

City Council Meeting and Workshop April 1, 2013

Agenda

5:30 P.M. Workshop

- A. Economic Development Regional Structure (30 minutes)
- B. Council Code of Conduct Clint Deschene (10 minutes)
- C. City Council and School Committee Compensation Ordinance Clint Deschene (5 minutes)
- D. State School Revolving Renovation Fund Loan Jude Cyr and Jill Eastman (10 minutes)
- E. Executive Session to discuss a personnel issue, pursuant to 1 M.R.S.A. §405(6)(A).
- F. Lewiston-Auburn Community Forest Board Ordinance Update Denis D'Auteuil (10 minutes)
- G. Community Cords Program Denis D'Auteuil (10 minutes)
- H. Tree Maintenance Ordinance Denis D'Auteuil (10 minutes)

7:00 P.M. City Council Meeting

Pledge of Allegiance

- I. Consent Items All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.
- 1. Order 19-04012013*

Accepting the 2013 City Work Plan.

2. Order 20-04012013*

Appointing Steve Lunt to the Railroad Committee with a term expiration of 4/1/2016.

II. Minutes

March 18, 2013

III. Reports

Mayor's Report

Committee Reports

- Transportation
 - o Androscoggin Transportation Resource Center Mayor LaBonte
 - o Lewiston Auburn Transit Councilor Gerry
 - Airport, Railroad Councilor Hayes
 - o 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 Corp. Councilor Shea

Auburn City Council Meeting & Workshop

April 1, 2013

- Education
 - o Auburn School Committee Councilor Young
 - o Auburn Public Library Councilor LaFontaine
 - o Great Falls TV Councilor Young and Councilor Shea
- Environmental Services
 - o Auburn Water District, Auburn Sewerage District Councilor Crowley
 - o Mid-Maine Waste Action Corp. Councilor Walker
- Recreation
 - o Recreation Advisory Board Councilor Walker
- Public Safety
 - o LA 911 Councilor Walker

City Councilors' Reports

City Manager's Report

• Proposed FY14 Budget (supporting material to be available at the 4/1/2013 meeting).

IV. Communications, Presentations and Recognitions

- Proclamation Donate Life Month
- State Budget Presentation by Senator John Cleveland
- Maine French Heritage Language Program in Auburn Doris Bonneau of the Franco American Heritage Center
- 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 01-03182013

Approving the proposed zoning map amendment in the Blanchard Road area (public hearing, second and final reading).

3. Order 18-03182013

Appointing Board and Committee Members as nominated by the Appointment Committee.

VII. New Business

2. Public Hearing

Community Development Program, FY2014.

3. Order 21-04012013

Approving the Charitable Organization Event Support Policy

4. Ordinance 02-04012013

Approving the ordinance to reincorporate four ordinances that were omitted during the re-codification of the City's Code of Ordinances adopted on February 22, 2011.

Auburn City Council Meeting & Workshop

April 1, 2013

5. Ordinance 03-04012013

Approving the ordinance correcting section numbers in ordinances adopted during the pendency of the re-codification of the City's Code of Ordinances adopted on February 22, 2011.

VIII. Executive Session

- Discussion regarding an economic development real estate matter, pursuant to 1 M.R.S.A. §405(6)(C).
- **IX. Open Session** Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

X. Future Agenda/Workshop Items

XI. 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: April 1, 2013 **Item** Α **Author**: Clint Deschene, City Manager Item(s) checked below represent the subject matter related to this item. Comprehensive Plan **Work Plan ⊠**Budget Ordinance/Charter Other Business* Council Goals** **If Council Goals please specify type: **□**Safety ⊠Economic Development ⊠Citizen Engagement Subject: Economic Development Regional Structure **Information**: Since the last Auburn Council workshop I have added information to the summary of a new approach to regional economic development. Meetings are being scheduled with various agencies and I have included a preliminary timeline for implementation. A draft committee format has been provided from Lewiston but I am not presenting that until later as part of the implementation steps. The Council should review the budget proposed, discuss the time line, and a Financial: Budgeted program Action Requested at this Meeting: Review the budget and timeline and consider a resolve for April 16, 2013.

Attachments:

Economic Development Regional Structure Memo and Budget

Previous Meetings and History: March 1, 2013

^{*}Agenda items are not limited to these categories.

ECONOMIC DEVELOPMENT PLAN

REGIONAL CONCEPT STRATEGY 2013

Rationale/Introduction

Economic Development has evolved. Our core commitment to shared economic interests between two cities is still very progressive, but must evolve further.

- Communication is not functioning to its highest level and is making Lewiston-Auburn less effective in asserting its position for public investment to support private growth.
- Elected Policy makers need the communication to be better connected and involved.
- The Joint Meetings of the 2 Councils show the will to work with the agencies and staff to make the changes now, that opportunity doesn't always exist.
- Last year's Auburn City Council requested an operational plan with duties to agencies specifically involved in economic development activities.

A core question(s) that keeps arising is, "Why do we need to change or what is wrong?" The answer:

- We Can Do Better. LA is underperforming in political and economic terms, or to put it another
 way, we can do so much better. We can be more powerful and successful if the community
 rethinks how it is organized and works together.
- **Rethink How Government Works.** There are numerous things we can and should do to refine, align, and integrate government and quasi-government activities. We need to think "lean" to eliminate waste and to reinvent how we do things. A well-conceived "one" should be more effective and efficient than where there is duplication, overlapping, or fragmentation.
- **Reinvent Economic Development.** One area we can reinvent is how the two cities work together for economic development.
- Refocus On Industrial And Urban Development. Currently, we have numerous agencies and over 100 volunteers engaged in some aspect economic development, but we can do better. Let's focus our community wide efforts in 2 key areas industrial/transport and urban/downtown and improve the mechanism to align political/government leadership and related financial support behind the effort.
- More for Our Money. If we do it right, we'll spend no more than at present, but we'll get a lot more for our money. And the many engaged citizens will spend more on creative thinking and less on approving minutes and financial reports.

Overarching Link to Policy Makers

Per 1996 joint services plan, an oversight board of the two cities should be created; this concept is being used as the basis of a shared Council Policy Board for economic development that would bring public policy makers formally to the table. Over time, it could be enhanced as a means to provide shared

governance for other joint services. One option that will be discussed is this joint board could become a board of the Cities overseeing policy and budget requests of all joint agencies.

The suggested structure would be three Councilors from each city nominated to two year terms (or to match term in each cities charter). The two mayors would serve as a seventh and pursuant to both cities Charter's would only vote in the event of a tie. I would further recommend this duty rotate annually between Lewiston and Auburn. Funding to structure, ideally, shall be 50/50, after revenue from organizational partners has been included. This would take longer than this budget cycle due to the need to revisit formulas for existing revenue sharing agreements and to perhaps create new agreements as they relate to industrial/trade and downtown-linked assets in each city. However, implementation could occur July 1, 2013 under the premise that last year's funding levels will be sustained.

Economic Development Service Area #1 (Industrial / Trade) or Port Authority (Lewiston-Auburn, Western Maine)

Organizations that are partnered and work cooperatively:

- 1. Lewiston and Auburn
- 2. ABDC
- 3. Airport
- 4. Lewiston-Auburn Railroad Corporation
- 5. LAEGC
 - a. A portion of staff structure
 - b. Re-purposes Foreign Trade Zone Advisory Committee

Any joint agency represented shall present to the oversight board for budget/annual work plan as a precursor to a presentation to a joint meeting of both cities. Until that structure is created, the LAEGC is likely the most obvious vehicle to use to restructure funding of positions.

While policy makers would retain a governance role, and play an active part in annual budgeting/work planning, a critical component for success of this model is the active and meaningful involvement of the private sector and other key agencies.

The "port authority" would have an advisory board, until further structures are established this could be a reformed "Foreign Trade Zone Committee" from LAEGC's bylaws (done simply by a 2/3 vote of the directors at a regular meeting), that would include the airport board chair, the chairperson of the railroad corporation, the chair of the board for ABDC (possibly also LDC), a representative from St. Lawrence and Atlantic, a representative from Pan Am railways, and a rep from Maine DOT.

Staff assigned would be one economic development employee of each City, the airport director, the port director, the industrial/trade economic specialist.

Organizational Chart will include:

- A director this position would be the current president of LAEGC but would have reduced duties changing salary to \$80,000 per year.
- An economic development specialist, with a position description focused. \$65,000 per year and is the position that mostly includes George Dycio's duties.
- Airport continues its current operation, staffing, and board design, but works with the advisory board.

Rail is operated under same premise as airport. Auburn based revenue and expenses for rail
operations transfers to the new overall budget plan of (Port / Oversight Concept). This could be
done through a long term contract agreement and ensures that freight/trade activity and its
revenue and expenses can be leveraged directly in this area. The railroad's downtown assets
are further referenced in the downtown area.

Economic Development Service #2 (Downtown and Small Business)

Organizations that are partnered and work cooperatively:

- 1. LAEGC
- 2. LDC (unless LDC wishes to partner on industrial/trade)
- 3. Lewiston Auburn Railroad
- 4. Secondary Groups
 - a. LA Arts
 - b. Chamber of Commerce/Regional Image Committee
 - c. LATC

Overall governance/budgetary drafting would go through the joint city policy committee described at the start of this document.

Duties that would be included are:

- 1. Loan Pool Management
- 2. Urban / Downtown Development
- 3. Marketing
- 4. Accounting/Business Management duties at LAEGC

A Downtown Lewiston-Auburn (or other catchy name) advisory committee would be created that would include an LAEGC Board member, (an ABDC and/or LDC Board member if they choose to be part of downtown projects as well), a railroad company board member, an LA Arts Board member and a member of the Chamber Regional Image Committee (if Chamber commits to raise private sector money in support of components of program).

Staff assigned would be one economic development employee of each City, the marketing director of LAEGC, an urban development specialist from LAEGC (new position), the director of LA Arts

Organizational Chart will include:

- City Manager and Economic Development staff of both cities would be regularly involved.
- Hire a new Urban Development Specialist (\$70,000)
- Marketing director would continue in current role.
- Accounting/Business management stay status quo.
- Loan management is reduced to 20 hours/week, pursuant to proposed 2014 budget.

Budget Capacity

The budgets for this venture are based upon a simple premise: The current funding levels supply the needed revenues to operate this approach. And as a commitment to the success of this model and any

future models the City agrees to work on budgets through a five (5) year memorandum of understanding to meet the costs.

Capacity is met under the following guidelines:

- 1. The Airport funding remains unchanged by the plan.
- 2. The LA Railroad operates at an average of \$40,000 per year profit and could be asked to contribute towards the port model.
- 3. LDC and ABDC continue to fund \$39,000 per year with the agreement that if financial efficiencies are found they would be one of the first to reduce funding so as assets could be utilized to implement actual projects.
- 4. LAEGC continues current funding levels from both cities but budget shows a potential savings of \$20,000 per year. The LAEGC board would have to review some of the concepts outlined in this approach but with changes in duties, time requirements, etc the cost to add a Urban Development Specialist would be the primary new cost.

See the attached budget approach for more detail.

PROS

- Clear directives with 2 defined areas of mutual interests for Lewiston-Auburn.
- Operational structure that coordinates all activities and focused advisory boards with private sector leadership.
- Improved and streamlined lines of communication.
- Governance structure designed to adapt and grow for other joint services. All Joint Agencies could be added to governance structure with ease.
- Engaged elected officials, engaged business leaders, leading to an engaged community.
- Works within existing funding mechanisms. No new costs.
- No staff turnover and all boards maintained.
- Efficient structure for the two cities to align Economic Development resources and staff.
- Sustains independent Economic Development partnerships that allow for more confidential negotiations.
- Opens doors to funding such as a Port Authority and solidifies our seat at the statewide policy table for international trade.
- Creates an avenue to review funding models to consider enhanced tax structures such as tax districts.

CONS

- Without President role at LAEGC, each city places shared management trust in the two city mangers/administrators and the shared city policy board
- Reduction in salary to president. (Note that this is due to the more focused role on industrial/trade development)
- The oversight policy committee of the two council will be misconstrued as more bureaucracy.
- The need for the various existing agencies/entities to vote to agree to work under a new, targeted framework.
- Logistics issues in planning meetings.
- Doesn't save money.
- Fear of change.

TIMELINE

April 1 st , 2013	Council Workshop (budget review, legal concerns, general feedback)
April 5 th , 2013	LAEGC board of directors provide feedback
April 12 th , 2013	ABDC-LDC joint meeting feedback
April 16 th , 2013	Potential Council Resolve considered by Auburn Council
Late April 2013	Possible joint workshop Railroad and Airport to review plan
May 2013	Auburn Resolve presented to ABDC and Auburn Railroad trustees requesting support
May 2013	Lewiston, LDC, LAEGC, and Airport consider resolve supporting plan.
June-August 2013	Boards develop implementation plan and hiring processes for new positions
SeptNov. 2013	Hires made, staff roles designated, restructurings authorized, and new procedures adopted by boards as necessary
January 1, 2014	Full structure implemented

PORT PROPOSAL		
	Net Change	
Airport Operations	\$ -	Current funding model sustaine
Railroad Operations		
Freight Related Expenditures		
Insurance (50%)	\$ 1,750	
Interest (50%)	\$ 1,310	
Meetings (50%)	\$ 215	
Office Supplies (50%)	\$ 74	
Professional Services (50%)	\$ 3,278	
RE Taxes (50%)	\$ 855	
Repairs & Maintenance (50%)	\$ 4,400	
Utilities (50%)	\$ 1,450	
Other (50%)	\$ 158	
Total Expenditures	\$ 13,489	
Less: Revenue		
Lease Income	\$ 57,202	2014 St Lawrence Lease
Net Change Railroad	\$ (43,714)	New Contribution
Staffing		
Designated Port Director	\$ 75,000	
Industrial/Trade Specialist	\$ 45,000	
Fringe Benefits	\$ 36,000	
Total Staffing	\$ 156,000	
Total Starring	7 130,000	
Total Impact	\$ 112,287	
Revenue Considerations:		
ABDC Asset Service Fee	\$ 39,000	
LDC Asset Allocation	\$ 39,000	
LAEGC Allocation	\$ 34,287	

DOWNTOWN PROPOSAL			
	No	t Change	
	ive	t Change	
LAEGC Operations 2014	\$	196,000	Less payroll
Staffing:			
Marketing Director	\$	51,500	
Loan Portfolio Manager	\$	26,000	
Staff Accountant	\$	48,801	
Administrative Assistant	_	12,990	
Urban Development Specialist		70,000	
Total Staffing	\$	209,291	
Fringe Benefits	\$	69,066	
Total LAEGC	\$	474,357	
Railroad Operations			
Lewiston Real Estate Expenditures			
Insurance (50%)	\$	1,750	
Interest (50%)	\$	1,310	
Meetings (50%)	\$	215	
Office Supplies (50%)	\$	74	
Professional Services (50%)	\$	3,278	
RE Taxes (50%)	\$	855	
Repairs & Maintenance (50%)	\$	4,400	
Utilities (50%)	\$	1,450	
Other (50%)	\$	158	
Total Expenditures	\$	13,489	
Less: Revenue			
Lease Income Residential	\$	12,240	Other Revenues (Pa
Net Change Railroad	\$	1,249	New Expense
Total Impact	\$	475,606	
Revenue Considerations:			
ALT Service Fee	\$	2,000	
FAME Admin	\$	39,000	
FAME SSBCI	\$	4,000	
EDI	\$	10,000	
RECD-IRP	\$	7,000	
Origination Fees	\$	5,000	
415 Lisbon St Lease	\$	7,000	
Annual Meeting	\$	22,000	
B2B Trade Show	\$	80,243	
		176 2/2	
Total Revenue	Ş	176,243	



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: April 1, 2013 Item B Author: Howard Kroll, Assistant City Manager
Item(s) checked below represent the subject matter related to this item.
□Comprehensive Plan □Work Plan □Budget □Ordinance/Charter □Other Business* □Council Goals**
**If Council Goals please specify type:
Subject: City council Code of Conduct
Information : The Council agreed to developing a Council Code of Conduct to better prepare the City for Council transition and training. One work plan item the City is working on for future Council's is an orientation process that is implemented from a written plan. One component of the orientation is have a clear understand of Council Conduct. This document meets that need. We have incorporated a few amendments since the last time we met to reflect a few comments from City Councilors.
Financial: none
Action Requested at this Meeting: Discussion
Previous Meetings and History: February 19, 2013 Workshop

Attachments: Code of Conduct as prepared by Dan Stockford and City Staff

^{*}Agenda items are not limited to these categories.

City Council Workshop Information Sheet

City of Auburn

^{*}Agenda items are not limited to these categories.

CITY COUNCIL CODE OF CONDUCT CITY OF AUBURN, MAINE

INTRODUCTION

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

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

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

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

INTERACTIONS WITH THE PUBLIC

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

To ensure clear and effective communication, Councilors shall:

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

INTERACTIONS WITH CITY STAFF

The City of Auburn's City Charter states that it is the Council's role is to establish City policies, ordinances and priorities as the City's governing body. By direction from the City Manager, it is City staff's duty to provide relevant information to the Council and to implement the Council's decisions. Actions by staff in providing information to the Council or in implementing Council decisions should not be construed as constituting disagreement with, or disparagement of, any Councilor who held a minority position on a

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

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

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

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

INTERACTIONS WITH FELLOW COUNCILORS

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

Councilors' communications with each other shall:

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

CONCLUSION

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



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: April 1, 2013 Item C Author: Clint Deschene, City Manager
Item(s) checked below represent the subject matter related to this item.
□Comprehensive Plan □Work Plan □Budget ☑Ordinance/Charter □Other Business* □Council Goals**
**If Council Goals please specify type:
Subject: City Council and School Committee Compensation Ordinance
Information : Per the City Charter adopted in 2005 under Mayor and Council;
"The city council shall, not later than June 30, 2006, determine the annual salary of the councilors by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of councilors elected at the next regular election. The councilors shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties of office."
Under School Committee;
"Upon recommendation from the school committee, the city council shall, not later than June 30, 2006, determine the annual salary of the school committee members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of the school committee members elected at the next regular election. The school committee members shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties."
Financial: N/A
Action Requested at this Meeting: Discussion with recommended first reading on 4/16/13, second reading and passage on May 6, 2013.
Previous Meetings and History: N/A

Attachments:

- Section 2.2 from the City Charter
- Section 4.2 from the City Charter
- Proposed Ordinance

^{*}Agenda items are not limited to these categories.

PREAMBLE

We the people of the City of Auburn, under the constitution and laws of the State of Maine, in order to secure the benefits of local self-government and to provide an open and accountable council-manager government, do adopt this Charter, conferring on the City certain powers, subject to certain restrictions and following certain procedures. By this action we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and intergovernmental cooperation.

Article 1 - Grant of Powers

Sec. 1.1 Corporate existence.

The City of Auburn ("City") is a municipal corporation under the name of "City of Auburn" and shall have all the rights, immunities, powers, and privileges, and shall be subject to all the duties, liabilities, and obligations provided in this Charter, of a municipal corporation and may enact ordinances, orders, resolves, and regulations not inconsistent with the State of Maine Constitution and laws.

Sec. 1.2 Construction.

The City's powers under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power granted in this Article.

Sec. 1.3 Intergovernmental relations.

The City may participate by contract or otherwise with any governmental entity of this State or any other state or states in the United States in the performance of any activity which one or more of such entities has the authority to undertake.

Article 2 - City Council

Sec. 2.1 Powers and duties.

All powers granted to the City by this Charter and State law, except as otherwise specified by this Charter, are vested in the City Council. The City Council shall be the municipal officers of the City for all purposes required by statute or ordinance.

* Sec. 2.2 Composition and compensation.

The City Council shall be comprised of the Mayor and seven (7) City Councilors. Five (5) Councilors shall be elected one (1) from each ward by and from the ward's registered voters. Two (2) Councilors shall be elected at-large by and

from the registered voters of the City. The Councilors shall hold office for a term of two (2) years or until their successors are elected and qualified. A write-in candidate for City Council must receive at least twenty-five (25) valid write-in votes in order to qualify for election to that position. The City Council may appoint by rule non-voting student representatives to serve with the City Council.

The City Council shall, not later than June 30, 2006, determine the annual salary of the Councilors by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Councilors elected at the next regular election. The Councilors shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties of office.

Sec. 2.3 Vacancies; forfeiture of office.

In case of the death, resignation, or removal from office more than six (6) months prior to the next regular election, an unexpired term of Councilor shall be filled by a special election, either citywide or in the ward in which the vacancy occurs, as the case may be, the warrants for which shall be issued by the City Council. Whenever the office of Councilor becomes vacant within six (6) months prior to the next municipal election, the City Council shall appoint a qualified representative at-large or from the ward in which the vacancy occurs, as the case may be, to serve until the person elected to fill the vacancy takes office.

A Mayor or Councilor shall forfeit office if that person:

- Lacks at any time during the term of office any qualifications for the office prescribed by this Charter or by law, including residency of the ward from which elected;
- b. Violates any express prohibition of this Charter;
- c. Is convicted of a crime involving moral turpitude; or
- d. Fails to attend three (3) consecutive regular meetings of the City Council, or of any board or authority to which appointed by the Mayor under Article 3, Section 3, without being excused by the City Council.

Sec. 2.4 Meetings.

The City Council shall, at the call of the City Clerk or Deputy City Clerk, first meet at Auburn Hall or such other public location within the City within forty-five (45) days after the regular municipal election to be sworn to the faithful discharge of their duties by the City Clerk or Deputy City Clerk. The City Council shall meet for subsequent meetings at such time and place as set by ordinance or resolution

Article 4 - School Committee

- Sec. 4.1 Powers and duties. The School Committee shall have all powers and shall perform all duties necessary for care and management of the City's public schools pursuant to State law, which grants these powers and responsibilities to the School Committee, except as otherwise provided in this Charter. The School Committee shall accomplish its duties within the financial limitations established by the City Council in its annual appropriation resolve and such supplemental appropriations voted by the City Council, together with such other revenues it may receive from the Federal or State governments, as well as gifts, grants, and payments from other sources. The School Committee shall be judge of the qualification and election of its members, except as otherwise provided by State law, and shall determine and enforce this Charter as well as its rules relating to procedure, misconduct, and forfeiture of office.
- Sec. 4.2 Composition and compensation. The School Committee shall consist of the Mayor, or a City Councilor selected by the Mayor, and seven (7) other members. Five (5) members shall be elected, one (1) from each ward by and from its registered voters. Two (2) members shall be elected at-large by and from the City's registered voters. Members shall hold office for a term of two (2) years or until their successors are elected and qualified except that any candidate whose name does not appear on the printed ballot must receive at least twenty-five (25) valid write-in votes in order to qualify for election to that position. The School Committee may appoint by rule non-voting student representatives to serve with the School Committee.

Upon recommendation from the School Committee, the City Council shall, not later than June 30, 2006, determine the annual salary of the School Committee members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of the School Committee members elected at the next regular election. The School Committee members shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

Sec. 4.3 Vacancies; forfeitures of office.

In case of the death, resignation, or removal from office more than six (6) months prior to the next regular election, an unexpired term of member shall be filled by a special election, either citywide or in the ward in which the vacancy occurs, as the case may be, the warrants for which shall be issued by the City Council. Whenever the office of member becomes vacant within six (6) months prior to the next municipal election, the School Committee shall appoint a qualified representative at-large or from the ward in which the vacancy occurs, as the case may be, to serve until the person elected to fill the vacancy takes office.

A member shall forfeit office if that member:

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

IN CITY COUNCIL

ORDINANCE #XX-XXXX2011

Be it Ordained, that the following ordinances be adopted:

Sec. 2-25. Salaries of the Mayor and Council.

Elected officials shall receive the following annual salaries, payable as listed:

- (1) Mayor. The mayor shall receive an annual salary of \$4,000.00, payable quarterly.
- (2) City council. Each of the councilors shall receive an annual salary of \$1,800.00 payable monthly.
- (3) The Mayor or his designee is not compensated beyond their normal pay for serving on the school committee

Sec. 2-382. Salaries of School Committee Members.

Elected School Committee Members shall receive the following annual salaries, payable as listed:

- (4) *School committee*. Each member of the school committee, other than the mayor or his/her representative, shall receive a salary at the rate of \$25.00 per meeting for up to 26 meetings per year.
- (5) The Mayor or his/her designee shall not be compensated beyond their normal pay for serving on the school committee.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: April 1, 2013 Item D

Author: Jill Eastman, Finance Director
Item(s) checked below represent the subject matter related to this item.
□Comprehensive Plan □Work Plan □Budget □Ordinance/Charter □Other Business* □Council Goals**
**If Council Goals please specify type: \(\sum_{\text{Safety}} \) \(\sum_{\text{Economic Development}} \) \(\sum_{\text{Citizen Engagement}} \)
Subject: State School Revolving Renovation Fund Loan
Information : This is a proposed order to enter into a loan agreement with the Bond Bank in an amount not to exceed \$384,760, provided, however, that the City anticipates that 55.15% of said loan (estimated to be \$212,196) will be forgiven and that the City will be obligated to repay the 44.85% balance of said loan (estimated to be \$172,564); The loan will be funded through the State School Revolving Renovation Fund and will be used to finance renovations to Fairview School, Walton School, and Edward Little High School.
Financial: See above
Action Requested at this Meeting: Discussion
Previous Meetings and History: N/A

Attachments:

- School Committee minutes
- State Documentation of Award
- Draft of Public Hearing ad
- Draft Order

^{*}Agenda items are not limited to these categories.

City Council Workshop Information Sheet

City of Auburn

^{*}Agenda items are not limited to these categories.

AUBURN SCHOOL DEPARTMENT

AUBURN, MAINE

REPORT OF REGULAR SESSION MEETING OF THE AUBURN SCHOOL COMMITTEE

Auburn Hall

September 19, 2012

Members Present:

Mr. François Bussiere

Ms. Tracey Levesque

Ms. Bonnie Hayes

Mr. Lawrence Pelletier

Mr. William Horton

Ms. Laurie Tannenbaum

Mr. David Young

Others Present: Keith Laser, Assistant Superintendent; Jude Cyr, Business Manager; Annie Gill Student Representative.

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE

A. Introductions

Ms. Hayes called the meeting to order at 7:00 PM and led the Pledge of Allegiance. Committee members introduced themselves and stated which ward they represent.

B. Communications

II. CONSENT AGENDA

- A. Approval of Agenda
- B. Approval of Minutes for September 5, 2012

It was <u>moved</u> by Mr. Bussiere, <u>seconded</u> by Ms. Tannenbaum and <u>voted</u> unanimously to approve the Consent Agenda for tonight's meeting.

III. PUBLIC PARTICIPATION

Sofia Carson stated that she is a student at Walton Elementary School and reported how much she appreciates the lunch staff. She expressed that she feels they should have health insurance.

Diana Carson stated that she is here to support the food service workers. She asked why the people who sweep the floors and empty the trash get health insurance but the people who feed our children do not. She noted that these workers are the ones handling the food and should not have to come to work sick because they can't afford to see a doctor. She expressed that our food service employees deserve health insurance.

Chris Carson stated that he runs a very small business here in Auburn and understands how expensive insurance is; however, he covers all full time employees because he feels it is the right thing to do. He noted that this sometimes requires that we go to the community and request their support and maybe that will be necessary because this is a significant cost; however, these people deserve our respect and we would do well to give them health insurance.

IV. STUDENT INFORMATION ITEMS.

Annie Gill provided an update of the student activities through a video presentation. The presentation included highlights from fall sports such as football, soccer, field hockey, and cross country running. She also reported on the very successful AMS benefit supper and the AMS Drama Club receipt of the Moss Hart Excellence in Theater Award. Ms. Gill stated that the Park Avenue Harvest Festival is scheduled for Sept. 22nd at Wallingford's Orchards.

Mr. Pelletier requested that Ms. Gill include more information from the elementary schools.

Ms. Gill responded that she would be happy to check with them for future meetings.

Mr. Galway, ELHS Assistant Principal, reported that this is the 7th year of the Mentor Program and over 700 mentors have been trained to serve over 2000 freshmen students. He introduced Mason Bossee, Mike Hammon, and Zachary Tanenbaum, who were members of the Mentor Program this year. He noted that this year there are approximately 290 freshmen students.

Mason Bosse presented an overview of the program noting that they received training at the end of the last school year from a gentleman from Indiana and met with the Mentor Council members before school started this year. He explained that the Public Relations Committee contacted the Sun Journal and some articles were published about the program. He noted that members met with the other Mentors, decorated classrooms, and learned the dance that becomes a fun part of the program.

Zachary Tannenbaum reported that on the first day of school the freshmen met with the mentors in the mentor room. He stated that activities were held throughout the day to bring the new students out of their shell, including the dance that is embarrassing, but forces people out of their shell. He stated that a fashion show was held to show students what they should not wear to school, question and answer sessions were held followed by a barbeque. He reported that the afternoon consisted of a review of schedules and the student body participated in the dance.

Mr. Tannenbaum reported that he asked his sister what she thought of the Mentor Program and she said that she felt this was a good program to help students feel comfortable and make connections with upperclassmen. He noted that the bright orange shirts the mentors were wearing helped freshmen know who to go to for assistance.

Ms. Hayes asked the students if they were mentored as freshmen.

They responded that they were.

Ms. Hayes asked if the female students understood the message about inappropriate dress.

The students responded that they must have because they haven't seen any inappropriate dress yet.

Mr. Laser expressed appreciation to the students for the program.

V. SUPERINTENDENT REPORT

A. Business

1. Forest Management Plan

Mr. Cyr reported that a few years ago the City worked with the schools to determine how to use some of the acreage. He noted that fortunately there were experts available to assist with this project; however, due to a change of staff, there were delays in presenting, but they are here tonight to share the plan with you.

Mr. David Griswold, Mr. Jay Braunscheidel, and Rick Shea provided a PowerPoint presentation regarding a Forest Management Plan for the Auburn School Department. Mr. Griswold reported that they represent the L/A Forestry Board. He explained what a forest plan is and what it isn't, providing details of the plan developed in 2009.

Mr. Shea outlined the history of the Forestry Board, noting that they have written and received grants to fund this. He explained that Auburn is now a Tree City USA and expressed appreciation to Roz for the PowerPoint presentation.

Mr. Griswold outlined what a Forest Management Plan consists of and how it works. He noted that the description of the timber values is an important piece of this plan. He explained what the management recommendations might be. Mr. Griswold noted that this is a starting point for managing timber on the School Department property.

Mr. Braunscheidel, stated that he is a forester, a resident of Auburn and the parent of two children at Park Avenue School. He explained that the hope is that with a well-managed forest plan, there would be benefits to the School Department and to the City of Auburn. Mr. Braunscheidel stated that the Southern Maine Forestry Services prepared a Forest Management Plan in 2009 and a summary in 2011. He reviewed the highlights of the plan by lots at Sherwood Heights, East Auburn and ELHS. He noted that the Community Forest Board is here to assist with interpreting the plan, working through the plan, and any other assistance they can offer.

Mr. Pelletier asked what causes the growth rate to be higher than the state wide average.

Mr. Brushnell and Mr. Griswold responded that it could be the soil, the age of the stand, etc. They noted that there are a lot of things that impact timber.

Mr. Shea reported that at Sherwood Heights there were several beech trees that used to be beautiful trees, but after ten years they seem to have contacted a disease and died. He noted that if this plan had been in place, these trees could have been put to good use.

Ms. Hayes stated that she felt this would be a good workshop session for a future meeting before budget starts. She requested that Mr. Cyr and Dr. Laser put this on a future agenda.

Mr. Cyr noted that the report that was provided by the Forest Management Board and would be made available on the website.

Mr. Shea reported that Lewiston is already reaping benefits from their woodlots.

Mr. Griswold noted that the lots in Lewiston were isolated; however, Auburn School Department would need to work their plan around schools. He noted that no vote on the plan was necessary tonight and felt that a workshop to thoroughly explore the recommendations would be helpful.

2. Race to the Top - District Grant

Mr. Michael Muir presented information regarding the Race To The Top District Grant Application. He stated that ASD would like to pursue grant funding to support customized learning. He explained how the Race to the Top District Grant worked and the advantages of collaborating with other districts. He explained the primary goals were to build our capacity to implement customized learning, create leadership development, implement special strategies that work well with families who live in poverty, use professional learning standards, etc. He called attention to the two documents in the agenda packet for this meeting noting that they provide further details on the collaboration. Mr. Muir stated that the amount of money applied for is dependent on the number of students being served. He noted that Auburn would be the fiscal agent for the grant and that no money would be contributed in addition to the grant money. Mr. Muir reported that the due date for much of our writings is October 3rd. He expressed appreciation to Nancy Tremblay, Auburn's grant writer for the wonderful work she has done.

Dr. Laser explained that there is a lot of paperwork that goes into this grant and we have a great team working on this.

It was <u>moved</u> by Mr. Bussiere, <u>seconded</u> by Ms. Levesque and <u>voted</u> unanimously to approve the Race to the Top – District Grant Memorandum of Understanding as presented.

3. 2013 School Revolving Renovation Fund Applications

Mr. Cyr presented information regarding the submission of 2013 School Revolving Renovation Fund applications. He noted that the State has money available for next round of School Revolving Renovation Funds. He noted that this is one of the best programs the state has come up with to assist schools with improvements to their schools. Mr. Cyr explained that they are beneficial to school districts because there is a 0% interest and the state will loan the money and then look at forgiving 55% of the requested amount of projects approved. He explained that the notice came

recently and has a tight deadline, however, the projects have been determined and we have worked diligently to complete paperwork for the application process. Mr. Cyr stated that the schools have determined that switching our heating sources to natural gas requires us to remove underground tanks that are no longer in use so this is an important piece of the Revolving Renovation application.

The Assistant Superintendent requested authorization for the Chair to enter into a resolve and to authorize submission of the applications as follows:

- a. AMS –Underground Storage Tank Removal and cafeteria & library media window replacements
- b. ELHS Underground Storage Tank Removal
- c. Fairview Underground Storage Tank Removal and carpet replacement & old vinyl tiles asbestos removal in 5 classrooms.
- d. Franklin Unit Ventilation
- e. RETC- Underground Storage Tank Removal
- f. Sherwood Heights- Underground Storage Tank Removal
- g. Walton –Underground Storage Tank Removal, carpet replacement & old vinyl tiles asbestos removal in 6 classrooms, and Underground Storage Tank Removal

Mr. Cyr responded to questions from committee members noting that the plan is for the work to be completed during the summer months. He noted that there is little chance we would return to oil heat in our schools. He also noted that if there is a tank that is still of use, it could be located at the highway department. He also explained that we might not be granted approval for all of these projects; however, we have had success in the past. Mr. Cyr also noted that this would need to require City Council approval at a future date if we receive the grant. He explained that these are all considered priority one items that qualify for the Revolving Renovation Funds.

It was <u>moved</u> by Mr. Bussiere, <u>seconded</u> by Mr. Pelletier and <u>voted</u> unanimously to authorize the School Committee Chair to enter into a resolve stating that the School Committee has a Ten-Year Capital Improvement Plan for the schools listed above and certify that the projects listed are part of those plans.

It was <u>moved</u> by Mr. Bussiere, <u>seconded</u> by Mr. Pelletier and <u>voted</u> unanimously to authorize the Superintendent and Business Manager to submit School Revolving Renovation Fund applications as presented.

4. Second Reading of Policy

The Assistant Superintendent reviewed information regarding recommended revisions to the following policies:

a. JKAA - Use of Physical Restraint and Seclusion

It was <u>moved</u> by Mr. Young, <u>seconded</u> by Mr. Horton and <u>voted</u> 6 to 1 to approve the second reading of the above listed policy as presented, with Ms. Levesque opposed.

5. First Reading of Policy

The Superintendent reviewed information regarding recommended revisions to the following policies:

- a. DB Annual Budget
- b. DBK Budget Transfer Authority
- c. DD Grants
- d. DFF Student Activities Funds
- e. DI Fiscal Accounting and Reporting
- f. DIDA Fixed Assets
- g. DIE Audit/Financial Monitoring

- h. DJC Petty Cash Accounts
- i. DKBA Deductions Tax Sheltered Annuities
- j. DKC Expense Authorization And Reimbursement
- k. DM Cash in School Buildings
- 1. DN School Properties Disposition

Ms. Levesque stated that the Grant policy has one grammatical error.

Dr. Laser responded that this would be corrected prior to the second reading.

It was <u>moved</u> by Ms. Tannenbaum, <u>seconded</u> by Mr. Pelletier and <u>voted</u> unanimously to approve the first reading of the above listed policies as presented with the exception of the grammatical error on the DD policy.

6. Finance Report - August 2012

Mr. Bussiere presented the August 2012 Financial Report. He highlighted areas of interest noting that we are on target for this point in the fiscal year.

It was <u>moved</u> by Ms. Levesque, <u>seconded</u> by Mr. Pelletier and <u>voted</u> unanimously to approve the Finance Report for August 2012 as presented.

VI. <u>INFORMATION / COMMITTEE REPORTS</u>

Mr. Young reported that the Council is considering hiring an assistant City Manager and they also discussed the ice arena which could be located near the Auburn Plaza. He reported that there is continuing discussion about the high school.

Mr. Horton reported that the Wellness Committee met today and established goals to review what is there and put together a wellness plan for the district.

Mr. Horton expressed that it might be a good idea to hire a professional facilitator for the new High School Committee.

Mr. Bussiere stated that he also feels there should be a non-biased facilitator.

Ms. Tannenbaum reported that the Communications Committee met and determined that the website would be one method of communication and they are seeking ideas to continue to inform the community. She noted that they are continuing to explore.

Ms. Levesque reported that Advantage 2014 met and the Audit Committee is still on hold.

Mr. Pelletier stated that he felt the Steering Committee was very positive and a diverse group of people.

Dr. Laser reported that the Policy Committee is continuing to revise policies as new laws come before us.

Ms. Hayes reported that Siemens provided a report for members that explains where we are and how well we've done.

Mr. Cyr suggested members review page 5 for the work that has been done and the savings resulting from this work. He noted that this is the third year of the Performance Contract and we have done even better this year than in the two previous years.

Other committees who may report at future meetings are:

- Advantage 2014 Design Committee
- Leveraging Learning Institute II
- Finance Subcommittee
- Policy Subcommittee
- Communications Subcommittee
- Curriculum Subcommittee

- New High School Subcommittee
- Wellness Subcommittee
- Audit Subcommittee
- Transportation Appeals
- Community Learning Center
- SHARECenter

VII. <u>UPCOMING MEETINGS</u>

- Professional Development Workshop Sept. 26th 5:00
- Sept. 27th New High School Steering Committee 6:00 8:00 PM
- Regular School Committee Meeting October 3, 2012,
- Regular School Committee Meeting October 17, 2012

VIII. <u>FUTURE AGENDA ITEMS - REQUEST FOR INFORMATION</u>

IX. EXECUTIVE SESSION

X. ADJOURNMENT

It was <u>moved</u> by Mr. Bussiere <u>seconded</u> by Mr. Pelletier and <u>voted</u> unanimously to adjourn from regular session at 8:44 PM.

Attest, a true record,

Keith Laser, Secretary

Assistant Superintendent of Schools

KL/rmw



Paul R. LePage Governor Stephen L. Bowen Commissioner

23 State House Station

Augusta, Maine 04333-0023

207-624-6600

www.maine.gov/doe

January 31, 2013

Katherine Grondin
Superintendent of Schools
Auburn School Department
60 Court St. 4th Floor
P.O. Box 800
Auburn, ME 04212-0800

Sith School Dep.

RE: Eligibility Certificates - SRRF Projects #1143, 1144, and 1148

Dear Superintendent Grondin:

I am pleased to inform you that your School Revolving Renovation Fund applications for Projects #1143, 1144, and 1148 have been approved for funding for the amounts listed on the attached eligibility certificates. Please complete the following steps within the next 30 days:

- Complete the enclosed "Intent to Proceed" form and return to the Department of Education.
- Contact Toni Reed, Program Loan Officer, Maine Municipal Bond Bank at 622-9386 to initiate the loan process.
- Contact Joseph Ostwald, Division Director, Bureau of General Services at 624-7353 to discuss bidding requirements and the project management process.

I wish you good luck as you complete your projects. If you have any questions regarding the School Revolving Renovation Fund please contact Ann Pinnette at 624-6885 or ann.pinnette@maine.gov.

Sincerely,

Stephen L. Bowen

Commissioner of Education

Enclosures: SRRF Eligibility Certificates

Intent to Proceed Form

cc: Toni Reed, Maine Municipal Bond Bank Joseph Ostwald, Bureau of General Services



School Revolving Renovation Fund Eligibility Certificate

School Administrative Unit	Auburn Schoo	ol Department
Facility	Fairview Scho	ol
Priority	1- Health, Saf	ety and Compliance Repairs
Project #	1143	
Scope of Work	Hazardous Ma	aterial Removal
Amount Funded	\$40,266	
Maximum Loan Amount	\$40,266	
Portion of Loan to be Forgiven	\$22,207	55.15%
Portion of Loan to be Repaid	\$18,059	44.85%
Length of Loan	5 years	(loans \$500,000 or less)

This Eligibility Certificate for the above listed School Revolving Renovation Fund project is hereby approved. Work authorized under this certificate must be materially completed and all loan proceeds must be expended by July 31, 2014.

January 31, 2013 Date

Stephen L. Bowen

Commissioner of Education



School Revolving Renovation Fund Eligibility Certificate

School Administrative Unit	Auburn Schoo	ol Department
Facility	Edward Little	High School (Franklin Alt)
Priority	1- Health, Saf	ety and Compliance Repairs
Project #	1144	
Scope of Work	Indoor Air Qua	ality
Amount Funded	\$319,929	
Maximum Loan Amount	\$319,929	
Portion of Loan to be Forgiven	\$176,441	55.15%
Portion of Loan to be Repaid	\$143,488	44.85%
Length of Loan	5 years	(loans \$500,000 or less)

This Eligibility Certificate for the above listed School Revolving Renovation Fund project is hereby approved. Work authorized under this certificate must be materially completed and all loan proceeds must be expended by July 31, 2014.

January 31, 2013 Date

Stephen L. Bowen

Commissioner of Education



School Revolving Renovation Fund Eligibility Certificate

School Administrative Unit	Auburn Schoo	ol Department
Facility	Walton School	1
Priority	1- Health, Saf	ety and Compliance Repairs
Project #	1148	
Scope of Work	Hazardous Ma	aterial Removal
Amount Funded	\$24,565	
Maximum Loan Amount	\$24,565	
Portion of Loan to be Forgiven	\$13,548	55.15%
Portion of Loan to be Repaid	\$11,017	44.85%
Length of Loan	5 years	(loans \$500,000 or less)

This Eligibility Certificate for the above listed School Revolving Renovation Fund project is hereby approved. Work authorized under this certificate must be materially completed and all loan proceeds must be expended by July 31, 2014.

January 31, 2013 Date

Stephen L. Bowen

Commissioner of Education

School Revolving Renovation Fund Intent to Proceed

SAUs must complete the sections below and return this form to the Department of Education within 30 days of the certificate approval date.

Schoo	l Administrative Unit:	
Projec	t #;	
1.	The school administrative unit intends to proceed forward immediately with the project(s) listed on the eligibility certificate(s) and will complete the project(s) within 18 months of the eligibility certificate date.	Yes No
2.	The school administrative unit will contact the Bureau of General Services within 30 days for assistance with project management and to ensure compliance with bidding requirements. Projects with an estimated value of \$100,000 or more must be awarded by competitive bid.	Yes No
3.	The school administrative unit will contact the Maine Municipal Bond Bank within 30 days to initiate the loan application process.	Yes No
I hereb my kno	y certify that the information contained herein is accurate and trowledge.	ue to the best of
	Superintendent's Signature	Date

Return to:

Maine Department of Education School Facilities Services - SRRF 23 State House Station Augusta, ME 04333-0023

School Revolving Renovation Fund 2013 Project Ratings

oject SAU	School	Туре	Rating	Lo	an Amoun
1161 RSU 21	Kennebunk High School	OTHER - life safety	77.25	\$	531,325
1155 RSU 21	Kennebunkport Consolidated Sch	OTHER - life safety	75.00	\$	401,736
1134 RSU 25	Bucksport High School	OTHER - building exterior	74.25		997,020
1157 RSU 21	Mildred L Day School	OTHER - life safety	73.25		341,870
1175 RSU 17 / MSAD 17	Agnes Gray School	ADA	73.00		801,005
1154 RSU 21	Kennebunkport Consolidated Sch	ADA	71.25		150,300
1158 RSU 21	Mildred L Day School	ADA	71.25		197,500
1160 RSU 21	Kennebunk High School	ADA	70.50		-
1152 South Portland School Dept	South Portland High School	ROOF	68.25	_	. 245,450
1151 RSU 57 / MSAD 57	Waterboro Elementary School	OTHER - water	67.75		373,400
1177:RSU 17 / MSAD 17	Agnes Gray School	OTHER - life safety	67.75		34,395
1173 RSU 17 / MSAD 17	Oxford Hills Middle School	ADA	66.00		267,950
1150 East Millinocket School Dept	Schenck High School	ROOF	65.50		995,520
1163 RSU 17 / MSAD 17	Waterford Memorial School	OTHER - fire alarm	63.00		2,630
1164 RSU 17 / MSAD 17	Harrison Elementary	OTHER - fire alarm	63.00	******	2,630
1165 RSU-17 / MSAD 17	Guy E Rowe School	OTHER - fire alarm	63.00		2,630
1174 RSU 17 / MSAD 17	Oxford Elementary School	OTHER - fire alarm	63.00		2,630
1153 South Portland School Dept	South Portland High School	HAZMT	62.00		419,000
1168 RSU 17 / MSAD 17	Oxford Elementary School (Annex)	ADA	62.00		148,083
1167 RSU 17 / MSAD 17	Oxford Elementary School (Annex)	OTHER - fire alarm	61.75		2,630
1169 RSU 17 / MSAD 17	Oxford Hills Comprehensive H S	OTHER - fire alarm	61.25	100	4,603
1136 MSAD 27	Fort Kent Community High School	IAQ	61.00		1,000,000
1132 RSU 18	China Middle School	HAZMT	60.25		67,07
1135:MSAD 27	Fort Kent Elementary School	IAQ	60.25		1,000,000
1156 RSU 21	Kennebunkport Consolidated Sch	HAZMT	58.50		176,690
1137 RSU 24	Sumner Memorial High School	IAQ	58.25		1,000,000
1159 RSU 21	Kennebunk High School	HAZMT	58.00		
1144 Auburn School Department	Edward Little High School(Franklin)	IAQ	57.75		319,929
1148 Auburn School Department	Walton School	HAZMT	55.75		24,565
1143 Auburn School Department	Fairview School	HAZMT	54.75		40,266
1170:RSU 17 / MSAD 17	Oxford Hills Comprehensive H S	ADA	54.25		36,500
1138 RSU 24	Hancock County Technical Center	IAQ	53.75		1,000,000
1172 RSU 17 / MSAD 17	Oxford Hills Middle School	IAQ	52.50		220,000
1130 RSU 18	Belgrade Central School	OTHER - safety/ADA	52.00		46,224
1129 RSU 18	Ralph M Atwood Primary School	OTHER - safety/access	50.25		237,560
1166 RSU 17 / MSAD 17	Oxford Elementary School (Annex)	IAQ	50.00		26,037
	<u> </u>				11,117,153

Aubun - \$ 384, 760 State - 211, 618 Aut - 173,142

School Revolving Renovation Fund 2013 Project Ratings

Project SAU	School	Туре	Rating	Loan Amoun
			1 1 1 1 1	
The projects listed below rated too low t	o receive funding			
1140 Aubum School Department		HAZMI	43.25	28,000
1141 Auburn School Department	Edward Little High School	HAZMT	43.25	40,500
1142 Auburn School Department	Fairview School .	HAZMT	43.25	28,000
1145 Auburn School Department -	Edward Little High School-RETC/SOS	HAZMT	43-25	18,000
1146 Auburn School Department	Sherwood Heights Elementary Sch	HAZMI ₃	43.25	25 000
1147 Auburn School Department	Walton School	HAZMTE	43.25	01,750
1149 Auburn School Department	Washburn School	HAZMT	43.25	18.000
1163 RSU 17 / MSAD 17	Waterford Memorial School	OTHER - security	39.75	
1164 RSU 17 / MSAD 17	Harrison Elementary	OTHER - security	39.75	182258
1165 RSU 17 / MSAD 17	Guy E Rowe School	OTHER - security	39.75	······································
1171 RSU 17 / MSAD 17	Oxford Hills Middle School	OTHER - security	39.75	
1174 RSU 17 / MSAD 17	Oxford Elementary School	OTHER - security, door	39.75	
1177 RSU 17 / MSAD 17	Agnes Gray School	OTHER - security	39.75	
1162 RSU 17 / MSAD 17	Waterford Memorial School	IAQ	39.50	
1176 RSU 17 / MSAD 17	Agnes Gray School	HAZMT	36.50	
~ 1139 Auburn School Department	Auburn:Middle-School •	-IAQ - curtain wall	36.00	18,480
				11.00
			7	153
				200,650
The projects listed below are not eligible	またして はんだがくしかい こうしゅう こうしゅう こうしゅう こうじゅう こうじゅう こうじゅう こうじゅう こうしゅう こう こうしゅう こうしゅう こう こうしゅう こう こうしゅう こう こうしゅう こう			
1127 RSU 22 / MSAD 22	Samuel L Wagner Middle School	OTHER		
1128 RSU 22 / MSAD 22	Leroy H Smith School	OTHER	i	
1131 RSU 18	Belgrade Central School	OTHER		•••••
1133 RSU 18	Messalonskee High School	OTHER		······································
n/a RSU 18	Transport, Mainten, Heat Facility	OTHER		
n/a RSU 17 / MSAD 17	Mildred Fox	OTHER		
n/a RSU 17 / MSAD 17	Mildred Fox	HAZMT		
n/a RSU 17 / MSAD 17	Mildred Fox	ADA		
n/a RSU 17 / MSAD 17	Mildred Fox	JIAQ		

CITY OF AUBURN NOTICE OF PUBLIC HEARING

The Auburn City Council will hold a public hearing on Tuesday, April 16, 2013, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street, on a proposed order authorizing a loan by the City in an amount not to exceed \$384,760, and issuance of the City's general obligation bonds therefore. The loan will be funded through from the State School Revolving Renovation Fund and will be used to finance renovations to Fairview School, Walton School and Edward Little High School.

The proposed order is on file at the City Clerk's office and may be inspected during the regular business hours of the City Clerk's office.

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

IN CITY COUNCIL

ORDER xx-xxxx2013

TITLE: ORDER - AUTHORIZING A LOAN THROUGH THE STATE SCHOOL REVOLVING RENOVATION FUND IN THE AMOUNT OF \$384,760

WHEREAS, the City desires to obtain a loan through the Maine Municipal Bond Bank's (the "Bond Bank") School Revolving Renovation Fund ("SRRF") under the Maine School Facilities Finance Program to finance renovations to Fairview School, Walton School and Edward Little High School; and

WHEREAS, the City expects to enter into a loan agreement with the Bond Bank in an amount not to exceed \$384,760, provided, however, that the City anticipates that 55.15% of said loan (estimated to be \$212,196) will be forgiven and that the City will be obligated to repay the 44.85% balance of said loan (estimated to be \$172,564);

NOW, THEREFORE, BE IT ORDERED BY THE AUBURN CITY COUNCIL, pursuant to Section 5772 of Title 30-A of the Maine Revised Statutes, as amended, the Auburn City Charter and all amendments thereof, and all other authority thereto enabling, and following a public hearing duly called and held as required by Article 8, Section 8.13 of the City Charter:

THAT the Finance Director / City Treasurer are hereby authorized to enter into a loan agreement between the City and the Bond Bank, such loan agreement to contain the usual and customary terms as is required by the Bond Bank under its SRRF program, such loan to be in the amount not to exceed \$384,760, of which 55.15% (estimated to be \$212,196) is expected to be forgiven and 44.85% (estimated to be \$172,564) is expected to be repaid under the terms of the SRRF program (the "SRRF Loan"), such SRRF Loan to be evidenced by the City's general obligation bonds in the amount to be repaid under said SRRF program (anticipated to be an amount not to exceed \$172,564), the proceeds of which loan are hereby appropriated to fund the costs of the following school renovations and improvements (including costs of issuance, capitalized interest, and any other costs related or ancillary thereto) (referred to as the "Projects"):

Amount	Description
\$40,266	Fairview School – Hazardous Material Removal
\$319,929	Edward Little High School – Indoor Air Quality
\$24,565	Walton School - Hazardous Material Removal

THAT the bonds shall be issued as authorized hereunder and shall be signed by the Finance Director / City Treasurer, attested by the City Clerk under the seal of the City. A tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year. The bonds may be issued at one time or from time to time, either singly or in series, and the authority and discretion to fix method of sale, issue date, maturities, denominations, interest rate, place of payment, form and other details of said bonds and notes, and to take all other actions and to sign and deliver all other documents, certificates and agreements in order to provide for the sale thereof is hereby delegated to the Finance Director / City Treasurer.

THAT the bonds authorized hereunder may be made subject to call for redemption, either with or without premium, on such terms as may be determined by the Finance Director / City Treasurer.

THAT the Finance Director / City Treasurer is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town such contracts, agreements, and other documents and certificates as may be necessary or appropriate as determined and approved by the Finance Director / City Treasurer in connection with the financing of the Projects (the "Financing Documents"), which Financing Documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Finance Director / City Treasurer such approval to be conclusively evidenced by her execution thereof.

THAT the authority and discretion to designate the bond or notes, or a portion thereof, as qualified tax-exempt obligations under Section 265 of the Internal Revenue Code of 1986, as amended, is hereby delegated to the Finance Director / City Treasurer.

THAT the Finance Director / City Treasurer and Clerk be, and hereby are authorized and empowered in the name of the City and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to complete the SRRF Loan and to effect the issuance, sale and delivery of the bonds hereinabove authorized.

THAT if the Finance Director / City Treasurer or Clerk are for any reason unavailable to complete the SRRF Loan and to approve and execute the bonds or any of the Financing Documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

THAT if any of the officers or officials of the City who have signed or sealed the bonds shall cease to be such officers or officials before the bonds so signed and sealed shall have been actually authenticated or delivered by the City, such bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds had not ceased to be such officer or official; and also any such bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds, shall be the proper officers and officials of the City, although at the nominal date of such bonds any such person shall not have been such officer or official.

THAT this order is a declaration of official intent pursuant to Treas. Reg. § 1.150-2 and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

THAT in order to finance temporarily the projects described above, the Finance Director / City Treasurer is authorized to expend up to \$384,760 either from available funds of the City or from the proceeds from any bond anticipation note which would be reimbursed or refinanced from bond proceeds.

A public notice providing a general summary of the proposed borrowing was published the same on April ___, 2013, in the Lewiston Sun-Journal, a daily newspaper published in Androscoggin County.

A public hearing was held on April 16, 2013.



City Council Information Sheet

City of Auburn

Council Meeting Date: April 1, 2013

Subject: Executive Session

Information: Executive Session regarding a personnel issue, pursuant to 1 M.R.S.A. §405(6)(A).

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:

April 1st, 2013

F, G, H Items

Author: Denis D'Auteuil, Public Works 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: \(\sum Safety \) \(\sum Economic Development \sum Citizen Engagement\)
Subject: Lewiston-Auburn Community Forest Board Ordinance/ Community Cords/ Tree Maintanence Ordinance
Information: The Public Works Director and members of the Community Forest Board will update the City Council on staff's review of the proposed Community Forest Board Draft Ordinance and staff's recommendations for changes to the draft ordinance. Staff will also update the City Council on how this proposed ordinance affects the existing Tree Maintenance Ordinanance. Lastly, an update will be given on the Community Cords program and requested changes to the revenue allocation.
Financial: N/A
Action Requested at this Meeting: none
Previous Meetings and History: On December 3, 2012 the City Council was notified that staff was in receipt of the proposed ordinance and staff would bring back additional information once the review was complete.
Attachments: Memo from the Director of Public Works with staff recommendations/ requests, Proposed Forest Board Ordinance with tracked changes, Community Cords resolve, Auburn's current tree maintenance ordinance, and an email from Attorney Dan Stockford with Auburn's current tree maintenance ordinance and recommended changes.

^{*}Agenda items are not limited to these categories.

CITY OF AUBURN



Auburn Public Works 296 Gracelawn Road

To: Mayor and City Council Cc: Clint Deschene, City Manager

From: Denis D'Auteuil, Public Works Director

Date: 3/25/2013

Re: City Council Workshop April 1, 2013

This memo is intended to provide the City Council with a summary of the changes and recommendations pertaining to the proposed ordinance from the Lewiston/Auburn Community Forest Board, Auburn's current tree maintenance ordinance, and the Community Cords Program.

Forest Board Ordinance: On December 3, 2012 I notified the City Council that I received the proposed ordinance and staff would begin reviewing the ordinance. In your agenda packet for the April 1, 2013 workshop you will find a copy of the proposed ordinance with tracked changes. The changes are recommendations based on Attorney Dan Stockford's and staff's review. If the City Council agrees with the recommended changes and has no other recommendations then staff supports the acceptance of the ordinance.

Existing Tree Maintenance Ordinance Ch. 56, Article II, section 56-19 & 20: In November 2012 Dan Stockford reviewed our existing Tree Maintenance ordinance and recommended language changes to Chapter 56, Article II, section 56-19. The recommended changes are attached. Apart of staff's review involved comparing all existing tree maintenance ordinances to the newly proposed Forest Board Ordinance. Since the newly proposed ordinance covers all the existing ordinances with more up to date language staff's recommendation is to remove Chapter 56 sections 19 & 20 if the proposed Forest Board Ordinance is accepted by the City Council.

Community Cords Program: On October 5, 2009 the City Council passed the resolve on the Community Cords Program. Attached resolve outlines the purpose, funding, and procedures. Since 2009 this program has provided several members of our Auburn Community with heating funds to get them through the tough winter months. In 2011 Rick Hersom, Public Works Arborist Supervisor discovered there was an opportunity to increase the revenues for the Cords Program through other local vendors. With that information quotes from multiple vendors were gathered and we were able to turn our surplus wood chips into additional revenue, along with receiving an increase on revenue from all other wood processed. This resulted in a large increase in revenues from the previous 2 years of the program. We are requesting that 50% of the revenues produced be given to the Community Cords Program and 50% be used for additional tree plantings throughout the city. Below is a summary of the past four year's revenues and expenditures for the Cords program.

CITY OF AUBURN



Auburn Public Works 296 Gracelawn Road

History of Community Cords

2010-2013

Fiscal			Annual	Cummulative
Year	Revenues	Expenditures	Balance	Balance
2010	\$4,443.00	\$257.90	\$4,185.10	\$4,185.10
2011	\$1,087.60	\$2,462.94	\$(1,375.34)	\$2,809.76
2012	\$19,215.47	\$5,168.42	\$14,047.05	\$16,856.81
2013	\$10,264.59	\$8,656.24	\$1,608.35	\$18,465.16

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AUBURN COMMUNITY FOREST ORDINANCE

1. Findings

The City Council finds the community forest is important in advancing the economic and ecological health of the community and in protecting and enhancing its historic and esthetic characteristics. The City Council also finds that public trees beautify our streets and neighborhoods and also serve important environmental and economic purposes in that they release oxygen into the air, absorb carbon dioxide, reduce storm water runoff, and reduce energy costs by providing shade in warm weather and protection from cold winter winds.

2. <u>Purpose</u>

The purpose of this ordinance is to promote these values and to provide for the public health and safety by regulating the planting, maintenance, removal, and harvesting of trees and shrubs which are part of the community forest.

3. Authority

The City has authority to enact this ordinance under its home rule powers provided in 30-A M.R.S.A. §§ 2003 and 2004.

4. Definitions

- (a.) <u>Board</u>: The Lewiston-Auburn Community Forest Board as described in § 13 of this ordinance.
- (b.) <u>Community forest</u>: includes all trees growing on public property as well as all trees growing within the limits of any public way located within the Urban Compact Zone.
- (c.) Forest management plan: A written document, prepared by a Maine licensed professional forester, which, considering landowner objectives, establishes direction and goals for the management of a specific forest land area. A plan normally provides a description of the woodlot including maps, timber inventory data, wildlife habitat, recreation potential, historic features, and special attributes. It will specify silvicultural practices and activities necessary to harvest products, improve forest health, and minimize adverse environmental impacts. The forest management plan serves as the basis for specific harvest plans.
- (d.) <u>Pruning</u>: systematic trimming or cutting branches throughout a tree or plant to enhance its health.

3/26/2013

(e.) <u>Public tree</u>: any tree or other woody vegetation which is located within the limits of any public way situated within the Urban Compact Zone.

- (f.) <u>Shrub</u>: any woody vegetation likely to grow to a mature height of fifteen (15) feet or less.
- (g.) Topping: the severe cutting back of tree limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to reduce the height of the tree by removing or substantially diminishing the normal canopy and disfiguring the tree.
- (h.) <u>Trimming</u>: includes pruning

5. Management

The broad objectives stated in Section 1. "Findings and Purpose" will be achieved by the active management of the community forest, using best known practices and, within the guidelines of a forest management plan, to promote public safety, forest health, species diversity, and environmental benefit to the community. Harvesting trees may be part of the overall management objectives of this plan.

6. <u>Harvest Revenues</u>

If and when revenues generated from any timber harvests exceed the expense of conducting that harvest, the surplus revenues will be distributed as outlined below:

- (a.) 80% to municipal general fund
- (b.) 20% to a designated account established for the purpose of protecting and enhancing the community forest

The term "revenues from timber harvests" does not include revenues from cutting or trimming trees located within the limits of public ways such as those revenues which have previously been devoted to the "Community Cords" program.

7. Administration

The City Manager shall appoint the Municipal Arborist who shall administer the management plan in coordination with such other municipal agencies/departments as now or may in the future share in the responsibility of caring for and maintaining the community forest.

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8. Municipal Arborist

The Municipal Arborist shall have appropriate training and skill in performing urban forestry. The Municipal Arborist shall at all times during his or her employment hold a valid arborist's license issued by the State of Maine.

9. Duties of the Municipal Arborist

- (a.) The Municipal Arborist shall have responsibility for planting, maintaining, preserving, and removing trees and plants which are part of the community forest in order to promote public safety and to protect and preserve the symmetry, health, and beauty of the community forest and the places where public trees and shrubs are located. The Municipal Arborist shall maintain a list that includes trees and shrubs which are suitable for planting as well as those which are unsuitable in general or under specific circumstances. This list shall be made readily available to members of the public.
- (b.) The Municipal Arborist may order the trimming or removal of trees or shrubs which are located within the public right of way to lessen the danger to public travel or prevent the spread of disease or insects to public trees or shrubs or to public places as permitted by 30-A M.R.S.A. § 3283. The Arborist may also order the trimming or removal of trees or shrubs located on private property outside the right of way, when the Arborist determines that the trees or shrubs are infected with disease or create a hazard to the safety of persons or property, ▶ by notifying the owner of the property in writing of the required action. In the event that a property owner does not initiate the requested action within 10 business days of receiving notice to do so, the Municipal Arborist may cause such action to be taken at the city's expense. The property owner may appeal the decision of the Municipal Arborist in the manner provided by § 10(e). No action to carry out the order shall be taken pending the outcome of the appeal.
- (c.) The Municipal Arborist shall develop rules and regulations as well as standards of practice governing the planting, placement, maintenance, removal, fertilization, pruning, and bracing of trees in public rights of way and other public sites. These rules shall be reviewed by the Lewiston-Auburn Community Forest Board which may recommend changes and additions for the Arborist and the City Council to consider. Once adopted by the City Council, the rules and regulations shall have the force of law and violators of any such rules and regulations shall be subject to the penalties established by this ordinance. Copies of such rules and regulations shall be available from the City Clerk and from the Municipal Arborist and shall be posted on the city's website. The Municipal Arborist shall be responsible for initiating proceedings to enforce such rules and regulations.

10. Requests to the Arborist; Written Permits Required; Appeals

(a.) No person shall plant, prune, remove, or otherwise disturb, above or below ground, any public tree without first filing an application with and obtaining a

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permit from the Municipal Arborist. Any permit granted shall contain a definite date of expiration and may contain conditions attached thereto by the Arborist. Any violation of this article or the terms of the permit shall be grounds for revocation of the permit, after notice and hearing. In emergency situations, such as storm damage to trees requiring immediate pruning or removal, the work may be performed without permits; however, the Arborist shall be notified as soon as possible.

- (b.) It is the intent of this article to preserve public trees. The Arborist may issue a permit to cut down, remove, or destroy a public tree under one or more of the following circumstances:
 - (1) The tree is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with existing utility services, creates unsafe vision clearance or other traffic hazard, or is otherwise dangerous to people or property.
 - (2) The tree is located in an area where a structure or other improvements will be placed in accordance with plans approved under the Land Use Ordinance.

(c.) Requests for Tree Removal, Pruning, or Trimming

Persons owning or occupying property abutting a public way or their representatives may request the Municipal Arborist to remove or top trees located within the limits of the public way or, alternatively, for a permit authorizing them to do the work on their own. If the Municipal Arborist concludes that the request is not urgent, he may decline to do the work and issue a written permit allowing the property owner or his or her representative to undertake the work on their own and at their own expense. The permit may specify conditions and shall establish an expiration date. Failure to comply with the conditions specified in the permit will subject the property owner and his or her representatives to the penalties established by this ordinance. In lieu of initiating enforcement proceedings when the conditions imposed by the permit are violated, the Municipal Arborist may cause any necessary corrective work to be done at the expense of the property owner or his or her representatives.

(d.) Requests to Plant Trees or Shrubs

Persons owning land abutting a public way or their representatives may request the Municipal Arborist to issue a written permit to plant trees or shrubs within the limits of the public way. The Municipal Arborist shall issue a permit if he or she determines that the proposed planting will not be harmful to public health or safety, will not damage or encroach upon existing public trees, shrubs, or utility lines, will not damage the public street, sidewalk, or public or private utilities located in the right of way, and that suitable arrangements have been made to

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provide for future maintenance of the proposed tree or shrub. The Municipal Arborist may specify reasonable conditions in the permit which the property owner or his or her representatives must follow in carrying out the work. Failure to comply with the conditions in the permit will subject the property owner to the penalties established by this ordinance. In lieu of initiating proceedings to enforce the conditions stated in the permit, the Municipal Arborist may cause any necessary corrective work to be done at the expense of the abutting owner.

(e.) Appeals

Any person who is denied permission by the Municipal Arborist to act under § 10 or who disagrees with an order to take action, a restriction or condition imposed on action to be taken, or a refusal to act by the Municipal Arborist may appeal the same to

the City Council by filing a notice of appeal within ten (10) days from the date the action appealed from was taken. The City Council may delegate the responsibility for hearing appeals under this ordinance to another city administrative board or city staff member.

11. Notice by Municipal Arborist of Proposed Tree Work; Appeals

Except in the case of an emergency, the Municipal Arborist shall notify any abutting property owner at least ten (10) days before removing, topping, or spraying any public tree. In the case of an abutting property owner who does not occupy the property, notice may be given to any occupant of suitable age and discretion. Notice may be given by mail, by telephone, by electronic transmission, by leaving written notice attached to the person's door, or in person. The notice shall describe the work to be done, when it is scheduled to begin, the process by which an appeal may be taken, and how to contact the Municipal Arborist. With respect to pruning and trimming public trees, no formal notice is required, but the Municipal Arborist shall make a good faith effort when feasible to advise abutting property owners of the work to be done and to provide them with an opportunity to express any objections they may have.

12. Notice of Tree Work by Utilities

- (a) At least 30 days notice before initiating any trimming, cutting, or removal of public trees, a utility company must notify the Municipal Arborist who may request the City Council to hold a public hearing to discuss the request.
- (b) At least 30 days notice before initiating any trimming, cutting, or removal of public tress, utility company shall publish notice of it's proposal on it's website and in at least one newspaper which has daily circulation in the area in which the work is to be done. The notice shall describe the work which is proposed, the streets on which the work is scheduled to be carried out, and the dates on which the work is to be done. The notice shall be published in a display advertisement format that is easily readable and sufficiently prominent so it is likley to come to the attention of persons whos property will be affected by the proposed work. The published notice shall alos advise members of the public of their right pursuant to state law to be added to a list of persons who must be consulted by the utility company before it trims, cuts, or removes in which they have a legal interest.

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12. Appeals From Proposed Actions by the Municipal Arborist

Within ten (10) days of the date when notice of the Municipal Arborist's intention to remove, top, or spray a tree is given, an abutting owner or his or her representative may give notice to the Municipal Arborist that he or she is appealing the decision to the City Council. Such notice of appeal may be given in person, by telephone, mail, or electronic communication. The proposed action shall be held in abeyance until the appeal has been heard and a decision rendered.

Lewiston-Auburn Community Forest Board

- (a) Statement of purpose The existence of the Lewiston-Auburn Community Forest Board is formally recognized. The Board shall develop and implement a community forest program which promotes the economic, environmental, and esthetic values of the community forest.
- (b.) Members The Board shall consist of nine members appointed by the respective mayors.
- Qualifications of members Members must be residents of Lewiston or Auburn or (c.) own property in either city and be interested in developing and preserving a healthy community forest. There shall be a minimum of four members from each city although five members shall constitute a quorum and may act regardless of whether there are vacant positions on the Board.
- Ex officio members There shall be six (6) ex officio members of the Board (d.) consisting of the Public Works Director or his/her designee in Auburn and the Public Works Director in Lewiston, a member of each city's Planning Board or planning staff to be chosen by the respective Mayors, and the Municipal Arborist from each city. The Board may adopt a by-law regarding the election of associate members of the Board who may participate in the affairs of the Board except that they will not be eligible to vote unless one or more members of the Board is absent.
- Members' terms of office Each member shall serve for a term of three (3) years and (e.) may be reappointed by their respective mayors. Members currently serving may complete their current terms of office and may be reappointed for additional threeyear terms. Terms of office will continue to be staggered to provide for continuity in the Board's program and activities.
- (f.) Vacancies When vacancies occur, the Board shall take appropriate steps to recruit applicants to fill the vacant positions. Members appointed to fill vacant positions on the Board shall serve out the terms of the persons they are replacing.
- Compensation Members of the Board shall serve without compensation. (g.)
- Duties and responsibilities The Board shall: (h.)
 - (1) Develop a plan for and provide advice to city staff and agencies regarding the management of the community forest including the anticipated impact of proposed development;
 - (2) Raise community awareness regarding the importance of the community forest;

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Department

- (3) Raise funds to establish a community forest trust fund;
- (4) Adopt by-laws to govern the internal affairs of the Board; and Perform such other functions as are permitted by this ordinance.
- (i.) Administration The Board shall elect a Chair, Vice Chair, Secretary, and Treasurer. Except for the Chair, the officers shall serve for renewable one-year terms. The Chair shall be elected for a renewable two-year term. The Board may allow the duties of the Secretary and Treasurer to be performed by the same person.

14. Violations and Penalties

- (a.) Any violator of any provision of this article shall be subject to a civil penalty payable to the city. Each act of violation shall constitute a separate offense.
- (b.) Should any public tree be destroyed, the person causing the destruction shall also make restitution to the city in an amount equal to the cost to the city of removing the destroyed tree plus its replacement value.
- (c.) The court may also order the violator to reimburse the city for the cost of any action which was necessary to correct violations of the ordinance. If the city is the prevailing party in an enforcement action, it shall be awarded reasonable attorney's fees and costs.
- (d) Whenever the municipal official charged with enforcement determines there are reasonable grounds to believe there has been a violation of any provisions of this chapter, she shall initiate enforcement proceedings in accordance with the citation system established in article VIII of chapter 2.

City of Auburn

City Council, Auburn, Maine

Date: October 5, 2009

TITLE: RESOLVE - COMMUNITY CORDS PROGRAM

Be It Resolved by the Auburn City Council that the Community Cords Program be approved as described below:

Name:

Community Cords Program

Purpose:

This program is established to provide available resources to the Health and Human Services Director to assist qualifying applicants with heating assistance. A qualifying applicant is one who, in the determination of the Human Services Director, who may not qualify for assistance under the City's General Assistance Ordinance, though has demonstrated a financial need.

Funding:

The program will be funded from at least two sources: selling wood from city tree maintenance and also the harvesting of city forests. The City may take receipt of charitable contributions as well.

Procedure:

The procedure for cutting city trees and distributing the wood will be in accordance with city ordinances, city policies, and applicable state statues, including but not limited to Title 23 M.R.S.A § 2702 and Title 30-A, M.R.S.A § 3291.

Donations:

Donations made to this fund will be used for heating fuel assistance for Auburn residents.

Approval:

The Auburn City Council voted and approved of this program on October 5,

2009.

Motion for acceptance: Raymond Berube

Seconded by: David Young

Vote: 6 Yeas, No Nays (Councilor Mennealy out of the room)

Action by the City Council:

Passed

October 5, 2009 Date:

Attest: Nary Jan Thagh

CITY OF AUBURN



Auburn Public Works 296 Gracelawn Road

ARTICLE II. - TREES AND SHRUBS

Sec. 56-19. - Tree maintenance.

Sec. 56-20. - Cutting, damaging or removing plants in public places.

Sec. 56-19. - Tree maintenance.

The public works director or persons acting under his direction and control may enter upon private property at reasonable times for the purpose of detecting the presence of tree disease and carrying out control measures. Whenever a tree is found upon private property infected with the disease or whenever a tree is found upon private property which creates a hazard to the safety of persons or property, the public works director shall give notice in writing to the property owner advising him of the dangerous condition and requesting him to have the tree removed within 30 days of receiving such notice. If the requested action is not taken within the 30-day period, and if the public works director determines that immediate action is necessary to protect persons or property from the dangerous tree, he or persons acting under his direction may enter the premises and cause the dangerous tree or part thereof to be removed at the expense of the property owner.

(Code 1967, § 13-1.3)

Sec. 56-20. - Cutting, damaging or removing plants in public places.

No person shall willfully cut, dig up, break, injure, damage, destroy or interfere with any tree, shrub, flower bush or other plant in any public place in the city. No person except the public works director or any person he may designate or persons he may give permission to shall cut or trim trees or parts thereof.

Susan Clements-Dallaire

From:

Dan Stockford [DStockford@brannlaw.com]

Sent:

Friday, November 16, 2012 4:39 PM

To:

Denis D'Auteuil

Subject:

Tree Maintenance Ordinance

Attachments:

Tree Maintenance Ordinance revised.docx

Denis:

This is in response to your request that we review the City's Tree Maintenance Ordinance to determine whether the ordinance could be enforced as written to remove trees on private property that the City determines create a safety hazard to persons of property, and that we also advise regarding the risks of using City resources to remove trees from private property that the City has not determined are a danger to public health or safety.

The current Tree Maintenance Ordinance, Section 56-19, provides that when the public works director finds that a tree on private property "creates a hazard to the safety of persons or property," he can order that the tree be removed. If the property owner fails to remove it, the public works director may remove the tree at the property owner's expense. Using the analogy of the dangerous buildings statute, which has been repeatedly upheld by the courts, the concept of removing a hazardous tree from private property at the owner's expense likely is permissible. As the Ordinance is currently written, however, it would be subject challenge on due process grounds because it provides no opportunity for the property owner to be heard before taking his tree. One way to satisfy due process would be to require a hearing before any determination is made to remove a tree. Because the property taken is relatively minor (a dead tree as opposed to a building), it likely is sufficient to give the property owner a right to appeal before the tree is removed. We would recommend providing a right of appeal to the Board of Appeals and then to Superior Court, and have attached a draft revision to the ordinance language to address this.

As for removing a tree on private property at City expense when that tree has not been determined to be a hazard to the public, we recommend against it. Although liability issues for carrying on operations on private property could be reduced by requiring releases from the property owner, use of public resources to remove non-hazardous trees on private property would set a bad precedent. We understand that the City receives numerous complaints regarding trees on private property that are not determined to be hazardous. Removing trees for some private property owners and not others inevitably would create an appearance of conflict of interest and favoritism.

Please let me know if you have any questions.

Dan

Daniel C. Stockford | BRANN & ISAACSON

Tel: 207.786.3566 | Fax: 207.783.9325

184 Main Street | Box 3070 | Lewiston, ME 04243-3070

Email: <u>dstockford@brannlaw.com</u>
Website: www.brannlaw.com

Sec. 56-19. - Tree maintenance.

The public works director or persons acting under his direction and control may enter upon private property at reasonable times for the purpose of detecting the presence of tree disease and carrying out control measures. Whenever a tree is found upon private property infected with the disease, or whenever a tree is found upon private property that creates a hazard to the safety of persons or property, the public works director shall give notice in writing to the property owner advising him of the dangerous condition, demanding that the property owner have the tree removed within 30 days of receiving such notice, and notifying the property owner that if the requested action is not taken within the 30-day period the tree may be removed by the City at the expense of the property owner. If the requested action is not taken within the 30-day period, and if the public works director determines that immediate action is necessary to protect persons or property from the dangerous tree, he, or persons acting under his direction, may enter the premises and cause the dangerous tree or part thereof to be removed at the expense of the property owner. A property owner may appeal the public works director's notice to remove the tree within 30 days of receiving such notice to the Board of Appeals. An adverse decision of the Board of Appeals may be appealed to the Superior Court within 30 days of the decision.

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City Council Agenda Information Sheet

City of Auburn

Council Workshop Date: April 1, 2013

Order

19-04012013*

Author: Clint Deschene, City Manager			
Item(s) checked below represent the subject matter related to this item.			
□Comprehensive Plan ⊠Work Plan ⊠Budget ⊠Ordinance/Charter □Other Business* ⊠Council Goals**			
**If Council Goals please specify type: \(\sum Safety \) \(\sum Economic Development \(\sum Citizen Engagement \)			
Subject: Accepting the 2013 City Work Plan			
Information : City Manager has had dialogue with City Council in shaping their goals and initiatives into an aggressive Work Plan for FY2013. the Work Plan outlines the directives City Council has recommended for action. The Work Plan is a true working document that highlights Auburn's assets such as infrastructure, personnel, financial planning, staff organization, safety of our citizens, engaging citizen participation in neighborhood planning, developing a City Councilor Orientation program and the participation in the Edward Little High School renovation and or replacement.			
Financial: Budget & CIP preparation for FY2014			
Action Requested at this Meeting: Recommend passage.			
Previous Meetings and History: 2/19/2013 Workshop, 2/25/2013 Workshop, 3/18/2013 Workshop			

Attachments: 2013 City Work Plan

^{*}Agenda items are not limited to these categories.

City of Auburn City Manager Work Plan 2013

CREATE AND IMPLEMENT A COMMUNITY ECONOMIC DEVELOPMENT PLANFOCUSED ON AUBURN'S ASSETS

<u>Coordination Area / Staff:</u> Economic Development: Clint Deschene, Howard Kroll, Roland Miller, Eric Cousens

<u>Description:</u> Design a structure for Economic Development that leverages assets in Auburn and streamlines the interaction of various partners, including ABDC, LAEGC, AVCOG, the Airport, Railroad and state/federal partners. The focus will be on small business/downtown development and industrial/trade-based growth in Auburn.

Steps and Dates:

- 1. Review existing structures, plans and budgets to strengths and partnership efficiencies (March-April, 2013)
 - a. Port of Auburn Area (LAEGC, FTZ, Railroad, Airport, ABDC, private industrial Parks)
 - b. Downtown/Small Business (CDBG, LAEGC
- 2. Propose new Department Structure (May 2013)
- 3. Implementation of new structure and setting of metrics, review process (July December, 2013)
- 4. Monitor and Review

COMMUNITY SAFETY

Coordination Area / Staff: Public Safety (All Departments)

<u>Description:</u> Community Safety extends to staff and the City as a whole. The Council has indicated a desire to address or approach the City's direction for the next fiscal year in addressing the safety of Auburn.

Steps and Dates:

- 1. Staff will address budget with safety objectives (May 2013)
- 2. Budget will include workplan and steps to be measured during FY14
- 3. Safety Team will review approaches to expand (June 2013)
- 4. City Manager will provide quarterly update on progress improving stated safety measures during FY14 and recommend any necessary policy changes to City Council to address needs identified
- 5. Citizen Engagement Goal will highlight roles of citizens and visitors in community safety. (See Citizen Engagement Process below)

CITIZEN ENGAGEMENT PROCESS

Coordination Area / Staff:

City Manager, Executive Coordinators (Kroll, Crowell, Bogart, & D' Auteuil)

Description:

Generate a map of potential neighborhoods (relating back to existing Ward Maps) in the City and begin regional sessions to share existing plans (Comp Plan for example), get feedback in plans and existing city services and obtain input on needs. A key area to concentrate on in the process is community safety. Potentially these events will be held at the schools and a new designation on the website will be created for citizens to view information.

Steps and Dates:

- 1. Generate Maps of Wards and historic "named" neighborhoods, goal of utilizing existing neighborhood schools in process. (May 1, 2013)
- 2. Develop meeting agendas, support materials by Ward, and potential partners for reaching residents in each area to attend. (June 2013)
- 3. Hold meetings (Summer, 2013)
- 4. Draft plans by area (Fall, 2013)
- 5. Conduct follow up meetings as part of redistricting planning (Winter 2014)

ICE ARENA IMPLEMENTATION

Coordination Area / Staff:

Clint Deschene, Denis D'Auteuil, Ravi Sharma, Roland Miller, New Director

<u>Description:</u> The approved lease agreement for a two sheet arena requires many coordinated efforts of construction, hiring, planning, and operation.

Steps and Dates:

- 1. Determine Construction Schedule (Date Pending Developer)
- 2. Present an operation schedule and plan (Spring 2013)
- 3. Recruit a director (May 2013)
- 4. Develop schedules, contracts, operational planning, and fundraising (Summer 2013)
- 5. Present regular reports to Council and Community (Monthly)

DEVELOP A NEW COUNCILOR ORIENTATION PROGRAM

Coordination Area / Staff:

All Staff

<u>Description:</u> The City Council of Auburn needs a program for post election orientation of duties and City functions. The orientation will include information on the role of the City Council, but will also include information on City Departments, training opportunities, City ordinances, policies, charter, etc. This process should also be coordinated with Lewiston in all areas possible.

Steps and Dates (Dates delayed by Council):

- 1. Manager compiles basic information for the program (May 2013)
- 2. Departmental meeting with staff to organize and delegate (June 2013)
 - a. Include roles of staff and Council.
 - b. Indicate Hiring process and structure.
 - c. List Unions.
- 3. Staff meeting to compile and review final product (July 2013)
- 4. Present and implement with Council (August 2013)
- 5. Implement (Nov. & Dec. 2013)

COUNCIL REQUESTED REPORTS AND COMMUNICATIONS

Coordination Area / Staff:

Clint Deschene

<u>Description</u>: The City Council has identified 3 areas for more information and regular or more detailed reporting. The areas are financial reports, labor negotiations, and policy tracking.

Steps and Dates:

- 1. Add narratives to the monthly financial reports keying on trends (Monthly)
- 2. Include Policy implementations to the manager report to track progress on important projects. (Monthly)
- 3. Provide quarterly reports on union negotiations or as needed. (Quarterly)

NEW ELHS PLANNING PROCESS

Coordination Area / Staff:

Clint Deschene, Mayor LaBonté, Katy Grondin.

<u>Description:</u> The School continues research into a new ELHS. The research and direction is still undergoing debate and until complete specific steps and plans are uncertain. The following steps will help lead the project to a definitive plan and schedule.

Steps and Dates:

- 1. Work with School on financing options and process.
- 2. Review existing School Department capital programs to determine adequacy of on-going maintenance of all education facilities (per Charter)
- 3. Determine action steps to ensure all capital needs are met for existing facilities as part of planning to take on any new debt for a new/renovated ELHS. (Spring)
- 4. Research all viable options and present to Committee, including facilitating/negotiating possible partnerships (USM, CMCC, and Lewiston High School) that could reduce the costs to Auburn taxpayers with state-level support. (On-going)
- 5. Work toward a City vote on a Council and School Committee agreed plan. Maximize city website to inform residents.

2013 BUDGET

Staff:

Clint Deschene, Jill Eastman, Department Heads, Council

Description: Working with the Council, create an informative engaged budget process.

Steps and Dates:

- 1. Staff requests submitted (January 2013)
- 2. Manager reviews with staff (February)
- 3. Manager meets individually with Council on CIP and Budget (March)
- 4. Budget presented to Council (April 1)
- 5. Joint Meeting with School Committee on Budget (March 25)
- 6. Council review process (March & April)
- 7. Council adopts budget (pending State budget) (Late April or May)
- 8. School Budget final review by Council (May 4)
- 9. School Validation Vote (June 11, 2013)

ADDENDUM

- 1. L-A Forest Board Ordinance
 - a. Submission by the board for Council review by summer 2013.
- 2. Transportation Station
 - a. Project coordinated with LATC
- 3. Matrix Implementation. Review Rescue Delivery structure
 - a. On-going
- 4. Recreation Facilities Plan
 - a. Under Review by staff with fields currently contracted to Wright-Pierce
- 5. Recycling
 - a. Consider options during budget
- 6. Volunteer Committee/Group
 - a. May evolve from Citizen Engagement Task.
- 7. Ward Redistricting
 - a. Pending State process (estimated timeframe 2014)
- 8. Meeting with Lewiston City Council
 - a. On-going
- 9. Joint Meetings with School Committee
 - a. On-going
- 10. City Councilor "Tours" or Departmental Meeting (November 2013)
 - a. Part of Orientation
- 11. Discussions of Charter Review (More than a year?)

Note, some of the above items are part of the Comprehensive Plan.

The above goals will be reported to the City Council during the Manager's report as significant progress or changes occur. The City Manager will provide a six month progress report and a one-year recap. It is fully understood that the Manager will work toward the items but not all will be completed to be successful. It is also understood that the ability to complete these items is affected by additional items that arise during the normal course of business.

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

IN CITY COUNCIL

ORDER 19-04012013

ORDERED that the City Council hereby accepts the 2013 City Work Plan as presented by the City Manager.



City Council Agenda Information Sheet

City of Auburn

Council Workshop Date: April 1, 2013 Order 20-04012013* Author: Howard Kroll, Assistant City Manager
Item(s) checked below represent the subject matter related to this item.
□ Comprehensive Plan □ Work Plan □ Budget □ Ordinance/Charter □ Other Business* □ Council Goals** **If Council Goals please specify type: □ Safety □ Economic Development □ Citizen Engagement
Subject : Appointing Steve Lunt to the Railroad Committee with a term expiration of 4/1/2016.
Information : The Lewiston and Auburn Railroad Co. Board of Directors have met and recommended to Mayor LaBonte` to nominate Steve Lunt to serve on their Board of Directors. He has served for many years in this capacity representing the City of Auburn in a professional manner. Mayor LaBonte` recommends that the Auburn City Council appoint Steve Lunt to the Lewiston and Auburn Railroad Co. Board of Directors for a term to commence on 1 April 2013 and expire on 1 April 2016.
Financial: none
Action Requested at this Meeting: Recommend passage.
Previous Meetings and History: N/A

Attachments: N/A

^{*}Agenda items are not limited to these categories.

IN COUNCIL REGULAR MEETING MARCH 18, 2013 VOL. 33 PAGE 102

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. Councilor Young had an excused absence and all other Councilors were present.

I. Consent Items*

Motion was made by Councilor LaFontaine to remove Order 18-03182013 from the consent agenda and added under New Business.

- 1. Order 16-03182013* Appointing of Susan Clements-Dallaire as Registrar of Voters with a term expiration of December 31, 2014.
- 2. Order 17-03182013* Accepting the transfer of Forfeiture Asset (Travis St. Pierre).
- 3. Order 18-02192013* Appointing Board and Committee Members as nominated by the Appointment Committee.

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine. Passage 6-0.

II. Minutes

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to approve minutes of the March 4, 2013 Council Meeting. Passage 6-0.

III. Reports

Mayor's Report – No report.

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

City Manager's Report – City Manager Deschene submitted a written report and reported on a few additional items.

Finance Director, Jill Eastman – February 2013 Monthly Finance Report

Motion was made by Councilor LaFontaine and seconded by Councilor Crowley. Passage 6-0.

IV. Communications, Presentations and Recognitions

Recognition – The Central Maine Community College Women's Basketball
 Team

V. Open Session

IN COUNCIL REGULAR MEETING MARCH 18, 2013 VOL. 33 PAGE 103

Bruce Rioux, 85 Mary Carroll Street, Auburn spoke regarding the Water District Appointment.

VI. Unfinished Business - None

VII. New Business

4. Order 18-02192013 Appointing Board and Committee Members as nominated by the Appointment Committee.

Motion was made by Councilor Lafontaine and seconded by Councilor Walker to postpone this item to the April 1, 2013 meeting. Passage 5-0 (Councilor Hayes abstained).

5. Ordinance 01-03182013 Approving the proposed zoning map amendment in the Blanchard Road area (first reading).

Motion was made by Councilor Crowley and seconded by Councilor Walker to accept option A.

Public Comment:

Robert Gagnon, 160 Stone Road, Auburn.

Ray Ouellette, 511 Merrow Road, Auburn (also a landowner in the Blanchard Road area). William Saucier, 145 Blanchard Road, Auburn (also the initiator of the petition). Luis Feliciano, Blanchard Road, Auburn.

Passage 6-0.

VIII. Open Session

Joe Gray, Sopers Mill Road, Auburn spoke on the emergency vehicle, the police car that has been in Virginia, bringing things forward/proposals, why we are spending \$35,000 on recreation inventory, minutes to meetings should all be on line, and how the City needs to work on the 3rd objective of Citizen Engagement.

City Manager Deschene addressed most of his questions and comments and will follow up on what has not been addressed.

IX. Executive Session – Discussion regarding a legal matter for negotiations on an economic development issue, pursuant to 1 M.R.S.A. §405 (6)(C).

Motion by Councilor LaFontaine seconded by Councilor Gerry to enter into executive session. Passage 6-0, 7:55 P.M.

The Mayor declare Council out of executive session at 8:25 P.M.

IN COUNCIL REGULAR MEETING MARCH 18, 2013 VOL. 33 PAGE 104

- X. Future Agenda/Workshop Items None
- XI. Adjournment
 Motion was made by Councilor LaFontaine and seconded by Councilor Shea to adjourn.
 Passage 6-0, 8:30 P.M.

A True Copy.

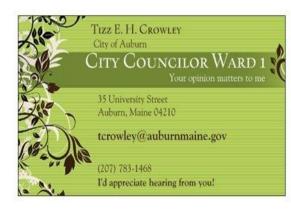
ATTEST Jusan Clements Dallaud Susan Clements-Dallaire, City Clerk Auburn Ward 1 Report for Meeting 2013.04.01

Auburn Ward 1 Report for Meeting Monday 2013.04.01

Prepared: Wednesday 2013.03.27

TO: Residents of Auburn and the Auburn City Council **FROM:** Tizz E. H. Crowley- Auburn City Council Ward 1

"Thank you" - Thank you to all who attended the ChocolART event this past weekend to benefit the Meals on Wheels program. It was a delightful afternoon of chocolate tasting, jazz and a large silent auction. Thank you to the many donors.



Dates to watch -

Thursday, **April 4**th: Free Oral Cancer screening at the Trinity Jubilee Center 247 Bates Street, Lewiston. In the US, a new head and neck cancer case is diagnosed every 10 minutes. Take advantage of free screenings Thursday, April 4 at the Trinity Jubilee Center in Lewiston. No appointment necessary!



Thursday, **April 4**th: The Community Development Department has released a Request for Proposals (RFP) for its Curb Appeal Program. The Curb Appeal Program is available to property owners of buildings in the Downtown, New Auburn and Union Street target areas. Funds will be used to improve the exterior of residential and commercial properties. The program makes available \$10,000 grants and loans for selected proposals. Public information meetings will be held at 2 pm and 7 pm in the Community Room of Auburn Hall.

Saturday, **April 20th** - The Annual Community Recycle Day will be held on at the Auburn branch of Community Credit Union (behind Stratham Tire/Club Texas). Watch for more details

Visiting Hours- Visiting hours will be held at the Auburn Public Library on Tuesday, April 9th from 2-4pm and on Thursday, April 25th from 5-7pm. This is an excellent opportunity to come and share your advice and concerns regarding city matters such as the budget and summer services.

Safety Reminder- We tend to accumulate bug spray, drain cleaner, old paint, used motor oil, pool chemicals, old lighter fluid, nail polish, old batteries, rat poison, unused electronic items, compact fluorescent lights (CFLs), nail polish remover and dozens of other ordinary consumer products that are hazardous to people and the environment.

Many of the items listed as hazardous materials are flammable, and can catch fire easily -- in some cases, they can be explosive, too. Some hazardous consumer products, like nail polish remover, bug spray and rat poison are highly toxic to children and pets. And CFLs contain mercury, a potentially deadly, cancer-causing agent. Hazardous items can't be thrown in the garbage or down the drain -- it just ends up in a river or in groundwater somewhere else. And if you're on a septic tank, those chemicals can kill the bugs in your tank that process your septic waste. Even if it ends up in a landfill, it can leach out and get into drinking water supplies. Finally, if your trash hauler finds any haz-mat items in your garbage can, there can be serious fines.

Instead, you can gather up all your old CFL light bulbs, cans of paint, motor oil and other household hazardous waste and take them down to our local haz-mat disposal center once a year.

In closing, I would encourage Auburn residents to fully participate in public hearings and share your opinions and suggestions as we make decisions on the budget, the high school, recreation facilities and the dangers of Route 4.

Oral Head & Neck Cancer Facts

Risk Factors

- *Tobacco*: cigarettes, snuff, pipes, chewing tobacco, snus, cigars
- *Alcohol*: excessive consumption
- HPV: sexually transmitted infection with human papillomavirus

Signs and symptoms

- Lump or sore in mouth or throat
- Hoarseness or change in voice
- Swallowing problems or pain
- Bleeding: nose, mouth or throat

What Can I Do To Protect Myself?

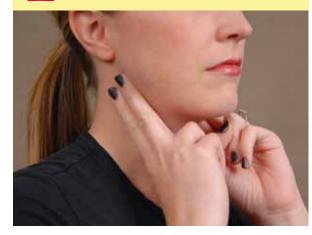
- Stop using Tobacco
- Use Alcohol in moderation
- If 26 years old or younger consult your physician about vaccines for the Human Papillomavirus (HPV)
 - Perform monthly self exams
- Regularly visit your dentist or physician. Ask that they perform an oral head & neck exam.



Oral Head & Neck Self Exam

Follow the four steps below and look for abnormal, irregular or discolored areas. Compare one side to the other for symmetry.

Check neck for lumps



Look at lips and cheeks





Bite gently; look at gums



Open mouth



Look at tongue (top, bottom, sides), back of throat, roof of mouth, and under tongue using a flashlight and mirror.

If you discover abnormal, irregular or discolored areas or lumps that are different on one side compared to the other, contact your health care provider or dentist.

Oral Head & Neck Cancer Is Not a Rare Disease

Oral Head & Neck Cancer is the 6th most common cancer in the World

*Approx 50,000/year in U.S. excluding thyroid *Approx 105,000/year in U.S. including thyroid

Did You Know They Had Head & Neck Cancer?

Presidents of the United States

Ulysses S. Grant & Grover Cleveland

Athletes

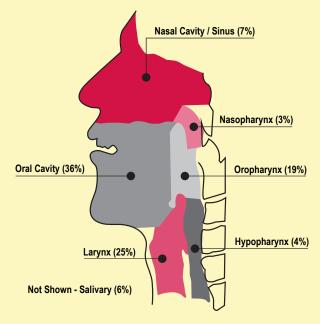
George Herman "Babe" Ruth

Musicians

George Harrison, Sammy Davis Jr. & Peter Tork

Actors, Celebrities & Others

Michael Douglas, Roger Ebert, Sigmund Freud, Humphrey Bogart & William Rehnquist



Distribution of Head & Neck Cancers by Subsite

Resources to learn more about Oral, Head and Neck Cancer

National Cancer Institute www.cancer.gov/cancertopics/types/headand-neck

Head & Neck Cancer ALLIANCE www.headandneck.org

American Cancer Society www.cancer.org/index

American Head & Neck Society www.ahns.info/index.php

Oral Cancer Foundation www.oralcancerfoundation.org

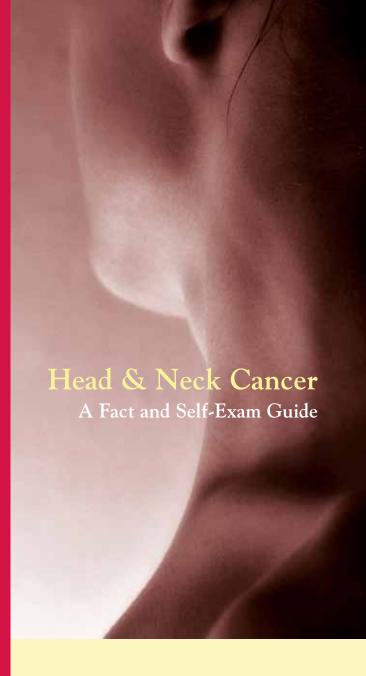
Support for People with Oral Head & Neck Cancer (SPOHNC) www.spohnc.org



Contact Us Head and Neck Cancer Alliance

(HNCA)

info@headandneck.org (866) 792-4622 www.headandneck.org





MANAGER'S REPORT

April 1, 2013

CONDEMNATION OF 9 GAMAGE

We discussed the condemnation of 9 Gamage with Anne Torregrossa at Brann & Isaacson. She has an efficient process worked out based on her recent work for the City of Lewiston. The title search will be completed this week and we will start the required notifications to everyone with an interest in the property. When the results of the title search come back we will be able to lay out a more exact schedule but it will likely be ready for Council review near the end of April.

COMMISSIONERS' MEETING SCHEDULE

April through June 2013

Wednesday	April 3	7:00 p.m.
Wednesday	April 17	7:00 p.m.
Wednesday	May 1	7:00 p.m.
Wednesday	May 15	7:00 p.m.
Wednesday	June 5	6:00 p.m.
Wednesday	June 19	6:00 p.m.

NEW ENGINE STATUS







Riverside Drive Project

At the most recent ATRC (Androscoggin Technical Review Committee) Policy Committee the City of Auburn was tentatively approved for \$1.4 million on the reconstruction project of the Riverside Drive Project! These funds come from the balance of the Downeast Connector Earmark ATRC received in 2008. We expect the project to move forward this summer. Once I get confirmed dates you will be the first to know.

Street Sweeping

Auburn Public Works has begun their street sweeping efforts throughout the City. A detailed list of streets and their estimated start and end date can be found on the website. A press release was sent out as well.

Outlet Beach Study Presentation

The consultant representing the Auburn Water District met with citizens, elected officials and staff to go over their recommendations for the future use of the Outlet Beach area. We expect to work with City Council on the options outlined by the consultant.

<u>Librarian Interviews</u>

The Board of Directors has narrowed their search for Lynn Lockwood's replacement down to 7 candidates. Those candidates will be interviewed in the next few weeks. I or my designee will be involved in the interviews. I look forward to working with the Board on making sure Lynn's ultimate replacement keeps the momentum she created and keep our Library the premiere Library in New England.

Ice Arena Manager

We received over 20 resumes from highly qualified candidates across the country to become our Ice Arena Manager. I expect to start the interview process in the coming weeks. We hope to have a new manager hired by May 1st and start at the beginning of the FY.

Great Falls TV

At the direction of the Joint City Councils of Auburn and Lewiston, both Auburn and Lewiston City administrations have sought legal counsel to begin developing an inter-local agreement and board bylaws so that both Cities are protected from any unforeseen issues/questions that might arise. We have operated over the last 13 years without an agreement and it is time we develop an agreement that is satisfactory to both Cities.

Natural Gas Installation

Derek Boulanger, Auburn's Facility Manager and Purchasing Agent, has been working with our local natural gas vendor to get that commodity into our Public Works facility, Pettingill Park and Central Station. Construction is scheduled to begin this summer construction season.

Budget/CIP Presentations

Department Directors, Jill Eastman and I will begin our budget presentations to City Council starting April 8th. We look forward to a positive experience working with City Council and the public.

Rink Transition Information

Time Line

Hire Arena Manager May 1, 2013 **Pending Construction Schedule** Ice Rental Contracts Zamboni Fundraising In Progress RFP for Pro Shop May, 2013 RFP for Vending/Arcade Games May, 2013 Facility Policies/SOPs July 2013 **Facility Naming Rights** August, 2013 75% Advertising Goal Achieved August, 2013 Advertising Signs Created/Placed September – December, 2013 Last schedule ice at Ingersoll arena for all teams? Thursday- October 31, 2013 Opening of single rink at the Dual Rink Facility? Friday - November 1, 2013 (Big Rink) Youth hockey last schedule ice at DRF? Thursday - November 14, 2013 Youth hockey transition date for other ice? Monday - November 18, 2013 Second rink opening at DRF? Sunday - December 1, 2013 Youth hockey returns to DRF? Monday - December 2, 2013

- During the transition period from November 15, 2013 to December 1, 2013 Youth hockey will
 rent ice at other facilities during weekdays. Youth Hockey League is responsible for scheduling
 their ice at other facilities as needed during the transitional period.
- Youth hockey will maintain hours on Saturday & Sundays @ DRF during the transition period.
- All other teams will transfer their ice time from Ingersoll arena to the DRF on time lines stated above.



Proclamation New England Organ Bank

Whereas There are more than 117,000 Americans, with more than 4,700 in New England who are currently waiting for a life-saving organ transplant; and

Whereas There are over one million life-enhancing tissue transplants each year that are made possible by the generous donation of corneas, bone, skin or other tissue, and;

Whereas We can all help save up to 8 people's lives and benefit up to 50 recipients by signing up to become an organ and tissue donor by enrolling in the Maine Donor Registry when we apply for, or renew, our drivers licenses or by registering on-line at www.DonateLifeNewEngland.org; and

Whereas 99.7% of all people in Maine who register to become a donor do so at the Bureau of Motor Vehicles, it is fitting that Maine join in the national goal of signing up 50% of our driving population to become donors and is dedicated to making it fast and easy to sign up to save a life through our Bureau of Motor Vehicles; and

Whereas This observance pays tribute to organ and tissue donors and their families whose decision to Donate Life enables others to receive life-saving organs and tissues for transplant,

Now, Therefore, I, Jonathan P. LaBonté, Mayor of Auburn, Maine, do hereby proclaim April 2013, to be,

Donate Life Month

And urge all the citizens of Auburn, Maine to take cognizance of this event and participate fittingly in its observance.

Signed this 1st day of April, 2013

Jonathan P. LaBonté, Mayor - City of Auburn

Maine French Heritage Language Program Pilot Project for Augusta and Auburn Brief Description



The cities of Augusta and Lewiston-Auburn have a large French-heritage population and a rich history of French-Canadian and Acadian immigration, work, cultural life, and language.

In Spring 2011, the UMA French Club was awarded a grant from the Canadian organization *Le Centre de la Francophonie des Amériques* in order to start a pilot afterschool program in French for Augusta elementary students. This program, entitled LE SOLEIL: UMA Afterschool Program in French for 3rd-6th graders, was held in two Augusta schools: Lincoln Elementary and Gilbert Elementary. Children met for four weeks after school with UMA students and French-speaking members of the community in dynamic, creative French-language classes.

Building on the strong community interest in French and the need for elementary language classes, we are now looking to create a new after school French program which will draw from a variety of resources and partnerships.

Pilot Project

This pilot project is an extension of two successful French Heritage Language Programs established in New York City and Miami under the auspices of FACE, the French-American Cultural Exchange Foundation, in partnership with the French Embassy in the United States. Benoit Le Dévédec, Director of the French Heritage Language Program, will be working closely with the organizing team: Chelsea Ray, UMA Assistant Professor of French; Doris Bonneau in conjunction with the Franco-American Heritage Center in Lewiston; Julia Schulz, language reacquisition specialist; and Gabriella Howard, volunteer assistant.

A set of core principles governs the project (please see attached). In its pilot phase, we intend to work in two Augusta public schools (Lincoln and Hussey Elementary Schools), with two groups of children (K-6 in the first group, and K-3 in the second). Classes will meet after the regular school day, twice a week from 2:45-5:00 p.m. In Auburn, classes will occur during the school day in one school.

The classes will be taught in French and will follow a curriculum which incorporates the culture and the life of Maine's French-heritage community. Over time, we hope invite Franco-American and Acadian leaders and teachers from around the state to contribute lessons which will then be stitched together into a harmonious patchwork quilt of themes and activities. It is our hope that this curriculum will reflect the rich history and culture of Franco-Americans in Maine.

Teaching duos and trios will lead the classes, with a teacher, cultural associate, and apprentice in most cases. The teachers will have native or near native ability in the French language and have teaching experience, and cultural associates assisting in the classroom will be fluent in conversational French. There will also be apprentices from UMA and Bates College who are proficient in French and who are studying French at the 300-level.

Many partners will contribute to the development and successful implementation of the pilot project, including the University of Maine, Augusta schools, the Consulate of France in Boston, the Franco-American Heritage Center in Lewiston, and business and community sponsors. Funding for the project will be shared by a variety of public and private partners, in addition to a modest tuition from the students' families. The French Heritage Language Program and the *Centre de la Francophonie des Amériques* are the primary funders for the 2012 pilot program.

Future Plans

If the pilot project is successful, we would like to extend it to other primarily Franco-American communities in Maine and, eventually, to communities in New Hampshire, Vermont, and other New England states. We intend to design the curriculum so that it can be easily adapted to other communities in other regions.

For more information, please contact Chelsea Ray at chelsea.d.ray@maine.edu or call 621-3487.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: April 1, 2013 **Ordinance** 01-03182013 **Author**: Eric Cousens, Director of Planning and Permitting

Item(s) checked below represent the subject matter related to this item. Comprehensive Plan Work Plan **☐**Budget Ordinance/Charter Other Business* Council Goals** **If Council Goals please specify type: Safety Economic Development Citizen Engagement

Subject: Proposal to amend the City Of Auburn Zoning Map in the area of Blanchard Road, Turner Road, Hathaway Street, Stone Road and a portion of Oak Hill Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn as shown on the attached maps. (3 options under consideration)

Information: As the Councill is aware, the Planning Board accepted input from the public and discussed the proposed amendment in detail at the February 12, 2013 Planning Board Meeting. The Board voted 7/0 to forward a favorable recommendation on a modified version of this proposal as shown on the attached map titled "Planning Board Recommended Map Change Area." The attached map also shows the Lake Auburn Watershed boundaries. The Planning Board recommended that the change exclude the agriculturally used land at the corner of Blanchard and Turner Roads and the land to the north, on the east side of Turner Road. The Board found that the proposal meets the requirements of the City's Comprehensive Plan with the amendment.

At the workshop on March 4, 2013 the Council expressed concerns with increased traffic and drive openings that additional residential development would create. When comparing existing zoning to proposed zoning, it is estimated that the Petitioned area would allow for 2-3 additional parcels, the Planning Board recommended change would allow for 5-6 additional parcels and the map generated in response to Council input at the workshop would allow for 2-3. It should be noted that the existing commercial use at the corner of Blanchard and Route 4 makes some of the splits very unlikely, at least while the use exists.

Public comment and first reading with passage of option A on 3/18/2013 6-0 (Councilor Young absent).

Financial: None. Could result in increased assessed value and costs to serve any new residences over time.

Action Requested at this Meeting: Consider public input and vote to approve the second and final reading.

Previous Meetings and History: Planning Board Meeting February 12, 2013, Council Workshop on March 4, 2013, public comment and first reading on March 18, 2013.

Attachments: Planning Board staff report dated February 12, 2013, Uses allowed in the LDCR zoning district vs. LDRR zoning district, Zoning Map showing petitioned area, staff recommended area and PB recommended areas, Planning Board Minutes, Map showing the area that the Council requested at the workshop, Abutters letter dated 3/12/13, Ordinance 01-03182013 (Option A and Option B).

^{*}Agenda items are not limited to these categories.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting Planning Board Recommendation

To: Honorable Auburn Mayor and City Council

From: Emily Mottram, Acting Chairperson Auburn Planning Board

Re: Planning Board recommendation regarding a zoning map amendment to change the existing

areas within the Low Density Country Residential (LDCR) zoning district along a portion of Turner Road, Hathaway Street, Stone Road and a portion of Oak Hill Road to Low Density Rural

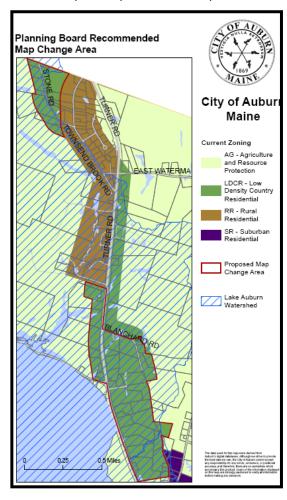
Residential (LDRR).

Date: February 28, 2013

At the February 12, 2013 Planning Board meeting, the Board accepted input from the public and

discussed the proposed amendment in detail. During the discussion and public hearing, the Board was made aware that stand-alone commercial greenhouses and slaughter houses were two use groups that are currently allowed that would not be permitted under the LDRR zoning district. That change could limit potential agricultural operations at the northern corner of Turner and Blanchard Roads. It should be noted that either use is currently allowed and would continue to be allowed after a change from LDCR to LDRR if it was accessory to or part of the operation of a farm, nursery, residence or other permitted use. The Planning Board determined that the change should exclude the agriculturally used land at the corner of Blanchard and Turner Roads and the land to the north, on the east side of Turner Road to avoid negative impacts to the agricultural uses. The Board found that the proposal meets the requirements of the City's Comprehensive Plan with the amendment.

The Board voted 7/0 to forward a favorable recommendation to the City Council on a modified version of this proposal as shown on the map to the right. The areas outlined in red are recommended to be changed from the LDCR to LDRR zoning district.



Emily Mottram, Acting Chairperson Auburn Planning Board

The following uses are permitted: Permitted Use Designation	Allowed in LDCR	Allowed in LDRR
One-family detached dwellings.	Х	Х
Two-family dwellings.	X	X
Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and	Х	Х
farm automobile garages.		
Forest products raised for harvest.	X	Х
Field crop farms.	X	X
Row crop farms.	X	Х
Orchard farms.	X	X
Truck gardens.	Х	Х
Plant and tree nurseries.		Х
Greenhouses.		X
Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.	Х	Х
Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.	Х	Х
Wayside stands.	Х	Х
Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.	Х	Х
Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 10 of article IV and division 4 of article XVII of this chapter.		Х
Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.		Х
Licensed veterinarians provided that the lot is of at least three acres.		Х
Accessory uses, buildings or structures.		Х
Lawn maintenance services.		
Municipal uses and buildings.		Х

The following uses are permitted by special exception after approval by the planning board in

Special Exception Use Designation	Allowed in LDCR	Allowed in LDRR
Bed and breakfast.	Х	
Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:	Х	
a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.		
b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.		
c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.		
Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.	Х	
Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.	Х	Х
Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.	Х	

Recreational uses of land intended or designed for public use subject to the following conditions: a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses. b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.	X	X
Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:	Х	
a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.		
b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.		
Cemeteries, subject to the following conditions:	Х	X
a. At least 20 acres in area.		
b. Not located in any environmental overlay district or over any known aquifer.		
Municipal sanitary landfills, subject to the following conditions:	X	
a. Not located in any environmental overlay district or over any known aquifer.		
b. Provisions shall be made to avoid surface water and groundwater pollution.		
c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.		

Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that: a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties. b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.	X	X
Wholesale nurseries, subject to the following conditions: a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner. b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.	X	X
Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that: a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board. b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with. c. An end-use plan must be filed as part of the planning board process.	X	
Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice. Care homes, lodginghouses and boardinghouses. Child day care centers, provided that:	X	X X
 a. They are located on arterial and collector streets as defined in the Auburn Tomorrow Comprehensive Plan. b. They shall not be located closer than 1,000 feet from other established day care centers. c. These standards shall not apply to section 60-52 		

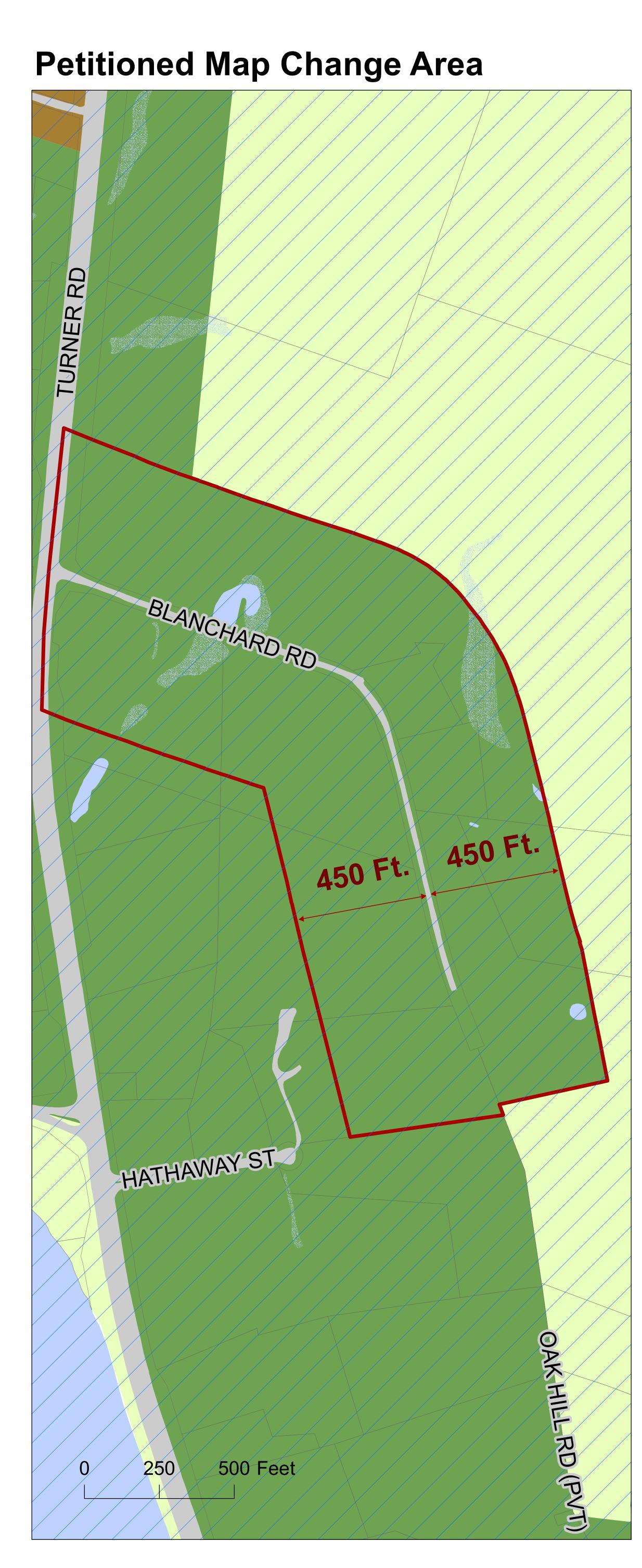
	Х
Community-based residential facilities, provided that:	^
a. The minimum distance between any two such facilities shall be 1,500 feet.	
b. Any such facility shall house no more than eight persons.	
Licensed kennels provided that there shall be available land area of at least three acres.	Х
Training schools.	Х
Adult day centers.	Х
Landscape services.	Х
Schools.	Х
Churches or temples.	Х
Libraries.	Х
Museums.	Х

7 §153. FARM; FARM OPERATION OR AGRICULTURAL COMPOSTING OPERATION NOT A NUISANCE

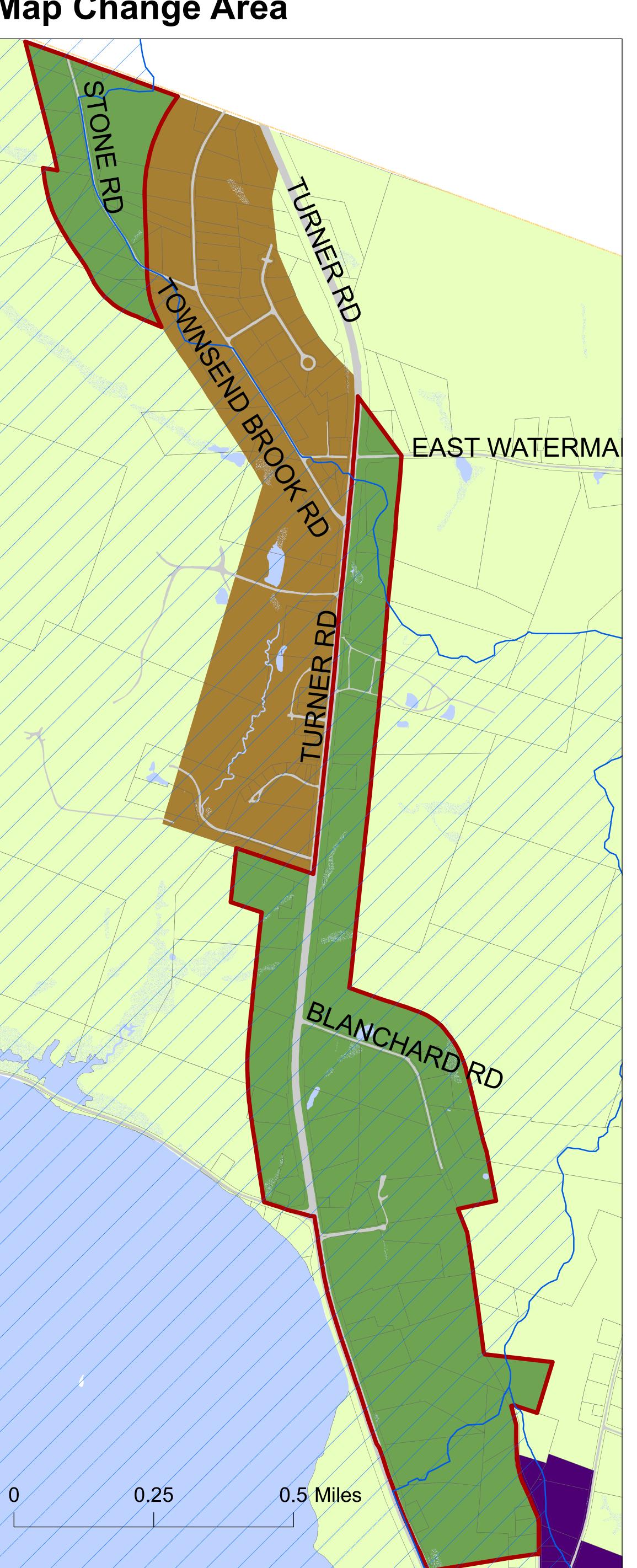
A farm, farm operation or agricultural composting operation may not be considered a public or private nuisance under Title 17, chapter 91 if the farm, farm operation or agricultural composting operation alleged to be a nuisance is in compliance with applicable state and federal laws, rules and regulations and:

- 1. Farm; farm operation; agricultural composting operation. The farm, farm operation or agricultural composting operation conforms to best management practices, as determined by the commissioner in accordance with Title 5, chapter 375;
- 2. Storage or use of farm nutrients; complaints. For complaints regarding the storage or use of farm nutrients as defined in section 4201, subsection 4, the farm, farm operation or agricultural composting operation has implemented a nutrient management plan developed in accordance with section 4204 and operation of the farm, farm operation or agricultural composting operation is consistent with the nutrient management plan; or
- 3. Change in land use; occupancy of land. The farm, farm operation or agricultural composting operation existed before a change in the land use or occupancy of land within one mile of the boundaries of the farm, farm operation or agricultural composting operation as long as, before the change in land use or occupancy, the farm, farm operation or agricultural composting operation would not have been considered a nuisance. This subsection does not apply to a farm, farm operation or agricultural composting operation that materially changes the conditions or nature of the farm, farm operation or agricultural composting operation after a change in the land use or occupancy of land within one mile of the boundaries of the farm, farm operation or agricultural composting operation. Nothing in this subsection affects the applicability of any of the other provisions of this chapter.

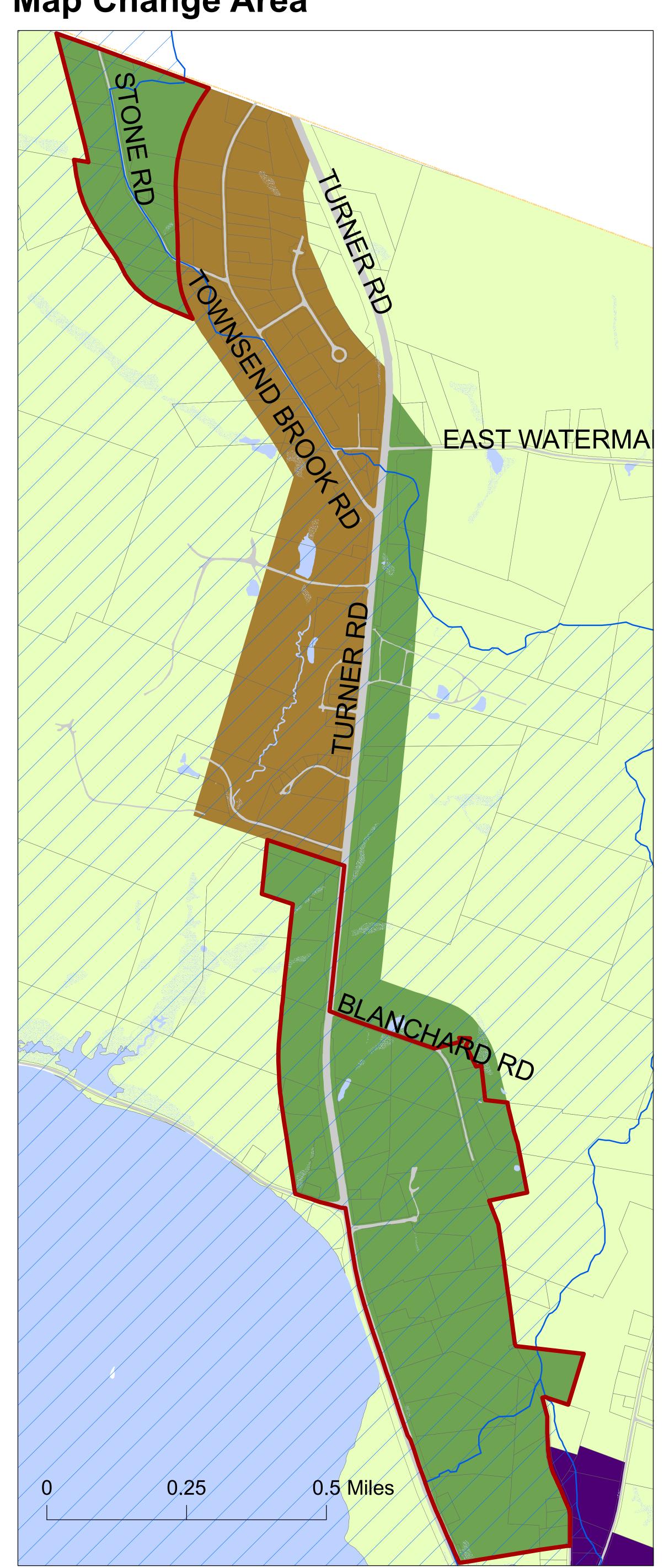
Proposed Zoning Amendment

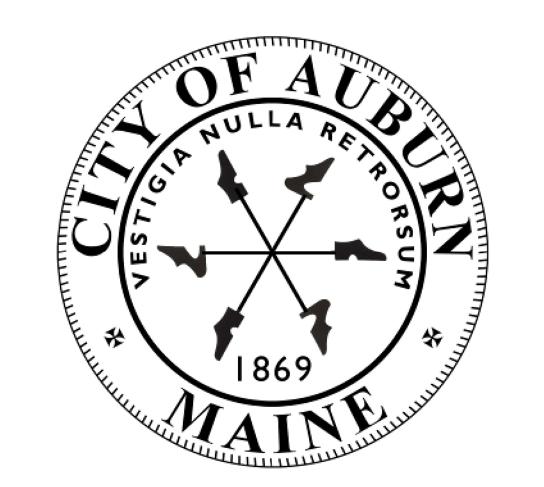


Comp Plan & Staff Recommended Map Change Area



Planning Board Recommended Map Change Area





City of Auburn Maine

Current Zoning

AG - Agriculture and Resource Protection

LDCR - Low
Density Country
Residential

RR - Rural Residential

SR - Suburban Residential

Proposed Map Change Area

Lake Auburn Watershed

The data used for this map were derived from Auburn's digital databases. Although we strive to provide the best data we can, the City of Auburn cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. Users of the information displayed on this map are strongly cautioned to verify all information before making any decisions.

Auburn Planning Board Meeting Minutes February 12, 2013

Roll Call

Full Members present: Dan Bilodeau, Emily Mottram Presiding, Evan Cyr, Robert Gagnon, Marc Tardif and Dan Philbrick.

Full Members absent: Robert Bowyer

Associate Members present: Mia Poliquin Pross and Kenneth Bellefleur. Mia Poliquin Pross participated as a Full Member for this meeting due to Mr. Bowyer being absent.

Also present: Director of Planning and Permitting Eric Cousens represented City staff.

Minutes

A request to approve the January 8, 2013 meeting minutes was made by staff.

Dan Bilodeau commented that there was a typo in the last paragraph of the 2nd page. He said LAWPCA should be spelled LAWPC.

A motion was made by Dan Bilodeau and seconded by Robert Gagnon to approve the January 8, 2013 meeting minutes as amended. After a vote, the motion carried 7-0-0.

Chairperson Mottram explained the procedure that is used for Public Hearings.

Robert Gagnon stated he would be abstaining from voting on this public hearing due to a conflict of interest. Kenneth Bellefleur was then appointed as a full voting member.

Public Hearings:

The City of Auburn received a petition to amend the Zoning Map in the area of Blanchard Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) to reduce the minimum lot size from 3 acres to 1 acre and for conformance with the City of Auburn Comprehensive Plan. The proposed changes include a strip of land 450' deep from the centerline of and parallel to Blanchard Road on the parcels at 16 Blanchard Road (PID # 367-035), 2527 Turner Road (PID 345-025), 117 Blanchard Road (PID# 345-024), 96 Blanchard Road (PID# 345-016), 120 Blanchard Road (PID# 345-017), 145 Blanchard Road (PID# 345-023), 170 Blanchard Road (PID# 345-018), 48 Hathaway Street (PID# 345-032-001).

Based on the Comprehensive plan, staff recommends that the Planning Board and City Council consider applying the change to a larger area to include the existing areas within the LDCR zoning district along Turner Road, Hathaway Street, Stone Road and a portion of Oak Hill Road. Changing any Agricultural zoning to residential is not recommended and not supported by the Comprehensive plan.

Eric read the staff report.

William Saucier of 145 Blanchard Road and applicant explained why he was petitioning for the zone change.

Eric stated that a majority of the area is located in the Lake Auburn Watershed which means that all of the properties within that area are still subject to all of the standards in the Lake Auburn Watershed. If those standards are met, the impacts to the watershed should not be a substantial concern.

Eric used the projector to show a map of the area depicting the watershed boundaries. The next screen showed a list of all of the uses allowed in the LDCR and the uses allowed in the LDRR.

Dan Bilodeau commented that current property owners in the Lake Auburn Watershed should be aware that there will be possibilities of review and revise septic requirements, strategy to adopt low impact development standards and update of the phosphorous control plan. He said these are all additional restrictions that people need to be made aware of.

Open Public Hearing

Britny Anderson of 2175 Turner Road asked for clarification on how the zoning change might affect the following:

- Taxes
- Tree management
- Hunting / Target shooting
- Mobile homes / Trailer parks allowed
- Apartment buildings allowed
- Would speed limit be reduced if more driveways are built

Eric replied the following:

- Taxes would not change unless the property owner chose to split the property. The tax value is set based on a neighborhood code and the neighborhood code would not change based on the zoning.
- Shooting is not affected by this proposed change other than for a commercial organized shooting range.
- Timber management is allowed in any zoning district.
- Trailer parks and mobile homes are allowed in the rural residential zoning district with approval of the Planning Board with a criterion that they have to be within 1,500 feet of municipal sewer. Very little of this area is within that distance of municipal sewer.
- There are some limitations to what people can have for access out there that are controlled by the state. Does not foresee a lot of additional driveways being built because of this proposed change.

Deborah Desjardins of 2768 Turner Road said she was not opposed, just concerned. Realizes that the Water District is very strict when it comes to adding septic systems as she had to jump

through hoops to replace her septic. She said she is concerned that if this goes through, more people will be driving down a blind road trying to cross north bound traffic on Turner Road.

Chairperson Mottram asked if traffic was taken into account when a lot is divided and Eric replied no.

Evan Cyr asked if Eric was aware of the number of lots that were currently located on Blanchard Road that were 500 feet or wider in terms of road frontage. Eric replied there were between 2 and 4 depending on house locations besides the farm on the corner that could be split into more. Eric added that if there was ever a proposal for a subdivision, the creation of 3 or more lots, then we would have to look at traffic but we don't have a mechanism to consider traffic for the individual one-lot-at-a-time split.

Dan Bilodeau commented that we all know Route 4 is a busy road with many accidents occurring and asked if there was some sort of capacity schedule for it. Eric replied that the City was looking at trying to get funding through our legislators for a comprehensive look at the Route 4 corridor to address safety concerns. The Maine Department of Transportation does not consider any one location to have a high enough accident rate to be a high crash location even though many accidents occur all along the corridor.

Luis Feliciano of 16 Blanchard Road stated his property was located at the corner of Route 4 and Blanchard Road and comprised of 104 acres of farm land. He asked who of the Planning Board members were knowledgeable with farming. 2 of the 7 Planning Board members raised their hands. Mr. Feliciano stated the following:

- The type of farming he does is the type that nobody wants to do. Everyone enjoys the fruits of our labor but nobody wants to think about what we do and how we do it.
- On the property are draft horses, bees, chickens and sheep and all are rotated throughout the fields at different times.
- Considers it a multi faceted operation.
- This change in zoning will drastically affect the way he does his business and will limit how much he can diversify in his operation. In business, the more diversified you are the more resilient and stronger you are.
- Having a corner lot with a proposed zone change and being in the watershed are obstacles in farming.
- More neighbors will increase three-fold the amount of people that he will have to please with his operation in terms of animals defecating and the travelling odor.
- Has a big wood lot and has to harvest his wood which means he has to invest in equipment and in order to be able to pay would need to offer services to other farmers. Mentioned slaughter houses and greenhouses as operations that would be limited.
- By changing the zone, it is bringing him closer to a residential area.
- Asked how many zone changes will need to happen before the area is zoned as moderate as is proposed in the Comp Plan.

Chairperson Mottram commented that it appeared greenhouses are not currently allowed but will be allowed with the zone change. Eric replied greenhouses should be allowed in either zone.

Dan Bilodeau asked Eric to show Mr. Feliciano's property up on the screen and Eric proceeded to do so.

Mr. Feliciano said a total of 8 acres will be affected by the zone change.

Eric clarified that you can have green houses as part of an agricultural use in either zoning district.

Mr. Bilodeau commented that the Comp Plan Committee looked at all of the residential strips and because the properties were in the watershed did not want to change the Agricultural Resource Protection. He said he was not aware that there was a large farm at that location and asked if the abutting parcels were also in farming or woodlots.

Mr. Feliciano said it is not an easy farm to manage because it is not a conventional type of landscape as it is basically rolling hills. He proceeded to show where his farm's boundaries were located on the map.

William Saucier of 145 Blanchard Road stated the reason he was trying to rezone is not to create more lots but to keep the land that he owns. He said he is trying to get the few lots that currently don't conform back to being conforming. He assured the Board that no land up there would pass the restrictions that the Water District has to install a septic system.

Mr. Feliciano said he wanted to talk about the issue of land conservation because he is a farmer and that is what he has to do to protect the land. He spoke about land being protected through a land trust and mentioned several websites that offered information about land preservation.

Robert Gagnon of 160 Stone Road said he probably started the whole problem in the neighborhood when he surveyed one of the lots and found a neighbor's septic system was on the land. He said the gentleman who owns the land wants to give the land to the owner of the septic system but cannot because the land is non-conforming so by going to 1-acre lot sizes, they would both become conforming.

<u>A motion</u> was made by Evan Cyr and seconded by Dan Philbrick to close the public hearing. After a vote, the motion carried 7-0-0.

Dan Bilodeau asked if it would be less difficult for City staff if the Board approved only what was proposed by the applicant and not the whole area as is recommended by the Comp Plan. Eric replied that the way he looks at any of these proposed changes is as an opportunity to implement more of the comprehensive plan in one shot. He said the Board's options were recommending approval of what was petitioned, or a portion of that area and or the Board can exclude the actively farmed properties from that recommendation so they stay Low Density Country Residential or include more than the petitioned land. He mentioned the point about greenhouses was well taken and if that's an important part of that agricultural operation, maybe the time isn't right for the change on that parcel.

Mia Poliquin Pross asked if there was any process in place for grandfathering a business or a lot that might span 2 different zones. Eric replied there is. He said existing greenhouse buildings that are there could continue to be there even if they were no longer allowed in the new zoning district but they would be limited as far as expansion would go. He said agriculture is difficult to keep in our community and if there is a way to modify the proposal to try to preserve it is certainly worthwhile.

Evan Cyr asked if there were only 2 nonconforming lots on Blanchard Road and stated even though this is not an ideal solution, asked if the Board could decide to only recommend those 2 lots for a zone change. Eric replied yes but encouraged the Board to look at recommending rezoning on a larger area. He said because it would be consistent with the Comprehensive Plan, it would not technically be considered spot zoning. He said the Board could decide to implement a portion of the change and still be consistent with the Comprehensive Plan.

<u>A motion</u> was made by Mia Poliquin Pross to forward a favorable recommendation of a portion of staff's proposed change to amend the Zoning Map in the area of Blanchard Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) to reduce the minimum lot size from 3 acres to 1 acre and for conformance with the City of Auburn Comprehensive Plan but to exclude all of the active farming area on the northern corner of Blanchard and Turner Roads and the east side of Turner Road. The motion was seconded by Marc Tardif.

After some discussion, the Board members asked for some clarity of the original motion.

Eric read the following motion as he understood it to be: to recommend approval of the amendment as shown on the map to rezone the West side of Turner Road which includes the Stone Road area, but excluding the areas on the east side of Turner Road down to Blanchard Road and all of the active farming area (Mr. Feliciano's property) within the Low Density Country Residential. All of the other areas outlined in red would still be included in that recommendation for the change.

Ms. Poliquin Pross and Mr. Tardif were in favor of and agreed with the clarification of the motion.

After a vote, the motion carried 7-0-0.

Eric explained that the recommendation would go to the City Council within the next 4 weeks and mentioned if anyone wanted to be kept informed of upcoming meetings to leave their name and email address so staff could notify them of upcoming discussions. He also mentioned that everyone who received a notice this time would receive a mailed notice of the future public hearing but would not get a notice for the initial workshop.

OLD BUSINESS: None at this time.

MISCELLANEOUS

1) Discussion on complete streets with LA Bike Ped Committee representative.

Jeremiah Bartlett of 107 Shepley Street and representative of LA Bike Pedestrian Committee explained the proposed complete streets policy. He presented a PowerPoint presentation and a discussion ensued.

<u>A motion</u> was made by Marc Tardif, seconded by Robert Gagnon to forward a favorable recommendation to the City Council.

After a vote, the motion carried 7-0-0.

Ken Bellefleur did not vote as he was now back as an Associate Member.

2) Comprehensive Plan implementation update

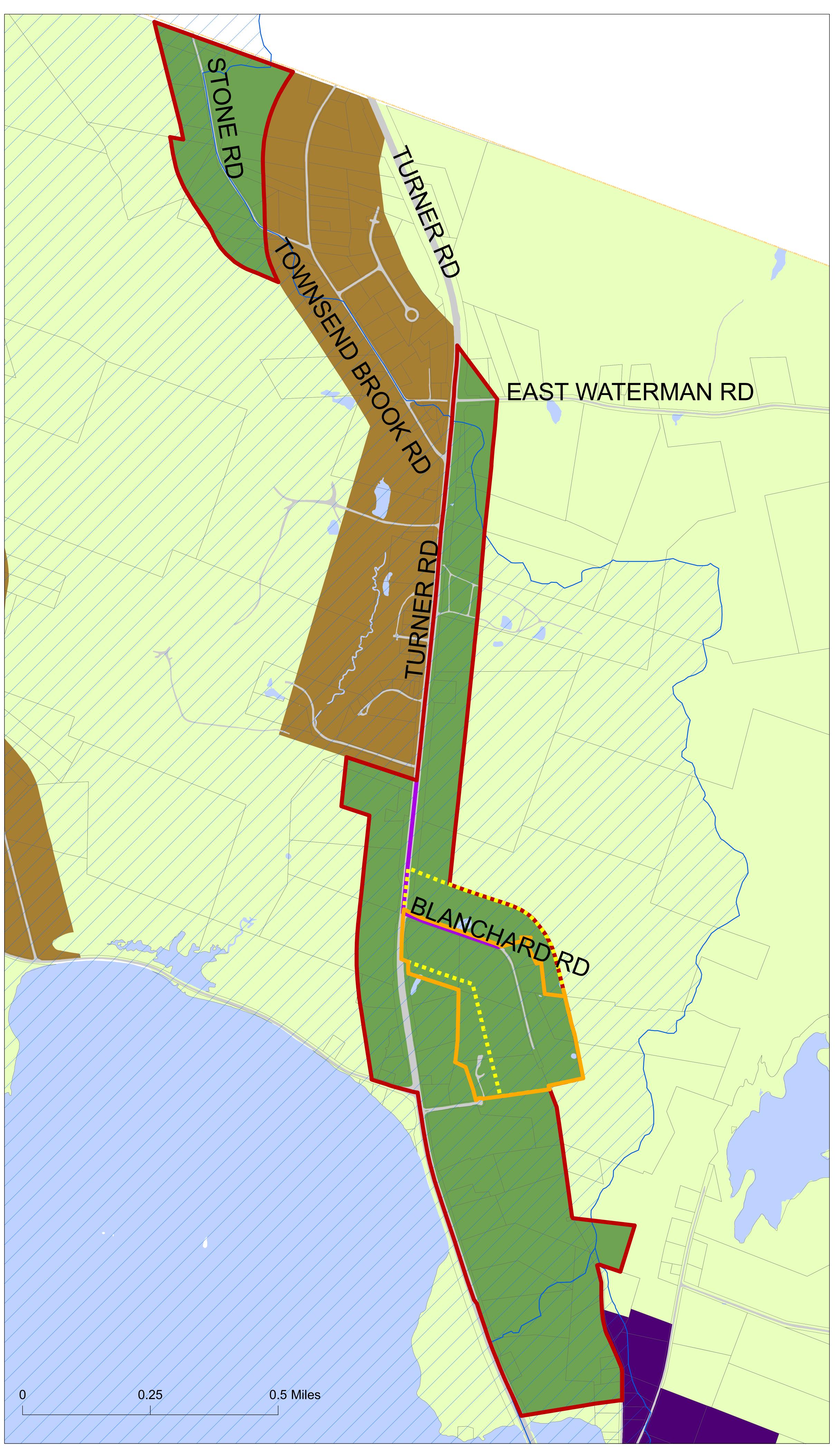
Eric gave an update on the status of the Comprehensive Plan implementation to date.

3) Lake Auburn TRC update.

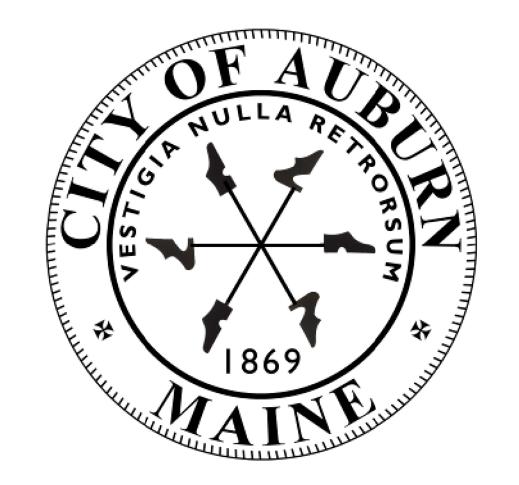
Eric mentioned that the Lake Auburn Watershed Protection Commission will be giving their update on the Lake Auburn Watershed Diagnostic study in Lewiston City Council Chambers at 5:00 pm on Wednesday, February 13, 2013. He said Auburn's City Council had appointed the Auburn Planning Board as the Technical Review Committee and gave a brief explanation as to what that involved.

ADJOURNMENT

<u>A motion</u> was made by Evan Cyr and seconded by Dan Bilodeau to adjourn. After a vote, the motion carried 7-0-0.



Proposed Zoning Amendment



City of Auburn Maine

Council Map Amendment Petitioned Change Area Staff Recommended Area Planning Board Recommended Area Lake_Auburn_Watershed Parcel Lines Current Zoning AG - Agriculture and Resource Protection LDCR - Low Density Country Residential RR - Rural Residential SR - Suburban Residential

The data used for this map were derived from Auburn's digital databases. Although we strive to provide the best data we can, the City of Auburn cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. Users of the information displayed on this map are strongly cautioned to verify all information before making any decisions.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting Services

March 12, 2013

Re: Auburn City Council Public Reading and Hearing – March 18, 2013 & April 1, 2013

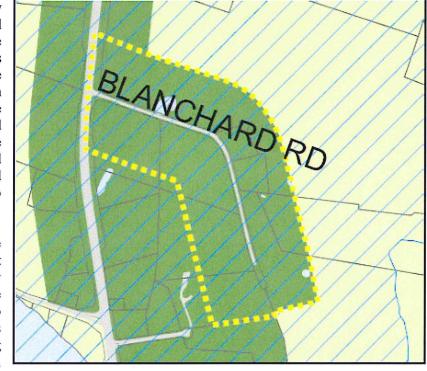
To Whom It May Concern,

The Auburn City Council will hold a Public Reading & Public Hearing on Monday, March 18, 2013 and Monday, April 1, 2013 at 7:00 PM in the City Council Chambers of Auburn Hall, 60 Court Street, Auburn, Maine. The following proposal will be heard:

The City of Auburn received a petition to amend the Zoning Map in the area of Blanchard Road

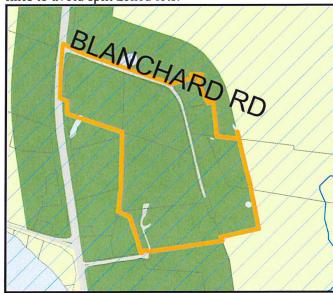
from Low Density Country Residential (LDCR) to Low Rural Residential Density reduce (LDRR) to the minimum lot size from 3 acres to 1 acre and for conformance with the City of Auburn Comprehensive Plan. petition included a strip of land 450' deep from the centerline of and parallel to Blanchard Road as shown in the dashed yellow outline on the map to the right.

Based on the Comprehensive plan, staff recommended that the Planning Board and City Council consider applying the change to a larger area to include the existing areas within the LDCR zoning district along Turner Road,

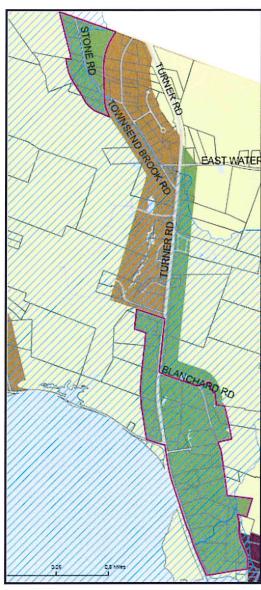


Hathaway Street, Stone Road and a portion of Oak Hill Road. The planning Board considered public input and recommended that the Council apply the change to a larger area but also that the east side of Turner Street and the actively farmed parcel north of Blanchard Road be excluded from the change to minimize impacts to the agricultural use and to limit new driveways along Turner Road. A map of the Planning Board recommended area is on the map at the top of the next page of this letter. The Planning Board recommended area is outlined in purple.

On March 4, 2013 the City Council received an update from staff regarding the status of the proposed map amendment. Based on the Council discussion and ongoing concerns with traffic safety on Route 4, some councilors expressed concerns with changing the zoning over the larger area and asked staff to prepare a modified map for consideration. The new map below incorporates the Planning Board recommended changes into the petitioned map and generally follows property lines to avoid split zoned lots.



The Council wishes to hear from residents and property owners to help them make a decision on the map amendment. Please do not hesitate to contact me at 333-6601, ext: 1154 if you would like additional



information. The Council agendas and more detailed supporting information will be available on the City Website in the Council Agendas section by the end of the week and much of it is already available under the March 4, 2013 Agenda.

Sincerely,

Eric J. Cousens

Director of Planning & Permitting

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Zoning Map in the area of Blanchard Road from Low Density Country Residential to Rural Residential as described on the attached pages and for conformance with the City of Auburn Comprehensive Plan. The proposed changes include a strip of land 450' deep from the centerline of and parallel to Blanchard Road on the parcels at 16 Blanchard Road (PID # 367-035), 2527 Turner Road (PID 345-025), 117 Blanchard Road (PID# 345-024), 96 Blanchard Road (PID# 345-016), 120 Blanchard Road (PID# 345-017), 145 Blanchard Road (PID# 345-023), 170 Blanchard Road (PID# 345-018), 48 Hathaway Street (PID# 345-032-001).

SIGNATURE	PRINTED NAME	ADDRESS
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I hilys Fando	PHILIP ZANDO	117 BLANCHAR RD AUBURN
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Kaherta Buggess	ROBERTA BURGESS	595 North River Butterbur
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Schart Vadehton	Robert O. Additon	1002 North River Rd. Aubur
Jacker Vadenton	Sarah Duchette	130 Blanchard Rd. Auburn
X Jum co Bliminand	Jessica Blanchard	96 Blanchard Rd Auburn
A Harri Evint	MARY Grant	192 Stone Rd. Aubur
Constance Do Gagran		160 Stone Rd AUBURN
Lawrence Robinson	Lawrence Rohinson	432 East Waterman Rd, Aub.
Richard a. Mercier	Richard A Mehcier	101 Bradman St. Aub.
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REZONING PETITION

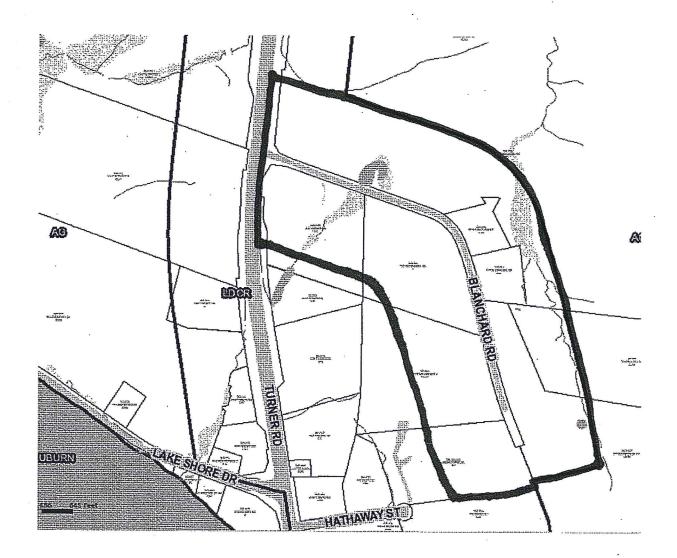
We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Zoning Map in the area of Blanchard Road from Low Density Country Residential to Rural Residential as described on the attached pages and for conformance with the City of Auburn Comprehensive Plan. The proposed changes include a strip of land 450' deep from the centerline of and parallel to Blanchard Road on the parcels at 16 Blanchard Road (PID # 367-035), 2527 Turner Road (PID 345-025), 117 Blanchard Road (PID# 345-024), 96 Blanchard Road (PID# 345-016), 120 Blanchard Road (PID# 345-017), 145 Blanchard Road (PID# 345-023), 170 Blanchard Road (PID# 345-018), 48 Hathaway Street (PID# 345-032-001).

DDINITED NAME

ADDRESS

CICNIATURE

SIGNATURE	PRINTED NAME	ADDRESS
Vallyn Black	allison Blanchard	376 Hersen Hilled Aubum ME
V Jan R	Derrick Blanchard	376 Hersey Hill Rd Auburn ME 376 Hersey Hill Rd Abb Me.
V Beryl Robinson	Beryl Robinson	158 TOWNSEND Brook Rd Aubyrn Me
1 Brey Hallert	Gregory C Jalbert	99 Stone Rd. Aubion, ME
V Kulbeile albert	Kimberly A Jaibert	995toneRd aubun me-
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Future Land Use

The Future Land Use plan recommends the following:

Low Density Residential Development District (LDRD)

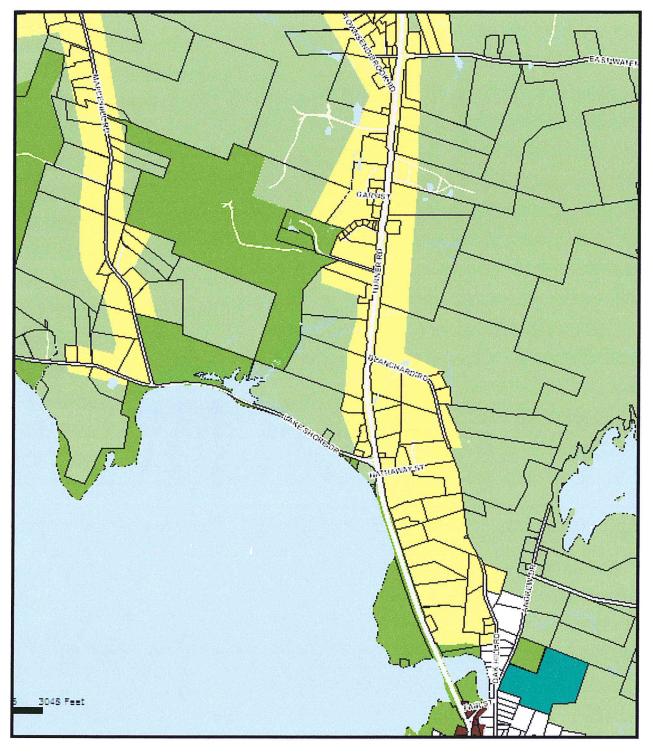
Objective – Allow for low density residential development (primarily detached single family homes) on the fringe of the built up area where public services can be reasonably provided, but where public sewerage is not available and is not likely to be available in the foreseeable future (see Figure 2.3).

Allowed Uses – The allowed uses in the Low Density Residential Development District should be similar to the uses currently allowed in the existing Rural Residential District, including single and two-family homes and town-house style units.

Development Standards – The residential density in the Low Density Residential Development District should be one unit per acre. The development standards should be similar to the standards for the existing Rural Residential District, except for the lot width/frontage requirement. The current frontage requirements along existing public roads should be maintained, including the provision for larger frontage in areas currently zoned Very Low Density Country Residential. The frontage standards should allow lot widths of as little as 125-150 feet for lots that front on a new internal street, and for back lots with as little as 50 feet of frontage on an internal street. The standards should allow the size of individual lots to be reduced and the lots clustered to allow a portion of a development to be preserved as open space, provided that adequate provisions can be made for on-site sewage disposal and water supply and the overall density requirement is met.

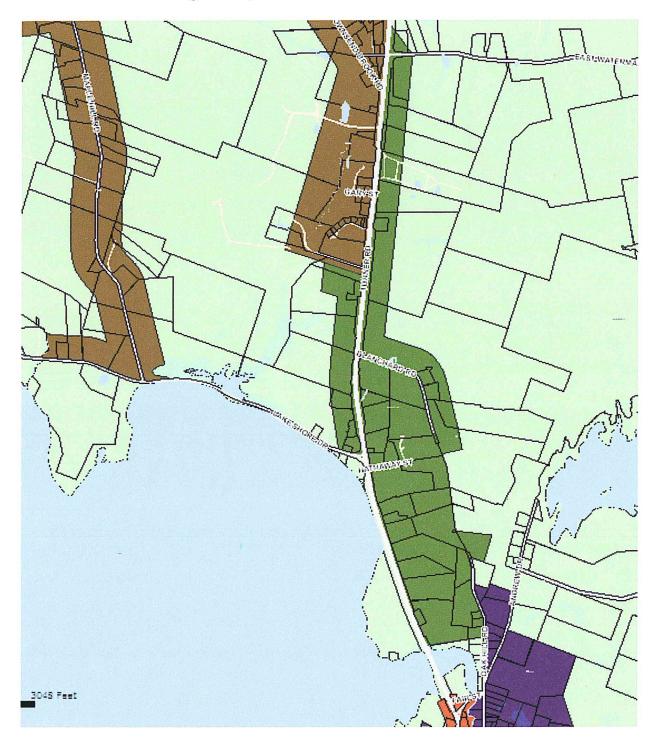
The proposed change will be in conformance with the plan and will change the zoning to the Low Density Rural Residence Zone (LDRR). This will change from a 3 acre lot size with 325' frontage requirement to a 1 acre lot size with a 250' frontage requirement.

Future Land Use



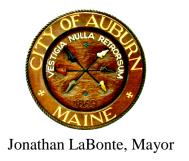
Conservation / Open Space	
Low Density Residential Development	
	Agriculture/Rural
	Community Use

Current Zoning Map



Agriculture and Resource Protection	
Rural Residential	
Low Density Country Residential	
Suburban Residential	
General Business	

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

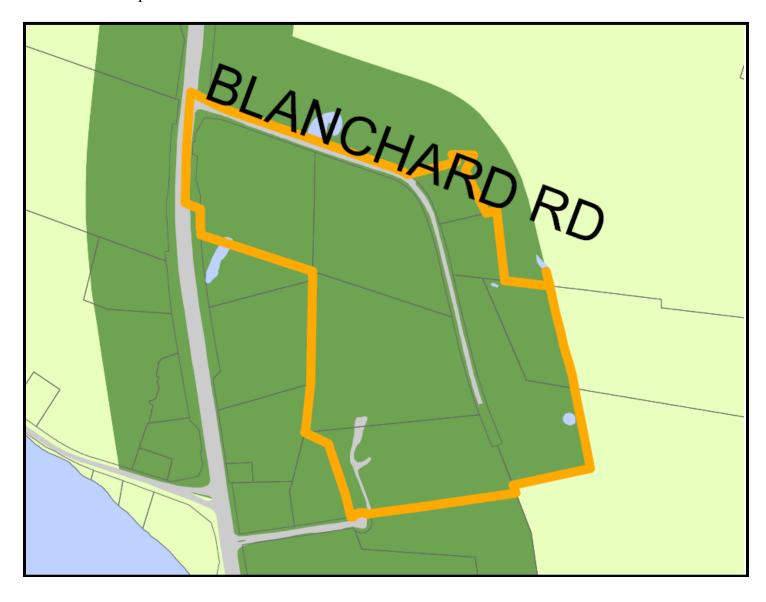


Leroy Walker, Ward Five Belinda Gerry, At Large Joshua Shea, At Large

IN CITY COUNCIL

ORDINANCE 01-03182013 (Option A)

BE IT ORDERED, that the City of Auburn Zoning Map is hereby amended in the area of Blanchard Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) in the area outlined in yellow on the map below, pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn. The amendment is based on the finding that The City's Future Land Use Map shows the area as "Residential – Low Density". The Low Density Rural Residential zoning designation is consistent with the future land use map.





City Council Agenda Information Sheet

City of Auburn

Council Meeting Date:

April 1, 2013

Order 18-03182013

Author: Sue Clements-Dallaire, City Clerk
Item(s) checked below represent the subject matter related to this item.
□Comprehensive Plan □Work Plan □Budget □Ordinance/Charter □Other Business* □Council Goals**
**If Council Goals please specify type:
Subject: Board and Committee Appointments
Information : On March 6, 2013 the Appointment Committee met to review applications and nominate candidates to serve on the various boards and committees (see attached document) as part of the new appointment process. It is being presented to Council to vote on the appointment of these members.
Financial: N/A
Action Requested at this Meeting: Recommend passage.
Previous Meetings and History : The new appointment process was approved by Council on December 3, 2012, the Appointment Committee met and nominated candidates for appointment on 3/6/2013, this item was on the 3/18/2013 Council Agenda and postponed until tonight's meeting.

Attachments:

- List of nominees
- Order 18-03182013

^{*}Agenda items are not limited to these categories.

Board and Committee Nominations

3-6-2013

Auburn Housing Authority

Gilda Berube - term expiration 10/01/2017 Danelle Martel - term expiration 10/01/2017 Dan Curtis - term expiration 10/01/2016 Asmo Dal - term expiration 10/01/2015

Auburn Sewer District

Beverley Heath – term expiration 03/01/2017

Auburn Water District

Robert Cavanagh – term expiration 03/01/2017 Richard S. Whiting – term expiration 03/01/2017

Board of Assessment Review

Walter W. Crites – full member with term expiration of 10/01/2017 Levi Gervais – alternate member with term expiration of 10/01/2017

We will need to repost for additional positions (two alternate members with term expirations of 10/01/15 and 10/01/16)

Cable TV Advisory Board

Edward Desgrosseilliers – term expiration of 01/01/15 Normand P. Morin – term expiration of 01/01/15

We will need to repost for additional positions with term expirations of 01/01/15.

CDBG Loan Committee

Greg E. Whitney – with term expiration of 10/01/2015 (banker/lender position) Peter Simonitis – with term expiration of 10/01/2015 (resident position)

Ethics Panel – appointed by the Mayor with approval from Council majority

Linda Snyder – full member with term expiration of 01/01/2015 Anthony Newman – Alternate member with term expiration of 01/01/2016 There are two more vacant positions, one full and one alternate position which are to be appointed by the Chair of the School Committee with approval from the School Committee majority.

L/A Railroad Company – nominated by Board, approved by Council

Steve Lunt – term expiration of 04/01/2016

L/A Transit Committee

Leonard Kimble – term expiration of 01/01/2015

Parks & Recreation Advisory Board

Sue Patenaude – term expiration of 10/01/2014 Tom Nadeau – term expiration of 10/01/2014

Zoning Appeals Board

Dan Curtis – associate member with term expiration of 10/01/2014

Two full member positions were not vacant as originally thought.

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 18-03182013

ORDERED, that the following individuals are hereby appointed to the following boards and committees with term expirations as noted;

Auburn Housing Authority

Gilda Berube - term expiration 10/01/2017 Danelle Martel - term expiration 10/01/2017 Dan Curtis - term expiration 10/01/2016 Asmo Dal - term expiration 10/01/2015

Auburn Sewer District

Beverley Heath – term expiration 03/01/2017

Auburn Water District

Robert Cavanagh – term expiration 03/01/2017 Richard S. Whiting – term expiration 03/01/2017

Board of Assessment Review

Walter W. Crites – full member with term expiration of 10/01/2017 Levi Gervais – alternate member with term expiration of 10/01/2017

Cable TV Advisory Board

Edward Desgrosseilliers – term expiration of 01/01/15 Normand P. Morin – term expiration of 01/01/15

CDBG Loan Committee

Greg E. Whitney – with term expiration of 10/01/2015 Peter Simonitis – with term expiration of 10/01/2015

Ethics Panel – appointed by the Mayor with approval from Council majority Linda Snyder – full member with term expiration of 01/01/2015 Anthony Newman – Alternate member with term expiration of 01/01/2016

L/A Transit Committee

Leonard Kimble – term expiration of 01/01/2015

Parks & Recreation Advisory Board

Sue Patenaude – term expiration of 10/01/2014 Tom Nadeau – term expiration of 10/01/2014

Zoning Appeals Board

Dan Curtis – associate member with term expiration of 10/01/2014



City Council mation Sheet

City of Auburn

}		Agenda Inf	ormation Sh
	Council 1	Meeting Date:	April 1, 2013
	Author:	Reine Mynahan	, Community De

ommunity Development Director

Item(s) checked below represent the subject matter related to this item.			
□Comprehensive Plan □Work Plan □Budget □Ordinance/Charter □Other Business* □Council Goals**			
**If Council Goals please specify type:			
Subject: Public Hearing for FFY2013 Community Development Program			
Information : According to the requirements of the Community Development Program, a public hearing shall be held prior to adoption of the budget. The public hearing has been set for April 1, 2013.			
Financial: n/a			
Action Requested at this Meeting: Review revised budget, open and close the public hearing. Make adjustments to budget, if necessary.			
Previous Meetings and History: Workshop of February 25, 2013.			

Attachments: Memo dated March 26, 2013

^{*}Agenda items are not limited to these categories.



"Maine's City of Opportunity"

Community Development Program

TO:

Clint Deschene, City Manager

FROM:

Reine Mynahan, Community Development Director

RE:

Revised Community Development Budget

DATE:

March 26, 2013

Attached are the revised budget sheets for the Community Development Block Grant Program, HOME Investment Partnerships Program, and funding from other grants to support specific activities for the coming year.

The Community Development budget reflects several changes due to the unsuccessful effort of the Cities of Auburn and Lewiston in their Lead Grant application. The Lead Match activity of \$70,000 has been eliminated and several other changes were made.

I am proposing to utilize staffing resources to support the efforts of two departments, Assessing and Planning/Permitting. Our Administrative Assistant will spend 26% of her time assisting the Tax Office on a year round basis with greater effort during their busiest time, April and May. The Rehab Coordinator will spent 5% of his time, all in the month of October, conducting field measurements for the Assessing Department. Further, the Rehab Coordinator will spend 40% of his time on a year round basis implementing a code enforcement program. The salary for the Assessing work will be absorbed by the City's budget. The time spent on code enforcement will remain in the Community Development budget as a separate activity. To accommodate these changes, some of the work load of the Administrative Assistant and Rehab Coordinator will be shifted to others in the Department.

The attached budget sheets summarize the current budget (FFY2012), the budget that was proposed at February 25th workshop (FFY2013 with Lead), and the new proposal (FFY2013 revised).



City of Auburn Community Development Block Grant Fiscal Year 2013

Budget		Proposed
	FFY 2013	FFY 2013
As Amended	Budget	Budget
116,000	116000	105000
81,000	56000	69000
		28200
229,700	200200	202200
		30,000
65,000	30,000	30,000
		30,000
	· · · · · · · · · · · · · · · · · · ·	160,000
		5,000
	62,250	62,250
•	80.000	100,000
30,000	80,000	100,000
	70,000	
269,500	369,750	357,250
400.000		
·	62.500	60 500
·	02,500	62,500
0		
0	15,000	15,000
264,403	77,500	77,500
	50.000	55,500
75.000	·	110,000
75,000	155,000	165,500
		7,000
		25,000
		8,000
		3,000
		20,000
4,000		5,000
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	81,000 32,700 229,700 65,000 65,000 150,000 5,000 62,500 2,000 50,000 269,500 11,040 10,000 0 0 264,403	81,000

City of Auburn HOME Investment Partnerships Program Fiscal Year 2013

_	FFY2012 Budget	Director's Proposed FFY2013 Budget	Revised Proposed FFY2013 Budget
PROGRAM ADMINISTRATION			
General Administration	26,500	25,500	25500
Project Delivery Costs	40,000	45,000	41000
Analysis to Impediments to Fair Housing	5,000	40,000	0
Goods and Services	3,500	2,500	2500
Sub Total	\$ 75,000	\$ 73,000	69000
AFFORDABLE HOUSING			
Homebuyer Assistance	216,110	110,000	110000
Homebuyer/Youthbuild	40,000	40,000	44000
Homeowner Rehabilitation	166,159	369,831	369831
Tenant Rental Assistance/Security Deposits	 19,573	11,511	11511
Sub Total	\$ 441,842	\$ 531,342	535342
TOTAL BUDGET	\$ 516,842	\$ 604,342	\$ 604,342

City of Auburn Other Grants Fiscal Year 2013

PLANNING AND ADMINISTRATION	<u>Activity</u>	FFY2012 Budget	w/Lead Proposed FFY2013 <u>Budget</u>	Revised Proposed FFY2012 <u>Budget</u>
Urban Development Action Grant				
Community Little Theater		40,000	0	0
New Auburn River Trail		96,268	0	0
Edward Little Park		25,000	0	0
Lead Hazard Control Grant	Salaries	5,500	3,500	3500
Lead Hazard Reduction Demonstra	Salaries		57,000	0
NSP-1	Salaries	5,000	2,500	2500
NSP-3	Salaries	6,800	3,500	 3,500
Sub Total	=	\$ 178,568	\$ 66,500	\$ 9,500



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: April 1, 2013 Order 21-04012013

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:							
Subject: Charitable Organization Event Support Policy							
Information: In preparation for the upcoming festivals and special events, we met with event coordinators and several city staff members to discuss our plans to implement a new application process with the possibility of a multiyear (3 year) agreement with a three year extension by the City Manager, pending any major changes with the event. In an effort to keep things consistent between Lewiston and Auburn and to simplify the process for organizations who are applying in both communities, we tried to mirror Lewiston's process as much as possible while tailoring it to Auburn's needs and staying in compliance with our Code of Ordinances. For calendar year 2013, all applications will be submitted by April 1 st for Council consideration at the April 16 th meeting.							
Financial:							
Action Requested at this Meeting: Recommend passage.							
Previous Meetings and History : A Festival Planning Meeting was held on January 15 with the event coordinators and City Staff to discuss our proposed plans. This was presented to council at the March 4, 2013 Workshop and again (with changes) at the 3/18/2013 workshop. We have made additional recommended changes and are recommending passage.							

Attachments:

- Charitable Funding Policy
- Order 20-04012013

^{*}Agenda items are not limited to these categories.

CHARITABLE ORGANIZATION EVENT SUPPORT POLICY

PURPOSE

To establish a process for approving the funding of non-profit/charitable funding events, that benefit residents in the City of Auburn.

BACKGROUND

It has been the practice of the City of Auburn to allocate funding from the city's General Fund (through individual department budget lines—events such as the July 4th fireworks) and in-kind contributions to support a variety of highly successful and well-attended community-based events conducted by charitable/non-profit organizations.

The City also provides funding support for non-profits through its Community Development Block Grant (CDBG) funds. This policy shall not involve the utilization of those funds as the City employs a separate process to review and distribute CDBG funds.

In order to ensure a uniform process is followed in the appropriation of city General Funds or in-kind city support requests that are annually submitted to the city, the following guidelines will be followed.

EXEMPT ORGANIZATIONS

For the purposes of this policy, certain organizations/events shall be exempt from the funding limitations articulated in this policy. This exemption shall not be meant to exempt these organizations from providing all required information, by March 1 of each year, required in the form outlined in Appendix A of this policy. Those organizations/events eligible for exemption under this section are:

- The Liberty Festival Committee or 4th of July fireworks funding
- The Great Falls Balloon Festival
- The Dempsey Challenge

A. DEFINITIONS

"Financial assistance" shall mean any municipal grant encompassing all forms of direct cash payments for eligible activities.

"In-kind" shall mean funding any request that requires the utilization of any municipal service, property, program, asset or employee used to support the event/program for which the non-profit is either sponsoring or participating in.

"Non-profit organization" shall mean any non-profit/charitable organization recognized as a tax exempt IRS approved 501.C.3/4 and/or recognized as a legally tax-exempt organization under Maine law.

B. INTRODUCTION

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Deleted: programs and activities

Deleted: <#>Holiday Parade¶

The Charitable Organization Support Policy has been established by the city manager's office to provide guidelines to non-profit organizations that are seeking financial assistance or in-kind assistance with the following:

- 1. One time start-up funding for a new community event or festival (support will be limited to in-kind support not to exceed \$5,000).
- 2. Sponsorship funding for established community events or festivals.
- 3. Funding towards event partnerships between the city or organizations
- 4. Funding to maintain and/or operate private structures or property that are used to the benefit of the community as a whole.
- 5. Requests for in-kind support through the use of city equipment, structures, assets, public space, services and staffing

C. CONDITIONS FOR NON-PROFIT SUPPORT CONSIDERTATION AND APPROVAL

1. EVENTSREQUESTS NOT REQUIRING CITY COUNCIL APPROVAL AND NOT REQUIRING A FORMAL APPLICATION UNDER THIS POLICY

The following non-profit in-kind requests not requiring City Council approval shall be reviewed for possible approval by the City Manager's office and subject to the review and application process required of all participating departments. In all such cases, these requests for in-kind support will not require the filing of the formal application. Eligibility for consideration under this policy section shall not occur if any organization is not eligible as outlined in Section C.4 of this policy, and shall only occur under the following limited conditions:

- a. That the utilization of city property is compliant with existing city policies and ordinances and will not require additional subsidies through the city budget or impact city staffing and resources.
- Any utilization of city properties & assets for the support of public meetings for county, state and federal agencies/commissions, local/state/national organizations to which the City of Auburn participates as a member, and state/federal legislative oversight groups.
- c. Waiver of use policies and/or rental and insurance fees in those instances when the event, benefits the community; can be co-sponsored as a "City of Auburn" event; is consistent with the normal use of the facility; and can be supported with budgeted city staff/resources.
- d. Approval of any City Council approved prior year event which remains substantially similar in scope and did not require any direct city cash payment contribution and/or in-kind assistance.

2. CITY COUNCIL APPROVAL - APPLICATION ELIGIBILITY

All non-profit requests which do not fall under Section B.1 of this policy require the filing of an application. The City Council will review applications for municipal nonprofit support after considering the following eligibility criteria. All applications must be submitted no later than March 1 of each fiscal year. The following are the conditions for filing non-profit eligibility:

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Deleted: /program

- A not-for-profit organization that meets the definition of "non-profit" as defined in this policy.
- b. Provides a recreation, cultural or community service to a significant proportion of city residents that the city does not otherwise provide.
- c. Has demonstrated revenue-generating capability for the event.
- d. If other government or private funding does not exceed fifty percent (50%) and the organization can demonstrate that it has exhausted all other potential avenues of funding for the service or event.
- e. Organizations demonstrate collaboration and cooperation with other local organizations in the sharing of resources.
- f. Organizations that receive any funding are required to acknowledge the support of the municipality through the use of the municipal, web site and tag line on any promotional material for the event, service, activity, etc. The plan for the use of the municipal logo, web site and tag line will be submitted as part of the event application to the City Clerk for his/her review

3. CITY COUNCIL APPROVAL - APPLICATION CONDITIONS

The following are those conditions which qualify for city financial assistance or in-kind support and will require the submission of the formal application.

- a. Start-up funds for a new community event or festival.
 - Start-up funds may be provided, on a ONE TIME basis only, to assist in the initial costs for providing the community with a new community event or festival
 - Sponsorship funds for established community events or festivals.
 - Sponsorship funds may be given to organizations provided that Council
 acknowledges that the municipality is obtaining an economic benefit.
 - Depending on the monetary success of the event, Council may determine that the sponsorship funding or portion thereof be repaid or be carried forward to a subsequent year which must be within the city's fiscal year.
- b. Direct cash funding and any in-kind support for organizations that provide a service or engage in a community festival in partnership with the city.
- c. Direct cash funding to maintain and/or operate private structures or properties that are used for the benefit of the community.
 - Funding may be provided to organizations to offset operating costs such as taxes and insurance for private structures and properties if Council acknowledges that those facilities are used for the benefit of the community.

4. CITY COUNCIL WAIVER REQUIRED - NOT ELIGIBLE FOR FINANCIALASSISTANCE/IN- KIND SUPPORT

The following will not be eligible for financial assistance/in-kind unless specifically waived by the City Council:

Deleted: /program

I. TYPES OF ORGANIZATIONS/INDIVIDUALS

- i. Social assistance services that are provided by other government agencies or not-for-profit organizations.
- ii. For-profit organizations
- iii. Organizations with political affiliations
- iv. Organizations serving as funding sources for others, e.g. service clubs.
- v. Faith organizations where services/activities include the promotion and/or required adherence to a faith.
- vi. Organizations receiving greater than 50% funding from senior levels of government.
- vii. Political candidates.

II. TYPES OF REQUESTS

- i. Travel expenses for members of an organization.
- ii. Uniforms
- iii. Individuals
- iv. Programs with legislated mandates of other governments.
- v. Costs for major capital equipment/renovations and financing of deficits.
- vi. Any funding requests from organizations that do not submit the required reporting information for a previous year's grant in accordance with Section C of this policy.
- vii. Incorporation costs or Director's Liability insurance costs
- viii. Any request for the use of tables/chairs or other city assets off-site.
- ix. Under any one of the following conditions: The event involves fund raising supports with no general public purpose; will not be accessible to the general public; benefits the organization only as a fund-raiser; or provides a benefit limited to the participants, clients or membership of the organization.

5. FUNDING LIMITS

Any organization or event in any one fiscal year will be capped at a cash request of \$2,500 and/or in-kind value of \$5,000. Any amount, in total cash and/or in-kind, shall not exceed 25% of the total annual budget of the organization. Council has the authority to increase the maximum funding limits of this section on a case-by-case basis.

6. APPLICATION PROCESS & CONDITIONS

Prior to considering any request for funding or in-kind support (not subject to City Manager's approval under this policy), Council shall require the following from the organization:

- A completed Charitable Funding Application form detailing the requested funding/in-kind support from the city.
- Financial statements which shall include an income and expense statement and a balance sheet (if one is available) from the previous event or fiscal year
- A detailed budget for the upcoming fiscal year or event

Information pertaining to the evaluation criteria:

- The applicant will provide one (1) copy of the application form and any supporting documents to the city. An electronic copy is acceptable.
- The city reserves the right to request supplementary information in support of the application.
- Requests for financial and/or in-kind assistance shall be received by the city no later than March 1 of each calendar year
- If the above information is not submitted by the March 1 deadline, applications may not considered by Council
- Filing an application does not necessarily guarantee the awarding of any funding to the applicant
- Previous year's funding allocations will not be considered and each application will be reviewed on its own merit
- The city reserves the right to deny or approve any/all requests

All approved applications will be approved for three years unless a substantial change has been identified in the application or financial request. The City Manager has the authority to extend the approval an additional three years if no substantial change has been identified in the application or financial request.

Deleted: will be returned and

IN CITY COUNCIL

ORDER 21-04012013

ORDERED that the City Council hereby approves the Charitable Organization Event Policy below.

CHARITABLE ORGANIZATION EVENT SUPPORT POLICY

PURPOSE

To establish a process for approving the funding of non-profit/charitable funding events that benefit residents in the City of Auburn.

BACKGROUND

It has been the practice of the City of Auburn to allocate funding from the city's General Fund (through individual department budget lines—events such as the July 4th fireworks) and in-kind contributions to support a variety of highly successful and well-attended community-based events conducted by charitable/non-profit organizations.

The City also provides funding support for non-profits through its Community Development Block Grant (CDBG) funds. This policy shall not involve the utilization of those funds as the City employs a separate process to review and distribute CDBG funds.

In order to ensure a uniform process is followed in the appropriation of city General Funds or in-kind city support requests that are annually submitted to the city, the following guidelines will be followed.

EXEMPT ORGANIZATIONS

For the purposes of this policy, certain organizations/events shall be exempt from the funding limitations articulated in this policy. This exemption shall not be meant to exempt these organizations from providing all required information, by March 1 of each year, required in the form outlined in Appendix A of this policy. Those organizations/events eligible for exemption under this section are:

- The Liberty Festival Committee or 4th of July fireworks funding
- The Great Falls Balloon Festival
- The Dempsey Challenge

A. DEFINITIONS

"Financial assistance" shall mean any municipal grant encompassing all forms of direct cash payments for eligible activities.

"In-kind" shall mean funding any request that requires the utilization of any municipal service, property, program, asset or employee used to support the event/program for which the non-profit is either sponsoring or participating in.

"Non-profit organization" shall mean any non-profit/charitable organization recognized as a tax exempt IRS approved 501.C.3/4 and/or recognized as a legally tax-exempt organization under Maine law.

B. INTRODUCTION

The Charitable Organization Support Policy has been established by the city manager's office to provide guidelines to non-profit organizations that are seeking financial assistance or in-kind assistance with the following:

- 1. One time start-up funding for a new community event or festival (support will be limited to in-kind support not to exceed \$5,000).
- 2. Sponsorship funding for established community events or festivals.
- 3. Funding towards event partnerships between the city or organizations
- 4. Funding to maintain and/or operate private structures or property that are used to the benefit of the community as a whole.
- 5. Requests for in-kind support through the use of city equipment, structures, assets, public space, services and staffing

C. CONDITIONS FOR NON-PROFIT SUPPORT CONSIDERTATION AND APPROVAL

1. EVENTSREQUESTS NOT REQUIRING CITY COUNCIL APPROVAL AND NOT REQUIRING A FORMAL APPLICATION UNDER THIS POLICY

The following non-profit in-kind requests not requiring City Council approval shall be reviewed for possible approval by the City Manager's office and subject to the review and application process required of all participating departments. In all such cases, these requests for in-kind support will not require the filing of the formal application. Eligibility for consideration under this policy section shall not occur if any organization is not eligible as outlined in Section C.4 of this policy, and shall only occur under the following limited conditions:

- a. That the utilization of city property is compliant with existing city policies and ordinances and will not require additional subsidies through the city budget or impact city staffing and resources.
- b. Any utilization of city properties & assets for the support of public meetings for county, state and federal agencies/commissions, local/state/national organizations to which the City of Auburn participates as a member, and state/federal legislative oversight groups.
- c. Waiver of use policies and/or rental and insurance fees in those instances when the event benefits the community; can be co-sponsored as a "City of Auburn" event; is consistent with the normal use of the facility; and can be supported with budgeted city staff/resources.
- d. Approval of any City Council approved prior year event which remains substantially similar in scope and did not require any direct city cash payment contribution and/or in-kind assistance.

2. CITY COUNCIL APPROVAL - APPLICATION ELIGIBILITY

All non-profit requests which do not fall under Section B.1 of this policy require the filing of an application. The City Council will review applications for municipal nonprofit support after considering the following eligibility criteria. All applications must be submitted no later than March 1 of each fiscal year. The following are the conditions for filing non-profit eligibility:

- a. A not-for-profit organization that meets the definition of "non-profit" as defined in this policy.
- b. Provides a recreation, cultural or community service to a significant proportion of city residents that the city does not otherwise provide.
- c. Has demonstrated revenue-generating capability for the event.
- d. If other government or private funding does not exceed fifty percent (50%) and the organization can demonstrate that it has exhausted all other potential avenues of funding for the service or event.
- e. Organizations demonstrate collaboration and cooperation with other local organizations in the sharing of resources.
- f. Organizations that receive any funding are required to acknowledge the support of the municipality through the use of the municipal, web site and tag line on any promotional material for the event, service, activity, etc. The plan for the use of the municipal logo, web site and tag line will be submitted as part of the event application to the City Clerk for his/her review

3. CITY COUNCIL APPROVAL - APPLICATION CONDITIONS

The following are those conditions which qualify for city financial assistance or in-kind support and will require the submission of the formal application.

a. Start-up funds for a new community event or festival.

- Start-up funds may be provided, on a ONE TIME basis only, to assist in the initial costs for providing the community with a new community event or festival.
- Sponsorship funds for established community events or festivals.
- Sponsorship funds may be given to organizations provided that Council acknowledges that the municipality is obtaining an economic benefit.
- Depending on the monetary success of the event, Council may determine that the sponsorship funding or portion thereof be repaid or be carried forward to a subsequent year which must be within the city's fiscal year.
- b. Direct cash funding and any in-kind support for organizations that provide a service or engage in a community festival in partnership with the city.
- c. Direct cash funding to maintain and/or operate private structures or properties that are used for the benefit of the community.
 - Funding may be provided to organizations to offset operating costs such as taxes and insurance for private structures and properties if Council acknowledges that those facilities are used for the benefit of the community.

4. CITY COUNCIL WAIVER REQUIRED - NOT ELIGIBLE FOR FINANCIALASSISTANCE/IN- KIND SUPPORT

The following will not be eligible for financial assistance/in-kind unless specifically waived by the City Council:

I. TYPES OF ORGANIZATIONS/INDIVIDUALS

- i. Social assistance services that are provided by other government agencies or not-for-profit organizations.
- ii. For-profit organizations
- iii. Organizations with political affiliations
- iv. Organizations serving as funding sources for others, e.g. service clubs.
- v. Faith organizations where services/activities include the promotion and/or required adherence to
- vi. Organizations receiving greater than 50% funding from senior levels of government.
- vii. Political candidates.

II. TYPES OF REQUESTS

- i. Travel expenses for members of an organization.
- ii. Uniforms
- iii. Individuals
- iv. Programs with legislated mandates of other governments.
- v. Costs for major capital equipment/renovations and financing of deficits.
- vi. Any funding requests from organizations that do not submit the required reporting information for a previous year's grant in accordance with Section C of this policy.
- vii. Incorporation costs or Director's Liability insurance costs
- viii. Any request for the use of tables/chairs or other city assets off-site.
- ix. Under any one of the following conditions: The event involves fund raising supports with no general public purpose; will not be accessible to the general public; benefits the organization only as a fund-raiser; or provides a benefit limited to the participants, clients or membership of the organization.

5. FUNDING LIMITS

Any organization or event in any one fiscal year will be capped at a cash request of \$2,500 and/or in-kind value of \$5,000. Any amount, in total cash and/or in-kind, shall not exceed 25% of the total annual budget of the organization. Council has the authority to increase the maximum funding limits of this section on a case-by-case basis.

6. APPLICATION PROCESS & CONDITIONS

Prior to considering any request for funding or in-kind support (not subject to City Manager's approval under this policy), Council shall require the following from the organization:

- A completed Charitable Funding Application form detailing the requested funding/in-kind support from the city.
- Financial statements which shall include an income and expense statement and a balance sheet (if one is available) from the previous event or fiscal year
- A detailed budget for the upcoming fiscal year or event

Information pertaining to the evaluation criteria:

- The applicant will provide one (1) copy of the application form and any supporting documents to the city. An electronic copy is acceptable.
- The city reserves the right to request supplementary information in support of the application.
- Requests for financial and/or in-kind assistance shall be received by the city no later than March 1 of each calendar year
- If the above information is not submitted by the March 1 deadline, applications may not considered by Council
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City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: April 1, 2013 **Ordinance** 02-04012013 **Author**: Sue Clements-Dallaire, City Clerk Item(s) checked below represent the subject matter related to this workshop item. **⊠Ordinance/Charter ☐Other Business*** Comprehensive Plan **□Work Plan □**Budget Council Goals** **If Council Goals please specify type: **□**Safety ☐ Economic Development Citizen Engagement Subject: Municipal Code Ordinance Adoption **Information**: During the re-codification which was adopted on 02/02/2011, there were 4 ordinances that were inadvertently omitted. This Ordinance is to readopt those. Financial: N/A Action Requested at this Meeting: Recommend passage of the first reading, and the second and final reading will be on 4/16/2013. **Previous Meetings and History**: Discussed at the 3/18/2013 workshop.

Attachments: Ordinance 02-04012013

^{*}Agenda items are not limited to these categories.

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

IN CITY COUNCIL

ORDINANCE 02-04012013

AN ORDINANCE REINCORPORATING FOUR ORDINANCES OMITTED DURING THE RECODIFICATION OF THE CITY'S CODE OF ORDINANCES ADOPTED ON FEBRUARY 22, 2011.

BE IT ORDAINED BY THE AUBURN CITY COUNCIL:

The council finds that certain ordinances were inadvertantly omitted during the recodification of the city's code of ordinances, which recodification was adopted on February 22, 2011. By this article, the city council corrects such omissions and reinstates the following ordinances (except for editorial correction of internal section numbering as necessary to coordinate with the recodified code):

- (a) Ordinance dated May 7, 1979, creating the planning board (Attachment "A" to this article, as amended through February 21, 1990, and formerly codified as Article III of Chapter 16) to be inserted in the city's current code as new division 5 of Article V of Chapter 2, Administration, as edited in this article;
- (b) Ordinance dated March 26, 1990, adopting a housing code for the city (Attachment "B" to this article, as amended through March 26, 1990, and formerly codified as Chapter 20A), to be inserted as new Article IV in Chapter 12, Buildings;
- (c) Ordinance dated July 20, 2009, adopting post-construction stormwater management regulations (Attachment "C" to this article) to be inserted as new Article III in Chapter 18, as edited in this article; and
- (d) Ordinance dated August 17, 2009, amending former sections 7.1 and 7.3 of the city's zoning regulations, recodified as sections 60-1308 and 60-1363 respectively (Attachment "D" to this article), to be inserted as new Article III of Chapter 18.

ATTACHMENT A

DIVISION 5. PLANNING BOARD

Sec. #. Membership: appointment, removal, terms, vacancies.

- (a) There shall be a planning board of seven members. Members of the planning board shall be residents of the city and shall not be officers or employees of the city. Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the planning board. Members shall serve without compensation.
- (b) Members of the planning board shall be appointed by the city council for terms of three years. Such terms shall be staggered so that the term of not more than three members shall expire in any calendar year. Incumbent members of the planning board shall serve for the balance of their terms and thereafter until their successors are appointed.
 - (c) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.
- (d) Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before removal such members shall be given an opportunity to be heard in his own defense at a public hearing before the city council.

Sec. #. Chairman and vice-chairman.

The members of the planning board shall annually elect one of their number as chairman to preside at all meetings and hearings, and another of their number as vice-chairman. In the absence of the chairman, the vice-chairman shall act as chairman and shall have all the powers of the chairman.

Sec. #. Staff secretary: minutes, public records.

- (a) The city planner shall designate a member of his staff who shall serve as staff secretary of the planning board and attend all of its proceedings.
- (b) The staff secretary shall provide for the keeping of minutes of the proceedings of the planning board, noting the vote of each member on every question, or the member's absence or failure to vote, and shall maintain the permanent records and decisions of all planning board meetings, hearings, and proceedings and ail correspondence of the planning board.

Sec. #. Quorum and necessary vote.

- (a) As to any matter requiring a public hearing, no business shall be transacted by the planning board without a quorum, consisting of four members, being present. The concurring vote of at least four members shall be necessary to authorize any action by the board. If the requisite votes are not present the matter shall be tabled.
- (b) If less than a quorum is present, the hearing may be adjourned. The staff secretary shall notify in writing all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of adjournment.

Sec. #. Meetings, hearings and procedures.

- (a) Regular meetings of the planning board shall be held at the call of the chairman or as provided by rule of the board. Special meetings may be called by any four members of the planning board, or at the request of the city council. Testimony at any hearing may be required by the planning board to be given under oath.
- (b) The planning board shall adopt its own rules for the conduct of its business not inconsistent with this chapter and with state law. Such rules shall be filed with the staff secretary of the planning board and with the city clerk. Any rule so adopted that relates solely to the conduct of hearings, and that is not required by the city council, this chapter or state law, may he waived by the chairperson upon good cause being shown.

Sec. #. Workshop or informational meetings.

Informal meetings or workshops of the planning board or any of its committees may be held at the call of any of its members or the city planner, as the case may be, for the presentation of information.

Sec. #. Record and decisions.

- (a) The minutes of the staff secretary, and any transcript of the proceedings, and all exhibits, papers, applications and requests filed in any proceeding before the planning board and the decision of the board shall constitute the record.
- (b) Every final decision of the planning board and every recommendation of the planning board to the city council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation.
- (c) The staff secretary shall mail notice of any decision of the board to the applicant any designated interested parties within five business days of such decision.

Sec. #. Conflicts.

No member of the planning board shall participate in the hearing or disposition of any matter in which he has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by a majority vote of the members present, except the members whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be disqualified.

Sec. #. Appeals.

An appeal from any final decision of the planning board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the city to the superior court.

Sec. #. Jurisdiction and authority.

In addition to the jurisdiction conferred on it by other provisions of state law and the ordinances of the city and in accordance therewith, the planning board shall have the following jurisdiction and authority:

- (1) To prepare and recommend to the city council a comprehensive plan.
- (2) To prepare and recommend to the city council changes in and amendments to the comprehensive plan as necessary.
- (3) To aid and assist the city council and departments and agencies of the city in implementing general plans and in planning, developing and completing specific planning related projects.
- (4) To hear, review, and approve or deny applications for subdivision approval as provided in this Code.
- (5) To hear, review, and offer its recommendations to the city council on applications for zoning changes and amendments to, or revisions of, the city's zoning regulations, and to initiate recommendations for zoning changes and amendments to or revisions of the city's zoning regulations as necessary.
- (6) To review and offer its recommendations to the city council on public planning related projects.
- (7) To offer its recommendations to the city council with regard to the compatibility of the city manager's proposed capital improvements program with the comprehensive plan.
- (8) To make such investigations and compile maps and reports, and recommendations in connection therewith, relating to the planning and development of the city as it deems desirable.

Sec. #. Committees.

The chairman of the planning board shall from time to time assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to its concerning such specific items as may be assigned to them for study and report.

ATTACHMENT B

ARTICLE IV. HOUSING CODE

DIVISION 1. GENERALLY

Sec. #. Purpose.

The purpose of this article is to establish minimum standards for all dwellings and property incident thereto in the city to insure safety, health, and public welfare through the proper construction, maintenance, and use thereof.

Sec. #. Definitions and rules of construction.

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

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Housing inspector means the legally designated housing inspection authority of the city or his authorized representative.

Chief of police means the legally designated head of the police department of the city or his authorized representative.

Dwelling or dwelling unit means a building or portion thereof arranged or designed to provide living facilities for one or more families

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

Fire chief means the legally designated head of the fire department of the city or his authorized representative.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes exlcuding bathrooms, water closet compartments, laundries, pantries, game rooms, foyers or communicating corridors and permanent built-in closets and storage spaces.

Health officer means the legally designated health authority of the city or his authorized representative.

Infestation means the presence or evidence of the presence within or around a dwelling, of any insects, rodents, or other pests.

Manufactured housing means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site, the term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. Manufactured housing shall include newer mobile homes and modular homes as defined in city zoning regulations.

Mobile homes, older, means any factory-built home that fails to meet the definition of manufactured housing and more specifically, any mobile home constructed prior to June 15, 1976. These units shall be restricted to location in

approved mobile home parks.

Mobile home park means a parcel of land under single ownership in rural residence, suburban residence and cluster development districts that has been planned and improved for the placement of not less than three mobile homes for non-transient use.

Multiple dwelling means any dwelling containing more than three dwelling units.

Occupant means any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person, who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are rented or let or of an area where spaces are rented or let for mobile homes.

Owner means any person who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

Plumbing means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwasher, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Rooming house means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living, and sleeping, but not for cooking or eating purposes.

Rubbish means combustible and non-combustible waste materials except garbage, including, without limitation, residue from the burning of wood, coal, coke, or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and others.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations but not to exceed 30 days.

Supplied means paid for, furnished, installed or provided by or under the control of the owner or operator.

Temporary housing means any tent, trailer, or other structure used for human shelter that is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

(b) Whenever the words "dwelling", "dwelling unit", "lodging house", "rooming unit", or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof".

Sec. #. Compliance required.

- (a) No dwelling or dwelling unit shall be deemed to conform with the requirements of this article until it meets all of the minimum standards of this article as specified herein.
- (b) It is unlawful to construct, alter, maintain, occupy, let for occupancy, or use a building or structure, or part thereof, in violation of the provisions of this article.

Sec. #. Validity of other laws.

Nothing in this article shall be construed to prevent the enforcement of other laws that prescribe more restrictive limitations.

Sec. #. Exceptions permitted.

In seasonal dwellings, mobile homes, buildings erected prior to the original adoption of this article, or in agriculture and resource protection district as defined by the zoning provisions of the city, or in areas where public water or sewerage systems are not available, the housing inspector shall upon application grant an exception for the use of buildings for dwelling purposes that do not meet the minimum standards set forth in this article when he determines that:

- (1) It is not feasible or practicable to comply with such minimum standards;
- (2) The safety, health, or general welfare of the occupants and the public will not be adversely affected; and
- (3) The effect of the granting of the exception will not adversely affect adequate light, air, overcrowding, of persons or property, the provision for public utilities, the character of the neighborhood, or traffic conditions as applied to the welfare of the occupants or the general public.

Sec. #. Procedure for granting exceptions.

- (a) The housing inspector shall issue such exception in writing setting forth the date of granting, the reasons for granting the same, the date it shall expire, and the location of the premises.
- (b) No such exceptions shall be granted for a period of more than five years. Any exception may be renewed one or more times, upon application to the board of appeals. Each renewal shall not exceed additional periods of five years for such renewal. Each renewal shall contain the requirements of the original exception and in addition thereto the date of issuance of the original exception and the statement that it is a renewal.

DIVISION 2. INSPECTIONS

Sec. #. Authority of housing inspector.

The housing inspector is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and premises located within this city in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public.

Sec. #. Right of entry for inspection.

For the purpose of making such inspections, the housing inspector is hereby authorized to enter, examine, and survey any or all dwelling units, rooming houses, rooming units, and premises at any mutually agreeable time but in any case within 20 days of notice to the owners or occupant of the intention to make such an inspection.

Sec. #. Owner and occupant to give free access.

- (a) Access of housing inspector. The owner and occupant of every dwelling, dwelling unit, lodging house and rooming unit or the person in charge thereof, shall give the housing inspector free access to such dwellings, dwelling unit, lodging house or rooming unit and premises at any mutually agreeable time for the purpose of such inspection, examination, or survey, but in any case within 20 days of notice to the owner or occupant of the intention to make such an inspection, examination, or survey.
- (b) Access of owner. Every occupant of a dwelling, dwelling unit, lodging house and rooming unit shall give the owner, and his agent or employee, access at all reasonable times to any part of the dwelling, dwelling unit, lodging house, rooming unit or premises for the purpose of compliance with the provisinos of this article or any lawful order issued pursuant to this article.

Sec. #. Procedure generally.

- (a) If the housing inspector determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, he shall initiate enforcement proceedings in accordance with the citation system established in this Code. Alternatively, he may initiate a land use complaint pursuant to state law, in which case the penalties therein provided shall apply.
 - (b) Any notice issued pursuant to this article shall:
 - (1) Be in writing;
 - (2) Include a statement of the reasons why it is being issued;
 - (3) Set a reasonable time for the performance of any act it requires;
 - (4) Be served upon the owner or his agent, or the occupant, as the case may require; provided, however, that:
 - a. Complaints under this article be deemed properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally or by leaving a copy thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or
 - b. If a copy thereof is sent by registered or certified mail to his last known address or the address as shown on the records in the tax assessor's office of the city of auburn; and
 - c. If service is made personally or by leaving at his dwelling house or usual place of abode a statement signed by the person so serving stating the date of service shall be filed in the office of the housing inspector.
 - (5) May contain an outline of remedial action that, if taken, will effect compliance with the provision of this article.
- (c) After service of such notice, the owner or occupant to whom it is directed shall correct the condition constituting the violation within the time specified and promptly give notice to the housing inspector that such corrective action has been taken.

Sec. #. Method of petitioning for hearing.

- (a) Any person affected by any notice issued in connection with the enforcement of any provision of this article, may request and shall be granted a hearing on the matter before the board of appeals; provided that such person shall file in the office of the board of appeals a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served.
- (b) Upon receipt of such petition, the board of appeals shall set a time and place for such hearing and shall give the petitioner notice thereof in person or by mail.
- (c) At such hearing, the board of appeals shall take evidence to determine whether such notice should be sustained, modified, or withdrawn.
- (d) The hearing shall be commenced not later than 30 days after the day on which the petition was filed; provided that upon application of the petitioner the board of appeals may postpone the date of the hearing for a reasonable time beyond such 30 day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

Sec. #. Power of board of appeals to alter notice.

After such hearing, the board of appeals shall sustain, modify, or withdraw the notice, depending upon its findings as to the compliance with the provisions of this chapter. If the board of appeals sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall automatically become an order if a written petition for a hearing is not filed in the office of the board of appeals within ten days after such notice is

served. There shall be an appeal from the board of appeals to the superior court in the manner provided by state law.

Sec. #. Recording of public hearing.

The proceedings at such hearing, including the findings and decision of the board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the board of appeals. Such record shall also include a copy of every notice or order issued in connection with the matter.

Sec. #. Notice of intent to sell, transfer or rent property subject to order.

- (a) When required. Any person who proposes to sell, transfer or otherwise dispose of lease or sublet any dwelling unit, lodging house, rooming unit, or other premises against which there is any existing lawful order of the housing inspector, the board of appeals or any court of competent jurisdiction shall furnish the proposed grantee or transferee a true copy of such order and shall notify the housing inspector in writing of the intent to so sell, transfer, or otherwise dispose of lease or sublet in writing giving the name and address of the person to whom such transfer is proposed within three days of the proposed transfer.
- (b) *Penalty*. Any person who violates the terms of this section shall be in violation of this chapter and shall be subject to a penalty or fine of not less than \$50 and not more than \$100 to be enforced by complaint in a court of competent jurisdiction.

Sec. #. Placarding of buildings unfit for human habitation.

- (a) Authority of housing inspector. If the person so affected fails to appeal to the board of appeals or if after an appeal, the board of appeals sustains the decision of the housing inspector, the dwelling, dwelling unit, lodging house, or rooming unit so affected may be declared unfit for human habitation and placarded by the housing inspector.
- (b) *Procedure*. To placard, the housing inspector shall issue to the occupants and the owner or operator a written notice to vacate the premises within such time as the housing inspector may deem reasonable, but not less than seven days, and a placard prohibiting continued occupancy or re-occupancy may be conspicuously posted on the premises, and a copy of such notice may be filed with the police department.
- (c) Use of placarded buildings prohibited. No dwelling or dwelling units, lodging house, or rooming unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the housing inspector. The housing inspector shall remove such placard whenever the defect or defects upon which the placarding action is based have been eliminated.
- (d) Defacement and removal of placard prohibited. No person shall deface or remove the placard from any dwelling or dwelling unit, lodging house or rooming unit, which has been declared unfit for human habitation and placarded as such.

Sec. #. Order to vacate dangerous premises.

In instances where the health officer, fire chief, and chief of police, or their duly qualified deputies, determine in writing, filed in the office of the housing inspector, that extreme danger or menace to the occupants or the public health exists, the housing inspector may order immediate correction to be made or, if the circumstances warrant, may order that the occupants vacate the premises as provided in this article.

DIVISION 4. MINIMUM STANDARDS

Sec. #. Compliance with city codes and state law required.

All structures and structural elements of buildings and the construction, use and occupancy thereof shall be in accordance with the requirements of this Code, including the building and technical codes adopted by the city, and with state law and regulations.

Sec. #. Maintenance.

All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

Sec. #. Plumbing.

Every dwelling unit shall contain a kitchen sink and a bathtub or shower. In addition, every dwelling unit shall contain, within a room which affords privacy, a flush water closet and a lavatory basin.

Sec. #. Heating and ventilation.

- (a) *Maintenance*. All heating and ventilating facilities shall be maintained in safe operating condition for use without danger of asphyxiation or of overheating combustible material.
- (b) Requirements when central heating plant not available. When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the basic building code to permit the use of heating equipment capable of providing heat as required by this section.
- (c) Heating facilities required in rented or leased premises. Every habitable room, let for occupancy, excepting rooms use primarily for sleeping purposes, shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of three feet above floor level, as required by prevailing weather conditions from September 15 through may 15 of each year.
- (d) Window specifications. Every habitable room shall have a window or windows with a total sash area equal to at least eight percent of its floor area opening on a street, alley, yard, or court open to the sky and constructed so that at least one-half of the sash area can be opened, except that an approved method of mechanical ventilation may be substituted for such window or windows

Sec. #. Passageways, stairways and exits.

- (a) Exits. Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading from the interior of the building to safe and open spaces at ground level in accordance with applicable statutes and ordinances.
- (b) Lighting. Every passageway and stairway shall have at least one ceiling-type or wall-type electric light fixture adequate to provide safe passage.
- (c) Obstructions. Every hallway, stairway, corridor, exit, fire escape door or other means of egress hall be kept clear of obstructions at all times.

Sec. #. Garbage and rubbish.

- (a) *Method of disposal*. Every responsible occupant of a dwelling or dwelling unit shall dispose of all his garbage and rubbish in a clean and sanitary manner. Every owner of rental property shall provide his tenants with suitable waste containers as required by city ordinance.
- (b) Accumulations prohibited. Every dwelling shall be clean and free from garbage or rubbish. When a dwelling or dwelling unit is not reasonably clean or free from garbage or rubbish, the housing inspector may cause the responsible person to put the dwelling or dwelling unit in a clean and sanitary condition.

Sec. #. Insect and rodent control.

- (a) Owner responsible for extermination in multiple dwellings. If infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- (b) Occupant responsible for extermination. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises.

Sec. #. Space and occupancy.

- (a) Floor space requirements. The total area of every dwelling unit shall contain at least 250 square feet of floor area, with an additional 125 square feet for each occupant over two.
- (b) Ceiling height. At least one half of the floor area of every habitable room shall have a room ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (c) Use of basement. No basement space shall be used as a habitable room or dwelling unit unless it conforms to the minimum requirements of this article.

Sec. #. Dwelling occupancies prohibited adjacent to hazardous establishments.

No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids or producing toxic gases or vapors in anty quantity that may endanger the lives or safety of the occupants.

ATTACHMENT C

POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE

Sec. 1. Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of city citizens through monitoring and enforcement of compliance with post-construction stormwater management plans in order to comply with minimum control measures requirements of the Federal Clean Water Act (33 USC 1251 et seq.), other federal regulations and Maine's Small Municipal Separate Storm Sewer Systems General Permit.

Sec. 2. Objectives.

This article seeks to ensure that post-construction stormwater management plans are followed and stormwater management facilities are properly maintained and pose no threat to public safety.

Sec. 3. 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:

Applicant means a person with requisite right, title or interest or an agent for such person who has filed an application for new development or redevelopment that requires a post-construction stormwater management plan under this article.

Best management practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), which is commonly referred to as the Clean Water Act.

Construction activity means construction activity including one acre or more of disturbed area, or activity with less than one acre of total land area that is part of a subdivision, if the subdivision will ultimately disturb equal to or greater than one acre.

Direct discharge and point source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which Pollutants are or may be discharged.

Discharge means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to "waters of the state."

Disturbed area means clearing, grading and excavation. Mere cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area." "Disturbed area" does not include routine maintenance but does include redevelopment. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of land or improvements thereon.

Enforcement authority means the director of planning and permitting, director of community services, or their designees, the persons or departments authorized by the city to administer and enforce this article.

Permitting authority means the city official or body that has jurisdiction over the land use approval or permit required for a new development or redevelopment.

Separate storm sewer system (MS4) means conveyances for storm water, including, but not limited to, roads with drainage systems, city streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any city, sewer or sewage district, fire district, state agency or other public entity that discharges directly to surface waters of the state.

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit means a permit issued by the U.S. Environmental Protection Agency ("EPA") or by the Maine Department of Environmental Protection ("DEP") that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

New development means any construction activity on unimproved premises.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, city, domestic, commercial or agricultural wastes of any kind.

Post-construction stormwater management plan means BMPs and stormwater management facilities employed by a new development or redevelopment to meet the standards of the city's subdivision, site plan, or other zoning, planning or other land use ordinances and approved by the permitting authority.

Premises means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the city.

Qualified inspector means a person who conducts post construction stormwater management facilities inspections. The director of community services or his designee may require inspections for engineered systems to be completed by a Registered Professional Engineer at his discretion.

Redevelopment means construction activity on premises already improved with buildings, structures or activities or uses, but does not include such activities as exterior remodeling.

Regulated small MS4 means any Small MS4 regulated by Maine's General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems effective July 1, 2008 ("general permit"), including all those located partially or entirely within an urbanized area (ua) and those additional small ms4s located outside a ua that as of the issuance of the general permit have been designated by the DEP as regulated small MS4s.

Small MS4 and Small Municipal Separate Storm Sewer System means any MS4 that is not already covered by the Phase I MS4 stormwater program including city owned or operated storm sewer systems, state or federally-owned systems, such as colleges, universities, prisons, state department of transportation and state turnpike authority road systems and facilities, and military bases and facilities.

Storm drainage system means the city's regulated small MS4.

Stormwater and storm water mean any stormwater runoff, snowmelt runoff, and surface runoff and drainage.

Stormwater management facilities means any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures that are part of the post-construction stormwater management plan for a new development or redevelopment.

Sec. 4. Applicability.

This article applies to all new development and redevelopment within the city that discharges stormwater to the city's MS4 and to associated stormwater management facilities. This article does not apply to new development or redevelopment on a lot, tract or parcel where that lot, tract or parcel is part of a subdivision that is approved under this article; the lot, tract or parcel shall not require additional review under this article, but shall comply with the post-construction stormwater management plan requirements for that approved subdivision.

Sec. 5. Post-construction stormwater management plan approval.

(a) General requirement. Notwithstanding any ordinance provision to the contrary, and except as provided in section 4.b. above, no applicant for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for new development or redevelopment to which this article is applicable shall receive such permit or approval for that new development or redevelopment unless the applicant also receives approval under the city's subdivision, site plan or other zoning, planning or other land use ordinances for its post-construction stormwater management plan and stormwater management facilities for that new

development or redevelopment, even if the city's subdivision, site plan or other zoning, planning or other land use ordinances would not otherwise apply to that new development or redevelopment.

- (b) Notice of BMP discharge to city's MS4. At the time of application for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for new development or redevelopment to which this article is applicable, the applicant shall notify the permitting authority if its post-construction stormwater management plan includes any BMPs that will discharge to the city's MS4 and shall include in this notification a listing of which BMPs will so discharge. Sec. 6. Post-construction stormwater management plan compliance.
- (a) *General requirements*. Any person owning, operating, leasing or having control over stormwater management facilities required by a post-construction stormwater management plan approved under the city's subdivision, site plan or other zoning, planning or other land use ordinances shall demonstrate compliance with that plan as follows:
 - (1) That person or a qualified inspector hired by that person, shall, at least annually, inspect the stormwater management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all city and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.
 - (2) If the stormwater management facilities require maintenance to function as intended by the approved post-construction stormwater management plan, that person shall take corrective action to address the deficiency or deficiencies.
 - (3) That person or a qualified inspector hired by that person, shall, on or by june 1st of each year provide a completed and signed certification to the enforcement authority in a form identical to that attached as appendix 1 to this article, certifying that the person has inspected the stormwater management facilities and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the stormwater management facilities and, if the stormwater management facilities require maintenance or repair of deficiencies in order to function as intended by the approved post-construction stormwater management plan, the person shall provide a record of the required maintenance or deficiency and corrective action taken.
 - (4) In addition, any persons required to file an annual certification under section 6 of this article shall include with the annual certification payment in the amount established by the city for the purpose of contributing toward the administrative and technical costs of review of the annual certification.
- (b) *Right of entry*. In order to determine compliance with this article and with the post-construction stormwater management plan, the enforcement authority may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the stormwater management facilities.
- (c) *Annual Report*. Beginning July 1, 2009 and each year thereafter, the city shall include the following in its annual report to the state department of environmental protection:
 - (1) The cumulative number of sites that have stormwater management facilities discharging into their MS4;
 - (2) A summary of the number of sites that have stormwater management facilities discharging into their MS4 that were reported to the city;
 - (3) The number of sites with documented functioning stormwater management facilities; and
 - (4) The number of sites that required routine maintenance or remedial action to ensure that stormwater management facilities are functioning as intended.
- (d) *Inspections*. The city shall annually inspect a percentage of stormwater management facilities. If the owner or operator of a stormwater management facility hires or is deemed to be a qualified inspector, the permittee will have no inspection requirements. If the owner or operator of a stormwater management facility does a "self" inspection and is not a qualified inspector, the city is required to conduct the following inspection schedule:

- (1) 1-10 post construction sites: inspect at least one site, or 40% (whichever is greater)
- (2) 11-30 post construction sites: inspect at least four sites, or 30% (whichever is greater)
- (3) 31-60 post construction sites: inspect at least nine sites, or 25% (whichever is greater)
- (4) 61-100 post construction sites: inspect at least fifteen sites, or 20% (whichever is greater)
- (5) 101-160 post construction sites: inspect at least twenty sites, or 17% (whichever is greater)
- (6) Over 160 post construction sites: inspect at least twenty seven sites, or 11% (whichever is greater)

Sec. 7. Enforcement.

Violations. It is unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article or of the post-construction stormwater management plan. whenever the enforcement authority believes that a person has violated this article or the post-construction stormwater management plan, the enforcement authority may enforce this article in accordance with 30-A M.R.S.A. § 4452.

Notice. Whenever the enforcement authority believes that a person has violated this article or the post-construction stormwater management plan, the enforcement authority may order compliance with this article or with the post-construction stormwater management plan by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

The abatement of violations, and the cessation of practices, or operations in violation of this article or of the post-construction stormwater management plan;

At the Person's expense, compliance with bmps required as a condition of approval of the new development or redevelopment, the repair of stormwater management facilities or the restoration of any affected property; or

The payment of fines, of the city's remediation costs and of the city's reasonable administrative costs and attorneys' fees and costs.

If abatement of a violation, compliance with BMPs, repair of stormwater management facilities or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, compliance, repair or restoration must be completed.

Penalties, fines and other remedies. Any person who violates this article or the post-construction stormwater management plan shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the city's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this article or the post-construction stormwater management plan also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the city for violation of federal and state environmental laws and regulations caused by or related to that person's violation of this article or of the post-construction stormwater management plan; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this Section.

Consent agreement. The enforcement authority may, with the approval of the city officers, enter into a written consent agreement with the violator to address timely abatement of the violations of this article or of the post-construction stormwater management plan for the purposes of eliminating violations of this article or of the post-construction stormwater management plan and of recovering fines, costs and fees without court action.

Appeal. Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the board of appeals in accordance with the rules of the board of appeals. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The board of appeals shall hold a *de novo* hearing on the appeal within 30 days from the date of receipt of the notice of appeal. The board of appeals may affirm, reverse or modify the decision of the enforcement authority. A party aggrieved by the decision of the board of appeals may appeal that decision in the manner provided by state law.

Judicial action for enforcement. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the board of appeals, within 45 days of a decision of the board of appeals affirming the enforcement authority's decision, then the enforcement authority may recommend to the city officers that the city's attorney file an enforcement action in a court of competent jurisdiction pursuant to state law.

ATTACHMENT D

- 7.1 Site Plan Review
- D. Procedure
- 9. 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. If a development is contested with litigation, the approval period of this section shall not commence until a final court judgment is issued or until the litigation has been dismissed with prejudice. This provision shall apply retroactively to all projects approved after January 1, 2007. 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.
- 7.3 Subdivision
- E. Final Approval and Filing
- 4. Improvement Completion Time
- a. 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. If a development is contested with litigation, the two year completion requirement shall not commence until a final court judgment is issued or until the litigation has been dismissed with prejudice. This provision shall apply retroactively to all projects approved after January 1, 2007.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: Ap Author: Sue Clements-Dallain	oril 1, 2013 re, City Clerk	Ordinance	03-04012013			
Item(s) checked below represent the subject matter related to this workshop item.						
□ Comprehensive Plan □ Work Plan □ Budget **If Council Goals please specify type: □ Safety	☑Ordinance/Charter ☐ Economic Development	Other Business				
Subject: Municipal Code-correcting ordinance section numbers						
Information : This Ordinance corrects section numbering errors (the numbering changed with the recodification).						
Financial: N/A						
Action Requested at this Meeting: Recomme will be scheduled for April 16.	nd passage of the first read	ling and the se	cond and final reading			
Previous Meetings and History: N/A						

Attachments: Ordinance 03-04012013

^{*}Agenda items are not limited to these categories.

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

IN CITY COUNCIL

ORDINANCE 03-04012013

AN ORDINANCE CORRECTING SECTION NUMBERS IN ORDINANCES ADOPTED DURING THE PENDENCY OF THE RECODIFICATION OF THE CITY'S CODE OF ORDINANCES ADOPTED ON FEBRUARY 22, 2011.

BE IT ORDAINED BY THE AUBURN CITY COUNCIL:

- **Sec. 1.** The city council finds that certain ordinances adopted while the recodification project was on-going included numbering inconsistent with the recodified code as ultimately adopted. By this ordinance, the city council readopts the following ordinances with numbering corrected as is necessary for consistency with the recodified code:
 - (a) Ordinance dated February 1, 2010, designating certain stop sign and restricted parking location and street uses (Attachment "E" to this ordinance), to be used to amend traffic schedules in Article VIII, Chapter 52, Traffic Regulatory Signage;
 - (b) Ordinance dated February 16, 2010, regarding setbacks in the Central Business District, (Attachment "F" to this ordinance), to be used to amend code sections 60-498 through 500;
 - (c) Ordinance dated March 22, 2010, establishing setbacks and height allowances for certain accessory structures, including windmills (Attachment "G" to this ordinance), to be used to amend code section 60-548;
 - (d) Ordinance dated May 3, 2010, adopting a business license fee schedule (Attachment "H" to this ordinance), to be used to amend the city fee schedule in Appendix A of the city code;
 - (e) Ordinance dated June 7, 2010, regarding sandwich boards and easel signs (Attachment "I" to this ordinance), to be used to add a new subsection 9(d) to code section 60-637;
 - (f) Ordinance dated June 7, 2010, amending the city's red flag rules (identity theft prevention program) (Attachment "J" to this ordinance), to be used to replace code sections 2-539 through 2-556;
 - (g) Ordinance dated January 18, 2011, changing maximum floor space for certain accessory buildings (Attachment "K" to this ordinance), to be used to amend code section 60-43(e);
 - (h) Ordinance dated February 7, 2011, regarding slaughterhouses, stockyards, abattoirs, and dressing plants as special uses in low density country residential zoning districts (Attachment "L" to this ordinance), to be used to amend code section 60-201(b);
 - (i) Ordinance dated February 7, 2011, regarding slaughterhouses, stockyards, abattoirs, and dressing plants as special exceptions in agriculture and resource protection districts (Attachment "M" to this ordinance), to be used to amend code section 60-144 through 173;
 - (j) Ordinance dated February 7, 2011, renaming current Chapter 14 to "Business Licenses and Permits", repealing and replacing former Chapter 24 (now Chapter 14) regarding business licensing, and repealing in their entirety Article IX (Taxicabs) of Chapter 26 (Traffic and Motor Vehicles), all of Chapter 36 (Peddlers,

Itinerant merchants and Solicitors), all of Chapter 40 (Secondhand Goods), and all of Chapter 58 (Vehicles for Hire);

- (k) *Ordinance dated September 6, 2011,* regarding excavation permits (Attachment "N" to this ordinance), to be used to amend code sections 60-697 et seq., renumbering as necessary to accommodation the addition of a new section 60-701; and
- (l) Ordinance dated December 5, 2011, regarding the sale and use of consumer fireworks (Attachment "O" to this ordinance), to be used as new code section 20-59 renumbering current section 20-59 as 20-60.



City Council Information Sheet

City of Auburn

Council Meeting Date: April 1, 2013

Subject: Executive Session

Information: Executive Session regarding an economic development (real estate) matter, pursuant to 1 M.R.S.A. §405(6)(C).

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

- A. Discussion 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.