jonathan LaBonté & City Council
FROM: Clinton Deschene, City Manager
RE: Mission Statements
DATE: January 2, 2014

The City of Auburn has evolved various mission statements for the departments of the City. The first step is to understand what a mission statement is and what the purpose is. In simple terms it is, “a formal summary of the aims and values of a company, organization, or individual.” More broadly it helps set the strategy and direction.

For the City of Auburn there have been different uses in years past. The City Charter Preamble states, “We the people of the City of Auburn, under the constitution and laws of the State of Maine, in order to secure the benefits of local self-government and to provide an open and accountable council-manager government, do adopt this Charter, conferring on the city certain powers, subject to certain restrictions and following certain procedures. By this action we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and intergovernmental cooperation.” I like this as a framework to departmental mission statements because it outlines some goals, explain who we are, why and how we exist, and the importance of our Charter.

Using this foundation I want to solidify the commitment to this and our departmental mission statements. Operationally the budgets presented to the Council will also include mission statements. For departments that potentially don’t have one should be viewed as utilizing the more broad statement of the Charter Preamble.

If during the budget the Council by majority vote feels a mission statement needs revision, management will work with the department and Council to present a new statement. It must be understood that these processes can take considerable time.

Charter Section. 7.1 General provisions.

Creation of departments. The city council may establish city departments, offices, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies. No function assigned by this Charter to a particular department, office, or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

Susan Clements-Dallaire

From: Robert Hayes [jlhayes1868@yahoo.com]
Sent: Monday, December 30, 2013 12:39 PM
To: Susan Clements-Dallaire
Subject: Fw: Report from Rich Livingston

Susan, Below is a L/A Railroad Co. strategic planning progress report for agenda distribution. ...
Thanks, Bob PS. A further note might be made that the Airport Board meets Thurs., Jan 9.

----- Forwarded Message -----

From: Lucien Gosselin <lgosselin@economicgrowth.org>
To: Lucien Gosselin <lgosselin@economicgrowth.org>; Stephen C. Lunt <leonardlunt@yahoo.com>; Richard Albert <dick@champoux-ins.com>; Richard Trafton <rtrafton@traftonandmatzen.com>; "Laurier T. Raymond, Jr." <ltraymond@isaacsonraymond.com>; Gerry Berube <gerryb34@aol.com>; Eric Agren <eric@fuelmaine.com>; Marc Pellerin <marc_pellerin@ml.com>; Lincoln Jeffers <ljeffers@lewistonmaine.gov>; Roland Miller <rmiller@ci.auburn.me.us>; Bob Hayes <JLHayes1868@yahoo.com>; Mark A. Cayer <mcayer@lewistonmaine.gov>
Cc: 'Stephanie Lewis' <slewis@economicgrowth.org>; livingston@aarp.org; 'Howard Kroll' <hkroll@auburnmaine.gov>
Sent: Thursday, December 19, 2013 3:38 PM
Subject: Report from Rich Livingston

LARC Directors:

Please review the following from Rich Livingston.

#####

(Hi, Lucien - please share this with your full board; thanks)

The process undertaken by the board of the Lewiston-Auburn Railroad Corp, beginning at a planning meeting held on 12/10/13, is intended to articulate the purpose of the corporation under the terms of its existing charter; to determine whether charter amendments might be required; to describe the reason the corporation holds the assets under its control and to delineate future uses for those assets; to focus the interests and activities of the board toward a specific vision for the near and longer term future; and to delineate how the corporation will address its purpose in the form of a mission statement.

Discussion included consideration of the corporation's possible role in the establishment of passenger service, connecting Portland and Montreal and/or Lewiston and Brunswick; rail or bus connections between an intermodal terminal on the currently operating Canadian National line in Auburn and the Grand Trunk terminal in downtown Lewiston, with a new grade crossing at Washington St. and crossing the Androscoggin River on a restored trestle; divestiture of non-strategic assets given an improbability of restoration of the Lewiston Lower line; ceding stewardship or operation responsibility to the cities.

For purposes of discussion at a meeting scheduled for 1/21/14, the following draft mission statement, consistent with those elements addressed at the December meeting, is offered for consideration:

The mission of the LARC is to enhance the economic vitality of Lewiston and Auburn by facilitating expanded use of existing railroad infrastructure, primarily west of the Androscoggin River, and to preserve options of new, additional railroad activity by serving as steward of LARC-controlled properties east of the River.

It is understood by the LARC board that among the most important economic advantages of the L-A community is the role it serves as a transportation hub, linkage between multiple modes of transportation, and linkage between the urban service center communities and the vast rural interior of Maine.

The vision of the LARC is that the Lewiston-Auburn community will be recognized as the vital transportation link between the geographic components of Maine and beyond, able to accommodate a variety of cargo and passengers via a well maintained and deployed system of rail-based infrastructure and activities.

The January, 2014 meeting will review these drafts and amend as necessary. Once appropriate language has been adopted, the board can consider establishing a series of objectives that will enable implementation of its mission and share its decisions with appropriate stakeholders, including both cities.

Please let me know if you have questions or comments prior to the January meeting.



City Council Meeting Information Sheet

City of Auburn

Council Meeting Date: 1/13/2014

Author: Alan S. Manoian, Economic Development Specialist

Item(s) checked below represent the subject matter related to this workshop item.

☐ Comprehensive Plan ☒ Work Plan ☐ Budget ☐ Ordinance/Charter ☐ Other Business* ☒ Council Goals**

**If Council Goals please specify type: ☐ Safety ☒ Economic Development ☐ Citizen Engagement

Subject: Downtown Auburn Revitalization Action Plan 2013-2014

Information: Spoken & Visual Presentation by Economic Development Specialist outlining eight (8) Downtown Auburn Revitalization Action Plan recommendations proposed for execution in 2014. A 30-minute Downtown Auburn “Public Realm” Walking Tour (Mobile Session) will be conducted prior to the Presentation & Workshop discussion in the City Council Chambers.

Financial: N/A

Action Requested at this Meeting: Dialogue, Critique & Guidance.

Previous Meetings and History: N/A

Attachments: None.

**Agenda items are not limited to these categories.*



City Council Agenda Information Sheet

City of Auburn

Council Agenda Date: January 13, 2014

Order 03-01062014

Author: Eric J. Cousens, Director of Planning and Permitting

Item(s) checked below represent the subject matter related to this item.

☐ Comprehensive Plan ☐ Work Plan ☐ Budget ☐ Ordinance/Charter ☐ Other Business* ☒ Council Goals**

**If Council Goals please specify type: ☒ Safety ☐ Economic Development ☐ Citizen Engagement

Subject: 9 Gamage Avenue Demolition

Information: The structure at 9 Gamage Avenue is still standing. We have been pushing for the owner to demolish the structure instead of the City moving forward with demolition because the demo will likely cost the taxpayers of Auburn more than the property will be worth in the end. To date this effort has not been successful in part because the owner may know the dilemma faced by the City with our limited resources. Attached is a memo from our Attorney outlining a possible collection effort to recoup costs from the owner if the City pursues demolition. Vacant and unsecured properties are a growing problem in Auburn and elsewhere. Planning, Police, Fire and Public Works are all dedicating resources to deal with problems at vacant properties that take away from resources available to complete other assignments. 9 Gamage is an example of one of the worst cases with a fire, copper theft, PW securing the structure more than once and many enforcement orders, corrections and communications with the changing ownership. We continue to receive complaints from residents regarding the condition of 9 Gamage Avenue and other vacant properties and staff continues to respond by eliminating immediate hazards such as unsecured openings. Ultimately, the structure needs to be demolished to eliminate the hazard. It is staff's recommendation that the Council take action and direct staff to demolish this structure and initiate action to recoup costs.

The Council should also be aware of the larger issue we are facing with vacant structures as we have been reporting in weekly reports. A memo summarizing the trend, some of the challenges and staff efforts is attached.

Financial: Approximately \$40,000 in demolition, abatement and disposal plus up to 5,000 to fill, grade and stabilize the site. If the funding is approved we will attempt to recover the expenses with legal action.

Action Requested at this Meeting: Provide direction to staff on the three options:

1. Continue to pressure Fannie Mae to address the issue but not fund the demolition. This will be on the banks timeline.
2. Direct Staff to solicit bids for demolition and the Council will take action to fund the demolition from the municipal fund balance and attempt to recover with legal action.
3. Continue to pressure Fannie Mae to address the issue and fund the demolition out of the FY 15 CIP after July 1st 2014.

Previous Meetings and History: June 3, 2013 meeting and prior workshop. This item was scheduled for 1/6/2014 but due to inclement weather, the meeting was postponed to 1/13/2014.

Attachments: Memorandum from City Attorney dated December 23, 2013, Memo from Eric Cousens dated December 26, 2013, Copy of MRSA Title 17 §2851. DANGEROUS BUILDINGS, Photos of 9 Gamage Avenue.

**Agenda items are not limited to these categories.*

BRANN & ISAACSON
ATTORNEYS AND COUNSELORS AT LAW

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IRVING ISAACSON, Of Counsel

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MEMORANDUM

TO: City of Auburn City Council
FROM: Daniel Stockford & Anne Torregrossa, Brann & Isaacson
DATE: December 23, 2013
RE: Demolition of 9 Gamage Ave.

At its June 3, 2013 meeting, the City Council issued an order of demolition for the property at 9 Gamage Avenue in Auburn. At the time of that order, Christopher Dymkoski owned the property and SunTrust Mortgage held a mortgage on it. SunTrust was in the process of foreclosing on the property. Mr. Dymkoski, SunTrust, and another lienholder were served with copies of the order, and it was recorded in the Androscoggin Registry of Deeds at Book 8689, Page 104.

Since the date of the hearing, SunTrust obtained a judgment of foreclosure and order of sale from the court, and subsequently sold the property to Federal National Mortgage Association (Fannie Mae). The deed to Fannie Mae was dated October 23, 2013 and was recorded on November 13, 2013. It appears that Fannie Mae is now the owner of the property. We have made contact with Fannie Mae to see if they will agree to comply with the order and they are still researching the property on their end.

Auburn can choose to wait for a response from Fannie Mae, or it can demolish the building itself. The City of Auburn has the authority to demolish the building at any time. The council's order required the owner to demolish within 30 days and, if he failed to do so, gave the City the authority to do the work itself. Once the City demolishes the building, our office will send out demand letters for Auburn's expenses to the former owner, Mr. Dymkoski, and the new owner, Fannie Mae. If the City is not paid within 30 days of demand, the City has the right to 1) place a special tax lien on the property, and 2) file a collection action against Mr. Dymkoski and/or Fannie Mae.

If Auburn chooses only to place a tax lien on the property and does not file a collection action, there is a chance that Fannie Mae will simply pay off the lien as it would any other taxes. If Fannie Mae does not do so, the lien will automatically foreclose in 18 months, as would any other tax lien, and the City will own the property. If Auburn does choose to file a collection action, its chances of recouping its costs increase. Although a suit against Mr. Dymkoski might not be productive if he has no assets (and many property owners going through foreclosure do not), a suit against Fannie Mae is more likely to produce revenue. Fannie Mae might try to defend against a collection action by arguing that it was not the "owner" of the property at the

December 23, 2013

Page 2

time of the order. Fannie Mae was on notice of the order to demolish at the time that it purchased the property, however, and we believe that Fannie Mae would be held responsible for the costs of demolishing the building.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Honorable Mayor LaBonte and Auburn City Council

From: Eric J. Cousens, Director of Planning and Permitting

Re: Vacant Buildings

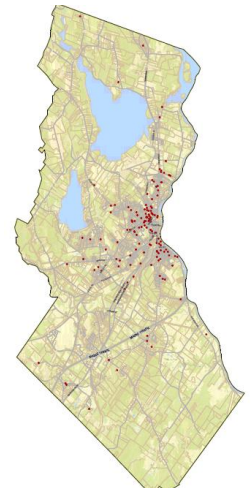
Date: December 26, 2013

Vacant Building numbers are continuing to grow and are increasing staff demands for code compliance, property crimes, risk of fires and devaluing adjacent properties. Last year at this time we had about 80 known vacant structures and we were recently approaching 140.

We continue to address immediate hazards first such as unsecured openings and deteriorated structural members that pose a public risk. The process generally starts with a complaint or staff identifying an issue while they are in an area following up on a complaint. Step one is to identify the owner(s) and contact them by phone and in writing to make them aware of the problem and order it's correction. With many of the vacant buildings you have an owner that has no resources and a bank that is in the process of foreclosing on the property. The owner won't invest because they are losing the property and the bank won't complete the foreclosure because they are concerned about taking on a liability. This process can drag on for a year or more and we are now seeing banks selling the properties to another bank after foreclosure and we have to start over with finding a new contact person.

Most vacant buildings are maintained minimally and kept secured. Those structures are not a real safety concern unless they become chronically unsecured or damaged. Although they are not dangerous if maintained they can still impact a neighborhood, especially if they are concentrated. Once they become unsecured the risk of fires and illegal activity increases substantially and as they are damaged and lose value the owners or the bank holding the mortgage lose financial motivation to invest in protecting the asset. At some point, the property becomes more of a liability than an asset and the City or neighborhood is stuck with a blighted and dangerous building or forced to take action.

We have already increased the efforts to monitor and police vacant properties with increased coordination among departments. These new efforts to date include maintaining a list of vacant properties and sharing that list with the Police and Fire Departments. All three departments are monitoring some of the properties as they are in the local areas and we have reallocated a CDBG staff member to CDBG target areas for two days per week to aid in this effort. We also propose properties for demolition to the CDBG Department but there are limited resources and those cases generally require reuse potential and are limited to target areas. The City Council will need to set the policy on how we handle the worst properties that are impacting neighborhood property values and becoming dangerous by State Statute definition. On January 6th you will be asked to appropriate funding for the demolition of one such structure at 9 Gamage Avenue. As part of the FY 15 CIP you will be asked again to set policy on how we deal with these structures and provide funding for



removing the worst cases. The request is for \$150,000 to use for demolition. This is in addition to current efforts and the goal will be to bring additional dangerous buildings to the council for condemnation and then to remove them if owners are not responsive. We would then attempt to recoup costs for properties that have no municipal purpose and reuse the funds for addressing additional structures. Over time we believe we can start to eliminate more of the structures posing the greatest threat to the community. We can also show the public and unresponsive owners that we take dangerous buildings seriously in Auburn and will not allow them to persist. Showing that will help motivate other owners, that do not want to lose their vacant and unsecured buildings, to maintain their properties at a higher standard.

17 §2851. DANGEROUS BUILDINGS

17 §2851. DANGEROUS BUILDINGS

Whenever the municipal officers in the case of a municipality, or the county commissioners in the case of the unorganized or deorganized areas in their county, find that a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof that is or was located on or extending from land within the boundaries of the municipality or the unorganized or deorganized area, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure. [1997, c. 6, §1 (AMD).]

1. Notice. The notice must be served on the owner and all parties in interest, as defined in Title 14, section 6321, in the same way service of process is made in accordance with the Maine Rules of Civil Procedure.

[1997, c. 6, §1 (AMD) .]

2. Notice; how published. When the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, then the notice must be published once a week for 3 successive weeks prior to the date of hearing in a newspaper generally circulated in the county, or if none, in the state paper.

[1997, c. 6, §1 (AMD) .]

3. Order. The order made by the municipal officers or county commissioners must be recorded by the municipal or county clerk, who shall cause an attested copy to be served upon the owner and all parties in interest in the same way service of process is made in accordance with the Maine Rules of Civil Procedure. If the name or address cannot be ascertained, the clerk shall publish a copy of the order in the same manner as provided for notice in subsection 2.

[1997, c. 6, §1 (AMD) .]

4. Proceedings in Superior Court. In addition to proceedings before the municipal officers or the county commissioners, the municipality or the county may seek an order of demolition by filing a complaint in the Superior Court situated in the county where the structure is located. The complaint must identify the location of the property and set forth the reasons why the municipality or the county seeks its removal. Service of the complaint must be made upon the owner and parties-in-interest in accordance with the Maine Rules of Civil Procedure. After hearing before the court sitting without a jury, the court shall issue an appropriate order and, if it requires removal of the structure, it shall award costs as authorized by this subchapter to the municipality or the county. Appeal from a decision of the Superior Court is to the law court in accordance with the Maine Rules of Civil Procedure.

[1997, c. 6, §1 (AMD) .]

SECTION HISTORY

1965, c. 284, (RPR). 1967, c. 401, §1 (AMD). 1973, c. 143, §1 (AMD). 1979, c. 27, §§1-3 (AMD). 1997, c. 6, §1 (AMD).

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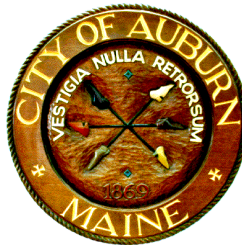
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Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 03-01062014

ORDERED, that the City Council hereby authorize the City Manager or his designee to solicit bids and to authorize the expenditure of up to \$45,000 from the Municipal Fund Balance for the demolition and removal of the Dangerous Building at 9 Gamage Avenue, Auburn Maine.



City Council Information Sheet

City of Auburn

Council Meeting Date: January 13, 2014

Subject: Executive Session

Information: Discussion regarding County dispatch, pursuant to 1 M.R.S.A. §405(6)(E)

This item was scheduled for 1/6/2014 but due to inclement weather, the meeting was postponed to 1/13/2014.

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

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

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

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

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

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

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

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

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

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

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

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

**City Council
Information Sheet**

City of Auburn



City Council Information Sheet

City of Auburn

Council Meeting Date: January 13, 2014

Subject: Executive Session

Information: Discussion regarding Monty Hydro Canal Negotiations, pursuant to 1 M.R.S.A. §405(6)(C).

This item was scheduled for 1/6/2014 but due to inclement weather, the meeting was postponed to 1/13/2014.

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

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

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

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

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

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

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

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

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

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

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

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

**City Council
Information Sheet**

City of Auburn



City Council Information Sheet

City of Auburn

Council Meeting Date: January 13, 2014

Subject: Executive Session

Information: Discussion regarding labor negotiations (International Association of Firefighters Local 797), pursuant to 1 M.R.S.A. §405(6)(D).

This item was scheduled for 1/6/2014 but due to inclement weather, the meeting was postponed to 1/13/2014.

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;

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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

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City of Auburn

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.