



City Council Meeting and Workshop

January 6, 2014

Agenda

5:30 P.M. Workshop

- A. Citizen Participation Plan – Reine Mynahan (presentation 15 minutes, discussion 30 minutes)
- B. Street Opening Fees – Dan Goyette (15 minutes)
- C. Downtown Walking Tour – Al Manoian (15 minutes)

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. Pealatero 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

Committee Reports

- **Transportation**
 - 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**

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- Auburn Water District, Auburn Sewerage District – Councilor Crowley
- Mid-Maine Waste Action Corp. – Councilor Walker
- **Recreation**
 - Recreation Advisory Board
- **Public Safety**
 - LA 911 – Councilor Walker

City Councilors' Reports

IV. Communications, Presentations and Recognitions

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

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.

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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 6, 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: n/a

Attachments:

Memo

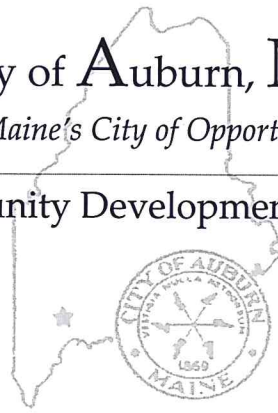
Draft Citizen Participation Plan

*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 *Reine*
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. n 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.

HI. 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.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: January 6, 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: N/A

Attachments: Current and Proposed Excavation Fee Permit Schedule

*Agenda items are not limited to these categories.

Existing Fee Schedule

<u>46-82</u>		
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

<u>46-82</u>		
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



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: 1/6/2014

Item C

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 Meeting Date: January 6, 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: n/a

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. Pealatero

with Firearm

New Hire

Police Officer

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 01-01062014

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



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: January 6, 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.

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



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

Jonathan P. LaBonte, Mayor

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.

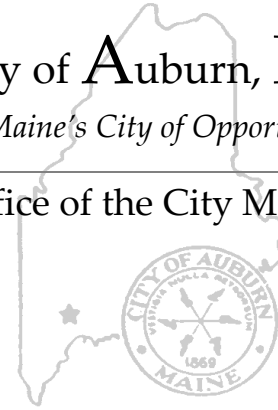
A True Copy.

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

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 Boad 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>; rivingston@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 Agenda Information Sheet

City of Auburn

Council Agenda Date: January 6, 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.

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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MARTHA E. GREENE
DAVID W. BERTONI
PETER D. LOWE
BENJAMIN W. LUND
DANIEL C. STOCKFORD
PETER J. BRANN
KEVIN R. HALEY
DANIEL A. NUZZI

MATTHEW P. SCHAEFER
DAVID SWETNAM-BURLAND
STACY O. STITHAM
KENLEIGH A. NICOLETTA
LYNN B. GELINAS
BARBARA J. SLOTE
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IRVING ISAACSON, Of Counsel

LOUIS J. BRANN 1948
PETER A. ISAACSON 1980

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

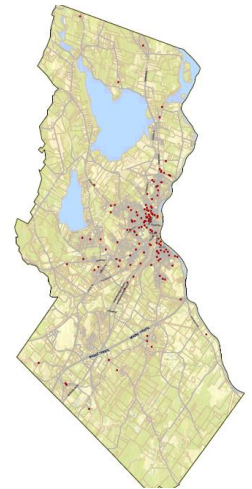
To: Honorable Mayor LaBonte and Auburn City Council
From: Eric J. Cousens, Director of Planning and Permitting
Re: Vacant Buildings
Date: December 26, 2013

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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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 6, 2014

Subject: Executive Session

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

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

Council Meeting Date: January 6, 2014

Subject: Executive Session

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

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

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

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

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

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

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

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

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

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

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

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

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



City Council Information Sheet

City of Auburn

Council Meeting Date: January 6, 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).

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:

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- (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.

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

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

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