



City Council Meeting and Workshop

October 7, 2013

Agenda

5:30 P.M. Workshop

- A. Fire Emergency Medical Services Report–Frank Roma (Presentation 20 minutes, Q & A 20 minutes)
- B. Complete Streets Ordinance–Dan Goyette (Presentation 10 minutes, Q & A 15 minutes)
- C. Discussion regarding an Economic Development matter, pursuant to 1 M.R.S.A. §405(6)(C) with possible action during the meeting.

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.

II. Minutes

- September 3, 2013 Regular Council Meeting
- September 16, 2013 Regular Council Meeting
- September 30, 2013 Special Council Meeting

III. Reports

Mayor's Report

Committee Reports

- **Transportation**
 - Androscoggin Transportation Resource Center – Mayor LaBonte
 - Lewiston Auburn Transit – Councilor Gerry
 - Airport, Railroad – Councilor Hayes
 - Bike-Ped Committee – Councilor Shea
- **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 Young
 - Auburn Public Library – Councilor LaFontaine
 - Great Falls TV – Councilor Young and Councilor Shea
- **Environmental Services**
 - 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

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City Councilors' Reports

IV. Communications, Presentations and Recognitions

- Recognition of *The Auburn Running Club*, for winning the State meet for the 2013 Auburn Parks and Recreation Summer Track and Field Program
- Breast Cancer Awareness Month
- Domestic Violence Month

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

1. Ordinance 11-09162013

Amending the Code of Ordinances Chapter 52, Article 5, Stopping, Standing and Parking, Division I Generally Sec. 52-181 Parking in City owned-lots. Second reading.
To include discussion regarding the Parking Garage.

Council may enter into executive session to discuss Orders 78-09162013, 79-09162013, 80-09162013, 81-09162013, and 82-09162013, pursuant to 1 M.R.S.A. §405(6)(A).

2. Order 78-09162013

Appointing Charles Morrison to the L/A Cable TV Advisory Board with a term expiration of January 1, 2015 as nominated by the Appointment Committee.

3. Order 79-09162013

Appointing Michael Dixon to the Zoning Board of Appeals as a full member with a term expiration of October 1, 2016 as nominated by the Appointment Committee.

4. Order 80-09162013

Appointing Judith Webber to the Auburn Housing Authority with a term expiration of October 1, 2018 as nominated by the Appointment Committee.

5. Order 81-09162013

Appointing Robert Bowyer to the Planning Board with a term expiration of January 1, 2016 as nominated by the Appointment Committee.

6. Order 82-09162013

Appointing Ann Parker to the Community Development Block Grant (CDBG) Loan Committee with a term expiration of October 1, 2016 as nominated by the Appointment Committee.

VII. New Business

7. Order 83-10072013

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Authorizing the City Manager to use funds in the amount up to \$50,000 from an inactive special revenue account to fund ICT's Network Security and Planning and Permitting's Traffic Pole projects with any unused funds being transferred to the general fund account.

8. **Order 84-10072013A and Order 84-10072013B**
Approving the reallocation and prioritization of FY14 CIP funds related to City Buildings.
9. **Ordinance 12-10072013**
Adopting the General Assistance overall maximums. First reading.
10. **Ordinance 13-10072013**
Adopting the General Assistance Ordinance. First reading.
11. **Order 85-10072013**
Approving the renewal of an Auto Graveyard/Junkyard permit for Bucks Auto - Public hearing.
12. **Order 86-10072013**
Approving the renewal of an Auto Graveyard/Junkyard permit for Morris Auto Parts – Public hearing.
13. **Order 87-10072013**
Approving the renewal of an Auto Graveyard/Junkyard permit for M & P Auto Parts – Public hearing.
14. **Order 88-10072013**
Approving the renewal of an Auto Graveyard/Junkyard permit for Randy's Auto Parts- Public hearing.
15. **Order 89-10072013**
Approving the renewal of an Auto Graveyard/Junkyard permit for Isadore T. Miller, Division of Schnitzer NE – Public hearing.
16. **Order 90-10072013**
Approving the renewal of an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC (formerly known as Maine Metal Recycling) – Public hearing.

VIII. Executive Session

- Discussion regarding contemplated litigation, pursuant to 1 M.R.S.A. §405(6)(E) with possible action to follow.
- Discussion of a personnel issue (the City Manager Review), pursuant to 1 M.R.S.A. §405(6)(A) with possible action to follow.
- Discussion regarding an Economic Development matter, pursuant to 1 M.R.S.A. §405(6)(C) with possible action to follow.

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.***

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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 of personnel issues
- B. Discussion or consideration by a school board of suspension of expulsion
- 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. Labor contracts
- E. Contemplated litigation
- 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 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: October 7, 2013

Item A

Author: Auburn Fire Department

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: AUBURN FIRE DEPARTMENT EMS TRANSPORT EVALUATION

Information: In conformance with a Council directive as communicated in resolve 04-06032013 dated August 13, 2013, the Auburn Fire Department is presenting the initial findings and recommendations regarding the provision of EMS transport services within the city of Auburn through the Auburn Fire Department.

Financial: See report

Action Requested at this Meeting: Review and comment

Previous Meetings and History: See Council Resolve 04-06032013 from 8-13-13.

Attachments:

REPORT: Auburn Fire Department EMS Transport Evaluation will be available on Friday, October 4, 2013.

*Agenda items are not limited to these categories.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: October 7, 2013

Item B

Author: Dan Goyette, PE

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: Draft Ordinance Updates to include Complete Streets Policy Initiatives

Information: The City Council adopted a Complete Streets Policy on April 16, 2013. Planning and Engineering then reviewed the existing ordinances and made modifications as to include references to the Policy and requirements that are consistent with the Policy.

Financial: The changes will add costs to future development projects in order to accommodate all forms of transportation. City maintenance costs will also increase to maintain added infrastructure and facilities.

Action Requested at this Meeting: Review and comment on draft ordinance updates. It is recommended that these changes be sent to the Planning Board and Bicycle/Pedestrian Committee for review prior to adoption.

Previous Meetings and History: The City Council adopted a Complete Streets Policy on April 16, 2013.

Attachments:

DIVISION 1. GENERALLY
DIVISION 2. SITE PLAN REVIEW
DIVISION 2. STREETS
DIVISION 3. SPECIAL EXCEPTION
DIVISION 4. SUBDIVISION
ARTICLE V. OFF STREET PARKING AND LOADING
ARTICLE VII. BICYCLES AND MOTORCYCLES

*Agenda items are not limited to these categories.

PART II - CODE OF ORDINANCES
Chapter 46 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
ARTICLE V. - DESIGN AND CONSTRUCTION STANDARDS

DIVISION 1. GENERALLY

DIVISION 1. GENERALLY

[Sec. 46-142. Purpose of article.](#)

[Sec. 46-143. Applicability of article.](#)

[Sec. 46-144. Adoption and amendment of standards.](#)

[Sec. 46-145. Definitions.](#)

[Secs. 46-146—46-173. Reserved.](#)

Sec. 46-142. Purpose of article.

The purpose of the standards set forth in this article is to ensure the adequate and proper installation of improvements within the city; promote the safety and efficiency of motorized and non-motorized vehicular and pedestrian traffic; minimize user costs and the long-term costs of maintenance and repairs to public improvements; encourage efficient use of the land; protect the environment, including provisions for the necessary and adequate control of groundwater levels, stormwater runoff and soil erosion; and ensure an accurate and permanent record of the public improvements, thereby promoting the health, safety and welfare of the community.

(Ord. of 2-26-2002, § 1)

Sec. 46-143. Applicability of article.

- (a) This article shall apply to all improvements within the city constructed subsequent to the effective date of the ordinance from which this article is derived, other than those called for in a final plan previously approved by the city planning board.
- (b) The city engineer may grant a written waiver of strict compliance with the standards set forth in this article after receipt of a written application requesting a waiver by the property owner, developer or authorized representative in any case where the city engineer has determined that such waiver will not create a traffic or safety hazard or otherwise impair the integrity of this article and where the applicant can demonstrate that a specific hardship is created by the enforcement of this article.
- (c) In any case in which the standards as set forth in this article are inconsistent with those established by other city ordinances, the more stringent standard shall apply.
- (d) A determination that any section of this article is invalid shall not necessarily result in the invalidity of any other section.

(Ord. of 2-26-2002, § 2)

Sec. 46-144. Adoption and amendment of standards.

- (a) The city engineer may propose new standards and amend existing standards for improvements. All new and amended standards shall become effective only after a public hearing before the city council. Such standards shall be additional to and consistent with the provisions of this article, shall be necessary and reasonable, and shall be in accordance with sound engineering practice.

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- (b) The city engineer shall maintain for public inspection current copies of the effective standards.
(Ord. of 2-26-2002, § 3)

Sec. 46-145. Definitions.

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

Base course means the layers of specified or selected material of designated thickness placed on a subbase or a subgrade to support a surface course.

Bond means a surety bond or a form of security approved as to form and financial sufficiency by the finance director and city solicitor, including a letter of credit and escrow account.

City engineer means the city engineer, acting directly or through his duly authorized representatives.

Developer means any person, group of persons, organizations, etc., whose concern and desire is to improve land in accordance with the development regulations of the city.

MDOT specifications means the 2002 Maine Department of Transportation Standard Specifications, Highways and Bridges.

Passenger car equivalent means, at peak hour, the number of passenger cars, or, in the case of nonpassenger vehicles, the number of passenger vehicles that would be displaced by nonpassenger vehicles, that pass through an intersection or on a roadway under prevailing roadway and traffic conditions at that hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day. One tractor-trailer combination is the equivalent of two passenger cars.

Pavement structure means the combination of subbase, base course and surface course placed on a subgrade to support the traffic load and distribute it to the street bed.

Private way means a privately owned and maintained street or road.

Reserve or spite strip means any strip of land along a right-of-way located for the purpose of preventing development of abutting land through deprivation of required frontage or control of access to the right-of-way.

Right-of-way means land, property or interest therein, usually in a strip, acquired for or devoted to a street or road.

Road means a public or private way for purposes of motorized and non-motorized vehicular travel, including the entire area within the right-of-way. For the purpose of this article, the term "road" shall refer to nondevelopment and rurally located public and private ways, usually of rural design.

Shared-Use Path means a bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared-use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other nonmotorized users.

Sidewalk means that portion of the street primarily constructed for the use of pedestrians, also referred to as a pedestrian way.

Special exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience,

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appearance, prosperity or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in appendix A of this Code (the zoning ordinance) and reasonable restrictions imposed by the planning board are complied with.

Street means a public or private way for purposes of motorized and non-motorized vehicular travel, including the entire area within the right-of-way. For the purpose of this article, the term "street" shall refer to all developed public and private ways, of both rural and urban design.

Street way and *roadway* mean the portion of a street, or road including shoulders, for vehicular use.

Subbase course means the layers of specified or selected material of designated thickness placed on the subgrade to support a base course or surface course.

Subgrade means the top surface of a street bed upon which the pavement structure and shoulders are constructed or upon which the subbase course is constructed.

Surface course means one or more layers of pavement designed to accommodate the traffic load. The top layer may be referred to as the wearing course. The bottom layer may be referred to as the binder course or pavement base course.

Walkway means a pedestrian way other than a street sidewalk.

(Ord. of 2-26-2002, § 4)

Secs. 46-146—46-173. Reserved.

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Subdivision I. In General

DIVISION 2. SITE PLAN REVIEW

Subdivision I. In General

[Sec. 60-1276. Purpose.](#)

[Sec. 60-1277. Objective.](#)

[Sec. 60-1278. Applicability.](#)

[Secs. 60-1279—60-1299. Reserved.](#)

Sec. 60-1276. Purpose.

The purpose of site plan review is to ensure that the design and layout of certain developments permitted by special exceptions, or other developments noted herein, will constitute suitable development and will not result in a detriment to city, neighborhood or the environment.

(Ord. of 9-21-2009, § 7.1A)

Sec. 60-1277. Objective.

In considering a site plan, the planning board shall make findings that the development has made provisions for:

- (1) Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air;
- (2) Convenience and safety of vehicular, bicycle and pedestrian movement within the site and in relation to adjacent areas;
- (3) Adequacy of the methods of disposal for wastes; and
- (4) Protection of environment features on the site and in adjacent areas.

(Ord. of 9-21-2009, § 7.1B)

Sec. 60-1278. Applicability.

A site plan review shall be required for the following projects:

- (1) All uses permitted by special exception.
- (2) Any other uses for which site plan review is required by any other provision contained in this or other ordinances.

(Ord. of 9-21-2009, § 7.1C)

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Secs. 60-1279—60-1299. Reserved.

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Subdivision II. Procedure

Subdivision II. Procedure

[Sec. 60-1300. File for site plan review.](#)

[Sec. 60-1301. Scale; required information.](#)

[Sec. 60-1302. Exemption for information.](#)

[Sec. 60-1303. Approval—Time line for review.](#)

[Sec. 60-1304. Same—Public hearing; findings.](#)

[Sec. 60-1305. Same—Subject to conditions, modification, restrictions, etc.](#)

[Sec. 60-1306. Signed copies.](#)

[Sec. 60-1307. Findings in writing.](#)

[Sec. 60-1308. Expiration of approval.](#)

[Sec. 60-1309. No building permitted without approval.](#)

[Sec. 60-1310. Certificate of occupancy.](#)

[Sec. 60-1311. Deposit of surety.](#)

[Sec. 60-1312. Review of planning board needed for variance.](#)

[Sec. 60-1313. Correction of off-site deficiencies.](#)

[Secs. 60-1314—60-1334. Reserved.](#)

Sec. 60-1300. File for site plan review.

An applicant for site plan review shall file with the department of community development and planning a completed site plan application along with an original and 20 copies of the site plan and the required processing fee. Such plans shall be filed not less than 30 days prior to a regularly scheduled meeting. Plans shall be folded at a size not to exceed 8½ inches by 11 inches.

(Ord. of 9-21-2009, § 7.1D(1))

Sec. 60-1301. Scale; required information.

The original plan shall be drawn on reproducible Mylar at a scale of no more than 100 feet to the inch. Each site plan shall contain the following information:

- (1) Name and address of owner and developer and interest of the applicant if other than the owner or developer.
- (2) Name of development, scale and meridian arrow, with specific definition of representation, date of plan and legend.
- (3) Names and addresses of all owners of record of all adjacent property as appear on assessor's records.

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- (4) Current zoning boundaries and 100-year floodplain boundaries including surrounding areas to a distance of 300 feet from the perimeter of the site.
- (5) Easements; rights-of-way, existing, planned or proposed; or other reservations adjacent to or intersecting the property.
- (6) Topographic map of the site, containing the following:
 - a. Existing contours, where the slope of existing ground surface is generally two percent or more, the topographic map shall show contours at intervals of five feet of elevation (or lesser intervals as the planning board or engineering department may prescribe). Where the slope of the existing ground surface is generally less than two percent, contour intervals of one foot shall be shown. These contours shall not be copied from the city topographic maps and shall be determined from an on-site survey certified by a registered land surveyor.
 - b. Proposed contours shall be shown at intervals to be determined by the city engineer.
- (7) Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees with a diameter of ten inches measured three feet from the base of the trunk.
- (8) Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of 100 feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed.
- (9) Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow, existing within 200 feet of the subject property.
- (10) Existing soil conditions and soil suitability test results.
- (11) Locations of proposed buildings and uses thereof.
- (12) Proposed traffic circulation system including streets, parking lots, driveways and other access and egress facilities, curblines, sidewalk lines and existing streets, including the projected traffic flow patterns into and upon the site for both vehicles, bicycles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.
- (13) Location of existing and proposed public utility lines, indicating whether proposed lines will be placed underground.
- (14) Site developments requiring stormwater permits pursuant to 38 M.R.S.A. § 420-D shall include the required plan and to the extent permitted under 38 M.R.S.A. § 489-A, be reviewed under the procedures of article XVI of this chapter; and they shall meet and comply with 38 M.R.S.A. § 484(4-A) and those Rules promulgated by the Maine Department of Environmental Protection pursuant to the Site Law and section 420-D, specifically Rules 500 and 502, as last amended December 21, 2006. Adopted September 22, 2005, said Rules taking effect November 16, 2005, as enacted by Legislative Resolve, chapter 87, Public Laws of 2005 (LD 625/HP 458), amended March 20, 2006. If a project proposes infiltration and the standards in Rule 500, appendix D are not met, then a waste discharge license may be required from the Maine Department of Environmental Protection. An infiltration system serving a development regulated under the Site Location of Development Act may be required to meet standards in addition to those in appendix D.
- (15) Location and design of proposed off-street parking and loading areas indicating number and size of stalls.

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- (16) Proposed location and direction of and time of use of outdoor lighting.
- (17) Existing and proposed planting, fences and walls, including all landscaping and screening and indicating existing trees to be retained and areas to be left undisturbed, including design features intended to integrate the proposed new development into the existing landscape to enhance aesthetic assets and to screen objectionable features from neighbors.
- (18) Location, size, design and manner of illumination of signs.
- (19) Disposal of sewage, trash, solid waste, oil waste, hazardous waste or radioactive waste showing disposal facilities, receptacles or areas.
- (20) Perimeter boundaries of the site giving complete descriptive lot data by bearings, distances and radii of curves including the name and seal of the registered land surveyor who prepared the plan.
- (21) Description and plan of capacity and location of means of sewage disposal together with approval of sewer district engineer or evidence of soil suitability for such disposal (test pit locations shall be shown on the plans) similarly approved by the city engineer department.
- (22) A statement of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, the total number of parking spaces required by the zoning chapter for the uses proposed, the number of employees expected per shift and the total floor area of proposed commercial or industrial uses.
- (23) Description and plan of a phase development concept detailing the areas and sequence of phasing.
- (24) A statement by the developer assuring that he has the financial capabilities to fully carry out the project and to comply with the conditions imposed by the planning board.

(Ord. of 9-21-2009, § 7.1D(2))

Sec. 60-1302. Exemption for information.

Upon request, the planning board, or the planning director, acting for the board, may waive the necessity of providing any of the foregoing planning information which is not relevant to the proposed development.

(Ord. of 9-21-2009, § 7.1D(3))

Sec. 60-1303. Approval—Time line for review.

The planning director shall, within five days of receipt, transmit copies of the application and site plan to the department that in his view requires such information. The agencies receiving these copies shall have up to 15 days to make recommendations to the planning board.

(Ord. of 9-21-2009, § 7.1D(4))

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Sec. 60-1304. Same—Public hearing; findings.

The planning board shall, within 30 days of receipt of a completed application, hold a public hearing. Notice of a hearing shall be given in the manner provided for in division 3 of article XVII of this chapter. The planning board will take final action on the site plan within 60 days of receiving a completed application, or within such other time limit as may be mutually agreed to. Such final action shall consist of either:

- (1) A finding and determination that the proposed project will constitute a suitable development and will not result in a detriment to the neighborhood or the environment; or
- (2) A written denial of the application stating the reasons for such denial, upon a finding that:
 - a. The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will create hazards to safety and/or is inconsistent with the City's Complete Streets Policy.
 - b. The bulk, location or operation of proposed buildings and structures will be detrimental to and adversely affect the use and values of existing development in the neighborhood or the health or safety of persons residing or working therein.
 - c. The provisions for on-site landscaping are inadequate to screen neighboring properties from unsightly features of the development.
 - d. The site plan does not adequately provide for the soil and drainage problems which the development may give rise to in accordance with [section 60-1301\(14\)](#).
 - e. The provisions for exterior lighting create safety hazards for motorists traveling on adjacent streets, or are inadequate for the safety or occupants or users of the site, or will create a nuisance affecting adjacent properties.
 - f. The proposed development will unduly burden off-site sewer drainage or water systems.
 - g. The proposed development will create a fire hazard by failing to provide adequate access to the site, or to buildings on the site, for emergency vehicles.
 - h. The proposed development violates provisions of the zoning regulations applicable to the site or other applicable laws, regulations or ordinances.
 - i. The proposed development will unduly impact the ability to provide municipal services.

(Ord. of 9-21-2009, § 7.1D(5))

Sec. 60-1305. Same—Subject to conditions, modification, restrictions, etc.

Approval may be made subject to conditions, modifications and restrictions as the planning board may deem necessary; and any construction, reconstruction, alteration or addition shall be carried on only in conformity to such conditions, modifications or restrictions and in conformity with the application and site plan.

(Ord. of 9-21-2009, § 7.1D(6))

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Sec. 60-1306. Signed copies.

If no action is taken within 60 days after submittal of a completed application, the site plan shall be deemed to have been approved. An original of the approved plan signed by the planning board and one signed copy shall be delivered to the applicant, the assessor's department, the engineering department and to the building inspector on which basis building permits may be issued when all other required plans have been approved.

(Ord. of 9-21-2009, § 7.1D(7))

Sec. 60-1307. Findings in writing.

The findings of the planning board shall be in writing with a copy being forwarded to the applicant. The planning board's written report shall also include a statement as to how any deficiencies in the site plan might be resolved and what conditions, modifications and restrictions are to be complied with in executing the plan.

(Ord. of 9-21-2009, § 7.1D(8))

Sec. 60-1308. Expiration of approval.

Approval of a site plan shall expire one year after the date of approval unless all building permits have been obtained to begin construction in accordance with the approved site plan. Any site plan that contains a phase concept approved by the planning board shall not be required to obtain all building permits within the time sequence established for completion of each phase. No building permits or other permits shall be issued until all improvements are substantially completed for the preceding phase. A single one-year extension may be given upon a showing of good cause in writing by the applicant to the planning board not less than 30 days before the expiration of approval of his existing plan. The planning board shall approve or disapprove the requested extension at its next regular meeting.

(Ord. of 9-21-2009, § 7.1D(9))

Sec. 60-1309. No building permitted without approval.

No permit shall be issued for the construction of any building in an area included in the site plan or in any development for which a site plan is required until such site plan has been approved by the planning board and unless the construction plans and specifications presented to the building inspector with the application for the permit are consistent with the approved site plan.

(Ord. of 9-21-2009, § 7.1D(10))

Sec. 60-1310. Certificate of occupancy.

No certificate of occupancy shall be issued with respect to any building until all construction called for by the site plan is completed, except by special permission of the planning board granted upon a showing of special circumstances warranted the issuance of the certificate and that the remaining construction will be completed within a reasonable time.

(Ord. of 9-21-2009, § 7.1D(11))

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ARTICLE XVI. - ADMINISTRATION AND ENFORCEMENT
DIVISION 2. - SITE PLAN REVIEW

Subdivision II. Procedure

Sec. 60-1311. Deposit of surety.

The planning board may require the applicant with the submission of the site plan to tender a certified check payable to the city and issued by a surety company or secured by deposits issued by institutions authorized to issue the same by the laws of the state or the United States or irrevocable letters of credit issued by said banking institutions in an amount of money determined by the city planner, with the advice of the various city departments and agencies concerned, to be sufficient to ensure compliance with the approved site plan.

(Ord. of 9-21-2009, § 7.1D(12))

Sec. 60-1312. Review of planning board needed for variance.

For those developments subject to site plan review (division 2 of article XVI of this chapter) the relaxation of the dimensional requirements of any use district shall be reviewed by the planning board. The modifications of the dimensional requirements shall be allowed as the planning board may deem necessary to carry out the objectives and intent of site plan review as specified in division 2 of article XVI of this chapter.

(Ord. of 9-21-2009, § 7.1D(13))

Sec. 60-1313. Correction of off-site deficiencies.

The planning board shall have the right to require the developer, at his expense, to correct any off-site deficiencies either created or aggravated by the developer's proposed project.

(Ord. of 9-21-2009, § 7.1D)

Secs. 60-1314—60-1334. Reserved.

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[Sec. 46-174. Applicability.](#)

[Sec. 46-175. Minimum street design and construction standards chart.](#)

[Sec. 46-176. Subsurface soil exploration.](#)

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[Sec. 46-180. Culs-de-sac \(dead-end streets\).](#)

[Sec. 46-181. Alignment and grades.](#)

[Sec. 46-182. Sidewalks and other walkways.](#)

[Sec. 46-183. Street construction materials.](#)

[Sec. 46-184. Street construction standards.](#)

[Secs. 46-185—46-206. Reserved.](#)

Sec. 46-174. Applicability.

For the purpose of this article, design requirements shall relate to the following street classifications:

(1) *Street classification I.*

- a. *Local street.* A local street serves primarily for access to abutting residential properties.
- b. *Cul-de-sac.* A cul-de-sac is a local, industrial or commercial street with only one end open to traffic and being terminated at the other end by a vehicular turnaround; also referred to as a dead-end street.
- c. *Collector street.* A collector street serves the internal traffic of the city, providing circulation within or through a development and connecting local streets to the arterial system.
- d. *Arterial street.* An arterial street serves as a major traffic way for travel between and through urban centers and neighborhoods. The design and construction of arterial streets is not included in this article due to the significant special design considerations and uniqueness of each project.
- e. *Industrial and commercial streets.* Industrial and commercial streets are streets within such zones and provide access to industrial and commercial users.
- f. *Private streets.* Private streets are streets which may be constructed as part of a residential, planned unit, commercial or industrial development. Private streets receive no public funding; will never be maintained or improved by the city; and will remain private property.
- g. *Lanes.* Lanes are streets providing access to ten or less lots in a residential subdivision or with average daily traffic (ADT) of 100 vehicles or less. A cul-de-sac providing for access to

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the same number of units or with the same ADT shall be considered a lane and shall meet the same standards.

(2) *Street classification II.*

- a. *Urban.* Urban design standards shall be defined as paved streets with such appurtenances as curbs, esplanades, paved sidewalks and an enclosed under drain/stormwater conveyance system with catchbasins, manholes and associated piping.
- b. *Rural.* Rural design standards shall be defined as paved streets with gravel shoulders and with side ditches and culverts for the transportation of groundwater seepage and stormwater.

(Ord. of 2-26-2002, § 5.1)

Sec. 46-175. Minimum street design and construction standards chart.

The minimum street design and construction standards chart is intended to show minimum widths and design standards for a particular classification of street. If, in the opinion of the city engineer, traffic use or geometric considerations for a street or any part of a street warrant modifications or a greater standard than listed on the chart, the city engineer may require such modifications and shall submit his reasons in writing to the planning board. In addition, if, in the opinion of the city engineer, accommodations for non-motorized vehicles or pedestrians are needed in addition to those identified in the following charts, the city engineer may require modifications and shall submit his reasons in writing to the planning board. These modifications shall be in accordance with the City's Complete Streets Policy and the latest AASHTO standards.

Item	Type of Street					
	<i>Lane</i>	<i>Local</i>		<i>Collector</i>		<i>Industrial Commercial</i>
Average daily traffic (ADT)	< 100	< 500	500 >	1,500 >		
Right-of-way width (feet)	<u>50</u>	<u>50</u>	<u>50</u>	66	66	<u>60</u>
Pavement width (feet)	<u>22</u>	24	<u>28</u>	<u>32</u>	40	40
Curbing	Vertical/sloped	Vertical/sloped		Vertical		Vertical
Sidewalk width (feet)	—	5	5	5	5	5
Sidewalk esplanade (feet)	—	5	5	5	5	5
Minimum grade (percent)	0.5	0.5	0.5	0.5	0.5	0.5

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Maximum grade (percent)	8	8	8	6	6	5
Maximum grade within 75 feet of intersection (percent)	3	3	2	3	3	2
Minimum centerline radius (feet)	150	150	150	300	300	300
Minimum tangent between reverse curves (feet)	—	—	—	300	300	300
Minimum pavement cross slope (inches/feet)	3/8	3/8	3/8	¼	¼	¼
Minimum angle of street intersection (degrees)	75	75	75	90	90	90
Design speed (mph)	<u>25</u>	<u>25</u>	<u>25</u>	<u>35</u>	<u>35</u>	<u>35</u>
K factor—crest vertical curve	<u>20</u>	<u>20</u>	<u>20</u>	<u>35</u>	<u>35</u>	<u>50</u>
K factor—sag vertical curve	<u>30</u>	<u>30</u>	<u>30</u>	40	40	<u>50</u>
Curb radii at intersection (feet)	<u>20</u>	<u>20</u>	<u>20</u>	<u>30</u>	<u>30</u>	<u>30</u>
Property line radii at intersection (feet)	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>

(Ord. of 2-26-2002, § 5.1)

Sec. 46-176. Subsurface soil exploration.

- (a) The purpose of the subsurface soils exploration is to determine the engineering properties and conditions of the soil and rock which exist below the ground surface in order to properly design streets and other improvements.
- (b) A high intensity soil survey (also required in [section 46-209\(b\)\(1\)e](#)) shall be conducted by a certified soil scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to one-tenth acre or less at a scale equivalent to the development plan submitted. The

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mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

- (c) Test pit or boring locations shall be shown on the development plan.
- (d) Soil profiles shall include seasonal high and existing groundwater elevations.
- (e) The city engineer may request additional test pits or borings to determine the limits of unsuitable material or to provide additional information for adequate design of the pavement structure.
- (f) If, during construction, subsurface soils vary from original classifications, the pavement structure design shall be modified to reflect the new soil types and submitted to the city engineer for approval.

(Ord. of 2-26-2002, § 5.1)

Sec. 46-177. Rights-of-way.

- (a) The minimum width of rights-of-way for streets to be dedicated or established after the effective date of the ordinance from which this article is derived shall conform to the widths as shown in the minimum street design and construction standards chart as set forth in [section 46-175](#)
- (b) The city may require that additional rights-of-way width be provided for future extension of the street.
- (c) The extension of an existing street, of the same classification as the existing street, shall be constructed at the same or greater width as required.
- (d) Proposed developments along existing, dedicated or platted streets where rights-of-way are inadequate shall include additional land to meet the minimum standards. Land reserved for such purposes may not be used in satisfying setback, yard or area requirements of the zoning districts.
- (e) Reserve or spite strips controlling the access to streets shall be prohibited except where their control is placed with the city.

(Ord. of 2-26-2002, § 5.1)

Sec. 46-178. Arrangement and layout.

- (a) The arrangement, character, extent, width, grade and location of all streets to be dedicated to the public and all private streets shall be considered in their relation:
 - (1) To existing and planned streets;
 - (2) To reasonable circulation of traffic within developments and on adjoining streets;
 - (3) To topographical conditions;
 - (4) To runoff of stormwater;
 - (5) To public pedestrian and vehicular convenience and safety; and
 - (6) To their appropriate relation to the proposed uses of the areas to be served.
- (b) Proposed streets shall conform to the comprehensive plan as adopted by the city.
- (c) All streets shall be designed so that they provide for safe vehicular travel while discouraging the movement of through traffic over local streets.
- (d) To the extent practicable, culs-de-sac shall be avoided in favor of loop streets, and if included in the development, shall be minimal in number.

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- (e) Developments generating 1,000 or more vehicle trips per 24-hour period will provide two or more separate points of vehicular access into and out of the site.
- (f) Driveway access to collector or arterial streets shall be avoided to facilitate the free flow of traffic and minimize traffic hazards.
- (g) Nonresidential developments will provide a clear route for delivery vehicles with the appropriate geometric design to allow turning and backing for WB-40 vehicles (i.e., tractor-trailer combinations).
- (h) The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot and shall prohibit vehicles from backing out onto a street or road.
- (i) Where a development abuts or contains an existing or proposed arterial street, the planning board may require:
 - (1) Marginal access streets (i.e., street parallel to arterial street providing access to adjacent lots);
 - (2) Reverse frontage lots (i.e., frontage on a street other than the existing or proposed arterial street) with screen planting contained in a nonaccess reservation along the rear property line; or
 - (3) Other such treatments as may be necessary for adequate noise reduction, visual screening and protection of residential properties and to afford separation of through and local traffic.
- (j) The proposed street layout shall be coordinated with the street and road system of surrounding areas. All streets shall provide for the continuation or appropriate projection of streets in surrounding areas and provide means of ingress and egress to surrounding acreage tracts.

(Ord. of 2-26-2002, § 5.1)

Sec. 46-179. Intersections.

- (a) Traffic intersections and confluences shall encourage safe and efficient ~~traffic~~ motorized, non-motorized vehicular and pedestrian flow.
- (b) Streets intersecting an arterial street shall do so at a 90-degree angle. Streets intersecting collector or local streets shall not vary from 90 degrees by more than 15 degrees.
- (c) At street intersections, the right-of-way lines shall be rounded by a circular arc having a radius as tabulated in the minimum street design and construction standards chart as set forth in [section 46-175](#). A greater radius may be required for streets intersecting at an angle other than 90 degrees.
- (d) Cross street intersections within residential areas shall be avoided.
- (e) Intersections with more than four legs shall be prohibited.
- (f) Minimum centerline offsets of adjacent intersections shall be as follows unless, in the opinion of the city engineer, a lesser length is necessitated by local conditions:

Local to local	125 feet
Local to collector	150 feet
Local to arterial	250 feet

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Collector to collector	200 feet
Collector to arterial	250 feet

- (g) Horizontal curves shall be no closer than 135 feet to the center of an intersection unless otherwise approved by the city engineer.
- (h) Where new street intersections or driveway curb cuts are proposed, sight distances, as measured along the street or road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the following table:

Posted Speed Limit (mph)	Sign Distance (feet)
25	200
30	300
35	350
40	400
45	450
50	500
55	550

- (i) Where necessary to achieve required visibility, corner lots shall be cleared of all growth and sight obstruction, including earth excavation, and deed covenants shall be attached to prohibit future emplacement of sight obstructions.
- (j) Vehicular access to developments shall be from streets or roads that have adequate capacity to accommodate the additional traffic generated by the development. The level of service after development at intersections on major access routes to the development and at the intersection of any development access drive or proposed street shall be at a minimum at predevelopment levels of service. The developer shall mitigate development impacts that result in a reduced level of service.

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- (k) For developments subject to planning board review that will result in a reduction in the level of service, the planning board may waive the lower level of service restriction in subsection (j) of this section, subject to written recommendations of the director of community services, public works director and chief of police; also subject to input from the Lewiston-Auburn comprehensive transportation study, or their designees, and the state department of transportation.

(Ord. of 2-26-2002, § 5.1)

Sec. 46-180. Culs-de-sac (dead-end streets).

(a) *Local residential standards.*

- (1) In addition to the design standards for local residential streets, culs-de-sac shall be constructed to provide for a circular turnaround with minimum dimensions as follows:

a. Radii at circular turnaround with a center island:

1. Property line, 75 feet.
2. Outer edge of pavement, 66 feet.
3. Inner edge of pavement, 44 feet.

b. Radii at circular turnaround without a center island:

1. Property line, 60 feet.
2. Outer edge of pavement, 50 feet.

- (2) At the end of temporary culs-de-sac, a temporary turnaround shall be constructed with an outside edge of pavement diameter of 90 feet or a backing space extending at least 30 feet beyond the edge of the street, and the end of the street extending at least 30 feet beyond the edge of the backing space. Pavement widths for backing spaces shall be identical to the type of street.

- (3) Cul-de-sac shall be a maximum of 600 feet in length measured from the centerline of the feeder street to the center of the turnaround radius unless the planning board finds that a greater length will not create a hazard as based on the availability of hydrants, accessibility to firefighting equipment and anticipated use of abutting properties.

- (b) *Collector, industrial and commercial standards.* Presentation of special design, discussion and written permission of the planning board shall be required for those conditions that may require culs-de-sac under the category of collector, industrial or commercial.

(Ord. of 2-26-2002, § 5.1)

Sec. 46-181. Alignment and grades.

- (a) Alignment for local streets in residential areas shall be curvilinear, utilizing existing topography so as to discourage high speed. Insofar as possible, high cuts and fills shall be avoided. Caution shall be taken in the design of the alignment so that the safety of the facility is not reduced.
- (b) Alignment and grades for collector streets or streets in industrial or commercial areas should be commensurate with the topography, but should be as direct as possible.
- (c) Alignment and grades for all proposed streets shall be subject to the approval of the city engineer.

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- (d) Increases in maximum allowable grade may be allowed by the city engineer in cases of unusual circumstances.

(Ord. of 2-26-2002, § 5.1)

Sec. 46-182. Sidewalks and other walkways.

It is the policy of the city to encourage developers to construct bike lanes, sidewalks and shared-use paths as part of all new residential and commercial projects in order to enhance the quality of life, area aesthetics and neighborhood integrity, and to promote alternative, nonmotorized modes of transportation.

- (1) Sidewalks with esplanades shall be provided along one side of all local streets and both sides of all collector, commercial and industrial streets, and shall connect with the existing sidewalk network in the vicinity of the development. Bike lanes and shared-use paths may also be required on all types of streets where the planning board views that there is a need.
 - (2) The planning board may require walkways in open space or recreation areas that are designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops, and existing sidewalks and walkways in the vicinity.
 - (3) Sidewalks and walkways shall be clear and free of encumbrances.
 - (4) Areas within street rights-of-way which are reserved for future sidewalks and esplanades shall be designed and graded to the standards and specifications contained in this article.
 - (5) Esplanades shall be sloped at one-half inch per foot from the sidewalk to the street curb and shall be loamed, seeded and mulched in accordance with the city's design standards.
 - (6) The planning board may waive the requirement to build sidewalks under the following circumstances:
 - a. When the developer can demonstrate to the planning board's satisfaction that the nature of the development does not lend itself to pedestrian uses by the residents, employees or the public;
 - b. When the developer can demonstrate that the cost of building the sidewalk makes the project financially impossible (i.e., the developer has sufficient financing for the project except for the cost directly attributable to the construction of the sidewalks);
 - c. With respect to residential developments, if there are no existing sidewalks in the proximity of the development and the city has no plans to construct sidewalks that would connect to the proposed development, the planning board may waive the requirement at the developer's request. If the city does have plans to construct new sidewalks that would connect to the proposed development, then the planning board shall require the developer to place an amount in interest bearing escrow sufficient to fund the cost of constructing sidewalks within the development. If the city has not budgeted the new connecting sidewalk within five years after the development has been completed, at the request of the developer to the city manager, the city shall return the money held in escrow, plus interest.
1. *Street names.*
 - (i) Streets that join and are in alignment with existing streets shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets and roads within the city. Names of new streets to be accepted by the city shall be subject to the approval of 911 and the city

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council. Names of new streets that are not to be accepted by the city shall be subject to the approval of 911 and the planning board.

(ii) Initial street name signs shall be furnished and installed by the city with the cost of such installation being borne by the developer.

2. *Traffic control devices.* All initial signing and pavement markings required for the proper control of pedestrian, bicycle and vehicular traffic within the development shall be paid for by the developer. The city shall furnish and install all such devices. The types and locations of all such devices shall be determined by the police chief and public works director, and shall be in conformance with the Manual on Uniform Traffic Control Devices, current revision.

(Ord. of 2-26-2002, § 5.1)

Sec. 46-183. Street construction materials.

(a) *Generally.* Street construction materials as specified in this article shall conform to MDOT specifications unless otherwise noted.

(b) *Type and minimum allowable depth.* Minimum requirements for materials are as follows:

	Minimum Requirements		
	<i>Lane Local (inches)</i>	<i>Collector (inches)</i>	<i>Industrial Commercial (inches)</i>
<i>Street materials:</i>			
Aggregate subbase course	15	<u>18</u>	<u>18</u>
Aggregate base course	3	3	3
Hot bituminous pavement:			
Total thickness	3½	4	5
Surface course	1½	1½	1½
Base course	2	2½	½

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<i>Sidewalk materials:</i>			
Aggregate subbase course	12	12	12
Hot bituminous pavement:			
Total thickness	2	2	2
Surface course	1	1	1
Base course	1	1	1
<i>Driveway apron materials (within right-of-way of urban design):</i>			
Aggregate subbase course	12	12	12
Hot bituminous pavement:			
Total thickness	3	3	4
Surface course	1	1	1
Base course	2	2	3
<i>Curbing materials:</i>			
Granite stone curbing, type 1			
Bituminous curbing, type 3			
Granite stone edging,			

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type 5			
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(Ord. of 2-26-2002, § 5.2)

Sec. 46-184. Street construction standards.

- (a) *Generally.* All streets shall be constructed according to the specifications in this section as overseen by the city engineer.
- (b) *Clearing, grading, cuts and fills.*
 - (1) *Clearing.* Before grading is started, the entire right-of-way area shall be cleared of all stumps, roots, brush and other objectionable material and all trees not intended for preservation in accordance with MDOT specifications, section 201, Clearing Right-of-Way. Rights-of-way for rural design streets shall not be cleared in those areas that will enhance the natural appearance and attractiveness of the development while not conflicting with this article.
 - (2) *Grading.* All streets and roads shall be graded to their full width by the developer so that pavements and sidewalks can be constructed on parallel profiles. Due to special topographical conditions, deviation from such requirement will be allowed only with special approval of the city engineer.
 - (3) *Subgrades.* Subgrades shall be prepared in accordance with MDOT specifications, section 203, Excavation and Embankment, in particular subsection 203.17, Preparation and Protection of the Subgrade.
 - (4) *Cuts.* Cuts shall be in accordance with MDOT specifications, section 203, Excavation and Embankment. Tree stumps and other organic materials shall be removed to a depth of two feet below the subgrade. Rocks and boulders, when encountered, shall be scarified or removed to subgrade.
 - (5) *Fills.* Fills shall be in accordance with MDOT specifications, section 203, Excavation and Embankment. Excess materials, including organic materials, soft clays, etc., shall be removed from the street site. The fill shall be spread in layers not to exceed 12 inches loose measure and compacted.
 - (6) *Backfilling.* Backfilling, to include utility trenches, shall be in accordance with MDOT specifications, section 206, Structural Excavation, and other applicable sections such as those that address backfilling of curbs, under drains, culverts and other typical street and road structures. Separate layers of backfill material of specified thickness shall be mechanically tamped.
 - (7) *Side slopes.* All side slopes shall be no steeper than three horizontal to one vertical unless provided for under subsection (g) of this section. All slopes shall be loamed, seeded and mulched in accordance with [section 46-209](#)(f)(4) through (6).
- (c) *Sanitary sewers, storm drains and other utilities.*
 - (1) All utilities shall be located underground and as required in subsections (c)(2) through (11) of this section unless otherwise approved by the city engineer.

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- (2) Sewer mains shall be located approximately along the centerline of the street at a recommended average depth of eight feet.
 - (3) Sewer manholes shall be located on the street centerline at the crown of the road and the top surface of the manhole rim or cover shall be flush with the pavement surface.
 - (4) To the extent practicable, under drain/stormwater conveyance pipes shall be located along gutter lines on a line one foot in front of the toe of the face of the curb and with a minimum cover of four feet.
 - (5) Water mains shall be located under the sidewalk at an elevation greater (i.e., a depth less than) the sewer main and sewer service laterals and at a recommended depth of 5½ feet.
 - (6) Hydrants shall be located one foot in back of the face of the curb.
 - (7) Gas mains shall be located under the esplanade on the same side of the street as the water main and with a minimum cover of 2½ feet.
 - (8) Gas mains shall be installed after the installation of all other underground utilities.
 - (9) Telephone, electrical and cable television lines shall be located under the esplanade on the side of the street opposite the water and gas mains. Electrical lines shall have a minimum cover of 2½ feet. Electrical lines for rural design shall be located in the gravel shoulder and shall have a minimum cover of three feet and be a minimum of two feet below cross culverts and ditch lines where applicable. All wiring shall be placed in PVC conduit and also encased in concrete where passing under the ditch line. Warning tape shall be placed above the conduit at a depth of one foot.
 - (10) All sanitary sewers, storm drains and underground utility mains and their services shall be installed within the street right-of-way prior to the placement of the aggregate base/subbase course unless a waiver in writing is obtained from the city engineer.
 - (11) All utility service laterals shall extend to the street right-of-way abutting the lot to be served, where they will be properly capped or terminated. An accurate record of each such utility service lateral, its location and its depth at the street right-of-way shall be kept by the developer and true copies of such record will be provided to the city engineer and the appropriate utility. Such location of the utility service laterals at the street right-of-way line shall be physically marked by the placement of a wooden stake, driven to the depth of the service, with enough of the stake exposed above the ground to be readily visible, and marked as to the type of service.
- (d) *Geotextiles, subbase and base, and pavement.* MDOT specifications, section 620, Geotextiles, subsection 722.01, Stabilization Geotextile, section 304, Aggregate Base and Subbase Course, and section 403, Hot Bituminous Pavement, shall be applicable to this subject, except as follows:
- (1) *Geotextiles.* The use of geotextiles under the aggregate subbase for the purpose of subgrade soil stabilization and increased tensile strength shall be as directed by the city engineer.
 - (2) *Subbase and base.*
 - a. *Aggregate subbase course.* Aggregate for subbase shall not contain particles of rock which will not pass the four-inch square mesh sieve.
 - b. *Aggregate base course.* Aggregate for base shall not contain particles of rock which will not pass the two-inch square mesh sieve.
 - (3) *Pavement.*

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- a. Streets shall not be paved until all underground utilities and their service laterals have been installed, nor until the aggregate base/subbase course has been inspected and approved by the city engineer.
 - b. Where pavement placed joins an existing pavement, the existing pavement shall be cut along a smooth line and to a neat, even vertical joint. Broken or raveled edges, or deviation from grade will not be permitted.
 - c. Gradation of aggregates for plant mix hot bituminous pavements shall be as specified in MDOT specifications, section 703.09, Aggregate for Plant Mix Hot Bituminous Pavement, unless otherwise approved by the city engineer.
 - d. Proper drainage in curbed areas, especially transition approaches to catchbasins, sluiceways and paved outlet gutters, is of utmost importance. Before placing the surface (wearing) course in any urban area where the drainage is critical, the base (binder) course grade should be checked with a transit or level.
- (e) *Curbing*. MDOT specifications, section 609, Curbing, shall be applicable to this subject, except as follows:
- (1) Curbing, where required, shall be vertical curb type 1 (quarried granite stone) unless otherwise allowed in this article.
 - (2) Vertical curb type 1 circular shall be used for the radii at all intersections regardless of the curb type allowed on the remainder of the street.
 - (3) On local streets, bituminous curbing type 3, either vertical or sloped face, may be used, unless determined to be unsuitable by the city engineer.
 - (4) Curb type 5 shall be used for cul-de-sac center islands when granite curbing is required.
 - (5) Vertical curb reveal shall be seven inches for type 1 (granite) and six inches for type 3 (bituminous), unless otherwise indicated by the city engineer.
- (f) *Sidewalks*. MDOT specifications, section 608, Sidewalks, shall be applicable to this subject.
- (g) *Guardrails*. MDOT specifications, section 606, Guard Rail, shall be applicable to this subject. Guardrails may be required:
- (1) On sections of street where side slopes are steeper than three horizontal to one vertical;
 - (2) Where the street is greater than eight feet above the bottom of the street side slope;
 - (3) At sudden changes of alignment;
 - (4) Where other street obstacles exist;
 - (5) On narrow bridges; or
 - (6) As otherwise determined by the city engineer.
- (h) *Temporary markers*. The developer shall furnish, install and maintain all stakes, marks or temporary structures necessary for marking and maintaining the points, lines and grades for construction of the street and other improvements to the approved plan, profile and cross sections.
- (i) *Monuments*. MDOT specifications, section 623, Monuments, and subsection 712.04, Stone Curbing and Edging, shall be applicable to this subject, except as follows:
- (1) A minimum of three granite monuments shall be set at appropriate corners of the perimeter of the proposed development tract as determined by the city engineer. Also, granite monuments

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shall be set at all street corners, at all points where the street line intersects the exterior of the development, and at angle points and points of curvature or tangency in each street.

- (2) Monuments shall be six inches above the ground except in lawns, drives and parking lots where they shall be flush.
- (3) If there is ledge (rock) between one foot and three feet below the ground, a two-foot diameter concrete collar, with or without dowels, in accordance with MDOT specifications, shall be provided. If the ledge is less than one foot below the ground, an approved survey marker shall be grouted or embedded in the ledge.
- (4) All granite monuments shall be four feet long, except where the ledge does not allow, and a square six inches on each side. The monuments shall be provided with a drill hole and a magnetic aluminum or brass marker, such as the Bernsten models, with the surveyor's registration number and the exact survey point engraved on the surface, unless otherwise approved by the city engineer.
- (5) No permanent monuments shall be installed until all improvements that might disturb or damage the monuments have been completed.

(Ord. of 2-26-2002, § 5.3)

Secs. 46-185—46-206. Reserved.

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Sec. 60-1335. Approval required.

The planning board may approve for development those land uses listed as special exceptions under the terms of the zoning ordinance. The determinations of the board shall be in harmony with the expressed intent of the zoning ordinance and with the expressed major purpose of the ~~city-master development plan~~[Comprehensive Plan](#). Special exceptions shall be allowed only when they will substantially serve public convenience and welfare and will not involve dangers to health or safety.

(Ord. of 9-21-2009, § 7.2A)

Sec. 60-1336. Conditions.

- (a) As conditions prerequisite to the granting of any special exceptions, the board shall require evidence of the following:
- (1) That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception.
 - (2) That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.
 - (3) That the special exception sought will not block or hamper the ~~master-development plan~~[Comprehensive Plan](#) pattern of highway circulation or of planned major public or semipublic land acquisition.
 - (4) That the exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of property adjoining and neighboring the property under application.
 - (5) That reasonable provisions have been made for adequate land space, lot width, lot area, stormwater management in accordance with [section 60-1301](#)(14), green space, driveway layout, road access, off-street parking, [bicycle and pedestrian connections to streets, bicycle storage,](#) landscaping, building separation, sewage disposal, water supply, fire safety, and where applicable, a plan or contract for perpetual maintenance of all the common green space and clustered off-street parking areas to ensure all such areas will be maintained in a satisfactory manner.
 - (6) That the standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the city building code and by the provisions of this chapter.
 - (7) That essential city services which will be required for the project are presently available or can be made available without disrupting the city's ~~master-development plan~~[Comprehensive Plan](#).

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- (b) As part of the granting or the denial of any such petition for a special exception, the board shall show by written statements filed in its records of such application and by a statement in the minutes of the board how the special exception sought fulfills the foregoing conditions. An applicant may request the board to make a statement as to how the special exception may be granted without danger to health and safety and without substantially derogating from the essential intents and purposes of the zoning ordinance or of the ~~city master development plan~~Comprehensive Plan.
- (c) Approval of a special exception may be made subject to such conditions, modifications and restrictions on the proposed land use as the planning board may deem necessary to carry out the foregoing objectives and conditions. Any development of the land uses allowed by special exception shall be carried out only in conformity to such conditions, modifications and restrictions in addition to those that may be called for by an approved site plan for the same site and shall be enforced by the municipal officer charged with enforcement in the same manner as specified for approved site plans. Any change, addition or enlargement of a use allowed by special exception shall require approval of the planning board in the same manner as specified for the original special exception.

(Ord. of 9-21-2009, § 7.2B)

Sec. 60-1337. Procedures.

Special exceptions shall be subject to the site plan review procedure specified in subdivision II of division 2 of article XVI of this chapter. The planning board shall, within 30 days of receipt of a completed application, hold a public hearing. Notice of a hearing shall be given in the manner provided for in division 3 of article XVII of this chapter. The planning board will take final action on the special exception within 60 days after its submittal or within such other time limit as may be mutually agreed to. The applicant shall accompany the application with the required fee in the amount provided in the city fee schedule.

(Ord. of 9-21-2009, § 7.2C)

Secs. 60-1338—60-1358. Reserved.

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[Sec. 60-1359. Guidelines.](#)

[Sec. 60-1360. Procedure—For minor subdivision.](#)

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[Sec. 60-1366. Staff approvals and waivers.](#)

[Sec. 60-1367. Recreation area/open space standards.](#)

[Sec. 60-1368. Appeals.](#)

[Secs. 60-1369—60-1380. Reserved.](#)

Sec. 60-1359. Guidelines.

When reviewing any subdivision for approval, the planning board shall consider the following criteria, and before granting either approval or denial, shall determine that the proposed subdivision:

- (1) Will not result in undue water, air or noise pollution. In making this determination it shall at least consider:
 - a. The elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal;
 - b. The slope of the land and its effect on effluents;
 - c. The availability of streams for disposal of effluents; and
 - d. The applicable state and local health and water resources regulations, including stormwater management requirements in accordance with [section 60-1301](#)(14);
- (2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- (3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- (4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- (5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed [and has made adequate provisions for the movements of bicycles and pedestrians in accordance with the City's Complete Streets Policy](#);
- (6) Will provide for adequate sewage waste disposal;

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- (7) Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
- (8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;
- (9) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;
- (10) Is funded by a subdivider has adequate financial and technical capacity to meet the standards of this section;
- (11) Will not adversely affect the character of the surrounding neighborhood and will not tend to depreciate the value of property adjoining the neighboring property under application;
- (12) Has provisions for on site landscaping that are adequate to screen neighboring properties from unsightly features of the development;
- (13) Will not create a fire hazard and has provided adequate access to the site for emergency vehicles;
- (14) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;
- (15) Does not have long-term cumulative effects of the proposed subdivision will that unreasonably increase a great pond phosphorus concentration during the construction phase and life of the proposed subdivision.

(Ord. of 9-21-2009, § 7.3A)

Sec. 60-1360. Procedure—For minor subdivision.

- (a) *Generally.* The planning board may require where it deems it necessary for the protection of public health, safety and welfare, that a minor subdivision comply with all or any of the requirements specified for major subdivision.
- (b) *Procedure.*
 - (1) The subdivider shall submit an application for approval of a minor subdivision plan at least 30 days prior to a scheduled meeting of the planning board.
 - (2) The applicant shall secure approval from the tax assessor for a lot numbering sequence to ensure compatibility with the existing tax system. The numbering system will not be construed to indicate anything more than identification of parcels for taxation purposes.
 - (3) All applications for plan approval for minor subdivision shall be accompanied by a fee in the amount per lot provided in the city fee schedule, payable by check to the city.
 - (4) The subdivider or his duly authorized representative, shall attend the meeting of the planning board to discuss the plan.
 - (5) Upon receiving an application, the municipal reviewing authority shall notify by mail all abutting property owners of the proposed subdivision, specifying the location of the proposed subdivision and a general description of the project. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

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- (6) The planning board shall, within 30 days of receiving the complete application, hold a public hearing on such plan. Notification shall comply with division 3 of article XVII of this chapter.
- (7) Upon receipt of a complete application, the planning board shall take final action within 30 days or within such other time limits which may be mutually agreed to by the developer. Such final action shall consist of approval, approval with conditions or disapproval of the final plan. The planning board shall specify its reasons for any such conditions or approval by its approved minutes. The planning board shall convey in writing to the developer their final action.

(Ord. of 9-21-2009, § 7.3B)

Sec. 60-1361. Same—Major preliminary subdivision.

- (a) The application for approval of the preliminary plan shall be accompanied by a fee in the amount per lot, up to 100 lots, provided in the city fee schedule, payable by check to the city.
- (b) The applicant shall secure approval from the tax assessor for a lot numbering sequence that is compatible with the existing system.
- (c) The subdivider, or his duly authorized representative shall attend the meeting of the planning board to discuss the preliminary plan.
- (d) Upon receiving an application, the planning department shall issue to the applicant a dated receipt. Upon receiving an application, the planning department shall notify by mail all abutting property owners of the proposed subdivision, specifying the location of the proposed subdivision and a general description of the project.
- (e) The planning board shall within 30 days of receiving the completed application, hold a public hearing on the preliminary plan. The city shall publish a public hearing notice in conformance with [section 60-1474](#). Abutters shall also be specifically notified of this hearing by the municipality. Failure of any petitioner or property owner to receive such mailed notice of such a zoning hearing shall not necessitate another hearing and shall not constitute grounds for objections by such petitioner or property owner and shall not invalidate any recommendation by the planning board.
- (f) When granting preliminary approval to the preliminary plan, the planning board shall state the conditions of such approval, if any, with respect to:
 - (1) The specific changes which it will require in the final plan;
 - (2) The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety and general welfare.
- (g) Preliminary approval of a preliminary plan shall not constitute approval of the final plan, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the planning board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the final subdivision plan, the planning board may require additional changes as a result of new information obtained at the public hearing. The board by majority vote may determine if a public hearing is necessary at this time for final plan review.

(Ord. of 9-21-2009, § 7.3C)

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Sec. 60-1362. Same—Major subdivision final plan.

- (a) The subdivider shall, within six months after the preliminary approval of the preliminary plan, file with the planning board an application for approval of the final subdivision plan in the form described herein. If the final plan is not submitted to the planning board within six months after the approval of the preliminary plan, a single six-month extension may be given upon a showing of good cause in writing by the applicant to the planning board not less than 30 days before the expiration of approval of his existing plan. The planning board shall approve or disapprove the requested extension at its next regular meeting. The planning board may refuse without prejudice to act on the final plan and require resubmission of the preliminary plan. All applications for final plan approval for major subdivisions shall be accompanied by a fee in the amount provided in the city fee schedule, payable by check to the city.
- (b) The planning board shall, within 30 days after the public hearing on a final plan, conditionally approve, approve, approve with conditions, or disapprove the final plan. Any such decision of the planning board shall include findings of fact, and any approval with conditions or disapproval shall be accompanied by the reasons therefor in writing.
- (c) In reviewing a subdivision, the planning board shall consider previous subdivision of the same applicant, subdivider or principals of such application. If the developer has failed to complete the public improvements shown on an approved plan to the satisfaction of the planning board, then this shall constitute conclusive evidence of technical capabilities of the applicant or developer to comply with the terms of this chapter or to complete work required by a plan.

(Ord. of 9-21-2009, § 7.3D)

Sec. 60-1363. Final approval and filing.

(a) *Final approval.*

- (1) One computer aided drafting disk, three reproducible Mylar copies and 20 paper prints of each diagram plan and each sheet of all accompanying information shall be submitted by the subdivider or his agent to the planning board not less than 30 days prior to a regular monthly meeting of the planning board. Any lack of required information or other deficiencies must be completed before such final plan can be reviewed by the planning board.
- (2) The planning board, after such public hearing, may require the subdivider to incorporate in the final plan such changes as they deem advisable. The planning board may then vote final approval of such final plan. Notice of the date and substance of such vote shall be entered on the Mylar drawing of such final map, if one sheet, or on the sheet containing the index map, if more than one sheet; on the reproducible master of any subsequent sheets there shall be entered a reference to the notice on the index sheet. The reproducible master drawings, so endorsed, shall be returned to the subdivider at the time that the performance bonds have been submitted to the city engineering department.
- (3) Such final approval of a final plan shall not be deemed the laying out or acceptance by the city of any way, easement or utility or other public area shown on such plan, nor shall such approval be deemed to constitute by itself any acceptance of liability by the city for the use or maintenance of any streets, ways or other public areas indicated on such a final plan.

(b) *Filing.*

- (1) As promptly as may be, and not more than 30 days after the date of the vote of final approval, the subdivider at his expense shall furnish the planning board with three reproductions on Mylar

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of each sheet of the endorsed original Mylar drawing of the final plan as approved together with three paper prints of each sheet thereof, and each reproduction or print shall show any endorsement made on its original.

- (2) The city clerk shall attest and seal each of the aforesaid three master reproductions and each of the aforesaid three paper prints. The city planner shall transmit one set of such paper prints, so attested, to the city engineer, one to the water district, and one set to the sewer district if the subdivision be within the sewer district limits, otherwise to the planning and permitting services department. In addition, the city planner shall send one of the three sets of attested copies to the planning board, one set to the assessor and one set to the subdivider to be recorded by him in the Androscoggin County Register of Deeds, and a CAD disk to information services.
- (c) *Plan revisions after approval.* No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the planning board and endorsed in writing on the plan, unless the plan is first resubmitted and planning department staff approves any modifications. In the event that a final plan is recorded without complying with this requirement, the same shall be considered null and void, and the board shall institute proceedings to have the plan stricken from the records of the municipal officers and the registry of deeds and/or to enjoin any development attempted or commenced pursuant to said plan, and for other appropriate relief.
- (d) *Improvement completion time.* All required improvements shall be completed no later than two years after approval of the final plan. Should the subdivider request an extension it shall be made in writing to the planning board. Should the planning board grant an extension it shall be for a period not to exceed six months. Only one extension shall be granted. Should the subdivider not complete the required improvements within the time specified the subdivider shall be in violation of this chapter. If a development is proposed to be phased then specific requirements for each phase shall be complete prior to issuing building permits for that phase.

(Ord. of 9-21-2009, § 7.3E)

Sec. 60-1364. Enforcement.

- (a) No plan of a subdivision of land within the city which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the registry of deeds until a final plan thereof shall have been approved by the planning board in accordance with all of the requirements, design standards, and construction specifications set forth elsewhere in this chapter, in this Code, nor until such approval shall have been entered on such final plan by the planning board.
- (b) No person may convey, offer or agree to convey any land in a subdivision which has not been approved by the planning board and recorded in the registry of deeds.
- (c) Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine as set forth by state law or in this Code for each such conveyance, offering or agreement. The attorney general, district attorney or the city or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.
- (d) No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the planning board.
- (e) Not only is making a subdivision without planning board approval a violation of law, but so also within such a subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as a final plan of such subdivision shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in these standards, and until the original copy of the

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final plan so approved and endorsed has been duly recorded in the Androscoggin County Registry of Deeds.

- (f) In the event that the subdivider shall fail to comply with the requirements of article XVI of this chapter, the city engineer may issue a stop work order directing cessation of all work in the subdivision, or the planning board, after notice and hearing, may revoke its approval of the final plan, or both such steps may be taken.

(Ord. of 9-21-2009, § 7.3F)

Sec. 60-1365. General requirements.

In reviewing applications for the subdivision of land, the board shall consider the following general requirements. In all instances the burden of proof shall be upon the persons proposing the subdivision.

- (1) *Subdivision plan shall conform to the comprehensive plan.* Any proposed subdivision shall be in conformity with the comprehensive plan of the city and with the provisions of all pertinent state and local codes and ordinances.
- (2) *Preservation of natural and historic features.* The board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.
- (3) *Lots.*
 - a. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 - b. Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.
 - c. No person shall make a subdivision within the city unless all lots of the proposed subdivision have frontage, as regulated by the zoning ordinance, upon a way granting legal access. The following ways shall constitute legal access to a lot:
 1. A way accepted by or established as belonging to the city, provided access is not specifically prohibited.
 2. A public way shown on a plan approved in accordance with the provision of this chapter and in this Code.
 3. A private way (unaccepted street) existing prior to October 6, 1968, which way is shown on a plan recorded in the registry of deeds prior to such date and is deemed adequate by the planning board as evidenced by the board's endorsement on a final plan for the subdivision of land. In its approval of an existing private way, the board may make whatever requirements it feels necessary to improve the way commensurate with the projected use of same.
 4. A person issued a permit pursuant to this subchapter in a great pond watershed shall have a copy of the permit on the site while work authorized by the permit is being conducted.

(Ord. of 9-21-2009, § 7.3G)

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Sec. 60-1366. Staff approvals and waivers.

- (a) Where plans need to be modified after planning board approval due to changes beyond the developer's control, the planning and permitting services department staff will have the authority to approve any amendments that staff feels may be approved without detriment to the health, safety and welfare of the community. If staff feels the amendments must go back to the planning board the subdivision approval process must be followed.
 - (1) A paper copy of the plan shall be submitted to the planning and permitting services department staff marked with all proposed changes in red ink. An accompanying letter shall also be attached requesting all changes.
 - (2) Staff shall circulate the plan to the proper departments for review.
 - (3) Once all review has been completed, planning and permitting services department staff shall write a letter to the developer explaining how to proceed with the proposed amendments.
- (b) If staff determines the amendments must go back to the planning board, the subdivision approval process must be followed.
- (c) Where planning board finds that extraordinary, unnecessary and financial hardships may result from strict compliance with the standards of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the official map, the comprehensive plan or the zoning ordinance. Any variances or waivers granted by the planning board must be noted on the face of the recording plat.
- (d) Where the planning board finds that, due to special circumstances of a particular plan, provisions of certain required improvements are not requisite in the interest of public health, safety and welfare or are inappropriate because of inadequacy of lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

(Ord. of 9-21-2009, § 7.3H)

Sec. 60-1367. Recreation area/open space standards.

- (a) Every developer of a residential subdivision shall include as part of a subdivision proposal a provision for recreational and open space which is adequate to meet the reasonably foreseeable needs of the residents of the subdivision. The standard established by the city to satisfy this purpose is an area of not less than 43,560 contiguous square feet or one acre of land for the first ten lots or units. The amount of land required is increased at a rate of 5,000 square feet per unit for each unit over ten units. The standard noted in [section 60-1365](#) shall be used as a guideline by the planning board and may be varied for low impact developments.
- (b) In any case in which the developer chooses to develop in total or in part land area that could be used to satisfy the recreational land dedication for units/house lots of it is not feasible to dedicate rights and land to meet the requirements due to topography, location or other limiting factors or if the developer can satisfy the planning board that a dedication of land is not required for recreational and open space needs, the developer may contribute to the city, or to a condominium or homeowners' association, a fee-in-lieu amount in cash which is essentially equivalent to the value which such dedicated land rights in the area where the proposed subdivision is located would have had. This fee will be capped at and based on the average market value of similarly zoned land in the immediate area of the proposed development at the time of final subdivision approval as determined by the city tax assessor.

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- (c) In reviewing the amount of money requested, the board shall review the adequacy of existing facilities available to the inhabitants of the subdivision, improvements that may be needed by the existing facilities to make them adequate for the additional impact being created by the added units and any other factors which may influence the need for land dedication for a fee-in-lieu of.
- (d) A developer may choose to use both the land dedication provision and fee-in-lieu of land dedication provision in conjunction with each other. Any fee-in-lieu of amount of money used with a land dedication shall be used to develop, enlarge or enhance this recreational facility.
- (e) In determining the adequacy of land dedication and/or fee-in-lieu of land dedication, the board shall assess the projected needs of the inhabitants of the subdivision. If the planning board determines that full land dedication is necessary, then they may require such land dedication with no fee-in-lieu of land dedication.
- (f) In the situation when a fee-in-lieu of land dedication is supplied by the developer, then the developer may choose to request what uses or equipment the money will be used for. The planning board shall request an assessment of the developer's desires from the parks and recreation advisory board and if they agree with the developer, then all monies received will be earmarked for the purposes so chosen.
- (g) The proposal for land dedication may be in the form of a deed of a parcel of land within or contiguous to the subdivision, or contiguous to an existing public recreational facility within reasonable proximity of the subdivision. The planning board shall use the recreational/open space district map, made a part of the ordinance as a guide. Alternatively, the land dedication may be part of a condominium or homeowners' association or proposed in any other form acceptable to the planning board provided it serves the needs of the residents of the subdivision.
- (h) The planning board may decline to accept a proposed dedication of rights in land to serve the recreational needs of the residents of the subdivision in any case in which it determines that the public expense of maintaining the same would unduly burdensome compared to the recreational benefit which would be conferred or where the planning board determined that such recreational needs can more efficiently be served by applying a cash contribution from the developer to enlarge or enhance an existing recreational facility.
- (i) All funds contributed to the parks and recreation open space dedication will be allocated to the development of facilities located within zones as shown on the recreational/open space district map, made a part of this chapter, unless the planning board and/or developer have determined that a contribution to a facility which lies outside the zoned area would better serve the needs of the subdivision. Such funds shall be used within a five-year period. Funds not used after five years shall be returned to the developer with interest. The interest amount shall be the average of yearly interest rates established by local banks. If for unforeseen reasons monies accumulated are not used as previously agreed upon within the five-year period, the recreation advisory board may request the planning board to reallocate the funds for other recreational uses. Notice to the developer shall be given and input from the developer shall be used to determine whether or not these monies may be reallocated.
- (j) Before making any final determination about the recreational needs of the subdivision's residents, or how they can best be met, the planning board shall solicit input from the parks and recreation advisory board and shall carefully consider any recommendations in this regard which it received in response.
- (k) If a project is either proposed to be phased in, is a part of a unified development or is developed by the same developers on adjacent land to previously developed land, it shall be considered as one development and will be required to participate in the recreation open space dedication.

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- (l) The approval by the planning board of a residential subdivision plan shall not be deemed to constitute an acceptance by the city of any open space shown on such plan. The planning board may also require the filing of a written agreement between the developer and the city covering future deed and title, dedication and provisions for the costs of grading, developing, equipping and maintaining recreation areas.

(Ord. of 9-21-2009, § 7.3I)

Sec. 60-1368. Appeals.

An appeal from a decision of the planning board on any final plan may be taken to the superior court.

(Ord. of 9-21-2009, § 7.3J)

Secs. 60-1369—60-1380. Reserved.

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[Sec. 60-607. General provisions and design standards.](#)

[Sec. 60-608. Parking requirements.](#)

[Sec. 60-609. Off-street loading space requirements.](#)

[Secs. 60-610—60-636. Reserved.](#)

Sec. 60-607. General provisions and design standards.

Development of the parking and loading spaces required by this section is subject to the following general provisions and design standards:

- (1) There shall be provided, at the time of erection of any main building or structure or development of a site in its permitted use, the minimum number of off-street parking and loading spaces specified in the following subsections, within or without a structure. In calculating the spaces, any fractions shall be rounded to the nearest whole number.
- (2) Each individual parking space shall consist of an effective area of nine feet by 18 feet in dimension and shall be accessible to a public way, except for residential uses in Multifamily Urban Districts (MFU) containing five or more dwelling units. Such uses may develop tandem parking spaces but shall be limited to not more than two vehicles in depth.
- (3) Loading spaces shall have the following dimensions:
 - a. Buildings having a gross floor area of 10,000 square feet or less: 25-foot length, 20-foot width;
 - b. Buildings having a gross floor area of greater than 10,000 square feet: 50-foot length, ten-foot width. Each loading space shall have a vertical clearance of at least 14 feet. Required loading spaces shall not be counted as meeting part of the parking space requirements.
- (4) Interior driveways and ingress and egress points serving parking areas shall be at least 20 feet in width to allow safe and expeditious movement of vehicles. Ingress and egress points shall be separated wherever possible and so signed. Ingress and egress points for one-way vehicular movement only, may be reduced to not less than 14 feet for angle parking areas or 12 feet for perpendicular parking areas.
- (5) The required parking and/or loading spaces shall be provided on the same lot as the principal use, building or structure they are required to serve. For buildings other than dwellings, parking spaces may be located not more than 300 feet there from should practical difficulties prevent their provision on the same lot.
- (6) No required parking area or driveways servicing same shall be used for the sale, repair, dismantling or servicing of any vehicle, equipment, material, supplies or merchandise.
- (7) In any residential district, off-street parking may include the parking or storage of not more than one inoperable motor vehicle per lot. If also unlicensed, the vehicle must be stored within a building.
- (8) In any residential district, off-street parking may include not more than one commercial vehicle per lot.

PART II - CODE OF ORDINANCES

Chapter 60 - ZONING

ARTICLE V. OFF-STREET PARKING AND LOADING

- (9) In any residential district, no portion of the front yard space, other than the driveway, shall be utilized for off-street parking.
- (10) Any parking or loading space serving a business or industrial use which abuts the side or rear lot line of a lot in a residential district or use shall be screened from said lot by a tight evergreen shrub hedge or similar landscaping, a fence, a solid wall or a combination of two or more of the foregoing. The screen landscaping, wall or fence shall be at least six feet high and may be extended no closer than 15 feet from the street line.
- (11) Exterior lighting provided in any parking or loading area shall be arranged and shielded so that it is deflected away from adjacent properties used for residential purposes and from any public highway.
- (12) All uses containing over five parking and/or loading spaces shall either contain such spaces within structures or be subject to the following requirements:
 - a. All access drives, parking, loading and service spaces shall be graded and surfaced with a solid paving material that is impermeable to water and so as to be dust free and properly drained. Materials which satisfy this criteria include but are not limited to: bituminous pavement, concrete, geotextiles and brick or cobblestone or other paving block provided that it is mortared.
 - b. Parking and loading spaces shall be suitably marked by painted lines or other appropriate markings.
 - c. A substantial bumper of concrete, masonry, steel or heavy timber or a curb of similar material or an earthen berm shall be placed at the head of each parking or loading stall that abuts a structure, rear or side setback or property line, sidewalk, street right-of-way, or landscaped area to prevent vehicles from rolling into such areas.
 - d. Where, in nonresidential districts, parking is planned to occupy a portion of the required front yard area, parking shall not be placed nearer than ten feet from the street right-of-way line. The area between the parking area and the street right-of-way line shall be landscaped.
- (13) Parking and loading spaces shall be so arranged as not to require backing of vehicles onto any public street. No loading platforms or receiving doors shall be located on the street side of any retail store or other commercial building unless such platforms or receiving doors be located not less than 60 feet from the sideline of any street right-of-way lines.
- (14) No portion of any entrance or exit driveway serving a residential use or building shall be closer than 50 feet from the nearest public street intersection unless prevented by dimensional or physical difficulties. No portion of any entrance or exit driveway serving a commercial or industrial use of building shall be closer than 100 feet from the nearest public street intersection unless prevented by dimensional or physical difficulties.
- (15) On lots where one entrance and exit driveway or curb-cut is constructed, the curb-cut shall not exceed 32 feet in width. Where two or more driveways or curb-cuts are constructed, the curb cuts shall not exceed 20 feet in width. For automotive service stations, the curb cut widths may be increased to 32 feet for each driveway or access, but shall not exceed two driveways. These widths may be increased up to a maximum of 44 feet on arterial roads if required by the city engineering department or the state department of transportation.
- (16) A parking lot cluster containing more than 80 stalls shall contain landscaped areas within the perimeter of the overall lot, in the form of landscaped perimeter and islands.
- (17) For those developments subject to site plan review (division 2 of article XVI of this chapter) the relaxation of the requirements of this section shall be reviewed by the planning board.

PART II - CODE OF ORDINANCES

Chapter 60 - ZONING

ARTICLE V. OFF-STREET PARKING AND LOADING

(18) Required off-street parking in the Auburn Downtown Action Plan for Tomorrow area for lots which cannot provide their own parking because of location, lot size or existing development may be substituted by parking facilities which, in the public's interest may be provided for by the municipality or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 1,000 feet of the principal building or use as measured along lines of public access.

(19) In calculating the required number of off-street parking spaces, the gross leasable area shall be used.

(20) All uses requiring over twenty parking and/or loading spaces shall provide interior or exterior bicycle racks/storage to employees and/or the public.

(Ord. of 9-21-2009, § 4.1A)

Sec. 60-608. Parking requirements.

A minimum number of off-street parking spaces shall be provided with each use permitted, erected, altered or changed, in accordance with the following standards:

Off-Street Land Use	Minimum Number of Parking Spaces
Residential	
Single-family; farm	Two per each dwelling unit
Multifamily; two-family	1½ per dwelling unit
Elderly**	One-half per dwelling unit
Commercial	
Retail, business or institution	One per 300 square feet of gross floor area
Office, business, medical or dental	One per 200 square feet of gross floor area plus one per each doctor
Wholesale, warehouse	One per 1,200 square feet of storage gross floor area
Industrial or Manufacturing	One-half per employee for combined employment of the two largest overlapping shifts.

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ARTICLE V. OFF-STREET PARKING AND LOADING

Hotel, motel, boarding and lodging and lodginghouses, tourist homes	One per guestroom plus one-half per employee
Places of assembly	
Restaurants	One per each three seats or equivalent bench seating capacity
Stadiums, outdoor amphitheaters	One per each four seats or equivalent bench seating capacity
Churches, temples, synagogues	One per each five seats or equivalent bench seating capacity
Indoor theaters	One per each five seats
Auditoriums	One per each ten seats
Meeting halls, convention exhibition halls	One per 100 square feet of floor area and floor area used for assembly
Hospitals	One per bed
Nursing homes	One-half per bed
Educational institutions	
Elementary/middle	One per classroom
High school	Four per classroom
College, business, vocational schools	One per 200 gross square feet of classroom area

PART II - CODE OF ORDINANCES

Chapter 60 - ZONING

ARTICLE V. OFF-STREET PARKING AND LOADING

Dormitories	One-third per bed
Home Occupation	One per 50 square feet of gross floor area used for home occupation
Recreational Uses	
Golf course	Six per green
Tennis court	Three per court
Swimming pool	One per 100 square feet of gross area per facility
Skating rink	One per 100 square feet of gross area of facility
Ranges (golf, skeet)	1½
Campgrounds	1½ per campsite
Ski areas	50 percent of the lift capacity
Shopping centers	4½ per 1,000 square feet of gross leasable floor area
Mixed uses	Sum of various uses computed separately unless it can be demonstrated to the planning board's satisfaction that the need for parking by each occurs at different times.
Uses not listed or	The required number of similar to those parking spaces shall be noted above determined by the municipal officer charged with enforcement and shall conform to the number of spaces for similar uses as listed in the latest planning

PART II - CODE OF ORDINANCES

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ARTICLE V. OFF-STREET PARKING AND LOADING

	publication on file in the office of community development and planning.
**Applies to elderly housing as constructed under special local, state or federal guidelines restricting occupancy to elderly persons.	

(Ord. of 9-21-2009, § 4.1B)

Sec. 60-609. Off-street loading space requirements.

Loading and unloading from a public street is prohibited except in permitted loading and unloading areas. Each building hereafter erected and every use hereafter established in an existing building or area shall be provided with a minimum number of loading space located at the rear of the building as follows:

Land Use	Minimum Number of Off-Street Loading Spaces
All uses under 5,000 square feet of gross floor area	No minimum
All buildings	Sufficient provisions to eliminate all loading on the street pursuant to normal economic activity
Retail trade, manufacturing and hospital establishment with over 5,000 square feet of gross	One per 20,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet used for ambulance receiving at a hospital is not to be used to meet these loading requirements
Business services, other services, community facilities (schools, church, municipal building, recreation, etc.) or public utility establishment with over 5,000 square feet of gross floor area	One per 75,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 20,000 square feet or fraction thereof of gross floor area over 150,000 square feet

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING

ARTICLE V. OFF-STREET PARKING AND LOADING

(Ord. of 9-21-2009, § 4.1C)

Secs. 60-610—60-636. Reserved.

PART II - CODE OF ORDINANCES
Chapter 52 - TRAFFIC AND VEHICLES

ARTICLE VII. BICYCLES AND MOTORCYCLES

ARTICLE VII. BICYCLES AND MOTORCYCLES

[Sec. 52-259. Parent's responsibility.](#)

[Sec. 52-260. Bicycle equipment.](#)

[Sec. 52-261. Parking of bicycles.](#)

[Sec. 52-262. Riding bicycle on sidewalk **or shared-use path**.](#)

[Sec. 52-263. Applicability of traffic regulations to persons riding bicycles.](#)

[Sec. 52-264. Speed limitation for persons riding bicycles.](#)

[Sec. 52-265. Motorcycles.](#)

[Secs. 52-266—52-293. Reserved.](#)

Sec. 52-259. Parent's responsibility.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provision of this article.

(Code 1967, § 26-5.1)

Sec. 52-260. Bicycle equipment.

No person shall ride or propel a bicycle upon any public street **or shared-use path** in the city unless the bicycle is equipped in accordance with 29-A M.R.S.A. §§ 2062 and 2084.

(Code 1967, § 26-5.2)

Sec. 52-261. Parking of bicycles.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to **other bicycle or** pedestrian traffic.

(Code 1967, § 26-5.3)

Sec. 52-262. Riding bicycle on sidewalk **or shared-use path.**

- (a) Whenever any person is riding a bicycle upon a sidewalk **or shared-use path**, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
- (b) Law enforcement and fire rescue/emergency medical technician (EMT) personnel, while in the performance of their duties with respect to bicycle patrol and EMT/rescue patrol operations, are exempt from the provisions of this section.

(Code 1967, § 26-5.4; Ord. of 7-30-2001)

PART II - CODE OF ORDINANCES
Chapter 52 - TRAFFIC AND VEHICLES

ARTICLE VII. BICYCLES AND MOTORCYCLES

Sec. 52-263. Applicability of traffic regulations to persons riding bicycles.

Every person propelling or riding a bicycle upon a public street in the city shall be subject to the provisions of this chapter applicable to the driver of every vehicle, except those provisions of this chapter which by their very nature can have no application.

(Code 1967, § 26-5.5)

Sec. 52-264. Speed limitation for persons riding bicycles.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code 1967, § 26-5.6)

Sec. 52-265. Motorcycles.

No person shall operate a motorcycle except in accordance with the provisions of 29-A M.R.S.A. § 2062.

(Code 1967, § 26-6.5)

Secs. 52-266—52-293. Reserved.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: October 7, 2013

Item C

Author: Sue Clements-Dallaire

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: Executive Session – Discussion on an economic development matter, pursuant to 1 M.R.S.A. §405(6)(C) with possible action to follow during the meeting.

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

IN COUNCIL REGULAR MEETING SEPTEMBER 3, 2013 VOL. 33 PAGE 171

Mayor LaBonte called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

A motion was made by Councilor LaFontaine and seconded by Councilor Gerry to add to the agenda a request from the Holy Trinity Greek Orthodox Church to place temporary signs for the Greek festival as item #6 under New Business, and to add as #7 under New Business authorization to auction off City surplus property. Passage 6-1 (Councilor Crowley opposed).

I. Consent Items* - None .

II. Minutes

- August 19, 2013 Regular Council Meeting

Motion was made by Councilor LaFontaine and seconded by Councilor Gerry to approve the minutes of the August 19, 2013 Council Meeting. Passage 7-0.

III. Reports

Mayor's Report – the Mayor reported

Committee Reports

- **Transportation**
 - **Androscoggin Transportation Resource Center** – Mayor LaBonte reported
 - **Lewiston Auburn Transit** – no report
 - **Airport, Railroad** – no report
 - **Bike-Ped Committee** – no report
- **Housing**
 - **Community Development Block Grant, Neighborhood Stabilization Program, Auburn Housing Authority** – Councilor Gerry reported on the Neighborhood Stabilization Program
- **Economic Development**
 - **L-A Economic Growth Council, Auburn Business Development Corporation** – Mayor LaBonté reported
- **Education**
 - **Auburn School Committee** – Councilor Young reported
 - **Auburn Public Library** – Councilor LaFontaine reported
 - **Great Falls TV** – no report
- **Environmental Services**
 - **Auburn Water District, Auburn Sewerage District** – Councilor Crowley reported
 - **Mid-Maine Waste Action Corp.** – no report
- **Recreation**
 - **Recreation Advisory Board** – Mayor LaBonté reported
- **Public Safety**
 - **LA 911** – Councilor Walker reported

IN COUNCIL REGULAR MEETING SEPTEMBER 3, 2013 VOL. 33 PAGE 172

City Councilors' Reports – Councilor Hayes reported and Councilor Crowley submitted a written report

Finance Director, Jill Eastman – July Finance Report

Motion was made by Councilor Young and seconded by Councilor LaFontaine to accept and place on file the July finance report. Passage 7-0.

IV. Communications, Presentations and Recognitions - None

V. Open Session

Andy Titus, 17 Lamplighter Circle
Dan Herrick, 470 Hatch Road
Joe Gray, Sopers Mill Road

VI. Unfinished Business

1. Order 69-08192013

Authorizing the issuance and sale of the City's general obligation bonds in the amount of \$5,900,000 (second reading).

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

Motion was made by Councilor Walker and seconded by Councilor Crowley to amend by striking Engineering's Major Drainage for \$60,000. Motion failed 3-4 (Councilors Gerry, Hayes, LaFontaine, and Shea opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to amend by striking ICT's Network Security for \$40,000. Passage 4-3, (Councilors Hayes, LaFontaine, and Young opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to amend by striking the Parks and Recreation's Holder Tractor for \$165,000. Motion failed 3-4 (Councilors Gerry, Hayes, LaFontaine, and Shea opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to amend by striking Planning & Code's Municipal Street Light Purchase for \$750,000. Motion failed 2-4-1 (Councilors Gerry, Hayes, LaFontaine, and Young opposed and Councilor Shea abstained).

IN COUNCIL REGULAR MEETING SEPTEMBER 3, 2013 VOL. 33 PAGE 173

Motion was made by Councilor Walker and seconded by Councilor Crowley to amend by striking Planning & Code's Traffic Signal Pole Replacement for \$10,736. Passage 4-3 (Councilors Shea, LaFontaine, and Hayes opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to amend by striking Public Works Heavy Equipment-Dump Trucks for \$320,000. Motion failed 3-4 (Councilors Gerry, Hayes, LaFontaine, and Young opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to amend by striking Public Works Vehicles for \$38,000. Passage 4-3, (Councilors Gerry, LaFontaine, and Young opposed).

Passage of the order as amended, 7-0.

2. Ordinance 10-08192013

Approving the proposed ordinance on the regulation of Synthetic drugs (second reading).

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

Public comment – no one from the public spoke.

Passage 5-2 (Councilors Shea and Crowley opposed).

VII. New Business

3. Order 70-09032013

Authorizing the Community Development Director to submit a request for an exemption to the Department of Housing and Urban Development regulations of the Community Development Block grant program on behalf of Councilor Leroy Walker.

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

Public comment – no one from the public spoke.

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

4. Order 71-09032013

Adopting the Analysis of the Impediments to Fair Housing Choice as recommended by the Community Development Staff.

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

IN COUNCIL REGULAR MEETING SEPTEMBER 3, 2013 VOL. 33 PAGE 174

Public comment – no one from the public spoke.

Passage 6-1 (Councilor Crowley opposed).

5. Order 72-09032013

Casting votes for members of the Androscoggin County Budget Committee. Council may enter into Executive Session, pursuant to 1 M.R.S.A. Section 405(6)(A).

Motion was made by Councilor Crowley and seconded by Councilor Walker to vote as follows;

District 5, Tizz Crowley and Andrew Titus;

District 6, Stanwood Gray and Robert Hayes.

Passage 7-0.

6. Order 74-09032013

Approving the request from the Holy Trinity Greek Orthodox Church to place temporary signs advertising the Greek Festival.

Motion was made by Councilor LaFontaine and seconded by Councilor Walker approving the temporary sign placement for 2013, 2014, 2015, 2016, and 2017.

Passage 7-0.

7. Order 75-09032013

Authorizing the Finance Director to move forward with the auction of City surplus property.

Motion was made by Councilor Lafontaine and seconded by Councilor Hayes.

Public comment – Andy Titus, 17 Lamplighter Circle, and Joe Gray, Sopers Mill Road.

Passage 4-3 (Councilors Gerry, Crowley, and Walker opposed).

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

IX. Executive Session

Discussion on a Poverty Abatement, pursuant to 36 M.R.S.A. Sec. 841 (2) with possible action to follow.

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes to enter into Executive Session. Passage 7-0, 8:48 P.M.

The Mayor declared Council out of Executive Session at 8:58 P.M.

IN COUNCIL REGULAR MEETING SEPTEMBER 3, 2013 VOL. 33 PAGE 175

Motion was made by Councilor Shea and seconded by Councilor Crowley to deny the Poverty Abatement. Passage 6-0-1 (Councilor LaFontaine abstained).

X. Adjournment

Motion was made by Councilor Walker and seconded by Councilor LaFontaine to adjourn. Passage 7-0, 8:59 P.M.

A True Copy.

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

IN COUNCIL REGULAR MEETING SEPTEMBER 16, 2013 VOL. 33 PAGE 176

City Manager, Clint Deschene called the meeting to order at 7:05 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Mayor LaBonté and Councilors LaFontaine and Hayes had excused absences. All other Councilors were present.

Mayor Pro Tempore – Motion was made by Councilor Walker and seconded by Councilor Crowley to elect Councilor Gerry to serve as Mayor Pro Tempore.

Another motion was made by Councilor Young and seconded by Councilor Gerry to elect Councilor Shea to serve as Mayor Pro Tempore. Motion failed, 2-2-1 (Councilors Walker and Crowley opposed, Councilor Gerry abstained).

Original motion failed, 2-2-1 (Councilors Shea and Young opposed, Councilor Gerry abstained).

Councilor Shea withdrew his name, passage to elect Councilor Gerry as Mayor Pro Tempore 5-0.

I. Consent Items*

1. Order 76-09162013

Setting the time to open the polls for the November 5, 2013 election for 7:00 A.M.

Motion by Councilor Walker and seconded by Councilor Crowley. Passage 5-0.

II. Minutes

Motion was made by Councilor Crowley and seconded by Councilor Walker to postpone the minutes of the September 3, 2013 regular Council Meeting until 10/7/2013 when the corrected minutes can be presented. Passage 5-0.

III. Reports

Mayor's Report – None

City Councilors' Reports – Councilors Crowley submitted a written report.

Finance Director, Jill Eastman – August 2013 Monthly Finance Report

Motion was made by Councilor Gerry and seconded by Councilor Crowley to accept and place on file the August finance report. Passage 5-0.

IV. Communications, Presentations and Recognitions

- Proclamation – Fire Officer Cadet Pawel Gatarczyk

V. Open Session

IN COUNCIL REGULAR MEETING SEPTEMBER 16, 2013 VOL. 33 PAGE 177

- Larry Pelletier, New Auburn talked about trash and littering issues. There is a lot of trash at Bonney Park. He also commented on the Park Watch program that was supposed to address some of these concerns and has yet to be started.
- Connie Mercier, 21 Fourth Street expressed her concerns over the loud noise at the Fire House Grill last week.

VI. Unfinished Business - None

VII. New Business

1. Ordinance 11-09162013

Amending the Code of Ordinances Chapter 52, Article 5, Stopping, Standing and Parking, Division I Generally Sec. 52-181 Parking in City owned-lots. First reading.

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

Public comment – no one from the public spoke.

Passage 5-0.

2. Order 77-09162013

Adopting the addendum to the City of Auburn's Joint Purchasing and Procurement Policy that was adopted by City Council on January 2, 2013.

Motion was made by Councilor Crowley and seconded by Councilor Walker to add to the order that the School Department must also offer their items to other City departments first.

Public comment – no one from the public spoke.

Motion was made by Councilor Shea and seconded by Councilor Crowley to postpone to the earliest possible time. Passage 4-1 (Councilor Walker opposed).

3. Order 78-09162013

Appointing Charles Morrison to the L/A Cable TV Advisory Board with a term expiration of January 1, 2015 as nominated by the Appointment Committee. Council may enter into executive session, pursuant to 1 M.R.S.A. §405(6)(A).

IN COUNCIL REGULAR MEETING SEPTEMBER 16, 2013 VOL. 33 PAGE 178

Motion was made by Councilor Shea and seconded by Councilor Crowley to postpone all appointments (items 3 through 7) until the October 7, 2013 meeting. Passage 4-1 (Councilor Young opposed).

4. Order 79-09162013

Appointing Michael Dixon to the Zoning Board of Appeals as a full member with a term expiration of October 1, 2016 as nominated by the Appointment Committee. Council may enter into executive session, pursuant to 1 M.R.S.A. §405(6)(A).

Motion was made by Councilor Shea and seconded by Councilor Crowley to postpone all appointments (items 3 through 7) until the October 7, 2013 meeting. Passage 4-1 (Councilor Young opposed).

5. Order 80-09162013

Appointing Judith Webber to the Auburn Housing Authority with a term expiration of October 1, 2018 as nominated by the Appointment Committee. Council may enter into executive session, pursuant to 1 M.R.S.A. §405(6)(A).

Motion was made by Councilor Shea and seconded by Councilor Crowley to postpone all appointments (items 3 through 7) until the October 7, 2013 meeting. Passage 4-1 (Councilor Young opposed).

6. Order 81-09162013

Appointing Robert Bowyer to the Planning Board with a term expiration of January 1, 2016 as nominated by the Appointment Committee. Council may enter into executive session, pursuant to 1 M.R.S.A. §405(6)(A).

Motion was made by Councilor Shea and seconded by Councilor Crowley to postpone all appointments (items 3 through 7) until the October 7, 2013 meeting. Passage 4-1 (Councilor Young opposed).

7. Order 82-09162013

Appointing Ann Parker to the Community Development Block Grant (CDBG) Loan Committee with a term expiration of October 1, 2016 as nominated by the Appointment Committee. Council may enter into executive session, pursuant to 1 M.R.S.A. §405(6)(A).

Motion was made by Councilor Shea and seconded by Councilor Crowley to postpone all appointments (items 3 through 7) until the October 7, 2013 meeting. Passage 4-1 (Councilor Young opposed).

VIII. Open Session

IN COUNCIL REGULAR MEETING SEPTEMBER 16, 2013 VOL. 33 PAGE 179

Motion was made by Councilor Crowley and seconded by Councilor Walker to take out of order the Open Session and place before the Executive Session. Passage 5-0.

No one from the public spoke.

IX. Executive Session

- Discussion or consideration of an economic development matter, pursuant to 1 M.R.S.A. §405(6)(C).

Motion was made by Councilor Crowley and seconded by Councilor Walker. Passage 5-0, 7:46 P.M.

Motion was made by Councilor Gerry and seconded by Councilor Walker to move out of executive session. Passage 4-0 (Councilor Shea was not present for this vote), 8:01 P.M.

X. Adjournment

Motion was made by Councilor Young seconded by Councilor Crowley to adjourn. Passage 4-0 (Councilors Shea was not present for this vote), 08:03 P.M.

A True Copy.

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

IN COUNCIL SPECIAL MEETING SEPTEMBER 30, 2013 VOL. 33 PAGE 180

Mayor LaBonte called the meeting to order at 5:30 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Shea had an excused absence. Councilor Hayes arrived at 5:33 P.M. and Councilor Young had to leave at 6:15 P.M.

I. Executive Session

- Discussion regarding contemplated litigation, pursuant to 1 M.R.S.A. §405(6)(E).

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to enter into executive session. Passage 5-0 (Councilors Shea and Hayes absent), 5:32 P.M.

Council was declared out of executive session at 6:18 P.M.

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

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to enter into executive session. Passage 4-0 (Councilor Shea and Young absent and Councilor Crowley was out of the room during this vote), 6:18 P.M.

Council was declared out of executive session at 7:00 P.M.

- Discussion of a personnel issue (the City Manager Review), pursuant to 1 M.R.S.A. §405(6)(A).

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes to enter into executive session. Passage 4-0-1 (Councilor Shea and Young absent and Councilor Walker abstained), 7:00 P.M.

Council was declared out of executive session at 7:49 P.M.

II. Adjournment

Motion was made by Councilor Walker and seconded by Councilor LaFontaine to adjourn. Passage 5-0, 7:49 P.M.

A True Copy.

ATTEST


Howard Kroll, Assistant City Manager

Auburn Ward 1 Report for Meeting Monday 2013.10.07

Prepared: Tuesday, 2013.10.01
TO: Residents of Auburn and the Auburn City Council
FROM: Tizz E. H. Crowley- Auburn City Council Ward 1







**DUE TO ILLNESS, COUNCILOR CROWLEY'S
REPORTS ARE NOT AVAILABLE FOR THE
AGENDA PACKET.**

**COUNCILOR CROWLEY'S REPORT WILL BE
DISTRIBUTED AT THE MEETING.**

**PLEASE ATTEND THE PINK RIBBON EVENTS
PLANNED FOR OCTOBER**



"Think Pink" Lewisiston-Auburn Breast Cancer Awareness Month Activities - October 2013 (Updated 10-1-13)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<p>ALL MONTH! Book Displays at Auburn and Lewisiston Public Libraries *Key Bank will be Having a Think Pink Education Display @ 600 Turner St. *Lewisiston Fire Fighters will have Pink Ribbons on their Helmets: Lewisiston PFD Employees will be Wearing Pink Hard Hats *Pink Ribbons will be Displayed on Lamp Posts Near Veterans Park and Raymond Park in Lewisiston *Stella Salvo Salon & Spa Color for a Cure - Tint a Lock of Hair Pink - \$10 - 1049 Center Street, Auburn - 100% of Funds Go to The Maine Breast Cancer Coalition - 378-4875; www.stellasalvo.com</p>	<p>*Lewisiston Employees and Elected Officials will be Wearing Pink or Wearing a Pink Ribbon Every Tuesday in October *Meraki's has Created a Breast In Recognition of Breast Cancer Awareness called "Sweet Pink Sugar" for \$1 October-Only Price *Cities of Auburn Public Works & Police Vehicles, as well as Auburn Water & Sewerage Districts' Vehicles will have Pink Magnets *City of Lewisiston Public Works Vehicles Will Have Pink Magnets *Auburn Public Services & Fire Dept. Employees will Wear Pink Shirts on Fridays *Lewisiston City Hall's Outside Clock Face Will Be Lit Pink for the Month of October (Will Show at Night)</p>	<p>1 *Community Kick-off Opening Ceremony- 3:30 Lewisiston, Shmard-offe Memorial Park, Walk from Festival Plaza will Start at 5:00 to Lewisiston *Auburn Community Conversation- Danville Garage- 6:00 Pink Presente! *St. Mary's Presentation- Breast Care & Detection- 5:30 *Lighting of the Pink Trees- Sullivan Square by Rolly's Diner & UNAA *Christine Hayden, Breast Health & Education @ Dempsey Center, will speak to TD Bank North Employees- 10:00-11:00</p>	<p>2 *New Auburn Senior Citizens Luncheon- 11:30 St. Louis Church- Pink Presente! *Auburn Community Conversation Sherwood Heights School - 6:00 Pink Presente! *Auburn School Board, Staff and Students Will Wear Pink on Every Wednesday in October!</p>	<p>3 *Baxter Brewing Company- Employees Wear Pink Day!</p>	<p>4 *Jeans Day/ Fundraiser by City of Lewisiston Employees - Donated Funds Will Go to the Maine Breast Cancer Coalition.</p>	<p>5 *CLT Costume Shop Sale- Pink Presence- 9:00-1:00</p>
<p>6 </p>	<p>7 Auburn City Council Mtg- Think Pink in Auburn 5:30 *Stories of Hope-CMNC Dempsey Center-5:30</p>	<p>8 *Pink Presence Visiting Hour with Councilor Crowley- 2:00-4:00- Auburn Public Library *Breast Cancer Support Group- Dempsey Center- 6:00 *Auburn Community Conversation Public Library- 6:00 Pink Presente! *A Women's Touch- Breast-C Workshop for City of Auburn Employees- City Hall- 11:30 & 12:30</p>	<p>9 *Parks-Rec Advisory meeting- Pink Presentation 6:30 Hasty Gym *Christine Hayden, Breast Health & Education @ Dempsey Center, will speak to TD Bank North Employees- 10:00-11:00 *Auburn School Board, Staff and Students Will Wear Pink!</p>	<p>10 *Barker Arms- Pink Tea Event- 2:00-4:00, Seniors are welcome! *Baxter Brewing Company- Employees Wear Pink Day!</p>	<p>11 </p>	<p>12 *Pink Presence at Community Little Theater- Aseptic and Old Lace- 7:30</p>
<p>13 <u>Metastatic Breast Cancer Day</u> *Placement of Luminaries on Riverwalk- TBA *Pink Paint Ball@ Lost Valley- 10:00-11:00 *Lake Auburn Community Center Property - N. Auburn Road - Pink & Purple Remembrance Walk- 2-4:00 (Property Open from 8 to 8)</p>	<p>14 <u>Columbus Day</u> *Stories of Hope-CMNC- Dempsey Center-6:30</p>	<p>15 *Pink Presence at the Auburn Sewer District Meeting from 4:00-5:00 *AACC Meeting 6:30-8:30, Pink Presente! *St. Mary's Tulip Planting & Lunch 11:30 followed by lunch *Auburn Community Conversation Washburn School- 6:00 Pink Presente!</p>	<p>16 *Pink Presence at the Auburn Water District Meeting from 4:00-5:00 *Auburn Senior Citizens Meeting- Hasty Gym- Pink Presente! *Auburn School Board Staff and Students Will Wear Pink!</p>	<p>17 *Baxter Brewing Company- Employees Wear Pink Day! *In the Pink @ Rolly's Diner, Special Discount- Wear Pink and Get a \$1 off! *Real Men Wear Pink Thursday Night Football Event- 6:00-Naval's-Drink and Food Specials</p>	<p>18 *Think Pink" Lewisiston Emblem Club Event at Elks Lodge for Members/ Guests! 6 p.m. - Pink Cake for Dessert! Members Encouraged to Wear Pink *Museum LA's Speakeasy Will Have a Pink Presence at Ironhorse Court, One Bates Street, Lewisiston, 7 p.m. - 11 p.m. FMI: 333-3881, info@museumla.org</p>	<p>19 <u>Mammography Day</u> *Pink on the Pink- Colisee- New Auburn Social Club Sponsored Event *Androscoquin Historical Society- Pink Presence Cemetery Tour- 2:00 @ Mt. Hope Cemetery in Lewisiston- Guided by John Henderson</p>
<p>20 *Auburn Pink Walk- Al Manonian *Wear Pink, Think Pink, Act Pink Women Support Group- 2:00-4:00 3 Amberly Way, Auburn</p>	<p>21 *Auburn City Council Mtg- Think Pink in Auburn 5:30 *Chemo Brain Fog- What to Do About It- CMNC, Dempsey Center, 11:30-12:30</p>	<p>22 *Breast Cancer Support Group- Dempsey Center- 6:00 *Androscoquin Historical Society- Pink Presence Victorian Morning Traditions @ County Court House- 7:00, Beverly Robbins- Speaker</p>	<p>23 *SeniorsPlus Special Breast Cancer Wkshp- 10:00- Falcon Rd, Lewisiston- Public is Welcomed *Auburn School Board, Staff and Students Will Wear Pink!</p>	<p>24 *Pink Presence Visiting Hours 5:00-7:00 with Councilor Crowley Auburn Public Library *Breast Awareness Display 1:00-4:00 at the Bone Density Screening Day @ CMNC *Christine Hayden, Breast Health & Education @ Dempsey Center, will speak to TD Bank North Employees- 10:00-11:00 *Baxter Brewing Company- Employees Wear Pink Day!</p>	<p>25 *Christine Hayden, Breast Health & Education will do an Auburn Community Presentation- 12:15</p>	<p>26 *Bedard's Medical Open House- UNAA Hello-ween Event- 2:00-4:30, Downtown New Auburn, Educational Display at the Event *Museum's Library Union, Harriet Elm Street- Auburn, Pink Presence Educational Table</p>
<p>27 *Pray Pink- Pledge Pink Intercommunity Potluck Brunch- 10:00 @ 9 Amberly Way</p>	<p>28 *Pink Talk- "Miss Dr. Lucy" of the Maine's Pioneering Female Physicians, 1850's-1920- Auburn City Hall- 6:00. Presented by Auburn Annette Vance Dooy- Free Program- Public Welcome.</p>	<p>29 *UNAA Meeting in Pink- Rolly's Diner @ 6:00- Community Invited * City of Auburn Employee Wellness Fair- Hasty Gym, 11:00-2:00, City Employees Only *St. Mary's Regional Medical Center, Tour of New Breast Cancer Center from 4:00-7:00 *Chemo Brain Fog- What to Do About It- Dempsey Center 6:00-7:00</p>	<p>30 *Auburn School Board, Staff and Students Will Wear Pink! *Christine Hayden, Breast Health & Education @ Dempsey Center, Will Speak to TD Bank North Employees- 10:00-11:00</p>	<p>31 Halloween *Baxter Brewing Company- Employees Wear Pink Day!</p>	<p></p>	<p></p>

IN RECOGNITION

The Auburn Running Club Winners of the Maine State Under 14 Track and Field Championship

WHEREAS, The Auburn Running Club recently competed on August 10th at the 2013 Maine State Under 14 Track and Field Championship in Augusta; and

WHEREAS, 98 Auburn Running Club athletes qualified to compete with 85 actually competing they faced stiff competition from talented athletes from 34 teams across the State of Maine; and

WHEREAS, Auburn Running Club athletes earned reputations as hard working, inspirational and motivated young athletes, with many emerging victorious in their respective events earning them 2013 Individual State Titles and more importantly overall the team placed first with a large margin of victory; and

WHEREAS, it is the sense of the City Council and other City officials that these individual and team honors as 2013 Maine State Under 14 Track and Field Champions are just one of the many achievements all club members will accomplish in their lifetimes;

NOW, THEREFORE, the Auburn City Council, on behalf of the Citizens of the City of Auburn, herewith extends its congratulation to Coach Tom Menendez and the Auburn Running Club members for theirs title as the 2013 Maine State Under 14 Track and Field Champions.

Cities of Lewiston & Auburn, Maine

Proclamation

Celebrating 2013 Breast Cancer Awareness Month



Whereas: Breast cancer touches the lives of Americans from every background and in every community across the nation; and

Whereas: We salute those facing this illness *"head on;"* are humbled by the survivors among us; and lovingly reflect upon those no longer with us; and

Whereas: We applaud the dedicated advocates, researchers, and health care providers who daily strive to defeat breast cancer; and

Whereas: Though tremendous strides have indeed been made in combating this illness, we must move forward until it is completely eradicated; and

Whereas: Awareness is vital to encouraging individuals to be pro-active about breast health and to provide compassionate support to those experiencing breast cancer; and

Whereas: This month in Lewiston-Auburn, breast cancer awareness is being repeatedly focused upon, and we thank all those who are striving to ensure that knowledge is power.

Now, therefore, We, Robert E. Macdonald & Jonathan P. LaBonté, Mayors of the Cities of Lewiston and Auburn, by virtue of the authority vested in us, do hereby proclaim the month of October as **Breast Cancer Awareness Month** in the Twin Cities and encourage individuals to learn about breast cancer and to be pro-active in their personal health care.

In Witness Whereof, we have hereunto set our hands and caused the seals of the Cities of Lewiston and Auburn, Maine, to be affixed this 1st day of October, 2013.



Mayor Robert E. Macdonald

Mayor Jonathan P. LaBonté

**PROCLAMATION
NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH, 2013**

WHEREAS, For far too long, domestic violence was ignored or treated as a private matter where victims were left to suffer in silence without hope of intervention; and

WHEREAS, we mark the 19th anniversary of the landmark Violence Against Women Act, authored by Vice President Joe Biden, we reflect on how far we have come. We have made significant progress in changing laws and attitudes, providing support to survivors, and reducing the incidence of domestic violence. But we also know that we have not come far enough, and that there is more work left to be done. During National Domestic Violence Awareness Month, we stand with all those who have been affected by this terrible crime, recognize the individuals and groups who have stepped forward to break the cycle of violence, and recommit to putting an end to domestic violence in America; and

WHEREAS, and despite considerable progress in reducing domestic violence, an average of three women in the United States lose their lives every day as a result of these unconscionable acts. And while women between the ages of 16 and 24 are among the most vulnerable to intimate partner violence, domestic violence affects people regardless of gender, age, sexual orientation, race, or religion. Tragically, without intervention, children exposed to such violence can suffer serious long-term consequences that may include difficulty in school, post-traumatic disorders, alcohol and drug abuse, and criminal behavior; and

WHEREAS, The City of Auburn remains committed to getting victims the help they need, from emergency shelter and legal assistance to transitional housing and services for children; and

WHEREAS, while government must do its part, all Americans can play a role in ending domestic violence. Each of us can promote healthy relationships, speak out when we see injustice in our communities, stand with survivors we know, and change attitudes that perpetuate the cycle of abuse. We must also ensure that survivors of domestic violence know they are not alone, and that there are resources available to them. I encourage victims, their loved ones, and concerned citizens to learn more by calling the National Domestic Violence Hotline at 1-800-799-SAFE, or by visiting www.TheHotline.org; and

NOW, THEREFORE, I, JONATHAN P. LABONTE, Mayor of the City of Auburn, Maine, by virtue of the authority vested in me by the Charter and Codes and Ordinances of the City of Auburn, do hereby proclaim October 2013 as National Domestic Violence Awareness Month. I call on all citizens to speak out against domestic violence and support local efforts to assist victims of these crimes in finding the help and healing they need.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord two thousand thirteen.

JONATHAN P. LABONTE, MAYOR



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: October 7, 2013

Ordinance 11-09162013

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: Parking in city-owned lots and Mechanics Row parking garage.

Information: At the direction from the City Council, Chief Crowell proposes changes to the existing Chapter 52 – Article 5 – Stopping, Standing and Parking Division I Generally Sec. 52-181. Parking in city-owned lots as follows:

Effective October 1, 2013 -

(a) All or portions of the following parking lots and streets are designated as permit parking areas:

- (1) Great Falls Plaza parking lot.
- (2) Miller Street parking lot.
- (3) Main Street parking lot.
- (4) Phoenix Block parking lot.
- (5) Mechanics Row parking lot.
- (6) Court Street parking lot.
- (7) Mechanics Row parking garage.
- (8) Troy Street parking lot.
- (9) Pleasant Street

(b) The monthly fee for permit parking shall be in the amount provided in the city fee schedule payable in advance at the location designated by the city manager. All monthly permits must be paid by the tenth of each month. Permit holders will be restricted to park within their designated area. Any permit which has not been paid by the tenth of each month or permitted vehicles not parked within their designated area, the owner will be subject to enforcement provisions set forth in section 52-181 (c).

(c) No car shall be parked in an area restricted to permit parking between the hours of 7:00 am and 6:00 p.m. Monday through Friday, except pursuant to a valid permit which shall be affixed to the front window of the vehicle in question. Any car parked in violation of this section may be towed pursuant to section 52-204 and its owner shall be subject to the enforcement provisions set forth in section 52-203. The fact that a car is parked in a permit parking section without a valid permit displayed shall be prima facie evidence that the car in question has been illegally parked. The person in whose name the car is registered shall be responsible for any such illegally parked vehicle.

(d) Nothing in this section shall be construed as prohibiting the city from restricting parking in permit parking areas during special events or from providing free temporary parking in permit areas.

*Agenda items are not limited to these categories.

(e) Any person parking his vehicle in a space limited to two- or four-hour parking in any city-owned parking lot shall not thereafter park the vehicle in any other parking space in that parking lot during the ensuing 12-hour period other than in a space as to which parking is limited to one hour or less.

(f) No person shall park a vehicle in any city-owned lot between the hours of 12:01 a.m. and 6:00 a.m. from November 15 to April 15, except in spaces designated as winter relief parking areas or approved areas.

(g) No person shall park a vehicle which is not identified with a handicapped registration plate in a parking space in a city-owned lot which is limited to handicapped parking, nor shall any vehicle be parked in a handicapped parking space longer than the time limit applicable to that space.

(Code 1967, § 26-4.18; Ord. of 7-12-2004(1), § 4.18)

State law reference— Municipal authority to layout and alter parking places, 23 M.R.S.A. § 2802; parking on public ways, 29-A M.R.S.A. § 2068; enforcement of disability parking restrictions, 29-A M.R.S.A. § 521(9-A).

Financial: Propose an increase in parking permit fee from \$35 per month to \$45 per month.

Action Requested at this Meeting: Review proposed changes to City of Auburn Ordinance Chapter 52 – Article 5 – Stopping, Standing and Parking Division I Generally Sec. 52-181. Parking in city-owned lots and vote to change the ordinance as stated above.

Previous Meetings and History: 8/19/2013 and 9/3/2013 Workshops, passage of first reading on 9/16/2013.

Attachments:

- Memo
- Parking garage zones
- Ordinance 11-09162013

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Manager

Date: October 1, 2013

To: Mayor LaBonte and Members of the Auburn City Council

From: Clinton Deschene, City Manager

RE: Parking Garage Plan Memo

Per the Council vote on September 19, 2013 it was required the City not implement the parking garage plan without bringing it back to the Council. For this workshop the City presents the attached parking plan. This was developed by staff and incorporated meetings with all renters, city departments, and City Management. Further as City Manager I received input from residents and Councilors as well that were taken into consideration.

The proposed plan is a culmination of needs that in collaboration fits the needs of the community. Core components considered were safety, customer service, and efficiency.

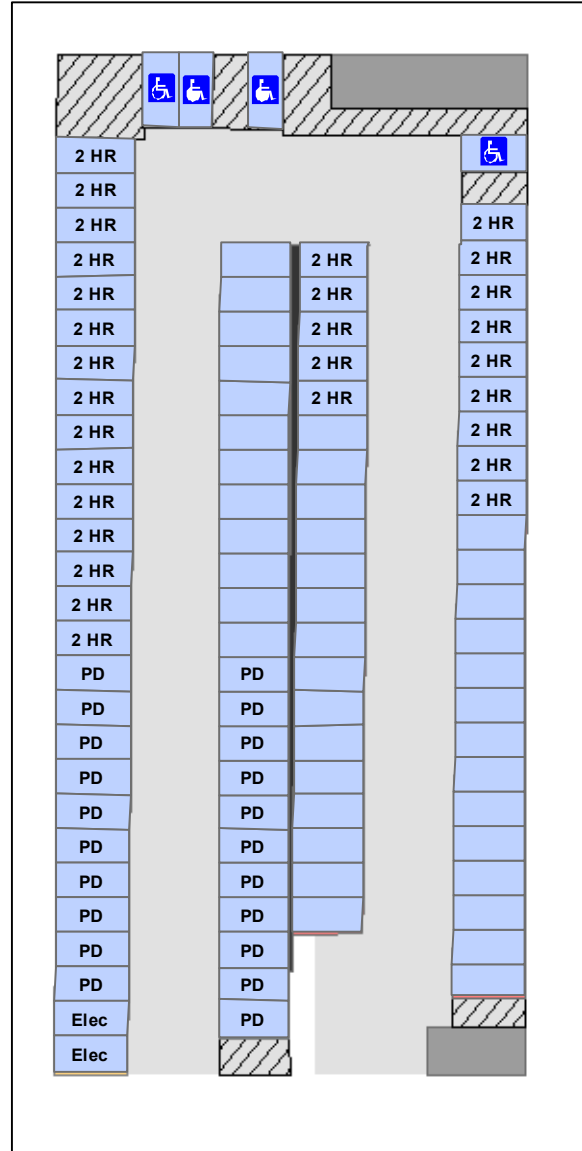
Components considered varied but included the following:

1. The top floor with no roof was viewed as an area that did not provide good customer service and should be left to the City sustain in a safe manner for its employees.
2. Many renters want to be close to the stairwells for ease of exiting the garage.
3. City Hall visitors will primarily want the second Floor catwalk entrance or first floor ground level entrance.
4. The direct entrance to the garage has site line concerns and was felt as poor area for customers or renters. Further, the right hand side provides access to a secure storage area that the City needs constant access.
5. The largest renter has required that all spaces be contiguous so that blocked out a large area.
6. Police has # vehicles and secured space in the garage for # spaces. It is most efficient use of staff to have these near and exit. It was also felt that it created a safer environment because all persons entering the garage would see the police presence. Observational history has been that the area when first entering the garage was underutilized.
7. Public Parking was kept toward the City Hall side of the garage for access to the building and proximity to the alley connecting Main Street.

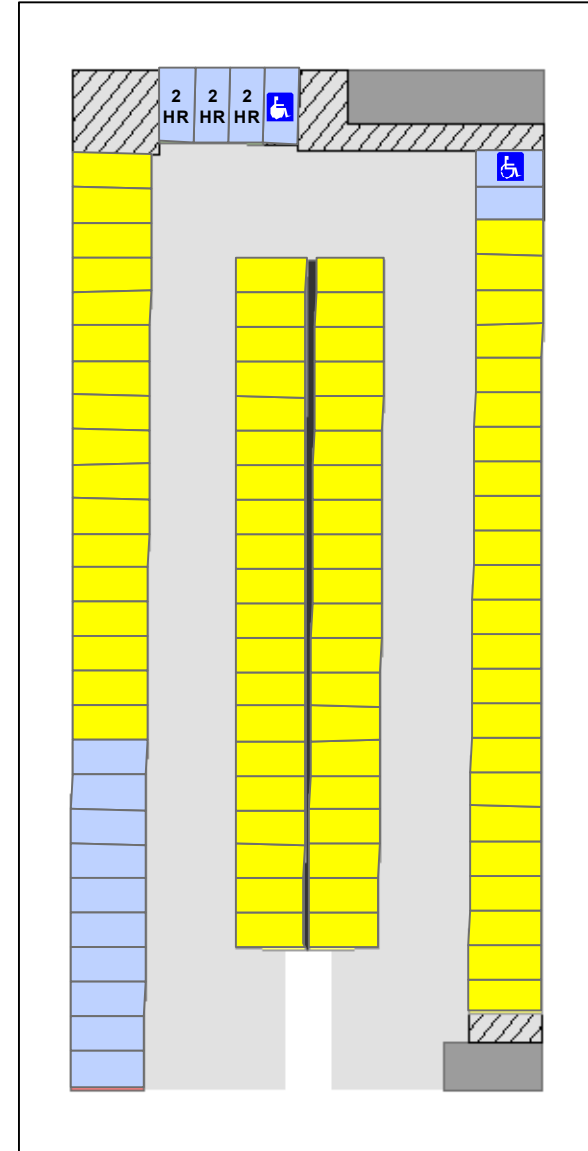
In conclusion, I look forward to Council input per the motion to present to the City Council. I fully endorse the plan as presented and will gladly consider all ideas presented during the workshop. After input and discussion I do not recommend adoption of this parking plan at a Council meeting. This is an operational matter of the City to provide service to the users of the garage. Further, if this is approved by the Council it will require any changes to be presented for future action. That is not an efficient use of Council or Staff time nor is it efficient customer services to present changes for customers using or renting in the garage for Council approval.

Auburn Hall Parking Garage Parking Zones

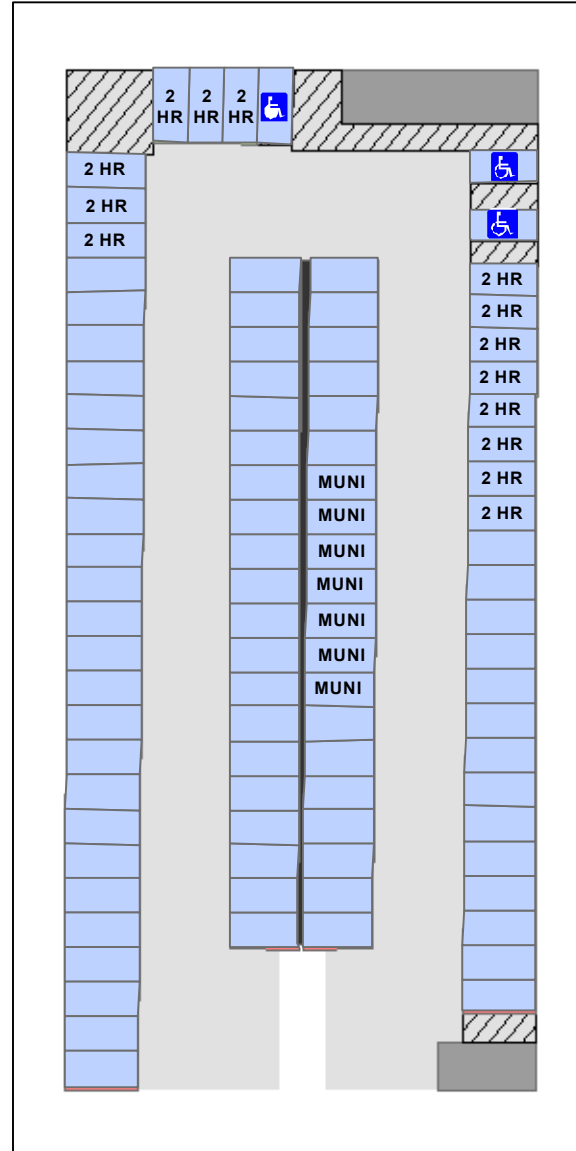
Ground Floor



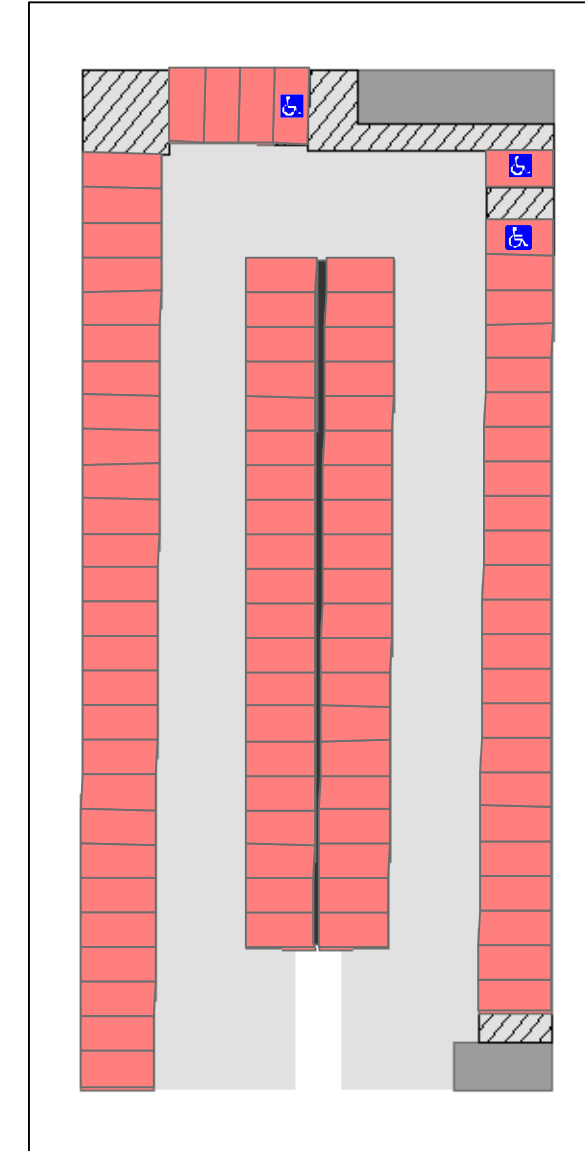
1st Floor



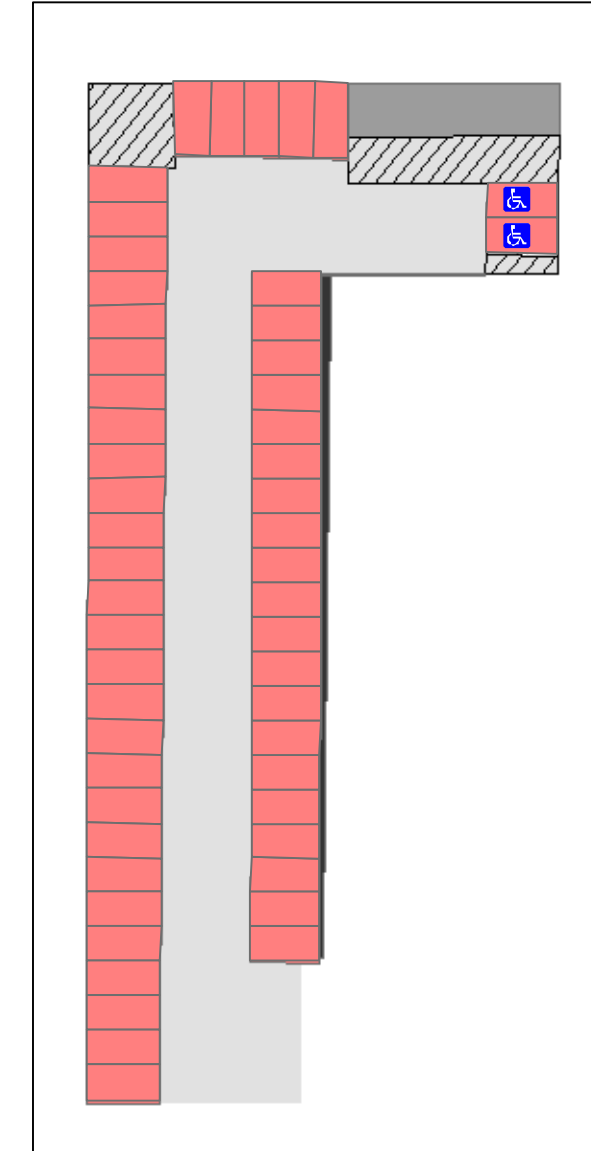
2nd Floor



3rd Floor



4th Floor



Zone

- L - City Employees
- M - Skelton-Tainter
- N - Other

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 11-09162013

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

**TITLE: ORDINANCE – Chapter 52 – Article 5 – Stopping, Standing and Parking Division I Generally
Sec. 52-181. Parking in city-owned lots as follows:**

Effective October 1, 2013 -

(a)

All or portions of the following parking lots and streets are designated as permit parking areas:

- (1) Great Falls Plaza parking lot.
- (2) Miller Street parking lot.
- (3) Main Street parking lot.
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- (5) Mechanics Row parking lot.
- (6) Court Street parking lot.
- (7) Mechanics Row parking garage.
- (8) Troy Street parking lot.
- (9) Pleasant Street

(b)

The monthly fee for permit parking shall be in the amount provided in the city fee schedule payable in advance at the location designated by the city manager. All monthly permits must be paid by the tenth of each month. Permit holders will be restricted to park within their designated area. Any permit which has not been paid by the tenth of each month or permitted vehicles not parked within their designated area, the owner will be subject to enforcement provisions set forth in section 52-181 (c).

(c)

No car shall be parked in an area restricted to permit parking between the hours of 7:00 am and 6:00 p.m. Monday through Friday, except pursuant to a valid permit which shall be affixed to the front window of the vehicle in question. Any car parked in violation of this section may be towed pursuant to section 52-204 and its owner shall be subject to the enforcement provisions set forth in section 52-203. The fact that a car is parked in a permit parking section without a valid permit displayed shall be prima facie evidence that the car in question has been illegally parked. The person in whose name the car is registered shall be responsible for any such illegally parked vehicle.

(d)

Nothing in this section shall be construed as prohibiting the city from restricting parking in permit parking areas during special events or from providing free temporary parking in permit areas.

(e)

Any person parking his vehicle in a space limited to two- or four-hour parking in any city-owned parking lot shall not thereafter park the vehicle in any other parking space in that parking lot during the ensuing 12-hour period other than in a space as to which parking is limited to one hour or less.

(f)

No person shall park a vehicle in any city-owned lot between the hours of 12:01 a.m. and 6:00 a.m. from November 15 to April 15, except in spaces designated as winter relief parking areas or approved areas.

(g)

No person shall park a vehicle which is not identified with a handicapped registration plate in a parking space in a city-owned lot which is limited to handicapped parking, nor shall any vehicle be parked in a handicapped parking space longer than the time limit applicable to that space.

(Code 1967, § 26-4.18; Ord. of 7-12-2004(1), § 4.18)

State law reference— Municipal authority to layout and alter parking places, 23 M.R.S.A. § 2802; parking on public ways, 29-A M.R.S.A. § 2068; enforcement of disability parking restrictions, 29-A M.R.S.A. § 521(9-A).



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: October 7, 2013

Order See below*

Author: Sue Clements-Dallaire, City Clerk

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: Appointment of Board and Committee Members

Information: On 8/29/2013 the Appointment Committee met and nominated the following;

Charles Morrison – L/A Cable TV Advisory Board

Michael Dixon – Zoning Board of Appeals

Judith Webber – Auburn Housing Authority

Robert Bowyer - Planning Board

Ann Parker – Community Development Block Grant (CDBG) Loan Committee

Financial: N/A

Action Requested at this Meeting: Recommend passage of appointments

Previous Meetings and History: This meeting was on the 9/16/2013 City Council Agenda and was postponed until the 10/7/2013 meeting.

Attachments:

Applications

Memo

*Orders 78-09162013 Charles Morrison – L/A Cable TV Advisory Board

79-09162013 Michael Dixon – Zoning Board of Appeals

80-09162013 Judith Webber – Auburn Housing Authority

81-09162013 Robert Bowyer - Planning Board

82-09162013 Ann Parker – Community Development Block Grant (CDBG) Loan Committee

*Agenda items are not limited to these categories.

MAR 29 2013

Board & Committee Appointment Application

City of Auburn

We're so happy that you've decided to volunteer for our community! The giving of your time is commendable and very much appreciated. Without people like you coming forward our community would not be as strong, as vibrant, or as great as it is - thank you so much! Please complete the form below and return it to the City Clerk's office. Again, on behalf of all of us at the City of Auburn, I hope your volunteer experience is rewarding, and thank you for being an outstanding citizen!

Application for: New Appointment Reappointment (Initial Date Appointed: _____)

Name: Charles Morrison Ward: 2 Years as an Auburn Resident: _____

Mailing Address: 46 Lake St

Physical Address: Same

Phone: 783 2249 Email: cmorrison@androscoffcounty.com

Describe your education and/or experience or attach a resume:

Britt bio attached

Which board or committee would you like to serve on? (One per application)

4A Cable TV Advisory Board

Why do you want to serve (please limit to 150 words or less. Please attach).

To continue to provide assistance with this popular service

What do you hope to accomplish (please limit to 150 words or less. Please attach).

Bring historical perspective and business acumen to the board

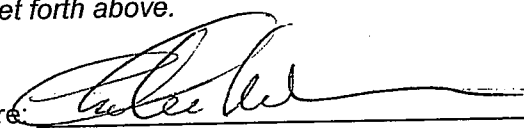
The following are the current committees and boards in Auburn:

- 911 Committee
- Airport Board
- Assessment Review Board
- Auburn Housing Authority
- Auburn Water District
- Auburn Sewer District
- Community Development Loan Committee
- Ethics Panel
- L/A Cable TV Advisory Board
- L/A Community Forest Board
- L/A Transit Committee
- Planning Board*
- Parks & Recreation Advisory Committee
- Zoning Board of Appeals

Incomplete applications and those which list more than one committee will not be considered. Applications are valid for a period of six months. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants.

Application **City of Auburn**

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature:  Date: 3/24/13

*The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve.

*The City Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Susan Clements-Dallaire, City Clerk	sdallaire@ci.auburn.me.us	333-6600
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THE CHAMBER

Chip Morrison has been President of the Androscoggin County Chamber of Commerce since the fall of 1995. Prior to joining the Chamber he was City Manager of Auburn and Commissioner of the state departments of Administration and Labor. He has a bachelor's degree from Carleton College and a master's degree from the University of Michigan. Over the course of his career Chip has won several honors including the State of Maine Public Administrator of the Year, the Ken Curtis Leadership Award from the Maine Development Foundation, the Auburn Citizen of the Year, the Chamber Executive of the Year, and the 2008 Mainebiz nonprofit CEO of the year.

Chip is a resident of Auburn where he lives with his wife Jane. They have two grown children who graduated from Edward Little High School, went on to college and graduate school, and who are now in successful careers in the arts and medicine.

ANDROSCOGGIN COUNTY CHAMBER OF COMMERCE

BUSINESS SERVICE CENTER AT KEYBANK PLAZA

P.O. Box 59 • LEWISTON, ME 04243-0059

TEL. 207-783-2249 • FAX 207-783-4481 • E-MAIL: INFO@ANDROSCOGGINCOUNTY.COM

KEEP ALL OF US WORKING!
Think Local
BEFORE YOU BUY
ANDROSCOGGIN COUNTY CHAMBER OF COMMERCE

Board & Committee Appointment Application

City of Auburn

We're so happy that you've decided to volunteer for our community! The giving of your time is commendable and very much appreciated. Without people like you coming forward our community would not be as strong, as vibrant, or as great as it is – thank you so much! Please complete the form below and return it to the City Clerk's office. Again, on behalf of all of us at the City of Auburn, I hope your volunteer experience is rewarding, and thank you for being an outstanding citizen!

Application for: New Appointment Reappointment (Initial Date Appointed: 2004)

Name: Michael S. Dixon Ward: 2 Years as an Auburn Resident: 25

Mailing Address: 126 Everett Rd Aub

Physical Address: "

Phone: 783-7763 Email: msdixon@roadrunner.com

Describe your education and/or experience or attach a resume:
Please see attached ^{resume}, especially bottom of page 2

Which board or committee would you like to serve on? (One per application)

I am currently the Chairman of ZBA & would be ~~accepted~~ honored to be reappointed to ZBA

Why do you want to serve (please limit to 150 words or less. Please attach).

To continue to meet my civic duty

What do you hope to accomplish (please limit to 150 words or less. Please attach).

To help the City implement its Zoning Ordinance

The following are the current committees and boards in Auburn:

- 911 Committee
- Airport Board
- Assessment Review Board
- Auburn Housing Authority
- Auburn Water District
- Auburn Sewer District
- Community Development Loan Committee
- Ethics Panel
- L/A Cable TV Advisory Board
- L/A Community Forest Board
- L/A Transit Committee
- Planning Board*
- Parks & Recreation Advisory Committee
- Zoning Board of Appeals

Incomplete applications and those which list more than one committee will not be considered. Applications are valid for a period of six months. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants.

Application

City of Auburn

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Michael D. Dyer Date: 7/9/2013

*The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve.

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Susan Clements-Dallaire, City Clerk

sdallaire@ci.auburn.me.us

333-6600

Michael S. Dixon, Ph.D.
CLINICAL PSYCHOLOGIST

126 EVERETT RD
AUBURN, MAINE 04240

TELEPHONE
207 / 783-3052

RESUME

June, 2013

EDUCATION

Undergraduate: Pennsylvania State University
University Park, Pennsylvania
Major: Psychology
Degree: B.A., June, 1969
Graduate: Bowling Green State University
Bowling Green, Ohio
Major: Clinical Psychology
Degree: M.A., June, 1974
Thesis: A Factor Analysis of the Halstead-Reitan Battery
Degree: Ph.D., August, 1977
Dissertation: Right Hemisphere Specialization for Face Recognition:
A Test of an Emotional Versus a Visuospatial Processing
Model

1978 to Present Attended numerous conferences and workshops on a variety of clinical topics in order to gain professional stimulation and remain current with ongoing developments in the field of psychology.

LICENSURE AND PROFESSIONAL AFFILIATIONS

Licensed as a Psychologist by the Maine Board of Examiners of Psychologists
(License #364, first issued February, 1978)
Certified as a School Psychologist by the Maine Department of Education
Member, American Psychological Association
Member, Maine Psychological Association

PROFESSIONAL EXPERIENCE

- 1981 to Present Private Practice as a Clinical Psychologist providing a full range of psychological services, including individual, couple, and family therapy; school psychology services; and clinical supervision.
- 2004 to 2008 Member, Public Education Committee, Maine Psychological Association
- 1992 to 1993 Member, State Task Force on Certification of School Psychological Service Providers
- 1980 Delegate, Blaine House Conference on Families
- 1977 to 1984 Clinical Psychologist, Tri-County Mental Health Services, Lewiston, Maine. Responsibilities included general mental health services to children and families as part of the Children's Services program; school psychology services; specialized and home-based services to families with abuse problems as part of a Family Support Team program; nighttime emergency services; individual and group clinical supervision.
- 1976 to 1977 Teaching Fellow, Bowling Green State University, Bowling Green, Ohio. Administered an undergraduate mental health paraprofessional training program.
- 1975 to 1976 Private Practice as a Psychological Examiner, Lewiston, Maine
- 1974 to 1975 Internship, Tri-County Mental Health Services, Lewiston, Norway, and Rumford, Maine. Provided supervised psychological services in both outpatient and inpatient settings.
- 1973 Summer Internship, Cincinnati Veterans Administration Hospital Neuropsychology Laboratory

CIVIC AND EXTRAPROFESSIONAL ACTIVITIES

- 2004 to Present Member, City of Auburn Zoning Board of Appeals; Chairman since 2009
- 2002 to Present Member, Board of Directors, Taylor Pond Association, a citizen's group formed to preserve the water quality of Taylor Pond. Since 2003, have served as the Association's Treasurer and Newsletter Editor.
- 2007 to 2010 Member, City of Auburn Comprehensive Plan Update Committee
- 2007 to 2010 Member, City of Auburn Brownfields Committee

- 2003 to 2007 Coordinator, Twin Cities Community Cleanup, an annual litter cleanup by citizen volunteers in parks and public spaces.
- 2003 to 2008 Stakeholder, Lewiston-Auburn Storm Water Management Program.
- 2006 to 2007 Member, Board of Directors, L/A Trails
- 1999 to 2002 Publicist, North Atlantic Blues Festival
- 1997 to 2003 Director of Blues and Roots Music, WRBC, Bates College radio station. Organized and produced the WRBC Roots Music Festivals in May, 2002 and 2003.
- 1989 to 1995 Maine Department of Environmental Protection Volunteer Lake Monitor, Taylor Pond, Auburn, Maine
- 1994 to 1995 Member, City of Auburn Comprehensive Plan Committee
- 1987 to 1988 Member, City of Lewiston Zoning Board of Appeals
- 1986 to 1987 Member, Citizen's Advisory Committee, City of Lewiston Comprehensive Plan and Zoning Ordinance

Board & Committee Appointment Application



We're so happy that you've decided to volunteer for our community! The giving of your time is commendable and very much appreciated. Without people like you coming forward our community would not be as strong, as vibrant, or as great as it is – thank you so much! Please complete the form below and return it to the City Clerk's office. Again, on behalf of all of us at the City of Auburn, I hope your volunteer experience is rewarding, and thank you for being an outstanding citizen!

Application for: New Appointment Reappointment (Initial Date Appointed: _____)

Name: June P. Spear Ward: 1 Years as an Auburn Resident: 34

Mailing Address: 640 West Auburn Road, Auburn 04210

Physical Address: Same

Phone: 782-6341 Email: june.sp@roadrunner.com

Describe your education and/or experience or attach a resume:
BA in Education, minor English, UMass Amherst, M.Ed.;
Birmingham MA State College; AAS, Plant and Soil
Technology, USM. Taught 37 years, Now teaching courses
at USM Senior College

Which board or committee would you like to serve on? (One per application)
Auburn Housing Authority

Why do you want to serve (please limit to 150 words or less. Please attach).

What do you hope to accomplish (please limit to 150 words or less. Please attach).

The following are the current committees and boards in Auburn:

- 911 Committee
- Airport Board
- Assessment Review Board
- Auburn Housing Authority
- Auburn Water District
- Auburn Sewer District
- Community Development Loan Committee
- Ethics Panel
- L/A Cable TV Advisory Board
- L/A Community Forest Board
- L/A Transit Committee
- Planning Board*
- Parks & Recreation Advisory Committee
- Zoning Board of Appeals

Incomplete applications and those which list more than one committee will not be considered. Applications are valid for a period of six months. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants.

Application

City of Auburn

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: James P. Spear Date: 7/24/13

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Susan Clements-Dallaire, City Clerk	sdallaire@ci.auburn.me.us	333-6600
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Why I would like to serve on the Auburn Housing Authority

I would like to serve on this committee to learn more about what resources are available for senior citizens in terms of affordable housing. I am aware of some of the options but would like to know more about availability, requirements for residency in the various units, and generally how this committee operates.

What I Hope to Accomplish

Besides learning more about housing options available for seniors in Auburn, I would like the opportunity to share the information with others. I know our population is aging and many people are finding it necessary to alter their living situations for various reasons. Perhaps there are others in our community who are as uninformed as I am regarding these options and I would like to be able to share whatever I learn with them.

Board & Committee Appointment Application



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Application for: New Appointment Reappointment (Initial Date Appointed: _____)

Name: Judith M. Webber Ward: 1 Years as an Auburn Resident: 55

Mailing Address: 163 Whitney St.

Physical Address: Same

Phone: 784-6069 Email: jwebber26197@roadrunner.com

Describe your education and/or experience or attach a resume: graduate program
graduated Univ. of Pennsylvania 1955, Univ. of ME 1983
Teacher Auburn School dept - special education - 19 years
currently volunteer Adult Learning Center in Lewiston

Which board or committee would you like to serve on? (One per application)

Auburn Housing Authority

Why do you want to serve (please limit to 150 words or less. Please attach).

I live near two of the Authority's residences or have long been interested in housing for low income & handicapped.

What do you hope to accomplish (please limit to 150 words or less. Please attach).

I have no goals as such -- just want to be a good committee person + help make good decisions, and be a contributing citizen.

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Signature: Junita M. Webber* Date: Aug. 2, 2013

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Susan Clements-Dallaire, City Clerk	sdallaire@ci.auburn.me.us	333-6600
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* goes by Judy

AUG 05 2013

Board & Committee Appointment Application

City of Auburn

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Application for: New Appointment Reappointment (Initial Date Appointed: _____)

Name: A. HAL BARTER Ward: _____ Years as an Auburn Resident: _____

Mailing Address: 28 CARDING MACHINE Rd. RICHMOND MA. 04357

Physical Address: SAME AS ABOVE

Phone: 504-0758 Email: A.HALB@YAHOO.COM

Describe your education and/or experience or attach a resume:

SEE ATTACHED RESUME

Which board or committee would you like to serve on? (One per application)

AUBURN HOUSING AUTHORITY

Why do you want to serve (please limit to 150 words or less. Please attach). PLEASE SEE ATTACHED

What do you hope to accomplish (please limit to 150 words or less. Please attach). PLEASE SEE ATTACHED

The following are the current committees and boards in Auburn:


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Application

City of Auburn

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature:  Date: 8/5/13

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Susan Clements-Dallaire, City Clerk	sdallaire@ci.auburn.me.us	333-6600
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Why do you want to serve?

I have always been dedicated to a career of helping others who may be less fortunate and I am committed and have a strong belief in programs that can help people who are in need. I have experience and am familiar with federally funded programs that are directed towards the low income, disabled, elderly and/or families. I feel that I can use my knowledge and experience to help this population to better their lives. At this time I would like to give and do more, but with my current position at the city, time can be an issue. When I saw this position advertised I was interested because it would be a small time sacrifice/commitment that could possibly make a huge impact in a lot of lives.

What do you hope to accomplish?

I do and have always wanted to be a part of something that impacts people in a positive way. I am interested in helping others, and I feel this position would allow me to do this in a more global fashion, impacting more than one individual or family at a time. As a city employee, I am interested in being part of the system of programs that benefit the residents, and having an active role in the system of community resources available to the residents in need.

A. Hal Barter III
28 Carding Machine Rd.
Richmond, ME. 04357
(207) 504-0758

July 9, 2013

To whom it may concern,

I have over thirty years experience in the construction / building science professions and over fifteen years experience in management / supervisory positions.

As my resume will reflect, I have performed on and / or managed both residential and commercial projects from inception to completion. I have owned and operated my own small business completing all facets of construction along with sub-contracting out to larger companies such as Shaw Environmental and Infrastructure to oversee punch list and warranty issues for multi-unit apartment complexes at the Brunswick Naval Air Base.

I have extensive experience / training in the weatherization, environmental and building science fields to include writing specifications for comprehensive projects and conducting bid processes. I was a co-author with the 2005 edition of the Maine State Weatherization Standards and held the position of Chair Person for the Maine State Building Technology Committee. I currently hold a State LEAD Inspectors License and recently attended the 80 hour Maine State certification for weatherization auditors (as a refresher course) after holding this discipline since 2003 when it was a State issued license. I currently volunteer at speaking events to inform the public of the new EPA LEAD rules. I also do volunteer speaking events offering information in weatherization for the home owner, and currently hold a seat as a board member for the Richmond Community and Economic Development Loan Committee

My experiences and education are contributors to my significant project management, customer relations, communication, spec writing, conducting bid processes and estimating skills and abilities. I have strong work ethic, safe work practice, and great attention to detail, which provide a professional appearance and a quality product to the consumer.

Thank you for considering me for the vacant seat on the board of Commissioners with the Auburn Housing Authority. I look forward to hearing from you regarding this matter.

Respectfully:

A. Hal Barter

A. Hal Barter

28 Carding Machine Rd. ~ Richmond, ME. 04357
Home Phone (207) 737-4789 Cell (207) 504-0758

EDUCATION

State of Maine Residential Energy Auditors Training 2009

(HUD) Section 8 HVC; Housing Quality Standards Inspector Certification 2004

State of Maine Residential Energy Auditors Course; State license to perform energy audits (license # RA1211) 2003

Maine Criminal Justice Academy; Law Enforcement Pre-Service Training School (100 hr. course), Conversion Score: 50, 1996

Unity College; Unity Maine, Major: BS Conservation Law Enforcement, 1996-1998

University of Maine at Augusta, Major: Criminal Justice 1998-1999

EMPLOYMENT

Present Employer – City of Auburn

Housing Coordinator / Project Manager. Oversight and management of a \$300,000 + - budget administering 6 loan programs. Managing 30 – 50 residential projects from intake to completion to include underwriting, spec writing, bid processing, budgeting, scheduling, inspections and close-outs.

2005-2007 Westlake Development Corp.

Site Superintendent. Oversight and management of commercial construction projects from ground breaking to completion. Managing approximately 200 contractors (of all trades), architects, engineers as well as working with municipalities for permits and inspections.

2003-2005 Coastal Economic Development Corp.

Estimator / Inspector. Duties include estimating job costs of heating system installations, rehabilitation / renovation of company owned and client (preexisting) homes. Charged with the company's property management which included 75 low income rental units, 7 head Start Centers, and 4 office complexes, creating, implementing, supervising & overseeing the company's maintenance program / crew as well as creating work orders and handling proposals for each project and hire, oversee and complete final inspections of all work performed by all trades.

1995-2005 (full time 1999-2003) Bart's Building

Owner / Operator of a small contracting business. Duties include estimating construction costs, time required for completion, time management, record keeping, hiring subcontractors, and supervision of employees. Other duties include physically performing tasks and duties related to the carpentry field.

Subcontractor for;

Starlight Enterprises, maintaining / renovating low income rental units to State and Federal guidelines.

Shaw Environmental & Infrastructure, oversee punch list and warranty issues for multi unit apartment complexes.

Oxford Homes, complete finish-off packages for newly set homes.

SUMMARY OF QUALIFICATIONS

6 years Commercial Construction (4yrs. in management positions)
30 years Residential Construction (15 yrs. filling supervisory / management positions)
20 years Class A License with endorsement X

*Concrete (form to finish)	*Concrete Forms (wood & steel)
*Flooring	*Light Plumbing
*Painting	*Light Electrical
*Blueprints	*Sheetrock
*Cabinetry	*Steel Erection
*Back Hoe	*Bulldozer
*Excavator	*Loader (with attachments)
*Boom Truck	*Carrydeck
*90' Aerial Lift	*Scissor Lift
*Welding	*Lull

SKILLS AND OTHER TRAININGS

Lead Inspector Course 2008
Maine State Licensed Limited Fuel Oil Tank Installer 2005
Chair of Maine State Building Technology Committee (BTC) 2004
Coauthor Maine State Weatherization Standards 2004
Affordable Comfort New England Conference 2003, 2004 & 2008
Shutz Tank in Tank (T.I.T.) Fuel Oil Tank Installation Training 2004
Lead Sampling Technician 2004
Onsite Subsurface Wastewater Disposal System Inspector 2003
Septic Tank Inspector 2003
Appliance Metering Training 2003
Lead Smart Renovator 2003
Safety Observation Training 1999
Welding School 1999
Heavy Equipment Training & Certification 1999
Court Security School 1998
Certified Rescue Diver 1997
Volunteer ride-along with the Maine Warden Service 1996
Maine Hunter Safety Instructor 1995
Cofounder and member of the Non-Traditional / Commuter Student Committee, Unity College 1996-1998
Member of the Alcohol Task Force, Unity College 1996-1998
Volunteer Fire Fighter 1990-1994
Marine Corps Noncommissioned Officers School 1980

A. Hal Barter
28 Carding Machine Rd. ~ Richmond, ME 04357
(207) 504-0578

REFERENCES

Kevin Leonard
Weatherization Director
Community Concepts Inc.
(207) 890-2076
(207) 333-6443

Randy Trefethan
17 Patrick Dr.
Westbrook, ME. 04092
(207) 632-6165

Sheriff Bryan Lamoreau
Sheriff, Kennebec County, State of Maine Ret.
Currently Stationed in Afghanistan
(207) 215-7471
btl45acp@yahoo.com

More references are available upon request.

Board & Committee Appointment Application

City of Auburn

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Application for: New Appointment Reappointment (Initial Date Appointed: _____)

Name: Johnna Flood Ward: 2 Years as an Auburn Resident: 5

Mailing Address: 11 Dennison ST 3 713-6833

Physical Address: 11 Dennison ST

Phone: 207-713-6833 Email: johnnaflood@ya.rr.com

Describe your education and/or experience or attach a resume:

Attending Ashford University For
MASTERS in Public Administration

Which board or committee would you like to serve on? (One per application)

Planning Board

Why do you want to serve (please limit to 150 words or less. Please attach).

What do you hope to accomplish (please limit to 150 words or less. Please attach).

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Application

City of Auburn

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature:  Date: 8/2/13

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Susan Clements-Dallaire, City Clerk	sdallaire@ci.auburn.me.us	333-6600
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Johnna Flood
11 Dennison St
Auburn, ME 04210

To: City of Auburn,

I would like to serve on the planning board to complete understanding of the board's process. I feel, as being citizen of Auburn, having input in the city that I strive to be successful in is important as person. I have been attending the Ashford of University since 2011 and will be graduating in December of 2013 with a Masters in Public Administration. The education that I have committed to would be asset to planning board. I would like to serve as a member on the planning board to be responsible in my civic duty.

I hope I will accomplished by being in the planning board a sense of civic duty. I would like to accomplish being active and knowledgeable member of the planning board. I feel confident I will be able to pick up the skills I need with my education and work ethic be a valued member of the planning board.

I have been interest in policy and procedures throughout my life. It has led my career to go back to school for Public Administration. I have combined efforts with my sincere interest and my education that I would be important asset to the Planning Board.

This is my true reason to serve and the things I hope to accomplish if I become a member of the planning board.

Thank-you for my consideration for a volunteer for the Planning Board.

 8/2/13

Johnna Flood

Johnna Flood
11 Dennison St
Auburn, ME 04210
Phone 207-713-6833
johnnaflood@yahoo.com

Professional Objective: I am a highly organized, professional individual with interest in working with the public and community. I am self-motivated and strive for excellence in the work environment.

Education:

Ashford University	Expected date of graduation 12/13
Master in Public Administration	
Current GPA: 4.0	
University of Maine at Orono	
Bachelor of Science	5/94

Professional Experience:

Great Falls Marketing Auburn, ME	8/12-present
<u>Sales Agent</u>	
Customer Service	
Sales and Marketing	
Phone and Computer system	
Dr Newton Portland, ME	4/12-7/12
<u>Outbound Sales</u>	
Sales and Marketing	
Phone and Computer system	
Customer Service	
Fallbrook Woods, Portland, ME	4/11-12/11
<u>Dining Services Director</u>	
Improved dining room services	
Developed a Menu based on clientele preference	
Clover Health Care, Auburn, ME	4/05-4/11
<u>Clinical Nutritionist</u>	
Evaluated and assessed nutritional standards	
Provide supplements, adaptive equipment, texture, and diet changes.	
Implemented a protocol for nutrition in skin integrity	

Maine Medical Center, Portland, ME

5/02-4/05

Dietetic Technician

Assessed patients on general, renal, cardiac and oncology units

Calculated and prepared tube feedings.

Provided nutrition education on diabetes, cardiac, and renal diets

Sentry Commons, York, ME

3/00-4/02

Food Service Director

Implemented tools to establish an efficient kitchen

Improved communication in Residents care plan meetings.

Supervised through 3 "deficiency-free" surveys

Certification:

Certified Hospice Volunteer

6/02-6/05

Sanitation Certification

10/09

Professional Meetings:

Safety Policy Meeting

2008 to 2011

Alzheimer disease and Nutrition

2008 to 2011

References available

JUL 23 2013

Board & Committee Appointment Application

City of Auburn

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Application for: New Appointment Reappointment (Initial Date Appointed: 4/1/2010)

Name: ROBERT A. BOWYER Ward: 4 Years as an Auburn Resident: 11

Mailing Address: 15 COUNTRY CLUB DRIVE

Physical Address: SAME

Phone: 207-786-7418 Email: bowyer9771@roadrunner.com

Describe your education and/or experience or attach a resume:

See attached

Which board or committee would you like to serve on? (One per application)

PLANNING BOARD

Why do you want to serve (please limit to 150 words or less. Please attach).

See attached

What do you hope to accomplish (please limit to 150 words or less. Please attach).

See attached

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- Auburn Sewer District
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JUL 23 2013

Application **City of Auburn**

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Robert A. Bowger Date: July 23, 2013

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Susan Clements-Dallaire, City Clerk	sdallaire@ci.auburn.me.us	333-6600
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JUL 23 2013

ROBERT A. BOWYER, AICP, CITY PLANNER

15 Country Club Drive, Auburn, Maine 04210 Resident since October 2001
Telephone: 207-786-7418 email: bowyer9771@roadrunner.com

EDUCATION:

Harvard College, B.A. (Government), 1956-
Harvard University, Graduate School of Design, Master in City Planning, 1964

PROFESSIONAL EXPERIENCE:

Town of Lexington, MA. population 30,000 1980 - 2000 Planning Director
supervising staff of up to 5 people in all phases of town planning;
specialized in land use regulations, housing, transportation, central
business district, public facilities, capital improvements programming,
demographic analysis, comprehensive planning

Massachusetts Bay Transportation Authority (regional transit agency) 1977-
1980 concentrating in transportation planning, commuter rail planning,
capital improvements programs and federal grant relations

Town of Burlington, MA., population 22,000 1976 - 1977 Executive Secretary,
chief administrative officer for the Board of Selectmen

City of Cambridge, population 105,000 1968-1976, Director of Planning &
Development supervising staff of as many as 42 people in all phases of city
planning and the administration of grant programs; specialized in
comprehensive planning, central business district planning, capital
improvements programs, school building planning, housing planning, zoning,
transportation planning, construction of public facilities

The Planning Services Groups, Cambridge, MA., 1964 - 1967 Project Planner
responsible for preparation of comprehensive plan and complete revision of
Zoning By-Law for Wellesley, MA.; preparation of School Building Plan and a
comprehensive revision of Zoning Ordinance for Derry, NH; preparation of
capital improvements program for Salem, MA.;

City of Cambridge, MA., 1960 - 1964 Associate Planner, Planning Board
responsible for review of applications to the Board of Zoning Appeals,
drafting amendments to the Zoning Ordinance, transportation studies

PROFESSIONAL AFFILIATIONS:

American Institute of Certified Planners, AICP, the national professional
organization, affiliated with the American Planning Association, for which
there are educational and experience requirements; member since 1986;

American Institute of Planners, AIP, the predecessor organization to APA and
AICP; Full Member, 1969 - 1978; member Board of Directors of New England
Chapter, AIP, 1970 - 1974

American Planning Association, Charter Member, 1978 to present

Massachusetts Association of Planning Directors, MAPD, 1968 - 1976, 1980 -
2000; Chairman, 1972

Maine Association of Planners; 2001 to present

JUL 23 2013

AWARDS:

Massachusetts Chapter, American Planning Association, 2000 Distinguished Leadership/Service Award for a Professional Planner. The Chapter's citation read:

In the course of his over forty years as a practicing planner, Robert Bowyer, AICP, has led by example. He has excelled at translating objectives into regulations and ordinances that really work. His legacy includes contributions in the fields of affordable housing, municipal exactions and alternative transportation. While working for Lexington, Mr. Bowyer authored the innovative Inclusionary Housing Policy and a flexible cluster ordinance that promotes alternative housing types. Under this ordinance proposals are evaluated along impact criteria, not simply by the number of units. Many of the provisions of the Lexington Zoning Bylaw have served as models for other communities. Mr. Bowyer has made planning more effective and his efforts have helped to raise the profile of local planners. The Massachusetts Chapter looks forward to Mr. Bowyer continuing to teach and lead the membership.

PUBLICATIONS:

Books, Reports:

American Planning Association, Planning Advisory Service Report No. 442, "Capital Improvements Programs: Linking Budgeting and Planning", 1993

Citizens Planner Training Collaborative, The Comprehensive (Master) Plan - A primer on the Comprehensive Plan written for members of planning boards throughout Massachusetts, 1996

Articles:

"Regional Commercial Growth Management" in Proceedings of the 1986 National Conference on Suburban Expressways and Beltways. This paper dealt with the relationship between local development policies and zoning and transportation demand management as a means of countering "suburban gridlock".

"Housing Appeals Committee Upholds Permanent Affordability Condition", New England Planning, October, 1992 This article reported on the landmark decision of the State Housing Appeals Committee upholding the Town of Lexington decision requiring the affordability of housing units in perpetuity in comprehensive permits.

"Diversification of Housing Supply to Accommodate Smaller Households: Can Single and Multiple Households Coexist in Suburban Settings?" in Zoning and Planning Law Report, Vol. 23, No. 10, November 2000; co-authored with Erica L. Powers, Esq. The article reported on the growing disparity between the available housing stock (largely single-family houses) in suburbs and the need for housing accommodations for smaller households and the creative approaches Lexington used to build housing units for them.

UNIVERSITY TEACHING EXPERIENCE:

Guest lecturer:

Massachusetts Institute of Technology, Graduate School, Department of Urban Studies and Planning, 1994 - 1998;

University of Rhode Island, Graduate Program in Community Planning, 1993, selected to deliver a lecture at the 30th anniversary of the Program;

JUL 23 2013

University of Massachusetts, Department of Landscape Architecture and Regional Planning, 1992;

Harvard University, Graduate School of Design, 1972 1973

PROFESSIONAL CONFERENCES OR WORKSHOPS:

National Conferences, American Planning Association,

- Washington, D.C., 1992, invited to deliver paper and conduct AICP Training Session on Capital Improvements Programs
- Orlando, Fla. 1995, participated in workshop on training programs for citizen Planning Board members. reported on the experience of the Massachusetts Citizen Planner Training Collaborative.
- New York, NY, 2000, moderator for a workshop on housing "mansions"ization"

Conferences, Training Programs in Massachusetts

Delivered papers, conducted workshops or participated in numerous panels for: the New England and Massachusetts Chapters of APA; Massachusetts Association of Planning Directors; Massachusetts Municipal Association; Citizens Housing and Planning Association; Massachusetts Executive Office of Communities and Development, EOCD; Metropolitan Area Planning Council; MAPC; Mass. Federation of Planning & Appeals Boards.

Massachusetts Bar Association, Continuing Legal Education Program, 1997-1999, Instructor in subdivision and zoning

PLANNING AND ZONING LITIGATION

Expert Witness

Qualified as an expert witness on planning and zoning and testified in eight trials in the Land Court, Middlesex Superior Court and Norfolk Superior Court.

1975, 1990-1996

OTHER PROFESSIONAL EXPERIENCE

Selected to participate in the professional exchange program between the American Planning Association and the Royal Town Planning Institute, U.K. 1997 Spent two weeks in Oldham and Bolton, Lancashire, observing British town planning practices and operations.

Member City of Auburn Planning Board, 2010 - 2013, Chair 2012-2013

Member, City of Auburn Comprehensive Plan Revision Committee, 2008 - 2010

OTHER:

USM Lewiston Auburn Senior College, Director, 2004-2012, Vice Chairman, Board of Directors 2008- 2012; Instructor 2009 to present

Elected six times to serve as a Town Meeting Member in Lexington, MA 1969-1980,2001; Chairman, Town Meeting Members Association, 1975. Lexington has a representative Town Meeting in which voting members are elected for three year terms

JUL 23 2013

Planning Board Application Robert A Bowyer

Why Do You Want to Serve?

As a retired city planner, with more than 40 years of professional experience, it seemed unfortunate to simply reside in Auburn, as I have for 11 years, without contributing to the community. That is why I volunteered to serve on the Comprehensive Plan revision committee and to serve one term on the Planning Board. I continue my membership in the national American Planning Association and follow developments around the country. Coupled with my prior work experience, that permits me to act as a resource for the City's planning staff, that is overextended, and fellow Board members. Auburn need not be bound by "elsewhere" but it helps to be aware of the experience and mistakes of others. That also permits me to remain somewhat involved in my life's work without the pressures of full time employment.

What Do You Hope to Accomplish?

The Planning Board should do more than act on applications for special permits submitted to it. It should be addressing the issues facing the city and the region particularly during this time when permit applications are quiet. The recently completed Comprehensive Plan revision identifies a lengthy list of "implementation tasks" that should be undertaken by the Planning Board.

For example, the Zoning Ordinance is riddled with what I will call "nostalgia" - provisions that addressed a problem years ago but no one can remember what or why. They remain because "that's what we have always done!". I propose that the Board review various provisions of the Ordinance to see if they address current day issues and policy objectives. The demographic profile of Auburn has changed from the 1960s with respect to age composition and household size. What does the Zoning Ordinance say about housing types? and is that adequate for the demographic characteristics of this decade? Provisions should be evaluated to retain what is still applicable and revise what is not.

Board & Committee Appointment Application

City of Auburn

We're so happy that you've decided to volunteer for our community! The giving of your time is commendable and very much appreciated. Without people like you coming forward our community would not be as strong, as vibrant, or as great as it is – thank you so much! Please complete the form below and return it to the City Clerk's office. Again, on behalf of all of us at the City of Auburn, I hope your volunteer experience is rewarding, and thank you for being an outstanding citizen!

Application for: New Appointment Reappointment (Initial Date Appointed: years ago)

Name: Ann Parker Ward: 3 Years as an Auburn Resident: 33 yrs.

Mailing Address: 69 Summit St. Auburn, ME 04210

Physical Address: Same

Phone: 754-7809 Email: AMJPARKER@yahoo.com

Describe your education and/or experience or attach a resume:

Have served on various city committees, including Chairperson of Neighborhood Stabilization Committee, Am a Real Estate Broker in L/A and ~~was~~ graduated from Houlton High School, then Maine

Which board or committee would you like to serve on? (One per application) General Med. Center

Re-appointment to CDBG

Why do you want to serve (please limit to 150 words or less. Please attach).

I have always been passionate about the community in which I live and take a special interest in the mission of this committee

What do you hope to accomplish (please limit to 150 words or less. Please attach).

Hope to continue with what I have worked on for years on this CDBG Committee

The following are the current committees and boards in Auburn:

- 911 Committee
- Airport Board
- Assessment Review Board
- Auburn Housing Authority
- Auburn Water District
- Auburn Sewer District
- Community Development Loan Committee
- Ethics Panel
- L/A Cable TV Advisory Board
- L/A Community Forest Board
- L/A Transit Committee
- Planning Board*
- Parks & Recreation Advisory Committee
- Zoning Board of Appeals

Incomplete applications and those which list more than one committee will not be considered. Applications are valid for a period of six months. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants.

Application

City of Auburn

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: _____

Ann M. Parker

Date: _____

8/6/2013

*The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve.

*The City Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Susan Clements-Dallaire, City Clerk

sdallaire@ci.auburn.me.us

333-6600

MEMO

TO: Clint Deschene, City Manager

FROM: Sue Clements-Dallaire, City Clerk

RE: Boards and Committees - update

On Thursday, August 29th the appointment committee met to review applications and nominate candidates to fill the empty seats on various boards and committees. Councilor Shea was not present however, Councilor LaFontaine did contact him over the phone during the meeting to review the nominations.

The following nominations were made;

1. L/A Cable TV Advisory Board - Charles Morrison*, term expiration Jan/2015 - (3 vacancies, 1 application received).
2. Zoning Board of Appeals – Michael Dixon*, term expiration Oct/2016 - (2 vacancies, 1 application received).
3. Auburn Housing Authority – Judith Webber, term expiration Oct/2018 - (1 vacancy, 3 applications received, 1 disqualified because he is not a resident of Auburn).
4. Planning Board – Robert Bowyer*, term expiration Jan/2016 - (1 vacancy, 2 applications received).
5. Community Development Block Grant (CDBG) Loan Committee – Ann Parker*, term expiration Oct/2016 - (3 vacancies, 1 application received).

*indicates reappointment

We still have the following vacancies to fill;

- Board of Assessment Review – 2 vacancies, both alternate members
- Cable TV Advisory Board – 2 vacancies
- CDBG Loan Committee – 2 vacancies
- Ethics Committee – 1 vacancy, an alternate member appointed by the School Committee.
- Zoning Board of Appeals – 1 vacancy, an associate member.

In addition to posting these vacancies on the website, bulletin board, sending email alerts, and doing a press release, the Committee also talked about posting on our Facebook page, at the Library, and Great Falls TV.

I will be bringing these nominations forward on the 9/16/2013 City Council Agenda to be voted on by Council.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 78-09162013

ORDERED, that the City Council hereby appoints Charles Morrison to the L/A Cable TV Advisory Board with a term expiration of January 1, 2015.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

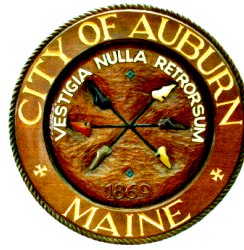
Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 79-09162013

ORDERED, that the City Council hereby appoints Michael Dixon to the Zoning Board of Appeals as a full member with a term expiration of October 1, 2016.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 80-09162013

ORDERED, that the City Council hereby appoints Judith Webber to the Auburn Housing Authority with a term expiration of October 1, 2018.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Jonathan LaBonte, Mayor

Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

IN CITY COUNCIL

ORDER 81-09162013

ORDERED, that the City Council hereby appoints Robert Bowyer to the Planning Board with a term expiration of January 1, 2016.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 82-09162013

ORDERED, that the City Council hereby appoints Ann Parker to the Community Development Block Grant (CDBG) Loan Committee with a term expiration of October 1, 2016.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: October 7, 2013

Order 83-10072013

Author: Renee Bogart, ICT 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: Alternate funding- ICT Network Security

Information:

1. What is it?

A Storage Attached Network (SAN) device is a dedicated network appliance primarily used to provide storage for an array of servers. Each server is allocated a portion of the 24 terabytes of drive space available. This “all the eggs in the same basket” approach provides speed and efficiency, but leaves us vulnerable to a failure at this single point. The requested second SAN will act as a mirror to our existing SAN, thus limiting that vulnerability. This additional hardware is step 3 out of the 4 steps planned for building the City’s industry-standard resilient network. Step 4, coming in a future budget year, will be the configuration of additional, redundant virtual hosts for our servers. Once fully built out, the City will be able to seamlessly provide the continuity of service that our staff and the public expect. The budgeted cost of this project is \$40,000.00.

2. Why are we doing it?

ICT strives to provide the highest level of service to our staff and to the public. As we rely more and more on technology, even short outages can cause significant lapses in City services. The Network Security project allows ICT to be proactive, instead of reacting to unforeseen events and problems. We are working towards anticipating potential weaknesses, and putting systems in place that will insulate the City from such disruptions.

3. What will happen if we don’t?

Failure to move forward on this project will continue to leave the city vulnerable to disruptions caused by hardware failures. As technology evolves, it’s important that the City evolve with it. Technologies, some of which were not available even as recently as five years ago, have matured to the point that we will soon be able to protect our critical work processes from mechanical failures.

4. Alternate Funding Sources

Rather than CIP, this project will be funded through a combination of various special revenue funds. By funding Network Security through special revenues, we are supporting the effort to clean up accounts that should be in the general fund. By the end of FY14, all non-qualifying special revenue funds will be closed out and transferred to the general fund.

*Agenda items are not limited to these categories.

Financial: See above

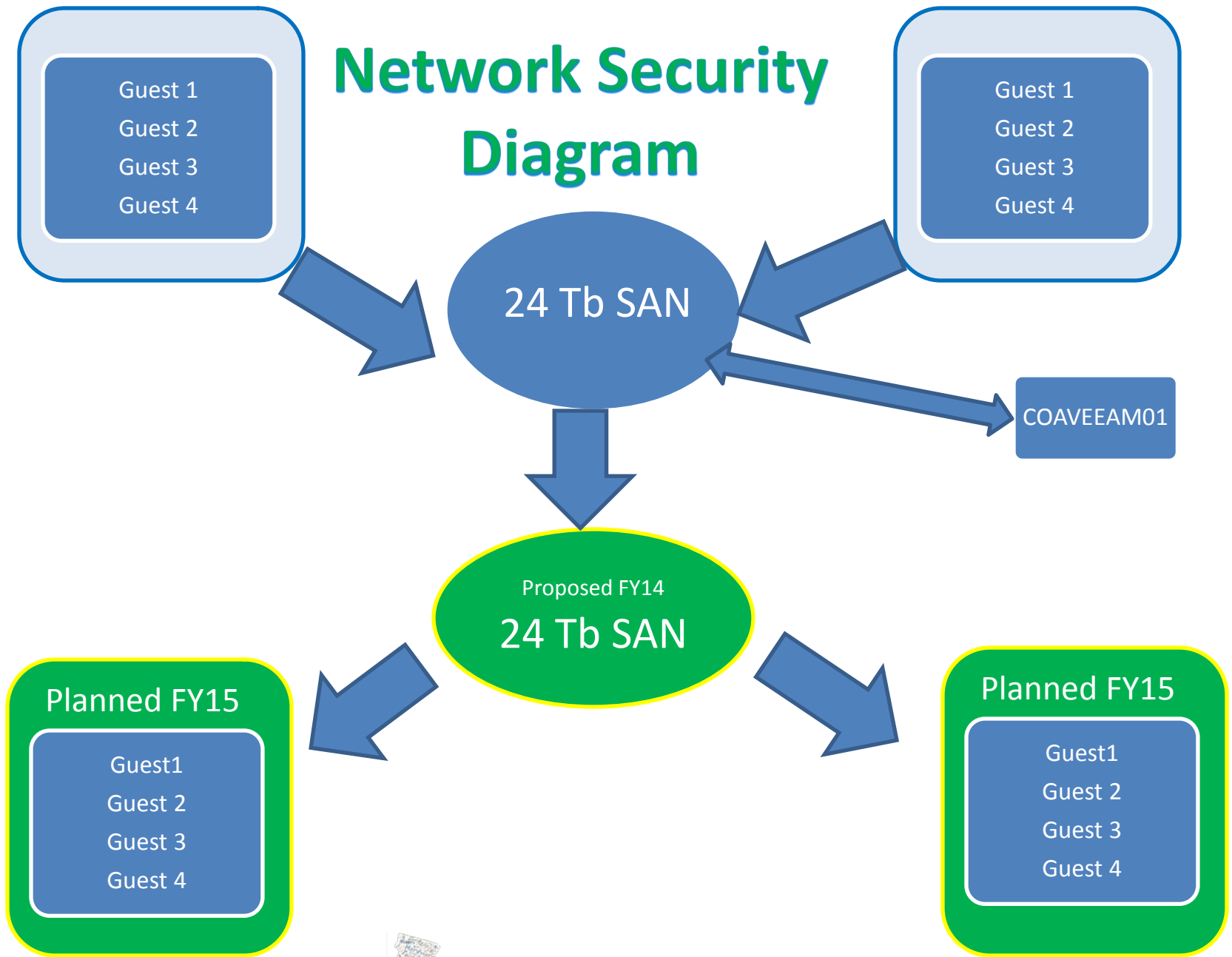
Action Requested at this Meeting: Recommend passage

Previous Meetings and History:

Attachments:

NetworkSecurityDiagram.pdf

Network Security Diagram



Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 83-10072013

ORDERED, that the City Council hereby authorizes the City Manager to use funds in the amount \$40,000 from an inactive special revenue account to fund ICT's Network Security project and Planning and Permitting's Traffic Pole projects with any unused funds being transferred to the general fund account.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: October 7, 2013

Orders 84-10072013 A & B

Author: Derek Boulanger, Facilities/Purchasing Manger

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: Request for Reallocation and Prioritization of 2014 CIP funds related to City Buildings

Information: Due to the heating season fast approaching, this item is very time sensitive.

Financial: No additional budgetary costs, just prioritization of the use of previously allocated funds.

Action Requested at this Meeting: Approval of 2 Orders attached

Previous Meetings and History: None

Attachments:

Memo with attachments

Order 84-10072013A to reallocate funds for Public Works facility

Order 84-10072013B to reprioritize funds for Hasty Memorial Armory

*Agenda items are not limited to these categories.

City of Auburn, Maine

"Maine's City of Opportunity"

Finance Department



**To: Clinton Deschene, City Manager
Honorable Mayor and City Council**
From: Derek Boulanger, Facilities Manager/Purchasing Agent
Date: September 24, 2013
RE: Request for the reallocation and prioritization of 2014 CIP funds related to City Buildings.

In the summer of 2013, Unitil provided natural gas service to three city buildings at no cost to the City. The agreement states that the City would be utilizing Natural Gas as its primary fuel source by the 2013 heating season. New Natural Gas Locations: *Auburn Public Works Facility, Hasty Memorial Armory, Auburn Central Fire*

Cordjia Capital Projects Group was selected this spring to audit these three facilities for energy usage and to provide recommendations for equipment upgrades and repairs, with a focus on the conversion to Natural Gas. The Draft Report outlines the most optimal improvements to achieve the most savings.

The results for the Public Works facility are as follows:

- An estimated project cost of \$249,200(+/- 10% In Engineering Design Costs)
- \$48,056.00 in annual savings (66% fuel reduction), (37% electrical reduction)
- Return on Investment 4.4 years. (Summary Attached)

The Public Works facility has \$169,700 remaining in the budget for Heating System Replacement. The Budget estimate for the Heating System Repairs/Replacement is \$249,200.00 creating a potential short fall of \$79,500

The estimated project costs are based on conservative budget estimates. Actual costs will be determined through the formal bid process. If it is determined that the City does not have the funds to cover the full scope, certain measures will have to be value engineered from the project to be completed at a later date.

Staff is proposing the following solutions to address the shortfall:

- Reallocate \$18,000 currently designated for Security Cameras at the Public Works to the heating system replacement.
- Reallocation of excess funds in the Auburn Hall Roof project, due to a more economical solution. Balance remaining in the project to reallocate is \$51,000.
- The balance of \$10,500 will come from the fuel and electrical savings.

The results for Hasty Memorial Armory are as follows:

- **An estimated project cost \$83,050**
- **Annual savings of \$24,918**
- **Return on investment 3.0 years. (See attached)**

The Hasty Memorial Armory currently has \$30,000 budgeted for boiler conversion. Upon further review of the boiler and heating system by Cordjia Capitol Projects, it was determined that the boiler should be replaced rather than retrofitted. The projected cost of replacement and system upgrades is approximately \$83,050. Therefore there is a shortfall of \$53,050.

A total of \$164,500 has been allocated for projects at Hasty. \$85,000 for Asbestos Removal, \$46,000 for Window replacement, \$30,000 for heating system upgrades \$3,500 for Kitchen upgrades.

Staff is proposing the reprioritization of CIP funds dedicated to Hasty building improvements as follows:

1. Asbestos Removal (**see attached**) related to the mechanical equipment (\$24,500)
 2. Heating System upgrades (\$83,050), plus \$15,000 for engineering and design specifications
 3. Window Replacement (\$56,000.00 = \$46,000 + \$10,000 abatement cost)
 4. Kitchen upgrades (\$3,500)
-
5. Asbestos floor tile and mastic removal can be incorporated in to flooring replacement projects.(\$17,500)
 6. Asbestos soffits can be replaced as part of a comprehensive exterior rehabilitation. (\$8,000)

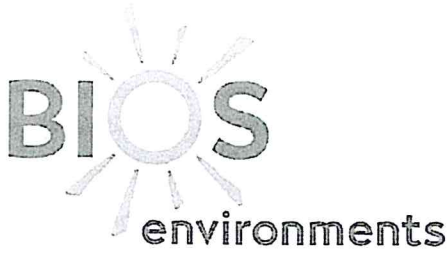
The urgency of this request is because the heating season is fast approaching. We are ready to put these projects out to bid but, the scope of work defined in the bid specifications will be determined by the budget available for each project. Based on the individual needs for each location, reduced maintenance costs, improved occupant comfort, and the substantial savings to be realized by reducing energy costs, we believe the available money would be best utilized on mechanical system improvements.

Public Works Facility

ID	Task	Annual Electric Cost Savings	Annual Fuel Cost Savings	Estimated Cost to Implement	Avoided Repairs & Incentives	Simple Payback (years)
1	Retro-Commissioning Repairs (Immediate Implementation)					
	a. All recommended repairs were deferred at the request of the owner.	-	-	-	-	-
2	Energy Conservation Measures (Immediate Implementation)					
	a. Office/Locker area: New boiler, controls, demo, pumps, piping, venting, elec. Wiring, N.G. supply, pipe mains, pipe insulation, zone valves, t-stats. Excludes abatement.	\$7,986	\$40,070	\$120,000	\$25,000 (Avoided Repairs) \$12,300 (Efficiency Maine Incentive)	4.4
	b. Garage Bay: New radiant heating system. Excludes demo of existing heating system.			\$68,000		
	c. Mechanics', Welding, and Sign Shop: New radiant heating system, gas fired unit heaters, overhead crane protection. Excludes demo of existing heating system.			\$58,000		
	d. Carpentry Shop: New electric heater.			\$2,000		
	e. Locker Room: Occupancy sensors and thermostats.			\$1,200		
Totals		\$7,986	\$40,070	\$249,200	\$37,300	4.4
		\$48,056				
		37% Electrical Reduction	66% Fuel Reduction			
		58% Aggregate Reduction				

Hasty Community Center

ID	Task	Annual Electric Cost Savings	Annual Fuel Cost Savings	Estimated Cost to Implement	Avoided Repairs & Incentives	Simple Payback (years)
1	Retro-Commissioning Repairs (Immediate Implementation)					
	a. All recommended repairs were deferred at the request of the Owner.	-	-	-	-	-
2	Energy Conservation Measures (Immediate Implementation)					
	a. New natural gas fired steam boiler, housekeeping pad, controls, demo, piping, venting, flue liner, elec. wiring, N.G. supply, pipe insulation, zone valves, t-stats, and steam trap repairs. Excludes abatement and fuel oil tank removal.	\$97	\$24,821	\$67,000	\$7,000 (Avoided Repairs) \$875 (Efficiency Maine Incentive)	3.0
	b. New natural gas fired domestic hot water heater and pump timer.			\$7,500		
	c. Thermostatically controlled zone valves for unit heaters, AHU-1, and fin tube radiation.			\$8,550		
Totals		\$97	\$24,821	\$83,050	\$7,875	3.0
\$24,918						
		3% Electrical Reduction	66% Fuel Reduction			
61% Aggregate Reduction						



For Life

September 12th, 2013

Mr. Derek Boulanger
Facilities Manager
City of Auburn
60 Court Street
Auburn, Maine 04210

Dear Mr. Boulanger;

BIOS Environments (BIOS) has completed an assessment for Asbestos Containing Building Materials (ACBM's) at the Hasty Building located at 48 Pettingill Park Road, Auburn, Maine.

On September 12th, 2013 you inquired about the possible budgetary cost estimates to remove the identified asbestos materials identified in our report. Based on our phone conversation and the need to establish budgets for planning purposes BIOS has developed the following budgetary cost estimates for your consideration.

Budgetary Cost Estimates

The objective of this facility assessment was to develop and document the presence of accessible Presumed Asbestos Containing Materials (PACM) within the boundaries of the facility that may be impacted by building demolition or demolition. BIOS is providing the following budgetary cost estimates for the sole purpose of *illustrating the potential cost impact* to remove the asbestos containing building materials outlined in this report only.

The budgetary cost estimates have also been prepared to provide projected costs for removal and disposal of various hazardous building components in accordance with the MDEP, USEPA, NESHAP's, and OSHA.

The budgetary cost estimates are based on the assumption that the building owner will remove the asbestos containing building materials outlined in this report in large phases by building level and common functional spaces and do not take into consideration or reflect any proposed phasing, encapsulation, or selective asbestos removals. In addition, the budgetary cost estimates reflect our professional opinion as it relates to anticipated costs to remove the asbestos identified in this report. Furthermore, the estimates should not be used to compare or support any estimate or opinion provided by others and is not a formal bid or cost estimate to conduct the work.

Mr. Derek Boulanger
Facilities Manager
Page Two

The budgetary cost estimates for the ACMs identified in this building are summarized below.


BUILDING AREA	MATERIAL	APPROX> QUANTITY	BUGETARY COST
Boiler room	Accessible asbestos pipe cover	175 l/f	\$4,500.00
Throughout interior	Accessible asbestos pipe cover	750 l/f	\$20,000.00
Throughout interior	Asbestos floor tiles and adhesives	1,750 s/f	\$10,000.00
Throughout interior	Asbestos adhesives – None asb. tiles	2,500 s/f	\$7,500.00
Exterior	Windows – caulking / glazing	43 sash units	\$10,000.00
Exterior	Asbestos soffits	1,800 s/f	\$8,000.00
<i>TOTAL</i>			<i>\$60,000.00</i>

Closing

The budgetary cost estimates illustrated above are based on using the most stringent removal methods as mandated by the USEPA and the MDEP. There may be other options for removal methods that could reduce costs but must be designed by a Maine certified Asbestos Designer and approved by the Maine DEP.

BIOS can assist you with development of alternative removal methods, should you have any additional questions or needs please don't hesitate to call.

Sincerely


Mark P. Coleman CIE, CMR
President

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 84-10072013A

ORDERED, that the City Council hereby authorizes the Finance Director to reallocate \$18,000 originally allocated for Public Works Security Cameras and \$51,000 originally allocated for Auburn Hall Roof , for a total of \$69,000, to the Public Works natural gas conversion project at the Public Works Facility.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 84-10072013B

ORDERED, that the City Council hereby authorizes the Finance Director to reprioritize the use of CIP funds dedicated to Hasty building improvements are as follows:

1. Asbestos Removal (**see attached**) related to the mechanical equipment (\$24,500)
2. Heating System upgrades (\$83,050), plus \$15,000 for engineering and design specifications
3. Window Replacement (\$56,000.00 = \$46,000 + \$10,000 abatement cost)
4. Kitchen upgrades (\$3,500)

We will complete the projects in the above order as the allocated dollars allow.



City Council Agenda Information Sheet

City of Auburn

Council Agenda Date: October 7, 2013

Ordinance 12-10072013

Author: Dorothy Meagher

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: General Assistance maximums for FY 13-14

Information: I'm seeking to have the FY 13-14 appendices A-F, approved by council for the upcoming fiscal year to reflect the new overall maximums, electric maximums and rental maximum levels for heated and unheated rents. These levels were developed by MMA using the 13-14 HUD Fair Market Rent values.

Financial: The new Appendix A overall maximum assistance is an increase of 9% over FY 12-13, the effective date for this appendix is July 1, 2013 to June 30, 2014. The new Appendix C for rental assistance, increased by 9% over last year which runs from October 1 to October 1, 2014. The new Appendix D Utilities is an increase of 8% over last year's figures. This appendix also runs from October 1st to September 30th. Other appendices B- Food Maximum, E-Heating Fuel and F-Personal Care & Household Supplies have not changed.

Action Requested at this Meeting: Approval of the increase to the General Assistance Appendices.

Previous Meetings and History: This is a yearly approval needed by council.

Attachments:

GA Maximums Summary Sheet

Appendix A GA Overall Maximum

Appendix B Food Maximums

Appendix C GA Housing Maximums

Appendix D-F Utilities, Personal Care & Household Supplies

*Agenda items are not limited to these categories.

GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendix A* are effective from **July 1, 2013 to June 30, 2014**. The maximums found in *Appendices B, C, D, E, and F* are effective from **October 1, 2013 to September 30, 2014**.

APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
	529	626	818	1031	1094	1162

NOTE: For each additional person add \$75 per month.

(The applicable figures from Appendix A, *once adopted*, should be inserted here.)

APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	46.51	200
2	85.35	367
3	122.33	526
4	155.35	668
5	184.42	793
6	221.40	952
7	244.65	1,052
8	279.53	1,202

NOTE: For each additional person add \$150 per month.

APPENDIX C - HOUSING MAXIMUMS

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0	\$ 89	\$ 381	\$ 111	\$ 476
1	\$103	\$ 445	\$ 132	\$ 566
2	\$ 139	\$ 597	\$ 174	\$ 750
3	\$ 178	\$ 766	\$ 221	\$ 952
4	\$ 180	\$ 774	\$233	\$1,003

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

FOR MUNICIPAL USE ONLY

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.10	\$82.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	579	669	845	1,061	1,223
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	576	576	690	874	1,056
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	529	626	818	1,031	1,094
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	750	888	1,148	1,444	1,546
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	936	939	1,123	1,635	1,779
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	623	731	941	1,244	1,483

Appendix A

Effective: 07/01/13-06/30/14

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	742	742	887	1,117	1,533
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	678	704	891	1,191	1,233

*Note: Add \$68 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	506	539	644	840	929
Franklin County	555	585	711	856	1,217
Hancock County	594	683	842	1,116	1,146
Kennebec County	507	587	750	952	1,015
Knox County	698	709	865	1,110	1,259
Lincoln County	649	717	904	1,126	1,208
Oxford County	543	602	726	979	1,268
Piscataquis County	564	641	791	1,004	1,073
Somerset County	573	600	715	972	988
Waldo County	633	677	815	1,014	1,078
Washington County	544	585	697	863	1,045

* Please Note: Add \$68 for each additional person.

Appendix B

Effective: 10/01/13 to 09/30/14

Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through October 1, 2013, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	46.51	200
2	85.35	367
3	122.33	526
4	155.35	668
5	184.42	793
6	221.40	952
7	244.65	1,052
8	279.53	1,202

Note: For each additional person add \$150 per month.

GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)**

Non-Metropolitan FMR Areas

<u>Aroostook County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		82	353	106	455
1		82	353	107	460
2		93	401	130	558
3		120	514	166	714
4		124	535	181	777
<u>Franklin County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		95	408	117	505
1		97	418	121	520
2		114	491	144	620
3		135	579	181	779
4		206	887	263	1,129
<u>Hancock County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		105	451	124	533
1		117	503	140	602
2		145	622	180	775
3		197	845	240	1,031
4		197	845	241	1,035
<u>Kennebec County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		83	359	106	454
1		94	404	123	527
2		123	529	159	682
3		159	685	200	862
4		159	682	212	911

Non-Metropolitan FMR Areas

		<u>Unheated</u>		<u>Heated</u>	
<u>Knox County</u>	Bedrooms	Weekly	Monthly	Weekly	Monthly
	0	128	552	150	647
	1	128	552	150	643
	2	150	645	186	798
	3	197	846	240	1,032
	4	209	899	252	1,083
<u>Lincoln County</u>					
	Bedrooms	Weekly	Monthly	Weekly	Monthly
	0	119	513	132	568
	1	124	535	145	622
	2	159	684	195	837
	3	200	862	244	1,048
	4	207	889	260	1,118
<u>Oxford County</u>					
	Bedrooms	Weekly	Monthly	Weekly	Monthly
	0	89	382	114	490
	1	101	434	120	516
	2	113	487	153	657
	3	161	693	209	900
	4	216	928	274	1,179
<u>Piscataquis County</u>					
	Bedrooms	Weekly	Monthly	Weekly	Monthly
	0	96	413	111	479
	1	103	441	125	539
	2	123	527	154	663
	3	157	675	196	844
	4	157	675	205	881
<u>Somerset County</u>					
	Bedrooms	Weekly	Monthly	Weekly	Monthly
	0	94	405	122	523
	1	94	405	126	542
	2	107	459	151	650
	3	164	703	209	899
	4	164	703	209	899

Non-Metropolitan FMR Areas

<u>Waldo County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Monthly
0	116	497	128	552	
1	119	510	136	583	
2	139	597	162	698	
3	174	749	217	935	
4	176	758	230	987	

<u>Washington County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Monthly
0	93	402	108	463	
1	95	410	118	507	
2	108	465	141	607	
3	134	575	182	782	
4	163	703	222	954	

Metropolitan FMR Areas

<u>Bangor HMFA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Monthly
0	100	432	123	527	
1	113	487	142	610	
2	145	625	181	778	
3	183	789	227	975	
4	210	904	263	1,133	

<u>Penobscot County HMFA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Monthly
0	99	424	114	491	
1	99	424	114	491	
2	100	429	131	565	
3	136	587	172	741	
4	155	668	214	919	

<u>Lewiston/Auburn MSA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Monthly
0	89	381	111	476	
1	103	445	132	566	
2	139	597	174	750	
3	178	766	221	952	
4	180	774	233	1,003	

Metropolitan FMR Areas

		<u>Unheated</u>		<u>Heated</u>	
	Bedrooms	Weekly	Monthly	Weekly	Monthly
<u>Portland HMFA</u>					
	0	142	611	154	666
	1	166	715	183	788
	2	214	922	238	1023
	3	271	1165	300	1292
	4	274	1180	318	1367
<u>York/Kittery/S. Berwick HMFA</u>					
	Bedrooms	Weekly	Monthly	Weekly	Monthly
	0	170	729	182	784
	1	170	729	182	784
	2	191	823	221	949
	3	289	1241	318	1368
	4	300	1289	343	1473
<u>Cumberland County HMFA</u>					
	Bedrooms	Weekly	Monthly	Weekly	Monthly
	0	111	479	124	534
	1	131	563	148	636
	2	167	720	119	821
	3	228	982	259	1115
	4	271	1167	308	1326
<u>Sagadahoc County HMFA</u>					
	Bedrooms	Weekly	Monthly	Weekly	Monthly
	0	140	603	153	658
	1	140	603	153	658
	2	155	667	179	768
	3	186	798	228	976
	4	271	1167	314	1351
<u>York County HMFA</u>					
	Bedrooms	Weekly	Monthly	Weekly	Monthly
	0	126	541	139	596
	1	126	541	147	633
	2	156	672	188	810
	3	216	928	259	1,114
	4	216	928	266	1,143

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.10	\$82.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

FOR MUNICIPAL USE ONLY

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 12-10072013

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

The approval of the 2013-2014 appendix A overall maximum assistance, effective for July 1, 2013 to July 30, 2014.

Appendix B food maximum, appendix C rental assistance, appendix D utilities, appendix E heating fuel, and appendix F, personal care effective October 1, 2013 to September 30, 2014, for the Auburn General Assistance program.

The approval will put the Auburn ordinance in compliance with the State statutes.



City Council Agenda Information Sheet

City of Auburn

Council Agenda Date: 9/16/13

Ordinance 13-10072013

Author: Dorothy Meagher

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: Ordinance Change

Information: Social Service / General Assistance ordinance

Sec. 30-2 Definitions:

Eligible person means a person who is qualified to receive general assistance according to the standards of eligibility set forth in this chapter. “Eligible person” does not include a person, who is a fugitive from justice as defined in Title 15, § 201, sub. 4.

Household means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in this chapter. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total of number of household members. The income of household members not legally liable or otherwise responsible for supporting the household shall be considered as available to the applicant only when there is pooling of income. The City shall presume pooling of income unless the applicant proves otherwise.

Income means any form of income in cash or in kind received by the household, including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources unless specifically prohibited by any law or regulation, support payments, income from pension or trust funds, household income from any other source including relatives or unrelated household members and any benefit received pursuant to Title 36, chapter 907 and Title 36, section 5219-11 For repeat applicants, it also includes unverified expenditures or misspent money from the 30-day period prior to application. The following items shall not be considered as income or assets which must be liquidated for the purposes of deriving income:

- (1) Real or personal income-producing property, tools of trade, or governmental entitlement specifically treated as exempt by state or federal law;

*Agenda items are not limited to these categories.

- (2) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement funds contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or
- (3) Earned income of children below the age of 18 years who are full-time students and who are not working full-time.

Sec. 30-68 Use of Resources:

(F) An applicant who is found to be ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to Title 26, § 1051 subsection 1 is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor.

Sec. 30-97 Determination of income.

- (8) *Lump sum income.* A lump sum payment as defined in this chapter and received by a household prior to the date of application for general assistance will be considered as income available to the household, with the exception of any required payments (i.e., any third-party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities as described in this subsection. In the case where a lump sum payment was received by a household at any time prior to the date of application for general assistance, the administrator will assess the need for prorating an applicant's eligibility for general assistance according to the following criteria:
- a. Identify the date the lump sum payment was received.
 - b. Subtract from the lump sum payment all required payments.
 - c. Subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities provided by general assistance, provided in this chapter; any reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member, repair or replacement of essentials lost due to fire, flood or other natural disaster; or repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities.
 - d. Add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for general assistance.

e. The period of proration is then determined by dividing the remainder of the lump sum payment by the verified actual monthly amounts for all the household's basic necessities.

The dividend remaining after following these guidelines represents the number of months from the receipt of the lump sum payment during which an income level equivalent to the actual expenditure for basic necessities as defined by general assistance for the household will be deemed available to that household. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

Financial: none

Action Requested at this Meeting: Recommend passage.

Previous Meetings and History: 9-16-2013 Workshop

Attachments:

Part 00 for GA

PART NN

Sec. NN-1. Adults with intellectual disabilities waiver rate methodology.

The Department of Health and Human Services shall continue to review the rate methodology for reimbursement under Chapter 101, MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder and Section 29: Support Benefits for Adults with Intellectual Disabilities or Autistic Disorder. The department shall report on its recommended reimbursement levels to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services no later than January 15, 2014. The report must include data that demonstrates how the new methodology ensures adequate resources to care for individuals with extraordinarily high medical needs.

PART OO

Sec. OO-1. 22 MRSA §3104-A, sub-§1, ¶¶B and C, as enacted by PL 2011, c. 380, Pt. KK, §1, are amended to read:

B. A victim of domestic violence; or

C. Experiencing other hardship, such as time necessary to obtain proper work documentation, as defined by the department by rule. Rules adopted by the department under this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; or

Sec. OO-2. 22 MRSA §3104-A, sub-§1, ¶D is enacted to read:

D. Unemployed but has obtained proper work documentation, as defined by the department by rule. Rules adopted by the department under this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. OO-3. 22 MRSA §3762, sub-§3, ¶B, as amended by PL 2011, c. 380, Pt. KK, §4, is further amended to read:

B. The department may use funds, insofar as resources permit, provided under and in accordance with the United States Social Security Act or state funds appropriated for this purpose or a combination of state and federal funds to provide assistance to families under this chapter. In addition to assistance for families described in this subsection, funds must be expended for the following purposes:

(1) To continue the pass-through of the first \$50 per month of current child support collections and the exclusion of the \$50 pass-through from the budget tests and benefit calculations;

(2) To provide financial assistance to noncitizens legally admitted to the United States who are receiving assistance under this subsection as of July 1, 2011. Recipients of assistance under this subparagraph are limited to the categories of noncitizens who would be eligible for the TANF programs but for their status as aliens under PRWORA. Eligibility for the TANF program for these categories of noncitizens must be determined using the criteria applicable to other recipients of

assistance from the TANF program. Any household receiving assistance as of July 1, 2011 may continue to receive assistance, as long as that household remains eligible, without regard to interruptions in coverage or gaps in eligibility for service. A noncitizen legally admitted to the United States who is neither receiving assistance on July 1, 2011 nor has an application pending for assistance on July 1, 2011 that is later approved is not eligible for financial assistance through a state-funded program unless that noncitizen is:

(a) Elderly or disabled, as described under the laws governing supplemental security income in 42 United States Code, Sections 1381 to 1383f (2010);

(b) A victim of domestic violence; ~~or~~

(c) Experiencing other hardship, such as time necessary to obtain proper work documentation, as defined by the department by rule. Rules adopted by the department under this division are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; or

(d) Unemployed but has obtained proper work documentation, as defined by the department by rule. Rules adopted by the department under this division are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A;

(3) To provide benefits to certain 2-parent families whose deprivation is based on physical or mental incapacity;

(4) To provide an assistance program for needy children, 19 to 21 years of age, who are in full-time attendance in secondary school. The program is operated for those individuals who qualify for TANF under the United States Social Security Act, except that they fail to meet the age requirement, and is also operated for the parent or caretaker relative of those individuals. Except for the age requirement, all provisions of TANF, including the standard of need and the amount of assistance, apply to the program established pursuant to this subparagraph;

(5) To provide assistance for a pregnant woman who is otherwise eligible for assistance under this chapter, except that she has no dependents under 19 years of age. An individual is eligible for the monthly benefit for one eligible person if the medically substantiated expected date of the birth of her child is not more than 90 days following the date the benefit is received;

(6) To provide a special housing allowance for TANF families whose shelter expenses for rent, mortgage or similar payments, homeowners insurance and property taxes equal or exceed 75% of their monthly income. The special housing allowance is limited to \$100 per month for each family. For purposes of this subparagraph, "monthly income" means the total of the TANF monthly benefit and all income countable under the TANF program, plus child support received by the family, excluding the \$50 pass-through payment;

(7) In determining benefit levels for TANF recipients who have earnings from employment, the department shall disregard from monthly earnings the following:

- (a) One hundred and eight dollars;
- (b) Fifty percent of the remaining earnings that are less than the federal poverty level; and
- (c) All actual child care costs necessary for work, except that the department may limit the child care disregard to \$175 per month per child or \$200 per month per child under 2 years of age or with special needs;

(8) In cases when the TANF recipient has no child care cost, the monthly TANF benefit is the maximum payment level or the difference between the countable earnings and the standard of need established by rule adopted by the department, whichever is lower;

(9) In cases when the TANF recipient has child care costs, the department shall determine a total benefit package, including TANF cash assistance, determined in accordance with subparagraph (7) and additional child care assistance, as provided by rule, necessary to cover the TANF recipient's actual child care costs up to the maximum amount specified in section 3782-A, subsection 5. The benefit amount must be paid as provided in this subparagraph.

(a) Before the first month in which child care assistance is available to an ASPIRE-TANF recipient under this paragraph and periodically thereafter, the department shall notify the recipient of the total benefit package and the following options of the recipient: to receive the total benefit package directly; or to have the department pay the recipient's child care assistance directly to the designated child care provider for the recipient and pay the balance of the total benefit package to the recipient.

(b) If an ASPIRE-TANF recipient notifies the department that the recipient chooses to receive the child care assistance directly, the department shall pay the total benefit package to the recipient.

(c) If an ASPIRE-TANF recipient does not respond or notifies the department of the choice to have the child care assistance paid directly to the child care provider from the total benefit package, the department shall pay the child care assistance directly to the designated child care provider for the recipient. The department shall pay the balance of the total benefit package to the recipient;

(10) Child care assistance under this paragraph must be paid by the department in a prompt manner that permits an ASPIRE-TANF recipient to access child care necessary for work; and

(11) The department shall adopt rules pursuant to Title 5, chapter 375 to implement this subsection. Rules adopted pursuant to this subparagraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. OO-4. 22 MRSA §4301, sub-§3, as enacted by PL 1983, c. 577, §1, is amended to read:

3. Eligible person. "Eligible person" means a person who is qualified to receive general assistance from a municipality according to standards of eligibility determined by the municipal officers whether or not that person has applied for general assistance. "Eligible person" does not include a person who is a fugitive from justice as defined in Title 15, section 201, subsection 4.

Sec. OO-5. 22 MRSA §4301, sub-§6, as amended by PL 1991, c. 622, Pt. M, §20, is further amended to read:

6. Household. "Household" means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total number of household members. The income of household members not legally liable for supporting the household is considered available to the applicant only when there is a pooling of income.

Sec. OO-6. 22 MRSA §4301, sub-§7, as amended by PL 2003, c. 510, Pt. C, §6, is further amended to read:

7. Income. "Income" means any form of income in cash or in kind received by the household, including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources, unless specifically prohibited by any law or regulation, court ordered support payments, income from pension or trust funds ~~and~~ household income from any other source, including relatives or unrelated household members and any benefit received pursuant to Title 36, chapter 907 and Title 36, section 5219-II, unless used for basic necessities as defined in section 4301, subsection 1.

The following items are not available within the meaning of this subsection and subsection 10:

- A. Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- B. Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or
- C. Earned income of children below the age of 18 years who are full-time students and who are not working full time.

In determining need, the period of time used as a basis for the calculation is the 30-day period commencing on the date of the application. This prospective calculation does not disqualify an applicant who has exhausted income to purchase basic necessities if that income does not exceed the income standards established by the municipality.

Notwithstanding this prospective calculation, if any applicant or recipient receives a lump sum payment prior or subsequent to applying for assistance, that payment must be prorated over future months. The period of proration is determined by disregarding any portion of the lump sum payment that the applicant or recipient has spent to purchase basic necessities, including but not limited to: all basic necessities provided by general assistance; reasonable payment of funeral or burial expenses for a family member; reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities; repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid. All income received by the household between the receipt of the lump sum payment and the application for assistance is added to the remainder of the lump sum. The period of proration is then determined by dividing the remainder of the lump sum payment by the ~~greater of the~~ verified actual monthly amounts for all of the household's basic necessities ~~or 150% of the applicable federal poverty guidelines.~~ That dividend represents the period of proration determined by the administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

Sec. OO-7. 22 MRS §4305, sub-§3-D is enacted to read:

3-D. Maximum level of assistance for fiscal years 2013-14 and 2014-15. Notwithstanding subsection 3-A or 3-B, the aggregate maximum level of assistance for fiscal years 2013-14 and 2014-15 must be set as follows:

A. The aggregate maximum level of assistance for fiscal year 2013-14 must be the amount that is the greater of:

- (1) Ninety percent of 110% of the United States Department of Housing and Urban Development fair market rent for federal fiscal year 2013; and
- (2) The amount achieved by increasing the maximum level of assistance for fiscal year 2012-13 by 90% of the increase in the federal poverty level from 2012 to 2013.

B. The aggregate maximum level of assistance for fiscal year 2014-15 must be the amount that is the greater of:

- (1) Ninety percent of 110% of the United States Department of Housing and Urban Development fair market rent for federal fiscal year 2014; and
- (2) The amount achieved by increasing the maximum level of assistance for fiscal year 2013-14 by 90% of the increase in the federal poverty level from 2013 to 2014.

For the purposes of this subsection, "federal poverty level" means that measure defined by the federal Department of Health and Human Services and updated annually in the Federal Register under authority of 42 United States Code, Section 9902(2). For the purposes of this subsection, fair market rent is calculated in the same manner as in subsection 3-B.

Sec. OO-8. 22 MRSA §4309, sub-§4, as enacted by PL 1991, c. 528, Pt. SS, §3 and affected by Pt. RRR and enacted by c. 591, Pt. SS, §3, is amended to read:

4. Eligibility of minors who are parents. ~~A~~ An otherwise eligible person under the age of 18 who has never married and who has a dependent child or is pregnant is eligible only if that person and child reside in a dwelling maintained by a parent or other adult relative as that parent's or relative's own home or in a foster home, maternity home or other adult-supervised supportive living arrangement unless:

- A. The person has no living parent or the whereabouts of both parents are unknown;
- B. No parent will permit the person to live in the parent's home;
- C. The department determines that the physical or emotional health or safety of the person or dependent child would be jeopardized if that person and dependent child lived with a parent;
- D. The individual has lived apart from both parents for a period of at least one year before the birth of any dependent child; or
- E. The department determines, in accordance with rules adopted pursuant to this section, which must be in accordance with federal regulations, that there is good cause to waive this requirement.

For the purposes of this subsection, "parent" includes legal guardian.

Sec. OO-9. 22 MRSA §4310, first ¶, as amended by PL 1991, c. 9, Pt. U, §7, is further amended to read:

Whenever an eligible person becomes an applicant for general assistance states to the administrator that the applicant is in an emergency situation and requires immediate assistance to meet basic necessities, the overseer shall, pending verification, issue to the applicant either personally or by mail, as soon as possible but in no event later than 24 hours after application, sufficient benefits to provide the basic necessities needed immediately by the applicant, ~~provided that~~ as long as the following conditions are met.

Sec. OO-10. 22 MRSA §4311, sub-§1-C is enacted to read:

1-C. Indian tribe reimbursement. The department shall reimburse each Indian tribe for the costs of a portion of the direct costs of paying benefits through its general assistance program if the department finds that the Indian tribe was in compliance with all requirements of this chapter during the fiscal year for which those benefits are sought.

The amount of reimbursement must be calculated for each fiscal year by adding 10% of all general assistance granted up to the threshold amount to 100% of all general assistance granted above the threshold amount.

For the purposes of this subsection, "Indian tribe" has the same meaning as in section 411, subsection 8-A. For purposes of this subsection, "threshold amount" means 0.0003 of the Indian tribe's most recent state valuation, as determined by the State Tax Assessor in the statement filed as provided in Title 36, section 381, relative to the year for which reimbursement is being issued.

Sec. OO-11. 22 MRSA §4311, sub-§2, as amended by PL 1991, c. 9, Pt. U, §9, is further amended to read:

2. Submission of reports. Municipalities shall submit reports as follows.

A. For purposes of this section, those municipalities that received reimbursement at 90% during the previous fiscal year of the State and those municipalities that expect to receive reimbursement at 90% during the current fiscal year of the State must submit monthly reports on forms provided by the department.

B. Those municipalities that did not receive reimbursement at 90% during the previous fiscal year and do not expect to receive reimbursement at 90% for the current fiscal year must submit quarterly or semiannual reports on forms provided by the department.

Indian tribes must submit monthly reports on forms provided by the department.

Sec. OO-12. 22 MRSA §4317, as amended by PL 1993, c. 410, Pt. AAA, §11, is further amended by adding at the end a new paragraph to read:

An applicant who is found to be ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to Title 26, section 1051, subsection 1 is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor.

Sec. OO-13. 36 MRSA §6216, 2nd ¶, as amended by PL 1989, c. 614, is further amended to read:

Benefits received under this chapter may not be included as income for purposes of any state or municipally administered public benefit program ~~but~~ except for general assistance under Title 22, chapter 1161, unless used for basic necessities as defined in Title 22, section 4301, subsection 1. Benefits received under this chapter may be considered for purposes of determining eligibility for abatement under section 841, subsection 2.

Sec. OO-14. Funding limit for legal noncitizens with work documentation but not yet employed. Funding for noncitizens legally admitted to the United States who are eligible for a hardship exception under the Maine Revised Statutes, Title 22, section 3104-A, subsection 1, paragraph D or Title 22, section 3762, subsection 3, paragraph B, subparagraph (2), division (d) is limited to \$261,384 until June 30, 2015. If the funding limit is met prior to June 30, 2015, legal noncitizens with work documentation are no longer eligible for the hardship exception under Title 22, section 3104-A, subsection 1, paragraph D or Title 22, section 3762, subsection 3, paragraph B, subparagraph (2), division (d).

PART PP

Sec. PP-1. Department of Health and Human Services; intravenous sedation dental services. The Department of Health and Human Services shall pursue an appropriate setting to provide intravenous sedation dental services in the Portland area in order to minimize the time required to access those services from the southern part of the State.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 13-10072013

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

The approval of the ordinance changes to reflect the State statute changes approved by the legislation.

Sec. 30-2 Definitions:

Eligible person means a person who is qualified to receive general assistance according to the standards of eligibility set forth in this chapter. "Eligible person" does not include a person, who is a fugitive from justice as defined in Title 15, § 201, sub. 4.

Household means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in this chapter. The pro rata share is calculated by dividing the maximum level of assistance available to the entire household by the total of number of household members. The income of household members not legally liable or otherwise responsible for supporting the household shall be considered as available to the applicant only when there is pooling of income. The City shall presume pooling of income unless the applicant proves otherwise.

Income means any form of income in cash or in kind received by the household, including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources unless specifically prohibited by any law or regulation, support payments, income from pension or trust funds, household income from any other source including relatives or unrelated household members and any benefit received pursuant to Title 36, chapter 907 and Title 36, section 5219-11, unless used for basic necessities as defined in Section 4301, subsection 1. For repeat applicants, it also includes unverified expenditures or misspent money from the 30-day period prior to application. The following items shall not be considered as income or assets which must be liquidated for the purposes of deriving income:

- (1) Real or personal income-producing property, tools of trade, or governmental entitlement specifically treated as exempt by state or federal law;

- (2) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement funds contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or
- (3) Earned income of children below the age of 18 years who are full-time students and who are not working full-time.

Sec. 30-68 Use of Resources:

(F) An applicant who is found to be ineligible for unemployment compensation benefits because of a finding of fraud by the Department of Labor pursuant to Title 26, § 1051 subsection 1 is ineligible to receive general assistance to replace the forfeited unemployment compensation benefits for the duration of the forfeiture established by the Department of Labor.

Sec. 30-97 Determination of income.

(8) *Lump sum income.* A lump sum payment as defined in this chapter and received by a household prior to the date of application for general assistance will be considered as income available to the household, with the exception of any required payments (i.e., any third-party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities as described in this subsection. In the case where a lump sum payment was received by a household at any time prior to the date of application for general assistance, the administrator will assess the need for prorating an applicant's eligibility for general assistance according to the following criteria:

- a. Identify the date the lump sum payment was received.
- b. Subtract from the lump sum payment all required payments.
- c. Subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities provided by general assistance, provided in this chapter; any reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member, repair or replacement of essentials lost due to fire, flood or other natural disaster; or repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities.
- d. Add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for general assistance.

e. The period of proration is then determined by dividing the remainder of the lump sum payment by the verified actual monthly amounts for all the household's basic necessities.

The dividend remaining after following these guidelines represents the number of months from the receipt of the lump sum payment during which an income level equivalent to the actual expenditure for basic necessities as defined by general assistance for the household will be deemed available to that household. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: October 7, 2013

Order 85-10072013

Author: Sue Clements-Dallaire, City Clerk

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: Automobile Graveyard/Junkyard permits renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Applications and payments have been received in the City Clerk's Office. A public hearing and Council approval is required. Originally the Public Hearing was going to be scheduled to tonight's meeting but has been delayed to the October 7th meeting instead. These facilities have been inspected by the Code Enforcement office.

M&P Auto, 227 Merrow Road

Buck's Auto, 249 Merrow Road

Morris Auto Mart, 940 Washington St. N

Randy's Auto Parts, 899 Broad Street

Polerized New England Company, LLC (formerly Maine Metal Recycling), 522 Washington St. N

Isadore T. Miller Co., a Division of Schnitzer NE, 78 & 80 Old Hotel Road

Financial: N/A

Action Requested at this Meeting: Workshop discussion on 9/3/2013, further workshop discussion today with a public hearing and action tentatively planned for 10/07/13.

Previous Meetings and History: Annual renewal. Discussion at the 9/3/2013 and 9/16/2013 Council Workshops.

Attachments:

September Inspection Memo from Eric Cousens

October Inspection Memo from Eric Cousens

Standards and Fees

30-A §3754-A

MMA Junkyard Information

Application

Order

*Agenda items are not limited to these categories.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Mayor and City Council

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

Re: 2012-2013 Junkyard License Inspections

Date: September 11, 2013



The City Clerk requested that this office inspect all of the licensed junkyards prior to the Council's consideration of their license renewals. Inspections were completed on September 9, 2013 and found the following:

Maine Metal Recycling - 522 Washington St. N - No concerns. Schnitzer continues to make upgrades to organize traffic flow and treat stormwater.

Isadore T. Miller - 79 & 80 Old Hotel Rd. - No Concerns. Site is cleaned and no longer being heavily used.

Randy's Auto Parts - 899 Broad St. - No concerns. The junkyard area is approximately 600' from the railroad tracks and the separated from the river. The fill added to the north of the existing building was done with appropriate permits to accommodate a new garage/warehouse building.

M & P Auto, Inc. - 227 Merrow Rd. - No Concerns.

Morris Auto Mart - 940 Washington ST. N - The inspection revealed that there are some operational violations and some substantial improvements from last year. The operator is storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B. The screening fence is also damaged and needs repairs. The property owner has agreed to remedy the violations over the next few weeks. Staff recommends that the Council either A) Issue the license temporarily for 30 days, pending another inspection or; B) Not issue the license at this time and reschedule a new hearing in approximately 30 days.

The operator has made substantial improvements to his waste oil storage facilities and now has secondary containment around each tank. In the event of a flood he could now keep his tanks from floating by keeping the containment area free from flood waters.

As we discussed last year most of the property is located within the floodplain and much of it floods almost annually. The establishment of a new junkyard in this area would be prohibited, but the existing use was established in about 1938, prior to standards regulating the location of junkyards. Because of the flooding and proximity to the Little Androscoggin River the site was

considered for acquisition by the EPA almost 20 years ago but another site in Massachusetts was chosen. The owner would still consider any proposals like that if an entity wanted to buy out the junkyard portion of the business and would continue only the towing operation at a new location. This should be investigated further for a long-term solution.

Buck's Auto -249 Merrow Rd. – No concerns. Mostly storage of construction equipment and materials.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Mayor and City Council

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

Re: 2012-2013 Junkyard License Inspections

Date: October 1, 2013

The City Clerk requested that this office inspect all of the licensed junkyards prior to the Councils consideration of their license renewals. Inspections were completed on September 9, 2013 and a copy of the inspection memo was provided at the workshop. A follow up inspection was requested for Morris Auto Mart at 940 Washington Street North.

The September inspection revealed that there are some operational violations and some substantial improvements from last year. The operator is storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B. The screening fence is also damaged and needs repairs. The property owner agreed to remedy the violations and as of October 1, 2013 he has made some progress but the violations still exist.

As we discussed, most of the property is located within the floodplain and much of it floods almost annually. The establishment of a new junkyard in this area would be prohibited, but the existing use was established in about 1938, prior to standards regulating the location of junkyards. The owner has indicated that he has contacted his attorney and will be proposing that the City buy out the junkyard portion of the business and he would continue only the towing operation at a new location. This possibility should be investigated further for a long-term solution.

Staff has also learned that Maine DEP and US EPA have ongoing stormwater related enforcement cases with Notices of Violations as recent as August 2013. Based on the inspections, Council direction and continued non-compliance with State Law (MRSA 30-A, 3754-A, 5B), staff recommends that the Council deny the license at this time and reschedule a new hearing in approximately 30 days to allow more time for an additional follow-up inspection.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Mayor and City Council

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

Re: 2013 Junkyard License Ordinance and Licensing Questions

Date: September 11, 2013

General overview of available regulatory tools

The City of Auburn regulates Junkyards and Automobile Graveyards through zoning and licensing. The zoning ordinance limits new facilities to the Industrial zoning district and is an optional tool for the City. Licensing is based on State Law and is mandated by the State. Zoning and site plan review is very effective in controlling the location of new facilities, but not as useful in setting operational standards. Licensing can be very effective in setting operational standards and inspecting for compliance at least annually. Local licensing authority is based on the following:

(From Maine Municipal Association Code Enforcement Manual) Title 30-A M.R.S.A. §§ 3753-3755-A impose an obligation on municipalities to license "junkyards" and "automobile graveyards" each year and "automobile recycling businesses" every five years. Section 3758 provides that the State Police and local and county law enforcement officers "shall enforce" this law; the "municipal officers or their designee" "may" also enforce it. In addition, 29-A M.R.S.A. § 106 provides that the State Police and county sheriff's office shall "expeditiously enforce" automobile graveyard laws. The reality, however, is that municipalities assume primary responsibility for enforcing this law because with a large geographic territory to cover and limited staff, neither the State Police nor the county sheriffs give enforcement of the automobile graveyard and junkyard law a very high priority. Although the law does not expressly name the CEO as being responsible for enforcement, generally the municipal officers will delegate their enforcement responsibilities to him or her. This must be done in writing. (See Appendix 7 for sample delegation language.) Otherwise the CEO's authority to take enforcement action could be successfully challenged.

Although the above-cited Maine law and regulation details a number of review standards, municipalities are expressly authorized to enact more stringent regulation by ordinance. The term "automobile graveyard" is defined to mean a "yard, field or other area used to store 3 or more unserviceable, discarded, worn-out or junked motor vehicles . . . or parts of such vehicles". The Maine Supreme Court has held that, for the purposes of the definition of "automobile graveyard," the word "unserviceable" means "not ready for use or not presently useable." *Town of Pownal v. Emerson*, 639 A.2d 619 (ME 1994).

If there are operational concerns we may be able to adopt additional standards to address them, however, locational concerns are already strictly regulated and are very effective in controlling the location of new facilities.

Mayor Labonte questions from workshop:

1. Aesthetics-Some facilities operate at a higher standard than others. What are the buffering requirements?

Per State Law, A permit may not be granted for an automobile graveyard or junkyard within 1,000 feet of the right-of-way of any highway incorporated in both the Interstate System and Primary System or within 600 feet of the right-of-way of any other highway, except for:

A. Those automobile graveyards or junkyards that are kept entirely screened from ordinary view from the highway at all times by natural objects, plantings or fences. Screening required by this paragraph must be:

- (1) At a height, density and depth sufficient to accomplish complete screening from ordinary view;
- (2) Well constructed and properly maintained at a minimum height of 6 feet;
- (3) Placed outside of the highway right-of-way; and
- (4) Acceptable to the municipal officers or county commissioners; and [2003, c. 312, §9 (NEW).]

The above section gives substantial deference to the municipal officers to require additional screening of junkyards by ordinance if there is a logical public reason to do so. Applying that to existing facilities and how long it will take to require additional improvements would need to be reviewed by municipal counsel.

Councilor Crowley questions from workshop:

1. Does a local Code Enforcement Officer(CEO) review only local ordinance requirements or do they also inspect for State requirements?

Local CEOs in Auburn are expected to be familiar with and look for compliance with both local and state requirements. That said, actual enforcement authority for the storage and disposal of oil and other liquid or hazardous wastes such as antifreeze, batteries, mercury switches, tires, etc. are regulated by Maine DEP as the State representative of the EPA. Violations of those standards are referred directly to Maine DEP for enforcement. Solid Waste disposal and storage rules are also violated at some junkyards and those violations are referred to Maine DEP. City and DEP Staff also schedule joint inspections as needed to address overlapping issues.

2. Can we increase fees to cover costs of inspections?

Yes, as long as those fees are logically connected to actual inspection and licensing costs incurred by the City. The current fees do not cover our costs for administering the licensing and inspection programs. An estimate of time for the program would total about four-six staff hours per license per year if there are no complaints throughout the year. That would include accepting and processing the application, a CEO inspection, a Fire Prevention Officer (FPO) inspection, paper reviews by other departments (with a possible APD inspection), writing a written report to the Council and preparing information sheets, and attending a workshop and public hearing for the licenses as a group. Total costs including wages and benefits are in the \$150-\$300 range depending on the license. If there are problems at a particular site then the inspection costs throughout the year could be substantially higher, however, trying to apply those costs to a license for all facilities would be unfair. There is also a repealed State Law that charged a higher fee based on proximity to highways and regulation regarding proximity to public facilities like schools, beaches, etc.

3. Are there regulations for proximity to water or groundwater pollution?

Yes. Based on experiences in Auburn, there is also more time spent inspecting facilities that are

close to natural resources. Some of that is directly related to the resources and some is operations. If the Council wanted to focus inspection efforts based on public risk to health and safety related to public resources, you could consider a fee and inspection schedule that accounts for proximity to public resources and the heightened concern for public impacts associated with them. The increased inspections would require additional inspection time and increase costs.

Public notices are also required and can be accounted for as a separate fee. We have a reimbursement fee of \$100 for public notices for Planning Board projects. If a project is posted individually it can easily cost approximately \$100 for the abutters notice and newspaper advertising. If we have multiple projects for an individual meeting (which is often outside of City control) then combined ads cost less on average than individual ads.

4. Questions from last year went unanswered and it would be nice to “close the loop.”

It was my understanding that we answered last years’ questions and left the discussion open to amending standards and fees if the Council wished. I intended to identify the meetings and verify the questions by watching the videos, however, this report is due and I have not had that opportunity. Staff would greatly appreciate that if there are remaining questions that we be made aware of which ones still exist and the few hours of time for researching last years’ videos could be used to accomplish other Council objectives.

Councilor Gerry questions from workshop:

1. Is there a setback from water?

Yes, 100 feet for the storage of vehicles with any fluids.

2. Could meeting the setback have prevented the accident and fire at the junkyard on Washington Street last year?

I don’t believe so. The storage of fuels and oil at that property was in the flood plain as well as within 100’ of the Little Androscoggin River. The storage area has been relocated to the main structure and a secondary containment area has been added around all tanks. The storage area is regulated by Maine DEP and is still within a 100 year floodplain. We are also working with the owner to make sure all fluids are drained before vehicles are stored in the flood prone area. The accident last year was unfortunate but preventable. Smoking is now prohibited in the area surrounding the fuel storage tanks.

Councilor Hayes questions from workshop:

1. Can we require that fuel and oil be stored outside of the floodplain?

For new facilities yes. I have a call in to Maine DEP to see if it is required for existing facilities. At a minimum they may be able to require that storage be elevated or protected by a containment wall similar to what exists not, but high enough to be above flood elevations.

Please let me know if there are any additional questions.

30-A §3754-A. LIMITATIONS ON GRAVEYARD, AUTOMOBILE RECYCLING BUSINESS AND JUNKYARD PERMITS

30-A §3754-A. LIMITATIONS ON GRAVEYARD, AUTOMOBILE RECYCLING BUSINESS AND JUNKYARD PERMITS

1. Highways; Interstate System and Primary System. A permit may not be granted for an automobile graveyard or junkyard within 1,000 feet of the right-of-way of any highway incorporated in both the Interstate System and Primary System or within 600 feet of the right-of-way of any other highway, except for:

A. Those automobile graveyards or junkyards that are kept entirely screened from ordinary view from the highway at all times by natural objects, plantings or fences. Screening required by this paragraph must be:

- (1) At a height, density and depth sufficient to accomplish complete screening from ordinary view;
- (2) Well constructed and properly maintained at a minimum height of 6 feet;
- (3) Placed outside of the highway right-of-way; and
- (4) Acceptable to the municipal officers or county commissioners; and [2003 , c . 312 , §9 (NEW) .]

B. Those automobile graveyards or junkyards located within areas that have been zoned for industrial use and located more than 600 feet but less than 1,000 feet from the right-of-way of any highway incorporated in both the Interstate System and Primary System. [2003 , c . 312 , §9 (NEW) .]

[2003 , c . 312 , §9 (NEW) .]

2. Limitation on new permits. A permit may not be granted for an automobile graveyard or junkyard established after October 3, 1973 and located within 100 feet of any highway.

[2003 , c . 312 , §9 (NEW) .]

3. Public facilities. A new permit may not be granted for an automobile graveyard or junkyard that is:

A. Located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery; and [2003 , c . 312 , §9 (NEW) .]

B. Within ordinary view from a facility under paragraph A. [2003 , c . 312 , §9 (NEW) .]

[2003 , c . 312 , §9 (NEW) .]

4. Public and private water supplies. A permit may not be granted for an automobile graveyard, junkyard or automobile recycling business that handles junk, scrap metal, vehicles or other solid waste within 300 feet of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the automobile graveyard, junkyard, automobile recycling business or the owner's or operator's abutting residence. This prohibition does not apply to wells installed after an automobile graveyard, junkyard or automobile recycling business has already received a permit under section 3753.

Automobile graveyards, junkyards and automobile recycling businesses operating under the terms of permits issued prior to the effective date of this subsection and handling junk, scrap metal, vehicles or other solid waste within 300 feet of wells that serve as public or private water supplies may continue to operate in those locations under the terms of those permits. Municipal officers or county commissioners may renew a permit allowing the continued handling of junk, scrap metal, vehicles or other solid waste within 300 feet of a well serving as a public or private water supply as long as no further encroachment toward the well occurs. The municipal officers or county commissioners may not renew a permit if there is substantial, credible evidence that the permitted activities have caused contamination of the well.

[2005 , c . 424 , §3 (AMD) .]

5. Operating standards. All automobile graveyards and junkyards permitted pursuant to section 3753 are required to comply with the following standards:

A. All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water; [2005, c. 247, §1 (AMD); 2005, c. 247, §7 (AFF).]

B. A vehicle containing fluids may not be stored or dismantled:

(1) Within 100 feet of any body of water or freshwater wetland, as defined by Title 38, section 436-A, subsection 5;

(2) Within the 100-year floodplain; or

(3) Over a mapped sand and gravel aquifer; [2003, c. 312, §9 (NEW).]

C. Junk, scrap metal, vehicles or other solid wastes may not be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the State or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters; [2005, c. 247, §2 (AMD); 2005, c. 247, §7 (AFF).]

D. Junkyard and automobile graveyard owners must demonstrate at the time of licensing that the facility or facilities for which they seek permits are, or are part of, a viable business entity and the facility or facilities are actively engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale or trade; [2005, c. 683, Pt. A, §51 (RPR).]

E. A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed; [2005, c. 247, §3 (NEW); 2005, c. 247, §7 (AFF).]

F. All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power, appliances and other items within 180 days of acquisition. Motor vehicles, appliances and other items acquired by and on the premises of a junkyard or automobile graveyard prior to October 1, 2005 must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable; [2005, c. 247, §3 (NEW); 2005, c. 247, §7 (AFF).]

G. Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules and regulations; and [2005, c. 247, §3 (NEW); 2005, c. 247, §7 (AFF).]

H. All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles, appliances and other items before crushing or shredding. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable. [2005, c. 247, §3 (NEW); 2005, c. 247, §7 (AFF).]

[2005, c. 683, Pt. A, §51 (AMD) .]

6. Rules. A permit, other than a limited-term permit as described in this section, may not be granted for an automobile graveyard or automobile recycling business that is not in compliance with all applicable provisions of the automobile dealer or recycler licensing provisions of Title 29-A, chapter 9. Municipal

officers or county commissioners may award a limited-term permit conditioned upon an automobile graveyard's or automobile recycling business's demonstrating compliance with the provisions of Title 29-A, chapter 9 within 90 calendar days of the issuance of the municipal or county limited-term permit.

[2003, c. 312, §9 (NEW) .]

6-A. Relationship to state storm water requirements. After October 30, 2005, municipal officers or county commissioners may reject an application for an automobile graveyard or automobile recycling business if the applicant has not demonstrated that:

A. A notice of intent has been filed with the Department of Environmental Protection to comply with the general permit provisions for storm water discharges; or [2005, c. 247, §4 (NEW); 2005, c. 247, §7 (AFF).]

B. The Department of Environmental Protection has determined that a storm water discharge permit is not required. [2005, c. 247, §4 (NEW); 2005, c. 247, §7 (AFF).]

[2005, c. 247, §4 (NEW); 2005, c. 247, §7 (AFF) .]

7. Local ordinances. This subchapter may not be construed to limit a municipality's home rule authority to enact ordinances with respect to automobile graveyards, automobile recycling businesses and junkyards that the municipality determines reasonable, including, but not limited to, ordinances concerning:

A. Compliance with state and federal solid waste and hazardous waste regulations; [2003, c. 312, §9 (NEW) .]

B. Fire and traffic safety; [2003, c. 312, §9 (NEW) .]

C. Levels of noise that can be heard outside the premises; [2003, c. 312, §9 (NEW) .]

D. Distance from existing residential or institutional uses; [2003, c. 312, §9 (NEW) .]

E. The effect on groundwater and surface water, as long as municipal ordinances on groundwater are no less stringent than or inconsistent with rules adopted by the Department of Environmental Protection; and [2003, c. 312, §9 (NEW) .]

F. Best management practices for automobile graveyards, junkyards and automobile recycling businesses developed by the Department of Environmental Protection. [2003, c. 312, §9 (NEW) .]

Municipal officers or county commissioners shall consider compliance with these local ordinances in deciding whether to grant or deny a permit for any automobile graveyard, automobile recycling business or junkyard and in attaching conditions of approval to a permit.

[2003, c. 312, §9 (NEW) .]

8. Applicability. Municipalities may apply local ordinances adopted previously under subsection 7 pertaining to automobile graveyards and junkyards to an automobile recycling business without amending those ordinances to include automobile recycling businesses. A municipality must provide notice of its intent to apply these ordinances at the time an application for an automobile recycling business permit is filed.

[2003, c. 312, §9 (NEW) .]

9. Right of entry. Municipal officers or their designees may, to carry out the provisions of this subchapter or to determine compliance with any laws, ordinances, license or permit approvals, decisions or conditions:

A. Enter any automobile graveyard, junkyard or automobile recycling business property and inspect all outside areas, equipment and activities at reasonable hours for compliance with the laws or ordinances set forth in accordance with this subchapter; and [2003, c. 312, §9 (NEW) .]

B. Enter any building on the property with the consent of the owner, occupant or agent to inspect the building and activities within the building for compliance with the laws or ordinances set forth in accordance with this subchapter. [2003, c. 312, §9 (NEW).]

A municipal officer's or designee's entry onto property under this subsection is not a trespass.

[2003, c. 312, §9 (NEW) .]

10. Standard for permit. The municipal officers or county commissioners may issue a permit to an automobile graveyard or junkyard if that automobile graveyard or junkyard meets the operating standards set forth in subsection 5.

[2005, c. 424, §5 (NEW) .]

For purposes of revocation or suspension of a permit pursuant to section 3758-A, subsection 5, each of the standards set forth in this section is a condition of a permit. [2005, c. 424, §6 (NEW) .]

SECTION HISTORY

2003, c. 312, §9 (NEW). 2005, c. 247, §§1-4 (AMD). 2005, c. 247, §7 (AFF). 2005, c. 424, §§3-6 (AMD). 2005, c. 683, §A51 (AMD).

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MMA CEO MANUAL

Junkyards/Automobile Graveyards

- **Enforcement Authority.** Title 30-A M.R.S.A. §§ 3753-3755-A impose an obligation on municipalities to license “junkyards” and “automobile graveyards” each year and “automobile recycling businesses” every five years. Section 3758 provides that the State Police and local and county law enforcement officers “shall enforce” this law; the “municipal officers or their designee” “may” also enforce it. In addition, 29-A M.R.S.A. § 106 provides that the State Police and county sheriff’s office shall “expeditiously enforce” automobile graveyard laws. The reality, however, is that municipalities assume primary responsibility for enforcing this law because with a large geographic territory to cover and limited staff, neither the State Police nor the county sheriffs give enforcement of the automobile graveyard and junkyard law a very high priority. Although the law does not expressly name the CEO as being responsible for enforcement, generally the municipal officers will delegate their enforcement responsibilities to him or her. This must be done in writing. (See Appendix 7 for sample delegation language.) Otherwise the CEO’s authority to take enforcement action could be successfully challenged.

- **Definitions.** For the purposes of this law, the following definitions apply:
 - “Junkyard” means “a yard, field or other area used as a place of storage for:
 - A. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
 - B. Discarded, scrap and junked lumber;
 - C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and
 - D. Garbage dumps, waste dumps and sanitary landfills.”

 - “Automobile Graveyard” means “a yard, field or other area used as a place of storage, other than temporary storage by an establishment or place of business which is engaged primarily in doing auto body repair work for the purpose of making repairs to render a motor vehicle serviceable, for three or more unserviceable, discarded, worn-out or junked motor vehicles as

defined in Title 29, section 1, subsection 7 (now 29-A M.R.S.A. § 101 (42)), or parts thereof.”

- “Automobile Recycling Business” is defined as “the business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises specified in the site plan in 30-A § 3755-A, subsection 1, paragraph C is used for automobile recycling operations.”
- **Junked Vehicles as a Nuisance.** Junked motor vehicles are also addressed in 17 M.R.S.A. § 2802, which deals with miscellaneous nuisances. This is another State law that can be enforced locally through the CEO if so authorized by the municipal officers.
- **Notice of Application to Public Drinking Water Supplier.** When a junkyard, automobile graveyard, or auto recycling business is or will be located within a mapped public water source protection area, State law requires the municipal officers to give written notice of the public hearing on the application to the public drinking water supplier 7-14 days before the hearing. 30-A M.R.S.A. § 3754. See § 3754 for other notice requirements. (See Appendix 6 for sample notice form.)
- **Regulation by Department of Environmental Protection and Secretary of State.** Some automobile graveyards, junkyards and automobile recyclers are regulated by the DEP under the Site Location Act, the solid waste laws, hazardous waste laws and related DEP rules. The Secretary of State licenses “recyclers” pursuant to 29-A M.R.S.A. § 1101 et seq. “Recycler” is not defined, but was intended to have the same meaning as in 30-A M.R.S.A. § 3752.
- **Benefits of a Local Ordinance.** Some CEOs note that it is easier to deal with junkyards and auto graveyards if a provision regulating them is adopted as part of the town or city zoning ordinance. They recommend using a different definition for auto graveyard, one that focuses on the vehicles being unregistered. For sample inventory forms to use in preparing to prosecute a junkyard violation, see Appendix 7.
- **Court Decisions Interpreting Junkyard and Automobile Graveyard Statute; DOT Regulations.** The Maine Supreme Court has held that, for the purposes of the definition of “automobile graveyard,” the word “unserviceable” means “not ready for use or not presently useable.” *Town of Pownal v. Emerson*, 639 A.2d 619 (ME 1994). A recent Maine Supreme Court decision, *Town of Mt. Desert v. Smith*, 2000 ME 88, 751 A.2d 445, found that what the landowner claimed to be “personal property” that he intended to use someday in fact was “junk” for the

purposes of the junkyard statute. The Department of Transportation (DOT) also has promulgated regulations to be used by municipalities in defining this term and generally administering the permit requirement in the statute. These regulations also address screening issues. A copy appears in Appendix 7. For copies of Maine Superior Court and Maine Supreme Court decisions involving junkyard and automobile graveyard violations, contact MMA's Legal Services Department.

MMA LICENSING MANUAL

33. JUNKYARDS & AUTOMOBILE GRAVEYARDS/ AUTOMOBILE RECYCLING BUSINESS

Statutes/Regulations: 30-A M.R.S.A. § 3751 et seq.; 29-A M.R.S.A. § 1101 et seq.; 17-229 CMR Chapter 202

Permitting Authority: Municipal officers

Fees:

1. Graveyard or junkyard more than 100 feet from highway—\$50 for each permit, plus the cost of posting and publishing the notice under § 3754;
2. Graveyard or junkyard within 100 feet from highway—\$200 for each permit, plus the cost of posting and publishing the notice under § 3754; and
3. Automobile Recycling business—\$250 for a 5-year permit, plus the cost of posting and publishing the notice under § 3754.

License Expiration: Maximum of one year, valid until first day of following year.

Licensing Standards & Procedures: Permitting process involves mandatory public hearing given with posted and published notice. The municipal officers are required to post a notice of the hearing at least 7 and not more than 14 days before the hearing in at least two public places in the municipality and publish a notice in one newspaper having general circulation in the area of the proposed junkyard or automobile graveyard.

Permit, site review and site maintenance standards are supplied in § 3755 and 17-229 CMR Chapter 202. The minimum set back from roadway right-of-ways for junkyards or automobile graveyards established after October 3, 1973 is 100 feet. If the facilities are not going to be entirely screened from view, the required set backs are 1000 feet from Interstates or Primary Highway Systems and 600 feet from all other highway right-of-ways. No junkyard or automobile graveyard may be permitted to locate within 300 feet or within the view of any school, church, cemetery, public park, 25 public playground or public bathing beach. The regulations pertaining to junkyards and automobile graveyards adopted by the Department of Transportation contain detailed screening and fencing provisions.

In addition, a "recycler" - a person engaged in the business of purchasing or acquiring salvage vehicles for one of the several purposes stated in § 1101, requires a license (*see 29-A M.R.S.A. § 1101*).

Revocation Standards & Procedures: Established by ordinance.

Additional Information: Although the above-cited Maine law and regulation details a number of review standards, municipalities are expressly authorized to enact more stringent regulation by ordinance. The term "automobile graveyard" is defined to mean a "yard, field or other area used to store 3 or more unserviceable, discarded, worn-out or junked motor vehicles . . . or parts of such vehicles".

Specifically excluded from the definition is any area used for temporary storage by a place of business primarily engaged in doing auto body repair-work to make repairs to render a motor vehicle serviceable.

Automobile recycling business means "the business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises specified in the site plan in section 3755- A, subsection 1, paragraph C is used for automobile recycling operations."

The term "junkyard" is defined as a "yard, field or other area used to store:

- 1) discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
- 2) discarded, scrapped and junked lumber;
- 3) old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and
- 4) garbage dumps, waste dumps and sanitary fills.

See MMA's Information Packet on "Junkyards and Automobile Graveyards" for further information.

APPLICATION FOR AUTOMOBILE GRAVEYARD AND/OR JUNKYARD PERMIT

To the City Auburn County Androscoggin Maine

I/We Buck's Auto hereby make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard
249 Morrow Rd Auburn Me 04810
2. Is this application made by or for a company, partnership, corporation, individual?
3. Is this property leased? _____ Property owned by Buck LLC
address: 249 Morrow Rd Auburn Me 04810
4. How is "yard" screened? Fence? (type) Wood Height Trees? (type) _____
Embankment: _____ Gully? _____ Hill? _____ Other? _____
5. How far is edge of "yard" from center of highway? 300 feet.
6. Can junk be seen from any part of highway? Yes _____ No
7. Was Junkyard Law, Requirements and Fees explained to you? Yes No _____
8. Is any portion of this "yard" on public property? Yes _____ No
9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes _____ No
10. When was "yard" established? _____ By whom? Berady's
11. When was last permit issued? 10-22-12 To whom? Buck's Auto

1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)
(over)

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

Signed by: Yung Buckle For: Buck's Auto
Name of Company, Corporation, Partnership, Individual

Address: 249 Stinson Rd Auburn, Me 04810

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

Tax Map No. _____

Circle Correct Direction N _____
E _____

Lot No. _____

W _____
S _____

Zone _____

Road Name
or
Route No.

_____ To _____ To _____

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 85-10072013

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Buck's Auto, 227 Merrow Road.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: October 7, 2013

Order 86-10072013

Author: Sue Clements-Dallaire, City Clerk

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: Automobile Graveyard/Junkyard permits renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Applications and payments have been received in the City Clerk's Office. A public hearing and Council approval is required. Originally the Public Hearing was going to be scheduled to tonight's meeting but has been delayed to the October 7th meeting instead. These facilities have been inspected by the Code Enforcement office.

M&P Auto, 227 Merrow Road

Buck's Auto, 249 Merrow Road

Morris Auto Mart, 940 Washington St. N

Randy's Auto Parts, 899 Broad Street

Polerized New England Company, LLC (formerly Maine Metal Recycling), 522 Washington St. N

Isadore T. Miller Co., a Division of Schnitzer NE, 78 & 80 Old Hotel Road

Financial: N/A

Action Requested at this Meeting: Workshop discussion on 9/3/2013, further workshop discussion today with a public hearing and action tentatively planned for 10/07/13.

Previous Meetings and History: Annual renewal. Discussion at the 9/3/2013 and 9/16/2013 Council Workshops.

Attachments:

September Inspection Memo from Eric Cousens

October Inspection Memo from Eric Cousens

Standards and Fees

30-A §3754-A

MMA Junkyard Information

Application

Order

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

APPLICATION FOR AUTOMOBILE GRAVEYARD AND/OR JUNKYARD PERMIT

To the City Auburn County _____ Maine

I/We DON STUBBINS DBA MORRIS AUTO PARTS SALES hereby make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard 940 W WASHINGTON ST NO.
2. Is this application made by or for a company, partnership, corporation, individual?
3. Is this property leased? NO Property owned by DON STUBBINS
address: 940 W WASHINGTON ST NO
4. How is "yard" screened? Fence? (type) WOOD Height? 8 Trees?(type) _____
Embankment: _____ Gully? _____ Hill? _____ Other? _____
5. How far is edge of "yard" from center of highway? 50' feet.
6. Can junk be seen from any part of highway? Yes _____ No X
7. Was Junkyard Law, Requirements and Fees explained to you? Yes X No _____
8. Is any portion of this "yard" on public property? Yes _____ No X
9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes _____ No X
10. When was "yard" established? 1938 By whom? MORRIS AUTO PARTS
11. When was last permit issued? 2012 To whom? SAME

1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)
(over)

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

Signed by: [Signature] For: Don D. B. M. [Signature]
Name of Company, Corporation, Partnership, Individual

Address: 940 W. 11th St. [Signature]

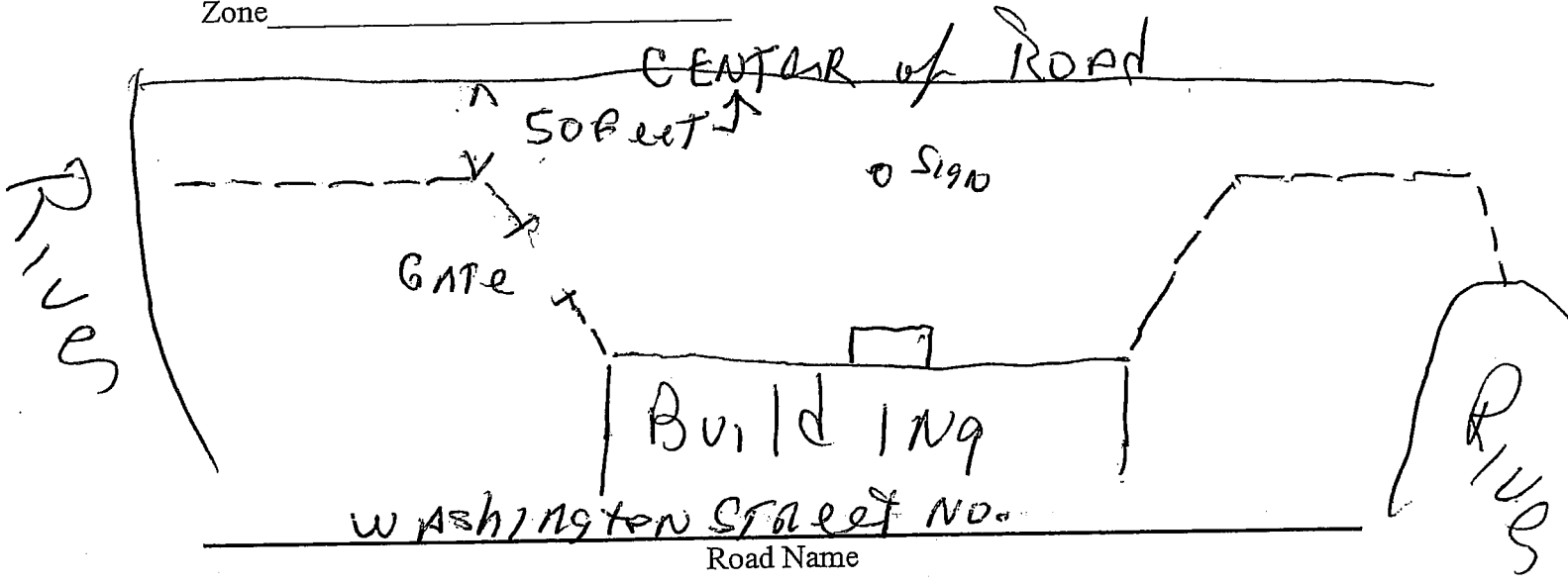
Make complete sketch of "yard". Show footage all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge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

Tax Map No. _____

Circle Correct Direction N _____
E _____
W _____
S _____

Lot No. _____

Zone _____

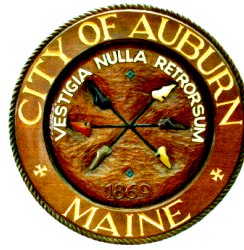


202 To _____

Road Name
or
Route No.

To AUBURN

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 86-10072013

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Morris Auto Parts, 940 Washington Street North.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: October 7, 2013

Order 87-10072013

Author: Sue Clements-Dallaire, City Clerk

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: Automobile Graveyard/Junkyard permits renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Applications and payments have been received in the City Clerk's Office. A public hearing and Council approval is required. Originally the Public Hearing was going to be scheduled to tonight's meeting but has been delayed to the October 7th meeting instead. These facilities have been inspected by the Code Enforcement office.

M&P Auto, 227 Merrow Road

Buck's Auto, 249 Merrow Road

Morris Auto Mart, 940 Washington St. N

Randy's Auto Parts, 899 Broad Street

Polerized New England Company, LLC (formerly Maine Metal Recycling), 522 Washington St. N

Isadore T. Miller Co., a Division of Schnitzer NE, 78 & 80 Old Hotel Road

Financial: N/A

Action Requested at this Meeting: Workshop discussion on 9/3/2013, further workshop discussion today with a public hearing and action tentatively planned for 10/07/13.

Previous Meetings and History: Annual renewal. Discussion at the 9/3/2013 and 9/16/2013 Council Workshops.

Attachments:

September Inspection Memo from Eric Cousens

October Inspection Memo from Eric Cousens

Standards and Fees

30-A §3754-A

MMA Junkyard Information

Application

Order

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

APPLICATION FOR AUTOMOBILE GRAVEYARD AND/OR JUNKYARD PERMIT

To the City Auburn County Androscoggin Maine

I/We Albert J. Bazinet Jr. hereby make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard 227 Merrow Rd
Auburn, ME
2. Is this application made by or for a company, partnership, corporation, individual?
3. Is this property leased? NO Property owned by Albert Bazinet
address: 81 Dawes Ave, Auburn
4. How is "yard" screened? Fence? (type) ✓ Height 8' Trees?(type) _____
Embankment: _____ Gully? _____ Hill? _____ Other? _____
5. How far is edge of "yard" from center of highway? 400 feet.
6. Can junk be seen from any part of highway? Yes _____ No ✓
7. Was Junkyard Law, Requirements and Fees explained to you? Yes ✓ No _____
8. Is any portion of this "yard" on public property? Yes _____ No ✓
9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes _____ No ✓
10. When was "yard" established? 1978 By whom? Albert Bazinet
11. When was last permit issued? 2012 To whom? M&P Auto Inc.

1 copy of application to City
 1 copy of application to Applicant
 1 copy of application to State Police, Augusta
 1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)
 (over)

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

Signed by: Jeff Bagina For: M&P Auto Inc.
Name of Company, Corporation, Partnership, Individual

Address: 227 Mellow Rd, Auburn, ME

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

Tax Map No. _____

Circle Correct Direction N _____

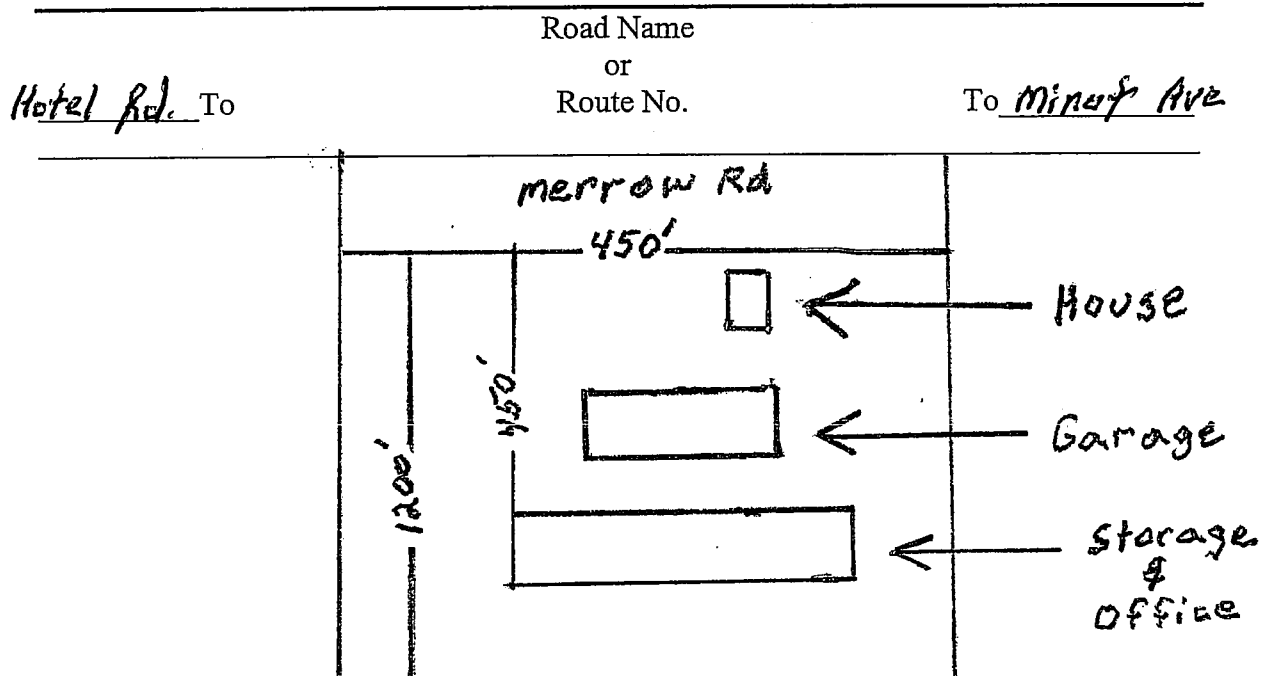
Lot No. _____

E _____

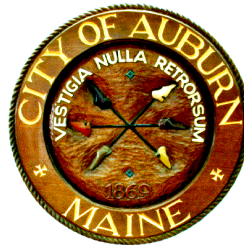
Zone _____

W _____

S _____



Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 87-10072013

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for M & P Auto Mart, 227 Merrow Road.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: October 7, 2013

Order 88-10072013

Author: Sue Clements-Dallaire, City Clerk

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: Automobile Graveyard/Junkyard permits renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Applications and payments have been received in the City Clerk's Office. A public hearing and Council approval is required. Originally the Public Hearing was going to be scheduled to tonight's meeting but has been delayed to the October 7th meeting instead. These facilities have been inspected by the Code Enforcement office.

M&P Auto, 227 Merrow Road

Buck's Auto, 249 Merrow Road

Morris Auto Mart, 940 Washington St. N

Randy's Auto Parts, 899 Broad Street

Polerized New England Company, LLC (formerly Maine Metal Recycling), 522 Washington St. N

Isadore T. Miller Co., a Division of Schnitzer NE, 78 & 80 Old Hotel Road

Financial: N/A

Action Requested at this Meeting: Workshop discussion on 9/3/2013, further workshop discussion today with a public hearing and action tentatively planned for 10/07/13.

Previous Meetings and History: Annual renewal. Discussion at the 9/3/2013 and 9/16/2013 Council Workshops.

Attachments:

September Inspection Memo from Eric Cousens

October Inspection Memo from Eric Cousens

Standards and Fees

30-A §3754-A

MMA Junkyard Information

Application

Order

*Agenda items are not limited to these categories.

AUG 29 2013

APPLICATION FOR AUTOMOBILE GRAVEYARD AND/OR JUNKYARD PERMIT

To the City Auburn County Androscoggin Maine

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

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard P10 182-001
899 BROAD STREET AUBURN, ME 04210
2. Is this application made by or for a company, partnership, corporation, individual?
3. Is this property leased? NO
Property owned by ERNEST & RONALD LEVASSEUR
address: 899 BROAD STREET AUBURN, ME
4. How is "yard" screened? Fence? (type) Wood Height 6-8 Trees? (type) FIR
Embankment: _____ Gully? _____ Hill? _____ Other? _____
5. How far is edge of "yard" from center of highway? 300 feet.
6. Can junk be seen from any part of highway? Yes _____ No X
7. Was Junkyard Law, Requirements and Fees explained to you? Yes X No _____
8. Is any portion of this "yard" on public property? Yes _____ No X
9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes _____ No X
10. When was "yard" established? 1980 By whom? TWIN TOWN REINDEXING
11. When was last permit issued? 2012 To whom? Randy's Auto Parts Inc.

- 1 copy of application to City
- 1 copy of application to Applicant
- 1 copy of application to State Police, Augusta
- 1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)

(over)

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

Signed by: Ronald Swanson For: Randy's Auto Parts
PRESIDENT Name of Company, Corporation, Partnership, Individual

Address: P.O. Box 1243 Auburn, ME (899 Broad St)
7829589

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

Tax Map No. _____
Lot No. _____
Zone _____

Circle Correct Direction
N _____
E _____
W _____
S _____

_____ To Road Name or Route No. To _____

BROAD STREET

Road Name

or

Route No.

To

To

XXXXXXXXXX
FENCE

XXXXXXXXXX
TREES
8' FENCE

50 X 80
Buildin

300'
ENTRANCE
INTO THE
YARD

XXXXXXXXXX
8' FENCE
XXXXXXXXXX
TREES

12 X 12
Buildin

XXXXXXXXXX
LARGE TREES

FENCE

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 88-10072013

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Randy's Auto Parts, 899 Broad Street.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: October 7, 2013

Order 89-10072013

Author: Sue Clements-Dallaire, City Clerk

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: Automobile Graveyard/Junkyard permits renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Applications and payments have been received in the City Clerk’s Office. A public hearing and Council approval is required. Originally the Public Hearing was going to be scheduled to tonight’s meeting but has been delayed to the October 7th meeting instead. These facilities have been inspected by the Code Enforcement office.

- M&P Auto, 227 Merrow Road
- Buck’s Auto, 249 Merrow Road
- Morris Auto Mart, 940 Washington St. N
- Randy’s Auto Parts, 899 Broad Street
- Polerized New England Company, LLC (formerly Maine Metal Recycling), 522 Washington St. N
- Isadore T. Miller Co., a Division of Schnitzer NE, 78 & 80 Old Hotel Road

Financial: N/A

Action Requested at this Meeting: Workshop discussion on 9/3/2013, further workshop discussion today with a public hearing and action tentatively planned for 10/07/13.

Previous Meetings and History: Annual renewal. Discussion at the 9/3/2013 and 9/16/2013 Council Workshops.

Attachments:

- September Inspection Memo from Eric Cousens
- October Inspection Memo from Eric Cousens
- Standards and Fees
- 30-A §3754-A
- MMA Junkyard Information
- Application
- Order

*Agenda items are not limited to these categories.

APPLICATION FOR AUTOMOBILE GRAVEYARD AND/OR JUNKYARD PERMIT

To the City Auburn County Androscoggin Maine

I/We Isadore T. Miller hereby make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard 79 + 80 Old Hotel Road, Auburn, ME
2. Is this application made by or for a company, partnership, corporation individual?
3. Is this property leased? N Property owned by Isadore T. Miller
address: PO Box 1478 Auburn, ME or 69 Rover Street, Everett, MA 02149
4. How is "yard" screened? Fence? (type) Wood Height 6' Trees? (type) Red Pines
Embankment: _____ Gully? _____ Hill? _____ Other? _____
5. How far is edge of "yard" from center of highway? 200 feet.
6. Can junk be seen from any part of highway? Yes _____ No X
7. Was Junkyard Law, Requirements and Fees explained to you? Yes X No _____
8. Is any portion of this "yard" on public property? Yes _____ No X
9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes X No _____
10. When was "yard" established? 1930 By whom? Barker Family
11. When was last permit issued? 2012 To whom? Isadore T. Miller

1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)
(over)

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

Signed by: Jim Costa For: Isadore T. Miller
Name of Company, Corporation, Partnership, Individual

Address: 69 Rover Street Everett, MA 02149

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

Tax Map No. 079

Circle Correct Direction N
E

Lot No. 017 + 018

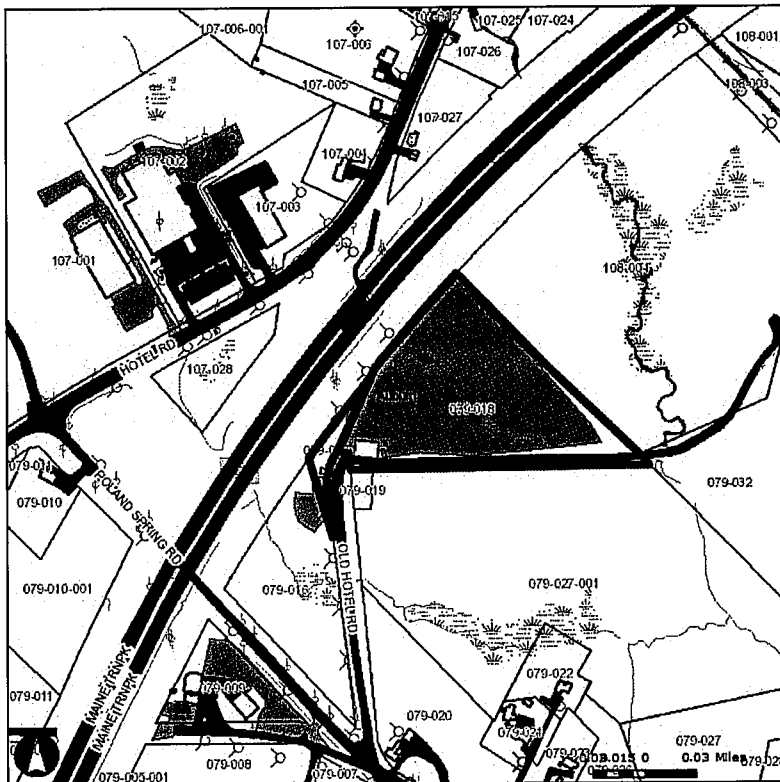
W
S

Zone I3

(see attached map)
property is vacant
no buildings

To _____ Road Name or Route No. To _____

Map



079-017 (1)

Parcel IDs (1)

OBJECTID	OBJECTID_1	MAP	LOT	SUBLOT	PID	CHANGED	ParcelID	Loc	NBC	Webpro	AccountNumber	UserAccount	Number	AltStreet	StreetName	LocCity	CondoUnit	Owner1	Own
880	981	079	017	000	079017000	Null	079-017	80 OLD HOTEL RD	R3	WebPro Summary Page	238	079017000	80	Null	OLD HOTEL RD	Null	Null	MILLER ISADORE T CO INC	Null

079-018 (1)

Parcel IDs (1)

OBJECTID	OBJECTID_1	MAP	LOT	SUBLOT	PID	CHANGED	ParcelID	Loc	NBC	Webpro	AccountNumber	UserAccount	Number	AltStreet	StreetName	LocCity	CondoUnit	Owner1	Own
155	966	079	018	000	079018000	Null	079-018	79 OLD HOTEL RD	R3	WebPro Summary Page	239	079018000	79	Null	OLD HOTEL RD	Null	Null	MILLER C/O ISADORE(SCHN) T CO INC STEEL	

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 89-10072013

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Isadore T. Miller, a Division of Schnitzer NE, 78 & 80 Old Hotel Road.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: October 7, 2013

Order 90-10072013

Author: Sue Clements-Dallaire, City Clerk

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: Automobile Graveyard/Junkyard permits renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Applications and payments have been received in the City Clerk's Office. A public hearing and Council approval is required. Originally the Public Hearing was going to be scheduled to tonight's meeting but has been delayed to the October 7th meeting instead. These facilities have been inspected by the Code Enforcement office.

M&P Auto, 227 Merrow Road

Buck's Auto, 249 Merrow Road

Morris Auto Mart, 940 Washington St. N

Randy's Auto Parts, 899 Broad Street

Polerized New England Company, LLC (formerly Maine Metal Recycling), 522 Washington St. N

Isadore T. Miller Co., a Division of Schnitzer NE, 78 & 80 Old Hotel Road

Financial: N/A

Action Requested at this Meeting: Workshop discussion on 9/3/2013, further workshop discussion today with a public hearing and action tentatively planned for 10/07/13.

Previous Meetings and History: Annual renewal. Discussion at the 9/3/2013 and 9/16/2013 Council Workshops.

Attachments:

September Inspection Memo from Eric Cousens

October Inspection Memo from Eric Cousens

Standards and Fees

30-A §3754-A

MMA Junkyard Information

Application

Order

*Agenda items are not limited to these categories.

APPLICATION FOR AUTOMOBILE GRAVEYARD AND/OR JUNKYARD PERMIT

To the City Auburn County Androscoggin Maine

I/We Proterized New England Company, LLC hereby make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRS Sections 3751-3760

Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard 522 Washington St. North
2. Is this application made by or for a company, partnership, corporation individual?
3. Is this property leased? No Property owned by Proterized New England Co.
address: PO Box 1478, Auburn, ME 04211 or 69 Rover Street Everett, MA 02149
4. How is "yard" screened? Fence? (type) Metal Height 8' Trees? (type) Mix
Embankment: _____ Gully? _____ Hill? _____ Other? _____
5. How far is edge of "yard" from center of highway? 150 feet.
6. Can junk be seen from any part of highway? Yes _____ No
7. Was Junkyard Law, Requirements and Fees explained to you? Yes No _____
8. Is any portion of this "yard" on public property? Yes _____ No
9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes _____ No
10. When was "yard" established? 1986 By whom? Maine Metals Recycling Inc.
11. When was last permit issued? 2012 To whom? Proterized New England Co.

1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)

(over)

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

Signed by: Jim Costa For: Proterized New England Company
Name of Company, Corporation, Partnership, Individual

Address: 69 Rover Street Everett, MA 02149

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

Tax Map No. 189

Circle Correct Direction

N

E

Lot No. 024

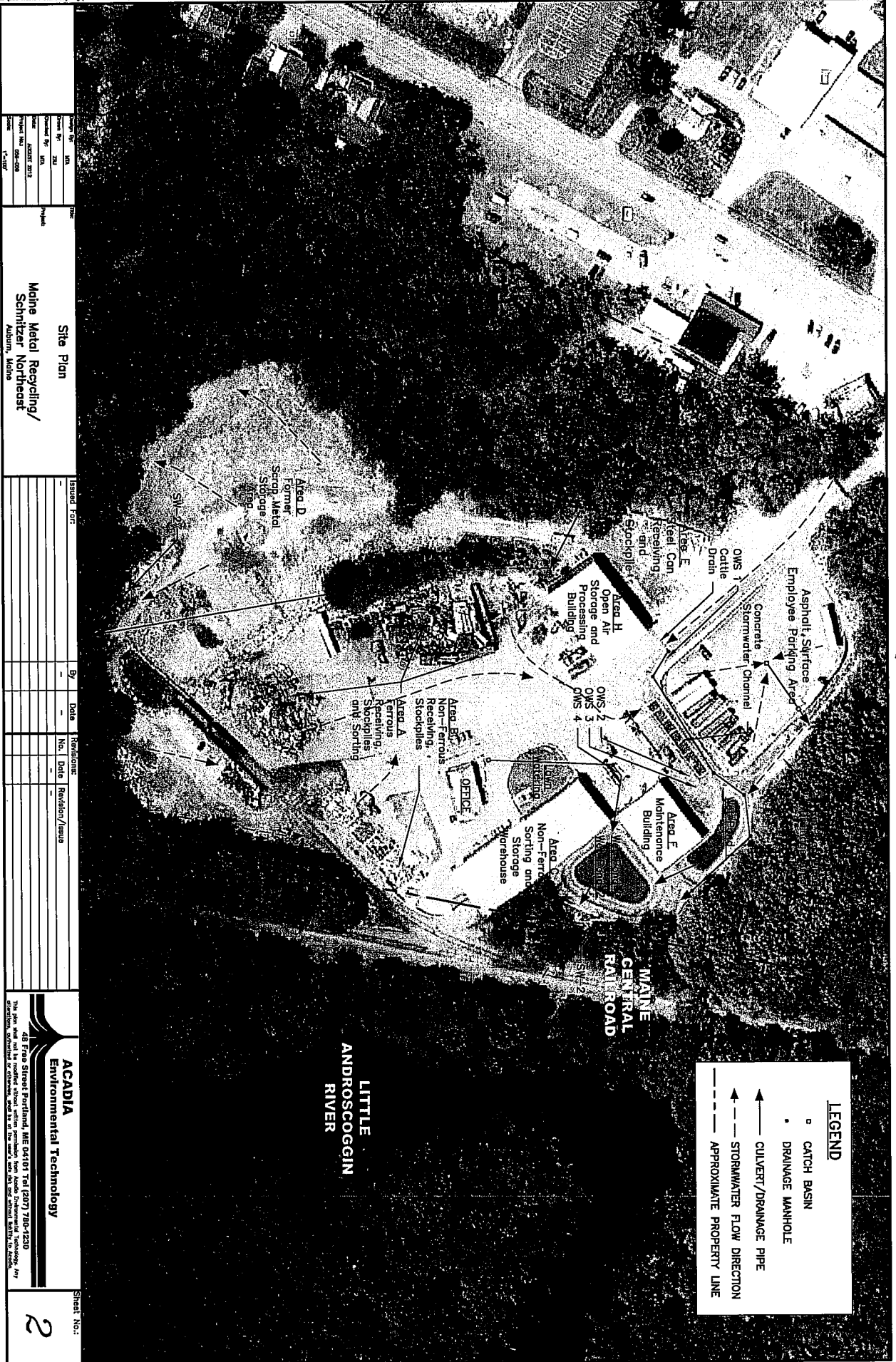
W

S

Zone GB9

(see attached Site Plan)

	Road Name	
	or	
<u> </u> To	Route No.	To <u> </u>



LEGEND

- ◻ CATCH BASIN
- DRAINAGE MANHOLE
- ↑ CULVERT/DRAINAGE PIPE
- STORMWATER FLOW DIRECTION
- APPROXIMATE PROPERTY LINE

LITTLE
ANDROSCOGGIN
RIVER

MAINE
CENTRAL
RAILROAD

Drawn By:	MM
Checked By:	JAL
Project No.:	029-008
Project Name:	029-008
Date:	August 2012
Scale:	1"=100'

Site Plan
Maine Metal Recycling/
Schnitzer Northeast
Auburn, Maine

Issued For:	By:	Date:	Revisions:
			No. Date Revision/Issue

ACADIA Environmental Technology

487 Free Street Portland, ME 04101 TEL (207) 760-4220
 Fax (207) 760-4221
 The firm, its employees, and its subcontractors shall be held liable for any and all environmental liabilities to which they may be subject.

Sheet No.: **2**

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 90-10072013

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC, 522 Washington Street North.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: October 7, 2013

Author: Sue Clements-Dallaire

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: Executive Session – Discussion regarding contemplated litigation, pursuant to 1 M.R.S.A. §405(6)(E) with possible action to follow during the meeting.

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



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: October 7, 2013

Author: Sue Clements-Dallaire

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: Executive Session – Discussion regarding a personnel issue (the City Manager Review), pursuant to 1 M.R.S.A. §405(6)(A) with possible action to follow during the meeting.

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



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: October 7, 2013

Author: Sue Clements-Dallaire

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: Executive Session – Discussion regarding an economic development matter, pursuant to 1 M.R.S.A. §405(6)(C) with possible action to follow during the meeting.

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