



City Council Meeting and Workshop

August 5, 2013

Agenda

5:30 P.M. Workshop

- A. School Budget – Clint Deschene (30 minutes)
- B. Public Services Committee(s) – Mayor LaBonté (30 minutes)
- C. Bond Order – Jill Eastman (5-10 minutes)
- D. Proposed ordinance regarding the regulation of synthetic drugs – Phil Crowell (15 minutes)
- E. Legends Sports Bar and Grill application for Liquor License and Special Amusement Permit – Clint Deschene (5 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 59-08052013*

Casting votes for the Maine Municipal Association's Vice President and Executive Committee Members.

II. Minutes

- July 1, 2013 Regular Council Meeting
- July 15, 2013 Regular Council Meeting

III. Reports

Mayor's Report

Committee Reports

- **Transportation**
 - Androscoggin Transportation Resource Center – Mayor LaBonte
 - Lewiston Auburn Transit – Councilor Gerry
 - Airport, Railroad – Councilor Hayes
 - Bike-Ped Committee – Councilor Shea
- **Housing**
 - Community Development Block Grant, Neighborhood Stabilization Program, Auburn Housing Authority – Councilor Gerry
- **Economic Development**
 - L-A Economic Growth Council, Auburn Business Development Corporation
- **Education**
 - Auburn School Committee – Councilor Young
 - Auburn Public Library – Councilor LaFontaine
 - Great Falls TV – Councilor Young and Councilor Shea
- **Environmental Services**
 - Auburn Water District, Auburn Sewerage District – Councilor Crowley

Auburn City Council Meeting & Workshop

August 5, 2013

- Mid-Maine Waste Action Corp. – Councilor Walker
- Recreation
 - Recreation Advisory Board – Councilor Walker
- Public Safety
 - LA 911 – Councilor Walker

City Councilors' Reports

City Manager's Report

IV. Communications, Presentations and Recognitions

- Proclamation - Ken Blais, owner of Rolly's Diner and the City of Auburn's 2013 Spirit of America Tribute recipient

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 07-06032013

Approving the proposed ordinance amendment on alcoholic beverages at Mass Gatherings (second and final reading).

VII. New Business

2. Order 60-08052013

Adopting the School Budget for Fiscal Year 2014.

3. Order 61-08052013

Setting the date (August 20, 2013) and location (Auburn Hall) and the time the polls will open (7:00 A.M.) for the School Budget Validation Referendum Election.

4. Order 62-08052013

Establishing the property tax payment due dates and to establish the property tax delinquency and overpayment interest rates for Fiscal Year 2012-2013.

5. Order 63-08052013

Establishing a Public Services Department including Public Works, Parks and Recreation, and Engineering within current approved budgets.

6. Order 64-08052013

Approving changes to the Community Development Program amendment.
Staff recommends postponing this item until the August 19, 2013 Council Meeting.

VIII. Executive Session

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

Auburn City Council Meeting & Workshop

August 5, 2013

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

X. Adjournment

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

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or 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: August 5, 2013

Item A

Author: Clint Deschene, City Manager

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

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

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

Subject: Adopting the School Budget for FY2014

Information: The School Budget Validation Election that did not pass on June 11, 2013 or July 23, 2013 put us in a position that requires the City to review the proposed 3rd School Budget. Once Council has reviewed the budget they will have to consider forwarding it to the Auburn Voters for final approval.

The School Committee met on Wednesday July 31st and is forwarding a new budget to the City Council. The Council needs to review this budget that will result in a mill rate of 20.43.

It is my recommendation that the Council adopt the proposed school budget, set an election for August 20th, set a tax due date for September 25th, 2013, and direct staff to begin the process of sending out tax bills so that bills could be mailed on August 26th, 2013.

Following the above process results in a minimal change to the due date of taxes, begins the process to collect tax bills, which starts the revenue stream solidifying the City's cash flow. One concern to be aware of is that should the School Budget not be validated the tax bills would be based upon the amount taxes needed to fund education. However, any excess revenue would not be available to spend and would be held for future educational needs.

The alternative to not proceeding with commitment and tax billing is that the City will run the risk of needing a Tax Anticipation Note. Funds spend on the note would be interest bearing and would be an expense to the School or City beyond current budgets. I recommend against delaying bills due to the interest cost of a Tax Anticipation Note.

Financial: With approval the overall City budget, including municipal and county budgets, will have a 20.43 mil rate based on a \$2,005,721,383 overall valuation

Action Requested at this Meeting: Potential approval by City Council to proceed.

Previous Meetings and History: The School Budget Validation Referendum failed on June 11, 2013 and again on July 23, 2013.

Attachments: Budget spreadsheet, Timeline, Email from Dan Stockford, Notice of Amounts, Order

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

REVENUE SOURCES		2008/09	2009/10	2010/2011	2011-2012	2012-2013	2013-2014	Variance	Percentage
State/EPS Model	Approved	Approved	Approved	Approved	Approved	Approved	Recommended#3		
Subsidy	\$16,418,792	\$15,655,825	\$16,213,174	\$16,676,009	\$17,638,249	\$18,976,018	\$1,337,769		
Debt Service-Approved	\$1,441,448	\$1,345,429	\$1,306,059	\$1,266,062	\$1,225,447	\$1,161,010	(\$64,437)		
Adult Services	\$103,287	\$103,287	\$95,400	\$96,665	\$96,246	\$96,246	\$0		
SFFS Jobs		\$751,212	\$1,002,690	\$632,130	\$0	\$0	\$0		
Sub Total	\$17,963,527	\$17,855,753	\$18,617,323	\$18,670,866	\$18,959,942	\$20,233,274	\$1,273,332		
Total State	\$17,963,527	\$17,855,753	\$18,617,323	\$18,670,866	\$18,959,942	\$20,233,274	\$1,273,332		6.72%
Local									
Gen. Appropriation Alloca	\$12,590,410	\$13,292,279	\$13,330,996	\$13,131,138	\$13,910,635	\$13,625,217	(\$285,418)		
Local Only Debt Service		\$0	\$1,196,235	\$1,214,061	\$1,258,135	\$1,510,976	\$252,841		
Additional Local	\$685,889	\$12,152	\$0	\$0	\$0	\$0	\$0		
Non-State Debt Service	\$1,469,958	\$1,224,722	\$0	\$0	\$0	\$0	\$0		
Crossing Guides	\$73,635	\$34,682	\$36,604	\$39,328	\$41,796	\$41,796	\$0		
Adult Education	\$180,108	\$166,848	\$166,848	\$166,848	\$185,734	\$183,311	(\$2,423)		
Total Local	\$15,000,000	\$14,730,683	\$14,730,683	\$14,551,375	\$15,396,300	\$15,361,300	(\$35,000)		-0.23%
Other									
Targeted Case Mgmt. t	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
Stabilization Funds	\$0	\$230,000	\$0	\$0	\$0	\$0	\$0		
Minimum Teacher Salary	\$0	\$30,000	\$0	\$0	\$0	\$0	\$0		
State Agency Client	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000		
Spec. Ed. SOS Tuition	\$150,000	\$150,000	\$120,000	\$120,000	\$120,000	\$90,000	(\$30,000)		
Adult Education	\$95,000	\$98,000	\$115,067	\$106,308	\$93,800	\$93,800	\$0		
McCare Reimbursement	\$150,000	\$200,000	\$150,000	\$50,000	\$125,000	\$125,000	\$0		
Secondary Tuition	\$38,904	\$13,595	\$13,595	\$96,156	\$97,500	\$134,266	\$36,766		
Fund Balance 6-30-10	\$575,534	\$631,000	\$172,103	\$853,076	\$853,075	\$856,882	\$3,807		
Rental Properties	\$85,506	\$68,506	\$68,506	\$68,506	\$68,506	\$68,506	\$0		
DayCare	\$33,369	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$0		
CDS-Pre-K	\$80,000	\$80,000	\$70,200	\$70,200	\$70,200	\$55,000	(\$15,200)		
Miscellaneous	\$5,000	\$30,000	\$30,000	\$38,759	\$38,759	\$30,000	(\$8,759)		
Total Other	\$1,243,313	\$1,611,101	\$819,471	\$1,483,005	\$1,546,840	\$1,533,454	(\$13,386)		-0.87%
Total Revenue	\$34,206,840	\$34,197,537	\$34,167,477	\$34,705,246	\$35,903,082	\$37,128,028	\$1,224,946		3.41%
Mill Rate For Education	2,075,879,000	2,075,879,000	2,068,785,120	2,058,584,278	2,010,510,334	2,006,545,827	(3,964,507)		-0.20%
	7.23	7.10	7.12	7.07	7.66	7.66	0.00		-0.03%
				150					(\$0)

Auburn School Department Cost Center Budget Report Totals

Report # 105274

Statement Code: State CC T

Account Number / Description	7/23 Failed BVR	Recommended #3	Difference
	7/1/2013 - 6/30/2014	7/1/2013 - 6/30/2014	
Total Regular Instruction	\$14,998,045.00	\$14,578,636.00	\$419,409.00
Total Special Education	\$7,524,558.00	\$7,429,052.00	\$95,506.00
Total Other Instruction	\$667,705.00	\$665,267.00	\$2,438.00
Total Student & Staff Support	\$4,514,948.00	\$4,486,566.00	\$28,382.00
Total System Administration	\$847,935.00	\$847,935.00	\$0.00
Total School Administration	\$1,266,449.00	\$1,266,449.00	\$0.00
Total Transportation & Buses	\$1,294,390.00	\$1,294,390.00	\$0.00
Total Facilities Maintenance	\$3,472,594.00	\$3,472,594.00	\$0.00
Total Debt Service & Other Com	\$2,671,986.00	\$2,671,986.00	\$0.00
Total Fund 1000 w/o AE & Xing	\$37,258,610.00	\$36,712,875.00	\$545,735.00
T Crossing Guides	\$41,796.00	\$41,796.00	\$0.00
Total Adult Education	\$373,357.00	\$373,357.00	\$0.00
Total AE & Xing Guides	\$415,153.00	\$415,153.00	\$0.00
Total Fund 1000	\$37,673,763.00	\$37,128,028.00	\$545,735.00

TIMELINE FOR SCHOOL BUDGET APPROVAL, VALIDATION VOTE AND TAX COMMITMENT

1. School Committee adopts budget, no later than August 5, 2013
2. City Council approves School budget, August 5, 2013
3. City Council sets interest rate and tax due date, August 5, 2013
4. Absentee process begins, August 6, 2013
5. Staff begins process to generate tax bills.
6. School Budget Validation Election, August 20, 2013
7. Tax Commitment, August 21, 2013
8. Tax files from Patriot System transferred to MUNIS, August 26, 2013
9. Tax bills mailed, no later than August 29, 2013
10. Tax bills due, 1st half September 25, 2013 and 2nd half due March 15, 2014

From: Dan Stockford [<mailto:DStockford@brannlaw.com>]
Sent: Friday, July 26, 2013 2:40 PM
To: Clint Deschene
Cc: Jill Eastman; Jonathan LaBonte; Howard Kroll
Subject: RE: School Budget

Clint,

This is in response to your inquiry regarding commitment of property taxes in light of the fact that the school budget has not yet been validated by the voters.

I understand that Auburn school budgets that have been approved by the City Council have twice been rejected by voters at budget validation referenda, on June 11 and July 23. Maine law provides that “[n]otwithstanding any other law, **municipal school budgets** developed after January 1, 2008 **must follow the same school budget requirements as regional school units pursuant to Chapter 103-A...**” In turn, Chapter 103-A of Title 20-A provides: “If the budget of a regional school unit is not approved and validated before July 1st and the officers of any affected municipality determine that the property taxes must be committed in a timely manner to the collector pursuant to Title 36, Section 709, the municipal assessor or assessors may commit the property taxes on the basis of the latest budget approved at a regional school unit budget meeting and submitted to the voters for validation at a referendum in accordance with Section 1486.”

Because July 1st has passed and a school budget has not yet been approved and validated, property taxes may be committed on the basis of the latest budget approved at a Council meeting and submitted to the voters for validation at a referendum. Thus, if the City decided that property taxes were to be committed today, the taxes must be committed on the basis of the budget that was approved by the Council and submitted to voters on July 23rd. If another District budget meeting and validation referendum were to take place before property taxes committed, however, then the taxes must be committed on the basis of the last budget approved by the Council and submitted to the voters in a validation referendum.

As you note, if voters were to later validate a lower school budget than the budget that formed the basis for the tax commitment, then the City would have excess revenue to hold as carry forward for future education costs. In order to avoid this, there would be nothing to prevent the Council from issuing a tax anticipation note, rather than committing taxes before the budget is finally resolved. Because Maine law does not specifically address who would be responsible for the costs of a TAN in this situation, the issue of which entity would be responsible for the costs of the TAN would need to be resolved by agreement between the City and the School Department.

Dan

Daniel C. Stockford | BRANN & ISAACSON

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

Email: dstockford@brannlaw.com

Website: www.brannlaw.com

From: Clint Deschene [<mailto:cdeschene@auburnmaine.gov>]

Sent: Thursday, July 25, 2013 3:27 PM

To: Dan Stockford

Cc: Jill Eastman; Jonathan LaBonte; Howard Kroll

Subject: School Budget

Dan,

The current school budget has failed. Katy Grodin has checked with the School attorney who feels that that since the budget failed again the City Council may change our appropriation of property taxes for schools.

As such the Council should be able to consider setting the appropriation of taxes to schools. The issue is that Auburn typically sends out bills late in August. Finance feels that we can delay a month or two without a TAN then we would need one. Another option is having the Council set the number they support and then send out bills without a validated school budget. Then the process becomes messy. If the budget fails and the residents lower the amount more, the City will have excess revenue to hold as carry forward for future education costs. Mostly a political issue but a risky one.

The other problem is if the Council decides to wait and school budget keeps failing the City must at some point issue a tax bill or take out a TAN. I prefer not to use a TAN.

Can you confirm that per Charter the City can set the amount they approve of property taxes and then issue bills without a validated school vote?

Thanks,
Clint

Clinton Deschene
Auburn City Manager
(207)333-6601 ext. 1212

Please be advised that email communications sent to or received from City employees are subject to the Freedom of Access Act and may become part of public record or shared with the media.

NOTICE OF AMOUNTS ADOPTED AT AUBURN CITY COUNCIL MEETING
FOR VOTERS AT SCHOOL BUDGET
VALIDATION REFERENDUM

TO: Clerk of City of Auburn, State of Maine

Pursuant to 20-A M.R.S.A. §§ 1486(2) and 2307 this Notice is to be displayed at all polling places for the school budget validation referendum to be held on August 20, 2013, to assist the voters in voting on whether to ratify the school budget approved at the August 5, 2013 City Council Meeting.

<i>Cost Center Summary Budget Category</i>	<i>Amount Recommended by School Committee</i>	<i>Amount Approved at the City Council Meeting on August 5, 2013</i>
Regular Instruction	\$14,578,636	\$14,578,636
Special Education	\$ 7,429,052	\$ 7,429,052
Career and Technical Education	\$ -0-	\$ -0-
Other Instruction	\$ 665,267	\$ 665,267
Student and Staff Support	\$ 4,486,566	\$ 4,486,566
System Administration	\$ 847,935	\$ 847,935
School Administration	\$ 1,266,449	\$ 1,266,449
Transportation and Buses	\$ 1,294,390	\$ 1,294,390
Facilities Maintenance	\$ 3,472,594	\$ 3,472,594
Debt Service and Other Commitments	\$ 2,671,986	\$ 2,671,986
All Other Expenditures	\$ 0	\$ 0
Summary of Total Authorized Expenditures	<u>\$36,712,875</u>	<u>\$36,712,875</u>

A majority of the School Committee

Completed and countersigned by: _____ /____/2013
Superintendent of Schools

A true copy of the Notice, attest: _____, Clerk
City of Auburn

Tizz 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 60-08052013

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2013/2014.

1. That \$14,578,636.00 be authorized to be expended for Regular Instruction;
2. That \$7,429,052.00 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$665,267.00 be authorized to be expended for Other Instruction;
5. That \$4,486,566.00 be authorized to be expended for Student and Staff Support;
6. That \$847,935.00 be authorized to be expended for System Administration;
7. That \$1,266,449.00 be authorized to be expended for School Administration;
8. That \$1,294,390.00 be authorized to be expended for Transportation and Buses;
9. That \$3,472,594.00 be authorized to be expended for Facilities Maintenance;
10. That \$2,671,986.00 be authorized to be expended for Debt Service and Other Commitments;
11. That \$-0- be authorized to be expended for All Other Expenditures;
12. That \$33,762,245.00 be appropriated for the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$13,625,217.00 be raised as the municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

Explanation: The city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

13. That \$1,510,976.00 be raised and appropriated for the annual payments on debt service previously approved by the city's legislative body for non-state-funded school construction projects or non-state-funded portions of school construction projects, in addition to the funds appropriated as the local share of the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12;

***Explanation:** Non-state-funded debt service is the amount of money needed for the annual payments on the city's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

14. That \$0.00 be raised and appropriated in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, §15690;

***Explanation:** The additional local funds are those locally raised funds over and above the municipality's local contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the school department budget for education programs.*

15. That the school committee be authorized to expend \$36,712,875.00 for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, fund balances, state subsidy and other receipts for the support of schools;

16. That the City of Auburn appropriate \$373,357.00 for adult education and raise \$183,311.00 as the local share, with authorization to expend any additional incidental or miscellaneous receipts in the interest and for the well-being of the adult education program;

17. That the City of Auburn raise and appropriate \$41,796.00 for the services of Community Services-Crossing Guards.

18. That in addition to amounts approved in the preceding articles, the school committee be authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated;



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: August 5, 2013

Item B

Author: Clint Deschene, City Manager

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

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

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

Subject: Public Services Committee(s)

Information: With the formation of a Public Services approach with Public Works, Parks & Recreation, and Engineering, the Council identified the need regarding all of our external and internal committees working for the benefit of the City. The Mayor has provided information that management fully supports to compliment the internal operational change with our external committee communications. The two together should create better services, a more sound policy process and an overall, more efficient City service delivery. The potential pitfalls appear only to be staff time to implement the changes. From my perspective as Manager, the time measured against the overall benefit is minimal cost. Moreover, this could actually be a mold that could be implemented in more areas for greater long term to improve city services.

Financial: Overall efficiencies and potential savings.

Action Requested at this Meeting: Discussion

Previous Meetings and History: N/A

Attachments:

- Memo from Mayor LaBonté
- Public Services Committees

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

City of Auburn, Maine

Office of the Mayor



TO: Members of the Auburn City Council

FROM: Jonathan P. LaBonte, Mayor

RE: Public Services Committees

August 5, 2013

Earlier this year, the City Council held a workshop to discuss a possible new policy committee structure that was designed to streamline the review of initiatives and policies by having a half a dozen Council oversight committees (Community and Economic Development, Public Health and Safety, etc). The more than two dozen existing committees within the city would report through those Council committees. At the time, the Council believed creating new committees would create more work in their schedules so it was tabled.

As part of the restructuring of service delivery and administration in several departments, the time is appropriate to review again the Council and public's policy-making structure for the services delivered by those departments. With well organized and well informed committees advising it, workshop and meeting time of the whole City Council will be more effectively used and more input, especially from residents, will result.

If Councilors, residents or even staff are going to be encouraged to propose policies, projects or services (new, improved or elimination of any of those three areas), there needs to be a defined process for how those ideas are vetted and recommendations brought forward to the full Council. In addition, committees that meet regularly to review the status of plans and projects and review performance in various departments will allow more transparency and greater accountability to taxpayers and the public.

Given the limited interest previously in creating new, overarching Committees for policy areas, the recommendation now is to review and refine existing committee purpose and structure so that is it efficiently aligned with the departmental structure and most helpful for advising the City Council on policy. This approach, if followed, will still allow for more formal Council committees advising on full departments, but that step is not being taken now.

The matrix that follows highlights the existing Committees within the proposed Public Services Department and their areas of jurisdiction. Supporting documents are included as well that highlight existing authorization of committees either at the local or state level. The initial focus is on the parks, recreation, open space, special events and recycling because of a number of emerging efforts from the budget as well as on-going studies.

It is recommended that the Parks and Recreation Advisory Board, which currently is noted to have jurisdiction over parks management and maintenance as well as recreation programming citywide be more narrowly focused on recreation programs and special events. With the consolidation of Parks and Recreation into Public Services, and parks staffing support shifting within that reporting structure, this will help to reduce overlapping staff support for a committee. In addition, the Council's interest in better reviewing special event support, including the use of the \$20,000 allocated in the FY14 budget, and the future of special revenue accounts makes this a strong fit. A Recreation and Special Events Advisory Board could review the performance of existing programs (both for revenue and participation), review requests for city support for other events, and engage with partners around programming, all with the goal of providing recommendations to the City Council. This would also include facility utilization, which is central to the Athletic Field assessment.

The Lewiston-Auburn Community Forest Board, established through a resolve 13 years ago, has had overlapping jurisdiction with the current Parks and Recreation Advisory Board. For example, there is currently a Joint Land Use Study underway for Mt. Apatite. Mt. Apatite is a city park. Mt. Apatite is a city forest. Which of the two committees has oversight of this area? The same could be said of Pettingill Forest and several other locations in Auburn that are either city parks or wooded areas with trails connected to our schools. Legislation was passed nearly 25 years ago to encourage the creation of Conservation Commissions at the municipal level. This replaced the Parks Commission language that was in state law previously. Given the number of cemeteries under Auburn's management, small parks, and larger forested city parks, it is prudent to better define how a Committee could advise the Council and engage partners and residents about parks and open space needs and their management.

Finally, the Council has approved a budget with a directive for staff to begin negotiating a contract for a new recycling program. Without an existing City Committee in place to advise on that effort, I am proposing a Mayor's Committee on Solid Waste Management that would be established as an ad-hoc committee to support the staff work on developing recommendations for single sort recycling for Auburn and promoting its roll out. I've included some further details in the attached spreadsheets.

There are a number of other committees that would fall under Public Services, in particular those around transportation. Rather than have too many plates in the air at once, I recommend we walk refining these committees to a conclusion before tackling others. Should the Council be comfortable with these first committee descriptions, I am prepared to engage quickly with the existing Community Forest Board to discuss adapting its charge, it is my understanding that staff could initiate preparing language for refining the Recreation Advisory Board, and appointments to a Solid Waste Management Committee would be made by our next Council meeting date.

Name	Origin	Areas of Jurisdiction
Parks and Recreation Advisory Board	Established through ordinance	<p>(1) The review of existing programs of the parks and recreation department and the planning of revised, supplementary or new programs to meet the present and future needs of the city.</p> <p>(2) Coordination with volunteer and charitable organizations and those of other governmental units.</p> <p>(3) Developing recommendations for more efficient use of present facilities and personnel.</p> <p>(4) Improving communication regarding recreational needs</p> <p>(5) Investigation for financial assistance and the development of recommendations regarding participation</p>
Lewiston-Auburn Community Forest Board	Established through a resolve of the Auburn City Council	<p>(1) Advocate for the community forest</p> <p>(2) Develop a plan for and management community forest</p> <p>(3) Educate the communities</p> <p>(4) Raise funds</p> <p>(5) Develop and advise on policy changes for approval by the City Councils</p> <p>(6) Advise and consult on community forest issues and projects</p>

		(7) Communicate and coordinate to avoid duplication of efforts and to combine resources to meet goals.
Energy Committee (no longer established)	Established previously as a Mayor's Committee	To advise on energy efficiency and energy options for public facilities and programs to support these areas for individual homes and businesses
Recycling Committee (no longer established)	Established previously as a Mayor's Committee	To advise on an approach to solid waste management in Auburn and to encourage residents to recycle
Other Committees within Public Services		
Bicycle-Pedestrian Advisory Committee		
Lewiston-Auburn Transit Committee		
Androscoggin Transportation Resource Center		
Auburn-Lewiston Municipal Airport		
Lewiston-Auburn Railroad Company		

Recommended Committee Functions

Name	Former Name	Areas of Jurisdiction
<p>Recreation and Special Events Advisory Board</p> <p><i>Would be important to consider having at least one Councilor on this Committee. In addition, the involvement of the School Department and partner organizations should be considered (YMCA, CMCC, Balloon Festival, Dempsey Challenge, etc)</i></p>	<p>Parks and Recreation Advisory Board</p>	<p>(1) The review of existing recreation programs and special events supported by the City and the planning of revised, supplementary or new programs to meet the present and future needs of the city.</p> <p>(2) Coordination with volunteer and charitable organizations and those of other governmental units that provide special events or recreation programming in the City.</p> <p>(3) Developing recommendations for more efficient use of present facilities and personnel.</p> <p>(4) Improving communication regarding recreational needs</p> <p>(5) Investigation for financial assistance and the development of recommendations regarding participation</p>
<p>Parks and Conservation Commission (could be a joint board with Lewiston)</p> <p><i>Would be important to consider having at least one Councilor on this Committee. In addition, the involvement of the School</i></p>	<p>Lewiston-Auburn Community Forest Board</p>	<p>(1) Advocate for parks, conservation and open space in the community</p> <p>(2) Develop a plan for stewardship of community parks and forests</p> <p>(3) Educate the community</p> <p>(4) Raise funds</p> <p>(5) Develop and advise on policy</p>

<p><i>Department and partner organizations should be considered.</i></p>		<p>changes for approval by the City Councils</p> <p>(6) Advise and consult on community forest issues and projects</p>
<p>Mayor's Committee on Solid Waste Management</p> <p><i>This Committee, to be made up of no more than seven (7) residents will, ideally, include a at least one Councilor, at least one representative of Auburn's schools, with the remainder being residents that bring expertise and energy to the topic of solid waste management and improving Auburn's recycling.</i></p>	<p>Established previously as a Mayor's Committee</p>	<p>To advise on an approach to solid waste management in Auburn and to encourage residents to recycle. Serve as advisors to city staff in the development of a contract for services for solid waste management/recycling and facilitate gathering of public input. And to serve in a leadership capacity engaging the community during the roll-out of the program. Staffing for the Committee will be at the Manager's discretion.</p>

(Existing Ordinance on Parks and Recreation Advisory Board)

PART II - CODE OF ORDINANCES

Chapter 2 - ADMINISTRATION

ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. PARKS AND RECREATION ADVISORY BOARD

[Sec. 2-454. Established; membership.](#)

[Sec. 2-455. Term of members.](#)

[Sec. 2-456. Officers; rules of procedure; vacancies.](#)

[Sec. 2-457. Duties.](#)

[Secs. 2-458—2-482. Reserved.](#)

Sec. 2-454. Established; membership.

- (a) There shall be a parks and recreation advisory board, which shall be composed of eight members. All except the ex officio member of the board shall be appointed by the city council.
- (b) Of the seven appointed members, there shall be no more than two members from the same ward. A member shall forfeit his membership if he becomes a resident of a ward in which two members of the board already reside.
- (c) Serving as the ex officio member shall be the director of parks and recreation, who shall also serve as secretary to the board.
- (d) Nothing in this article shall preclude the creation of standing subcommittees.

(Code 1967, § 18-3.1)

Sec. 2-455. Term of members.

All appointed members of the parks and recreation advisory board shall serve staggered two-year terms from the date of their appointment and thereafter until their successors are appointed beginning with the effective date of this Code. Members of the board may be appointed to succeed themselves.

(Code 1967, § 18-3.3)

Sec. 2-456. Officers; rules of procedure; vacancies.

The parks and recreation advisory board shall elect a chair, a vice-chair and such other officers as it may require. The board shall develop such rules to govern its meetings and operations as it deems advisable. Upon the death, incapacity or removal from the city of any member, or if any member shall be absent without excuse for three consecutive meetings, the secretary of the board shall advise the city council that a vacancy exists and request the appointment of a replacement.

(Code 1967, § 18-3.4)

Sec. 2-457. Duties.

The purpose of the parks and recreation advisory board shall be:

- (1) The review of existing programs of the parks and recreation department and the planning of revised, supplementary or new programs to meet the present and future needs of the city.
- (2) The coordination of existing programs and facilities of the recreation department with those of volunteer and charitable organizations and those of other governmental units.
- (3) Developing recommendations for more efficient use of present facilities and personnel.
- (4) Improving communication regarding the recreational needs of the city between the people and the recreation department, the city council, and other city departments.
- (5) The investigation of federal, state and private programs for financial assistance and the development of recommendations regarding participation in such programs by the city.

(Code 1967, § 18-3.2)

(Current Resolve on Lewiston-Auburn Community Forest Board)

Proposed Policy to Create The Lewiston-Auburn Community Forest Program and Board

I. Statement of creation and establishment

To enhance, preserve, protect and maintain the community forest in Lewiston and Auburn, this policy creates and establishes The Lewiston-Auburn Community Forest Board to develop and implement a Community Forest Program. A healthy community forest promotes the economic, environmental and aesthetic values contributing to the quality of life in the Cities.

II. Number of members

There will be nine voting members on the Board, with a minimum of four members from each city. There will be six ex officio members as defined in III.

III. Qualifications of members

Members will be residents of Lewiston or Auburn, or own land in either city. They will be people who are willing to work and are committed to a healthy community forest.

Six ex officio members shall be each City's Director of Parks/Recreation, or their designees; a member of each City's Planning Board; and each City's Arborist.

IV. Term of office, succession and provision for staggered terms

Terms of voting members will be three years and may be reappointed by the appropriate Mayor. The terms will be staggered to provide for continuity of the Program and the Board's activities. One third of the initial Board members will have terms of one, two or three years to establish the rotation of one third of the membership each year.

V. Provision for vacancies

When vacancies occur, the Board shall advertise and recruit potential new members in order to submit applications to the appropriate Mayor, who shall review the applications and appoint the new member(s).

VI. Compensation

All members of the Board shall serve without compensation.

VII. Scope of responsibility

The terms and provisions of this policy shall apply to all trees, plants and shrubs on public property, including all property owned, leased or occupied by the City of Auburn or the City of Lewiston. Other property will be dealt with on an advisory and/or educational basis.

737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Seek to coordinate the activities of conservation bodies organized for similar purposes; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Keep an index of all open areas within the municipality, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the municipal officers or any municipal body or board, or any body politic or public agency of the State, a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements.

(1) Any body politic or public agency of the State conducting planning operations with respect to open areas within a municipality having a conservation commission shall notify that conservation commission of all plans and planning operations at least 30 days before implementing any action under that plan. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Powers of commission. The commission may:

A. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Have the care and superintendence of the public parks and, subject to the approval of the municipal officers, direct the expenditure of all money appropriated for the improvement of those parks; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Acquire land in the municipality's name for any of the purposes set forth in this section with the approval of the municipal legislative body; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Receive gifts in the municipality's name for any of the commission's purposes and shall administer the gift for those purposes subject to the terms of the gift. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

4. Park commission under previous law. This section does not require a municipality which has previously created a park commission under prior law to establish a conservation commission. Any such park commission previously created may continue to operate as originally established.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD).

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City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: August 5, 2013

Item C

Author: Jill Eastman, Finance Director

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

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

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

Subject: Order authorizing the issuance of General Obligation Bonds and tax levy

Information: This is the order authorizing the sale of \$5,900,000 in General Obligation Bonds to finance the FY 13-14 Capital Improvement Projects passed by Council during the June 3rd, 2103 Council Meeting by a 5-2 vote. (list attached). During the discussion prior to the vote on the entire CIP a number of individual items were passed (to remain on the CIP) by less than a 5-2 vote. These items are listed as follows: Engineering Major Drainage, ICT Network Security, Parks and Recreation Holder Tractor, Planning Municipal Street Light Purchase, Planning Traffic Signal Pole Replacement, Public Works Heavy Equipment (Dump Trucks), Public Works Vehicle (sign truck).

Financial: N/A

Action Requested at this Meeting: Informational session only, 1st reading and public hearing will be scheduled for Monday, August 19, 2013 and the 2nd reading and passage will be scheduled for Tuesday, September 3, 2013.

Previous Meetings and History:

Attachments:

- Approved CIP List
- CIP voted on by Council
- Minutes of June 3, 2013
- Notice of Public Hearing
- Draft Order

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

**CITY OF AUBURN - CAPITAL IMPROVEMENT PROGRAM
FY 2014**

	OPERATING	BOND	OTHER
<u>ASSESSING</u>			
Vehicle Replacement	\$0		
Total Assessing	\$0	\$0	\$0
<u>AUBURN-LEWISTON AIRPORT</u>			
Loader/Sweeper Replacement	\$0		
Mower Attachment	\$0		
Total Auburn-Lewiston Airport	\$0	\$0	\$0
<u>CITY CLERK</u>			
Record Restoration	\$12,500		
Voting Booths	\$6,000		
Total City Clerk	\$18,500	\$0	\$0
<u>ECONOMIC DEVELOPMENT</u>			
South Goff Street Extension		\$0	
Total Economic Development	\$0	\$0	\$0
<u>ENGINEERING</u>			
Drainage Projects:			
Major Areas		\$60,000	
State Projects:			
MDOT Transportation Improvement Projects		\$500,000	
Street Improvement Projects:			
Reclaim/Resurfacing Program		\$1,250,000	
Retaining Wall (Engineering and Design)		\$0	
Reconstruction/Construction Projects		\$1,000,000	
Bridge Repairs		\$125,000	
Total Engineering Department	\$0	\$2,935,000	\$0
<u>FIRE DEPARTMENT</u>			
Generator South Main Street Fire Station		\$0	
Security/Proximity Locking System		\$0	
Thermal Imaging Cameras		\$0	
Reclaim and repave Central Station back yard		\$0	
Tablets	\$0		
Total Fire Department	\$0	\$0	\$0
<u>INFORMATION COMMUNICATION TECHNOLOGY</u>			
Call Recording		\$0	
Web Site - Second Phase			\$20,000 (1)
Network Security		\$40,000	
Total ICT	\$0	\$40,000	\$20,000
<u>LA911</u>			
Server Upgrade/Virtualization Project - Phase III			\$49,772 (1)
Total LA911	\$0	\$0	\$49,772
<u>LATC</u>			
Bus Replacement Funds			\$40,000 (1)
Total LATC	\$0	\$0	\$40,000
<u>PARKING FACILITIES</u>			
Mechanics Row Parking Garage Maintenance		\$0	
Total Parking Facilities	\$0	\$0	\$0
<u>PARKS & RECREATION</u>			
Asbestos Removal @ Hasty Community Center			\$85,000 (1)
Tractor w/Attachments		\$0	
Replace Holder Tractor		\$165,000	
Turf Machine			\$0 (3)
Remove Underground Storage Tank		\$0	
Repair and Replace Playground Equipment City Wide			\$38,000 (1,3)
Hasty Window Replacement			\$46,000 (1)
Hasty Kitchen Upgrade	\$0	\$0	\$3,500 (1)

**CITY OF AUBURN - CAPITAL IMPROVEMENT PROGRAM
FY 2014**

	OPERATING	BOND	OTHER
Total Parks & Recreation	\$0	\$165,000	\$172,500
<u>PLANNING & CODE DEPARTMENT</u>			
Municipal Street Light Purchase		\$750,000	
Traffic Signal Pole Replacement		\$10,736	
Street Light Pole Replacement and Wiring (21 poles)		\$25,000	
Replacement of Traffic Signal Controller Equipment Fype TSII		\$0	
Replace existing HPS fixtures and poles with LED fixtures		\$26,000	
Traffic Signal Controller Upgrades		\$0	
Vehicle Replacement	\$0		
Comprehensive Plan Property Acquisition Program			\$0 (4)
Androscoggin Greenway Signage and Wayfinding Pilot Program			\$75,000 (4)
Total Planning & Code Department	\$0	\$811,736	\$75,000
<u>POLICE DEPARTMENT</u>			
Scheduled Vehicle Replacement	\$70,000		
Mobile Radio Replacement	\$20,000		\$0 (1)
Total Police Department	\$90,000	\$0	\$0
<u>PUBLIC LIBRARY</u>			
Building Improvements		\$24,136	
HVAC Automation System	\$7,500		
Technology Replacement	\$12,000		
Total Public Library	\$19,500	\$24,136	\$0
<u>PUBLIC WORKS DEPARTMENT</u>			
Heavy Equipment			
Dump Trucks		\$320,000	
Street Sweeper		\$0	
Vehicles		\$38,000	
Floor Sweeper/Scrubber		\$0	
Non Vehicle Equipment			
Trench Box	\$0		\$17,000 (1)
Message Sign Board	\$0		
Portable Traffic Signals	\$0		
Replace Festival Plaza Canopies			\$20,000 (4)
Cemetery Improvements			\$24,000 (1)
Total Public Works Department	\$0	\$358,000	\$61,000
Contingency		\$66,128	
Total Municipal Capital Improvements	\$128,000	\$4,400,000	\$418,272
<u>SCHOOL DEPARTMENT</u>			
	\$0	\$1,500,000	
Total School Department	\$0	\$1,500,000	\$0
Total Capital Improvement Program - Municipal and Schools	\$128,000	\$5,900,000	\$418,272
(1) Unallocated Bond Funds	\$285,272		
(3) Recreation Special Revenue Funds	\$38,000		
(4) Downtown TIF	\$95,000		
	\$418,272		

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 35-05132013

ORDERED, that Capital Purchases (CIP) Bond Projects for FY 2014 in the amount of \$6,500,000 Acquisition of the following capital equipment and the design, construction, renovation, and rehabilitation of the following capital improvements, all constituting part of the City's FY14 Capital Improvement Program:

Department	FY14 Projects Only (See CIP for full description)	Proposed Financing	CIP	FY 2014 CIP Bond
School	Building and Equipment Improvements	Bond	CIP	\$1,500,000
Engineering	Major Drainage	Bond	CIP	\$60,000
Engineering	MDOT Match	Bond	CIP	\$500,000
Engineering	Reclaim/Resurface	Bond	CIP	\$1,250,000
Engineering	Reconstruction	Bond	CIP	\$1,000,000
Engineering	Bridge Repairs	Bond	CIP	\$125,000
ICT	Network Security	Bond	CIP	\$40,000
Parks & Recreation	Holder Tractor	Bond	CIP	\$165,000
Planning & Code	Municipal Street Light Purchase	Bond	CIP	\$750,000
Planning & Code	Traffic Signal Pole Replacement	Bond	CIP	\$10,736
Planning & Code	Street Light Pole Replacement	Bond	CIP	\$25,000
Planning & Code	Replace Existing HPS Fixtures and Poles	Bond	CIP	\$26,000
Library	Building Improvements	Bond	CIP	\$24,136
Public Works	Heavy Equipment-Dump Trucks	Bond	CIP	\$320,000
Public Works	Vehicles	Bond	CIP	\$38,000
Contingency	Retained earnings for bid variances			\$66,128
TOTALS				\$5,900,000

Passage on 6/3/2013, 5-2 (Councilors Gerry and Crowley opposed).

**CITY OF AUBURN
NOTICE OF PUBLIC HEARING**

Pursuant to Section 8.13 of the City Charter, notice is hereby given that the Auburn City Council will hold a public hearing on Monday, August 19, 2013, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on a proposed order authorizing the City's general obligation bonds in the amount of \$5,900,000 to finance the City's FY14 Capital Improvement Program.

Following the public hearing, the City Council expects to conduct the second reading and take final action on the order at the same September 3, 2013 meeting.

The order is available for inspection at the City Clerk's office during regular business hours.

IN COUNCIL REGULAR MEETING JUNE 3, 2013 VOL. 33 PAGE 132

Mayor LaBonte called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present, however Councilor Young had to leave the meeting (excused) just before the City Budget Resolve discussion (Resolve 03-05202013).

I. Consent Items*

1. Order 43-06032013*

Approving the Special Event and Charitable funding requests for the 2013 Liberty Festival.

Motion was made by Councilor Lafontaine and seconded by Councilor Young. Passage 6-1 (Councilor Crowley opposed).

II. Minutes

Motion was made by Councilor LaFontaine and seconded by Councilor Gerry to accept the minutes of the May 20, 2013 City Council meeting. Passage 7-0.

III. Reports

Mayor's Report – The Mayor read a written statement he prepared in order to weigh in on what he called fragmented public policy making, numerous committees funded by tax payers but not accountable to them. He went on to say that after watching the movement of some individuals after Councils action a few weeks ago, he thought it was appropriate as Mayor to outline some concerns and partial information that was being discussed publicly and wanted to set the record straight regarding Councils decision regarding the downtown passenger rail service. A copy of the statement is on file in the Clerk's office.

City Committee Reports – Councilor Crowley and Councilor Walker submitted a written report.

Councilor Reports-Councilor Walker reported on a Flag Day celebration to take place at the Veteran's Memorial in Mt. Auburn Cemetery on Friday, June 14th. It is being presented by the City and Veteran groups including American Legion Post 153. All organizations Scouts, Fraternal Clubs, Color Guard, Honor Guard and Flag Bearers are invited to show their colors. Councilor Crowley submitted a written report.

City Manager's Report – City Manager Deschene submitted a written report and stated that a correction was made and would be corrected on the web. He also reported on the status of the search for an Ice Arena Manager. An announcement would be coming soon. Also as requested by Councilor Hayes, he offered an explanation on the establishment of the transportation committee.

IV. Communications, Presentations and Recognitions – None

IN COUNCIL REGULAR MEETING JUNE 3, 2013 VOL. 33 PAGE 133

Item number 4 on the agenda under New Business was taken out of order (Hearing on a dangerous building at 9 Gamage Avenue).

1. Hearing regarding a Dangerous Building at 9 Gamage Avenue, Auburn Maine, pursuant to Title 17 M.R.S.A § 2851, et seq.

2. **Order 44-06032013**

Adopting the findings of fact, conclusions of law, and order of demolition for 9 Gamage Avenue.

Motion was made by Councilor LaFontaine and seconded by Councilor Crowley. Passage 7-0.

V. **Open Session**

- Gerry Berube, president of the Lewiston-Auburn Railroad Co. stated that the letter the Mayor mentioned in his earlier statement did not come from Lucien Gosselin but from the LA Railroad Board. He briefly went over the history of the LA Railroad Co.
- Richard Trafton, one of the newest members of the LA Railroad Company said he said that he shares Mayor LaBonté's concerns on speaking with one voice however he was also concerned about the method adopted at the last Council Meeting and feels it will be used as ammunition. He said he supports the passenger rail in downtown Auburn and Lewiston and he also talked about the comprehensive plan. He said he thinks we can get there but doesn't think we are using the right planning process.
- Jeremiah Bartlett, 107 Shepley Street, said he is a resident of Auburn and has a transportation background and has a different view of how the comprehensive plan turned out. He said there is no sense putting the passenger rail at the airport first. He does not think it is effective, it would be expensive and costly. He also doesn't think it would satisfy title 6 of the Civil Rights Act. He said that a downtown rail would be a statement to invest in our downtown. He urged the Council to make this their top priority.
- Cynthia Jalbert, 11 Shepley Street gave kudos to the Kiwanis Club for hosting their pancake breakfast. She said she would also like to see the railway come to the downtown area and there is a need to bring more things in the downtown area. Next year she would like to see the solid waste recycling committee come back around. She also commented on Lewiston and CMMC for tearing down St. Josephs to build a parking lot.
- Larry Pelletier, Second Street, Auburn, attended the installation of the new pumper truck at the New Auburn Fire Station. He said the truck was dedicated to Captain Millett, a fallen firefighter.
- Michael Koch, 46 Gould Road, talked about the Downeaster versus the commuter train and said he was looking for clarity. He said he would like train service downtown if it is the Downeaster.
- Ed Plourde, Chair of the Airport had a question about process and what happened at the last meeting and were there stake holders involved in that process.

IN COUNCIL REGULAR MEETING JUNE 3, 2013 VOL. 33 PAGE 134

- Adam Lee, Main Street said he lives and works in downtown area for the past five years. He walks to work every day. He appreciates and respects the people who spoke in favor of the locating the rail at the airport but said he thinks it is shortsighted and it avoids the possibility we have of advancing the work that has been done in the past 5 years in the downtown area. He moved to Maine because he fell in love with the downtown Auburn area.
- Christine Holden, Lewiston resident said she really likes mass transport and believes that economic development in our community is important. She said we need to think about the fact that a great variety of people need transport. She suggested that we go for what we want but have a back-up plan, be flexible, be inventive and do not draw a line in the sand.
- Dan Herrick, 470 Hatch Road, thanked Councilor Gerry for asking the questions about 9 Gamage Avenue on where the cost goes. He also talked about improvements in the New Auburn area and the new apartment building stating it looks good but who would want to live there with the headlights that come down Academy Street. He talked about an article he read in the Sun Journal on tax liens and foreclosures and wondered if anyone knew what was happening and why we are sending out less tax liens. He commented on a few concerns with the Mayor on his interaction with a Councilor at a previous meeting as well as the portrait presentations with former Mayor's (John Jenkins, John Cleveland and Dick Gleason) and whether or not they were given an opportunity to speak during the presentations. He also said he commented on a concern he had regarding setting up a meeting with the City Manager.
- Tammy Greishaber, 40 Lisbon Street Lewiston, former resident of Auburn. She said she thought the two cities should become one a long time ago and any decisions on one side of the river have an impact on the other side of the river. It has been a long time since there has been any vision implemented on either side of the river. The last was Lee Young and the plan that brought us the River Walk and Festival Plaza. There hasn't been any since then. The Comprehensive Plan on both sides of the river has been pretty much the same way. Plans change and they should be flexible. The next two visionary plans that have come up in the last 6 months was LA Grows idea on Mill 5 but the group has not gotten any support and guidance on this project. The second most recent visionary plan for Auburn is to put the transit service in the downtown area. She thinks it is a wonderful idea.
- Joe Mailey, Webster Street, Auburn said he is neither for nor against the rail but did not think there was enough culture here to attract people from Portland. He said they have to have something here for people to come.
- Priscilla Miller, 211 Summer Street, commented on the train and wondered if anyone thought of the congestion of having that in town. She also commented on the train whistle and said Brunswick residents are complaining about the train whistles. She said Council should think of essentials and the Ice Rink is not essential. She said to look at County Government versus City Government and do we need to be giving them money.
- Chip Morrison, 46 Lake Street, Auburn commented that there are many cultural activities in our community. He also gave formal testimony (a written copy of the testimony is on

IN COUNCIL REGULAR MEETING JUNE 3, 2013 VOL. 33 PAGE 135

file in the Clerk's Office) as president of the Chamber with over 1375 members. He talked about the budget amendment about the rail two weeks ago. Wordings of resolutions are important. People look at them. His plea was please be flexible if you can, don't shut something off to make a point when you can keep all of your options open.

VI. Unfinished Business

3. Order 35-05132013

Adopting the 2013-2014 Capital Improvement Program (CIP) Bond Projects.

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes to approve the order as postponed from the 5/20/2013 meeting which included the amendments proposed by Councilor Crowley; To remove all items with a useful life of less than 10 years, removing all routine maintenance items from the CIP and placing them under Operations, remove all vehicle purchases in both the CIP and Operational budgets for a 1 year period, to reinstate a policy where all vehicles that are not in use be garaged in Auburn, and not to approve the CIP until the enterprise accounts for Ingersoll Arena and the new Dual Sheet Arena are included in the overall budget for the public to view. Motion failed 3-4 (Councilors Hayes, LaFontaine, Shea, and Young opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to amend to remove the Engineering Major Drainage Project from the CIP Budget. Motion failed 3-4 (Councilors Gerry, Hayes, LaFontaine, and Shea opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove the Engineering Retaining Wall project from the CIP Budget. Passage 5-2 (Councilors Gerry and LaFontaine opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove the Engineering Bridge repairs from the CIP Budget. Motion failed 2-5 (Councilors Shea, Young, LaFontaine, Hayes, and Gerry opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove ICT call recording from the CIP Budget. Passage 6-1 (Councilor LaFontaine opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove the ICT Network Security from the CIP Budget. Motion failed 3-4 (Councilors Gerry, Hayes, Young, and Shea opposed).

IN COUNCIL REGULAR MEETING JUNE 3, 2013 VOL. 33 PAGE 136

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove from Parking Facilities the Mechanics Row Garage maintenance from the CIP Budget. Passage 5-2 (Councilors Gerry and LaFontaine opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove the Parks & Recreation tractor from the CIP Budget. Passage 5-2 (Councilors Hayes and LaFontaine opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove the Parks & Recreation Holder Tractor from the CIP Budget. Motion failed 2-4 (Councilors Gerry, Hayes, Shea, and LaFontaine opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove the Parks & Recreation underground tank removal from the CIP Budget. Passage 7-0.

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove from Planning the Municipal Street Light Purchase from the CIP Budget. Motion failed 3-4 (Councilors Crowley, Hayes, Lafontaine, and Shea opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove from Planning the Traffic Signal Pole Replacement from the CIP Budget. Motion failed 3-4 (Councilors LaFontaine, Shea, Gerry, and Hayes opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove from Public Works the Heavy Equipment dump trucks from the CIP Budget. Motion failed 3-4 (Councilors Gerry, LaFontaine, Young, and Shea opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove from Planning the Traffic Signal Controller Upgrades from the CIP Budget. Passage 4-3 (Councilors Gerry, Hayes, and Shea opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove from Public Works the street sweeper from the CIP Budget. Passage 7-0.

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove from Public Works vehicles from the CIP Budget.

IN COUNCIL REGULAR MEETING JUNE 3, 2013 VOL. 33 PAGE 137

Motion failed 3-4 (Councilors Gerry, Hayes, LaFontaine, and Shea opposed).

Motion was made by Councilor Walker and seconded by Councilor Crowley to remove from Public Works floor sweeper/scrubber from the CIP Budget. Passage 7-0.

Motion was made by Councilor Crowley and seconded by Councilor Walker that the total CIP Budget for FY14 not exceed 12% of expenditures. Passage 5-2 (Councilors Hayes and LaFontaine opposed).

Motion was made by Councilor Crowley and seconded by Councilor Walker that no CIP dollars for FY14 be spent on an item that has a useful life of less than 10 years. The Mayor declared the motion to be out of order because it would be a vote to reconsider two of Councilor Walkers amendments, in which Councilor Crowley voted in the affirmative.

Motion was made by Councilor Crowley and seconded by Councilor Walker to amend by removing the library building improvements and using downtown TIF dollars instead. Point of information by the City Manager, that is not an allowed use of downtown TIF dollars.

Motion by Councilor Crowley and seconded by Councilor Walker for the City to reaffirm Council policy that no Auburn owned vehicles will be garaged outside of Auburn when not in city service. The policy is in place to manage vehicle cost and to preserve the resource for city business. Passage 4-3 (Councilors Hayes, LaFontaine, and Shea opposed).

Motion was made by Councilor Walker and seconded by Councilor LaFontaine to reconsider the amendment to remove from ICT the Call Recording. Passage 7-0.

Passage on order as amended, 5-2 (Councilors Gerry and Crowley opposed).

4. Order 36-05132013

Adopting the 2013-2014 Capital Improvement Program (CIP2) Other Funding Projects.

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to approve the order as postponed from the 5/20/2013 meeting which included the amendment proposed by Councilor LaFontaine to remove the Pettengill Playground items and Festival Plaza Canopy replacement for at least 1 year. Passage 6-1 (Councilor Shea opposed).

IN COUNCIL REGULAR MEETING JUNE 3, 2013 VOL. 33 PAGE 138

Motion was made by Councilor Crowley and seconded by Councilor Walker to amend that the ICT website site second phase from the CIP2 budget be approved, but the project be outsourced and not done by staff unless it can be completed for less money than the \$20,000 and implemented by January 1, 2014. Motion failed 2-5 (Councilors Gerry, Hayes, LaFontaine, Young, and Shea opposed).

Motion by Councilor Crowley and seconded by Councilor Gerry to amend that the Parks & Recreation Department be allocated \$38,000 to repair and replace playground equipment city wide. Passage 7-0.

Motion was made by Councilor Crowley and seconded by Councilor Walker to amend by allocating up to \$20,000 to place flags at Festival Plaza. Passage 4-3 (Councilors Hayes, LaFontaine, and Shea opposed).

Motion was made by Councilor Crowley and seconded by Councilor Walker to amend that the Public Works request for Oak Hill Cemetery building improvements from the CIP2 budget be changed to make necessary repairs to cemeteries and not limited to Oak Hill. Passage 4-2-1 (Councilors LaFontaine and Hayes opposed, Councilor Shea abstained).

Motion was made by Councilor Crowley and seconded by Councilor Walker to amend by removing the Parks & Recreation Department turf machine from the CIP2 budget. Passage 4-3 (Councilors Gerry, Hayes, LaFontaine opposed).

Motion was made by Councilor Crowley and seconded by Councilor Walker to amend by removing the amount the Planning Department wants for the Comprehensive Plan Property Acquisition Program from the CIP2 budget. Passage 6-1 (Councilor LaFontaine opposed).

Motion was made by Councilor Crowley and seconded by Councilor Walker to amend by removing the Police Mobile Radio replacement from the CIP2 budget (and move to operations). Passage 4-3 (Councilors Gerry, Hayes, and LaFontaine opposed).

Motion was made by Councilor Crowley and seconded by Councilor Walker to amend by removing the Public Works trench box from the CIP2 budget. Motion failed 2-5 (Councilors Gerry, Hayes, LaFontaine, Young, and Shea opposed).

Motion was made by Councilor Crowley and seconded by Councilor Walker to amend by using \$85,000 unallocated bond funds to address

IN COUNCIL REGULAR MEETING JUNE 3, 2013 VOL. 33 PAGE 139

Hasty Community Center's safety issue (removal of asbestos). Passage 6-0-1 (Councilor Hayes abstained).

Motion was made by Councilor Crowley and seconded by Councilor Gerry to amend by using downtown TIF monies to buy walk behind mowers if they are to be used in the downtown parks and be available for cemetery work. After some discussion as to whether TIF monies could be used for this, Councilors Crowley and Gerry withdrew the motion and second until there is further clarification.

Motion was made by Councilor Crowley and seconded by Councilor Gerry to amend that the portion of unallocated bond proceeds to pay off the Ingersoll Arena debt be held in reserve. Passage 5-2 (Councilors Gerry and Hayes opposed).

Motion was made by Councilor Walker and seconded by Councilor Gerry to amend by adding the Hasty Community Center kitchen upgrade to the CIP2 budget (\$3,500 out of unallocated bond proceeds). Passage 7-0.

Motion was made by Councilor Walker and seconded by Councilor Gerry to amend by adding the Hasty Community Center window replacement to the CIP2 budget (\$46,000 from unallocated bond proceeds). Passage 5-1-1 (Councilor Hayes opposed and Councilor Shea abstained).

Motion by Councilor LaFontaine and seconded by Councilor Hayes to reconsider the Hasty Community Center upgrades (\$134,500). Passage to reconsider 4-3 (Councilors Gerry, Crowley, and Walker opposed).

Passage on the reconsideration in support of the \$134,500 investment in upgrades to the Hasty Community Center, 4-3 (Councilors Hayes, LaFontaine, and Young opposed).

Public comment – no one from the public spoke.

Passage of the order as amended, 7-0.

5. Resolve 03-05202013

Adopting the City Budget for Fiscal Year 2014 (first reading).

The Mayor clarified that the amended language that was adopted from the May 20, 2013 meeting was to be added to the Resolve (that the City Manager shall propose and have established by the Auburn City Council a contract with LAEGC for services to be provided to the City of Auburn

IN COUNCIL REGULAR MEETING JUNE 3, 2013 VOL. 33 PAGE 140

for economic development to occur within 5 months of the fiscal year with the consequence being the elimination of funding).

Motion was made by Councilor Lafontaine and seconded by Councilor Shea to remove the Budget Resolve off the table as it was postponed from the 5/20/2013 meeting. Passage 5-0-1 (Councilor Crowley abstained).

The motion that was left on the table from the 5/20/2013 meeting was a motion by Councilor Crowley and seconded by Councilor Hayes to amend by offering in lieu of providing cell phones and smart phones under a city contract that employees be offered a \$25 per month stipend. Motion failed 3-4 (Councilors Gerry, LaFontaine, and Shea opposed, and the Mayor voted in opposition breaking the tie vote).

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to reconsider what was labeled as amendment (C) from the 5/20/2013 meeting on the downtown rail. Motion failed 2-4 (Councilors Gerry, Crowley, Walker, and Shea opposed).

Motion was made by Councilor LaFontaine and seconded by Crowley to add a \$20,000 line in the budget for L-A Arts, \$10,000 of which would support the arts and culture in L-A and another \$10,000 in match by the City of Auburn only if they were awarded the Creative Community Economic Development Grant.

Motion was made by Councilor Shea and seconded by Councilor Gerry to amend the amendment to fund the Creative Community Economic Development Grant and strike the \$10,000 to support the arts and culture in L-A. Passage 6-0.

Passage of the amendment as amended, 6-0.

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine to postpone the budget resolve discussion to a Special Meeting on June 10, 2013, motioned failed 3-4 (Councilors Gerry, Walker and Shea opposed and the Mayor voted in opposition breaking the tie vote).

Motion by Councilor Crowley and seconded by Councilor Walker to amend the resolve to hold all the departmental budgets that are above the 1.7% expenditure increase reduce their budget to a 1.7% expenditure increase. Motion failed 3-4 (Councilors Hayes, LaFontaine and Shea opposed and the Mayor voted in opposition breaking the tie vote).

IN COUNCIL REGULAR MEETING JUNE 3, 2013 VOL. 33 PAGE 141

Motion by Councilor Crowley to limit the FY14 budget so the mill rate would not exceed 20.41 per thousand which is a 4.91 % over last year's mill rate. Motion failed for lack of a second.

Motion by Councilor Walker and seconded by Councilor Crowley to set the mill rate be set at 19.59. Motion failed 3-4 (Councilors Hayes, LaFontaine, and Shea opposed and the Mayor voted in opposition breaking the tie vote).

Motion by Councilor Crowley and seconded by Councilor Gerry to cut \$5,000 from the debt service account since there was no explanation of services. Passage 5-1 (Councilor LaFontaine opposed).

Motion was made by Councilor Crowley and seconded by Councilor Hayes to postpone the budget resolve as it stands to a special meeting on June 10. Motion failed 3-4 (Councilors LaFontaine, Walker, and Shea opposed and the Mayor voted in opposition breaking the tie vote).

Motion was made by Councilor Walker and seconded by Councilor Crowley to consolidate the Parks and Recreation Department under Public Works Department. Motion failed 1-5 (Councilors Gerry, Crowley, Hayes, LaFontaine, and Shea opposed).

Public comment – no one from the public spoke.

Passage to approve the first reading, 4-3 (Councilor Gerry, Crowley and Hayes were opposed and the Mayor voted in support breaking the tie vote).

VII. New Business

Motion by Councilor LaFontaine and seconded by Councilor Crowley to postpone the remainder of items on the agenda until the June 17, 2013 meeting. Passage 4-2 (Councilors Hayes and Shea opposed).

6. Ordinance 05-06032013

Approving the newly proposed Flea Market license fee schedule (first reading).

7. Ordinance 06-06032013

Approving the newly proposed Peddlers license fee schedule (first reading).

8. Resolve 04-06032013

IN COUNCIL REGULAR MEETING JUNE 3, 2013 VOL. 33 PAGE 142

Supporting the Emergency Medical Services.

9. Ordinance 07-06032013

Approving the proposed ordinance amendment on alcoholic beverages at Mass Gatherings (first, second, and final readings).

10. Ordinance 08-06032013

Approving the proposed Forestry Board Ordinance (first reading).

VIII. Executive Session

- Discussion on Labor Negotiations (proposed MSEA contract) , pursuant to 1 M.R.S.A. §405(6)(D)

VIII. Open Session

- Joe Gray, Sopers Mill Road commented on Mr. Morrison who spoke earlier about the rail service, and how it has been in progress for two or more decades, it is time that something gets done. He said even if you disagree about the location, the fact that there is an objective and we are moving forward, that is a good sign.

IX. Future Agenda/Workshop Items – None

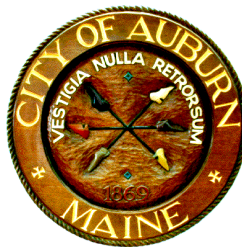
X. Adjournment

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine to adjourn. Passage 6-0. 11:01 P.M.

A True Copy.

ATTEST _____
Susan Clements-Dallaire, City Clerk

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



Jonathan LaBonte, Mayor

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

IN CITY COUNCIL

ORDER xx-08192013

Ordered that the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, be and hereby is authorized the issuance and sale of the City's general obligation bonds on either a taxable or a tax-exempt basis in the amount of \$5,900,000, the proceeds of which, including premium, if any, and investment earnings thereon, are hereby appropriated to finance the following capital equipment and capital improvements (including costs of issuance for the bonds), all constituting part of the City's FY14 Capital Improvement Program:

Department	FY14 Projects Only (See CIP for full description)	FY 2014 CIP Bond
School	Building and Equipment Improvements	\$1,500,000
Engineering	Major Drainage	\$60,000
Engineering	MDOT Match	\$500,000
Engineering	Reclaim/Resurface	\$1,250,000
Engineering	Reconstruction	\$1,000,000
Engineering	Bridge Repairs	\$125,000
ICT	Network Security	\$40,000
Parks & Recreation	Holder Tractor	\$165,000
Planning & Code	Municipal Street Light Purchase	\$750,000
Planning & Code	Traffic Signal Pole Replacement	\$10,736
Planning & Code	Street Light Pole Replacement	\$25,000
Planning & Code	Replace Existing HPS Fixtures and Poles	\$26,000
Library	Building Improvements	\$24,136
Public Works	Heavy Equipment-Dump Trucks	\$320,000
Public Works	Vehicles	\$38,000
Contingency	Retained earnings for bid variances	\$66,128
TOTAL		\$5,900,000

THAT the bonds shall be issued as authorized hereunder and shall be signed by the City's Finance Director and its 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

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



Jonathan LaBonte, Mayor

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

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 City's Finance Director.

THAT in order to finance temporarily the projects described above, the Finance Director is authorized to expend up to \$5,600,000 either from available funds of the City or from the proceeds of BAN's which would be reimbursed or refinanced from bond proceeds.

THAT in order to finance temporarily the projects described above, the Finance Director is authorized to expend up to \$5,900,000 either from available funds of the City or from the proceeds of BAN's which would be reimbursed or refinanced from bond proceeds.

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.

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.

THAT the City's Finance Director, Treasurer, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all financing documents, contracts, agreements, certificates, preliminary and final official statements, tax certificates and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this order, as may be necessary or desirable.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds or any related 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 himself or herself performed such act.

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.

A Public Notice describing the general purpose of the borrowing and the terms thereof was published on or before August 5, 2013, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on August 19, 2013.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: August 5th, 2013

Item D

Author: Jason Moen, Deputy Chief of Police

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

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

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

Subject: Ordinance regarding Synthetic Drugs

Information: The Police Department is requesting that the City Council consider adopting a new ordinance regulating the sale and possession of synthetic drugs. This ordinance is addressed as a class of drugs known initially as bath salts. As regulations have been placed on these substances, manufacturers have slightly modified them to sidestep the regulations. This ordinance would address that issue and is modeled after ordinances adopted in several other communities, most notably Bangor which has experienced significant problems associated with these drugs.

Financial: N/A

Action Requested at this Meeting: Discussion and future action

Previous Meetings and History: N/A

Attachments: Proposed Ordinance

**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



Jonathan LaBonte, Mayor

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

IN CITY COUNCIL

ORDINANCE XX-08192013

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

AN ORDINANCE PERTAINING TO SYNTHETIC DRUGS

THE CITY OF AUBURN HEREBY ORDAINS:

Chapter 32 of the Code of Ordinances of the City of Auburn, Maine is hereby amended as follows:

Chapter 32 Offenses

Article I, In General

Sec. 32.7-XX Purpose.

The purpose of this article is to regulate the availability of products which are enhanced with synthetic chemicals, which chemicals mimic the effects of controlled substances on users, because these products are a danger to the public health, safety and welfare.

Sec. 32.7-XX Definitions

For purposes of interpreting this article, the following terms, phrases, words and their derivatives shall have the meanings given herein unless the context clearly indicates or requires a different meaning:

SPICE, SYNTHETIC CANNABINOIDS, SYNTHETIC MARIJUANA - Any aromatic plant material in granular, loose leaf or powder form, or in liquid or as a food additive, or any herbal-incense-type stimulant or hallucinogen product, when the label is in any way false or misleading, or which does not contain a label specifying (1) the identity of the commodity and (2) the name and place of business of the manufacturer, packer, or distributor. Street names for these products include, but are not limited to: Bliss, Black Mamba, Bombay Blue, Fake Weed, Genie, Spice, Zohai, K2, K3, Smoke, PotPourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Stinger, Ocean Blue, Serenity, Chronic Spice, Spice Gold, Spice Silver, Skunk, Mr. Nice Guy, Mr. Happy, K3 Legal, Sence, Smoke, Chill X, Earth Impact, Galaxy Gold, Space Truckin, Solar Flare, Moon Rocks, Aroma, Scope, Sky High, Atomic, G-20, Guerrilla Warfare, Makes Scents, g-I3, Tiger Shark, California Dreams, Dank, Bullet, Mind Trip, Voodoo Child, Jazz, Nightlights, Matrix, Hypnotiq, AK47, Maui Wowie, Cloud 9, Daylights, Joker, Dead Man Walking, Brain Storm, Soul Sence, Kush, Kush Mania, Dragons Fire, Lucid, Mad Hatter, Scooby Snax, D-ZL, OMG, Demon, Barely In, Pineapple Express, Hayze. This definition shall include any plant material to which any Synthetic Chemical or Synthetic Chemical Compound has been added which has no legitimate relation to the advertised use of the product whether or not the label meets the requirements herein.

BATH SALTS, SYNTHETIC CATHINONES, SYNTHETIC STIMULANTS - Any crystalline or powder product in crystalline, loose-powder, block, tablet, or capsule form, or any stimulant-type product, when the

label is in any way false or misleading. Street names for these products include, but are not limited to: Bliss, Blue Silk, Cloud Nine, Drone, Energy-I, Ivory Wave, Lunar Wave, Meow Meow, Ocean Burst, Pure Ivory, Purple Wave, Red Dove, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Knight, White Lightening, Blizzard, Bonzai Grow, Charge Plus, Charlie, Euphoria, Hurricane, Lunar Wave, Ocean, Pixie Dust, Posh, Scarface, Lovely Dovey, Aura, MDPV, MDPK, MTV, Maddie, Hurricane Charlie, Black Rob, Super Coke, PV, Peeve, Meph, Drone, MCAT. This definition shall include any product to which any Synthetic Chemical or Synthetic Chemical Compound has been added which has no legitimate relation to the advertised use of the product whether or not the label meets the requirements herein.

DRUG - An article that is intended to affect the function of the body of humans.

MISBRANDED DRUG - Any drug for which the label is in any way false or misleading.

ILLICIT SYNTHETIC DRUGS - Spice, synthetic cannabinoids, synthetic marijuana, bath salts, synthetic cathinones, synthetic stimulants, and misbranded drugs as defined herein.

SYNTHETIC CHEMICAL OR SYNTHETIC CHEMICAL COMPOUND - Any chemical or chemical compound whose molecular make up is similar to those substances listed as controlled substances in 17-A M.R.S. § 1101(16-A) (including any isomers, esters, ethers, salts, and salts of isomers, esters, and ethers of such substances) or to those substances listed in 17-A M.R.S. § 1102(4) (F) and whose intended use when introduced into the human body is to mimic or simulate the effects of a controlled substance.

Sec 32.7-XX Prohibition of Illicit Synthetic Drugs.

- A. It is unlawful for any person to possess, use, provide, sell, produce, manufacture, or distribute, or to offer, display, market, or advertise for sale, any illicit synthetic drug.
- B. In determining whether a product is prohibited by this article, statements on package labeling such as "not for human consumption" may be disregarded when other relevant factors (viewed alone or in totality) indicate that the product is intended to be consumed or ingested by humans, or is a product regulated by this article. Other relevant factors that may be used to determine whether a product or sale is prohibited by this article include, but are not limited to: verbal or written representations at the point of sale regarding the purpose, methods, use, or effect of the product; aspects of the packaging or labeling suggesting that the user will achieve a "high," euphoria, relaxation, mood enhancement, or that the product has other effects on the body; the cost of the product is disproportionately higher than other products marketed for the same use; the product contains a warning label stating or suggesting that the product is in compliance with state laws regulating controlled substances; the product's name or packaging uses images or slang referencing an illicit street drug; illicit or underground methods of sale or delivery are employed by the seller or provider; the product resembles an illicit street drug such as cocaine, methamphetamine, or marijuana.
- C. Defense. It shall be a defense to the prosecution of a violation of this article that a product is specifically excepted by, or regulated within and in compliance with, state or federal law. For the purposes of this section, it shall not be a defense that a product is not subject to regulation unless the product is

specifically excepted from regulation; mere "non-regulation" by these acts without a specific regulatory exemption does not render a product exempt under this section.

Sec. 32.7-XX Sale of Certain Products for Human Consumption Prohibited

It is unlawful for any person to provide, sell, or offer for sale a product for human consumption when the product is labeled "not for human consumption" or contains similar warnings.

Sec 32.7-XX Violation and Seizure

- A. Each package shall be a separate violation. The fine for each violation shall be \$500.
- B. Any products found in violation of this section may be seized and held as evidence to be used in any future proceeding and may be disposed of as appropriate after their use for evidentiary purposes is no longer required.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: August 5, 2013

Item E

Author: Sue Clements-Dallaire, City Clerk

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

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

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

Subject: New Business - Legends Sports Bar and Grill – application for a Liquor License and Special Amusement Permit

Information: Legends Sports Bar and Grill (Dan and Melinda Small) located at 128 Center Street (formerly Rack M Up Billiards, LLC) applied for a Liquor License (Food Service Class I -Spirituos, Vinous, Malt), and a Special Amusement Permit. They are currently doing some renovating but are hoping to open on Thursday, August 22nd. This has been submitted to Police, Fire, Code, and Finance for approval and we are tentatively planning on placing this on the August 19, 2013 agenda for a public hearing and action, pending approval from the applicable departments.

Financial: N/A

Action Requested at this Meeting: Discussion today and will be placed on the August 19, 2013 agenda for a public hearing and action.

Previous Meetings and History: N/A

Attachments:

Applications and background checks

*Agenda items are not limited to these categories.

NOTICE

To avoid any delay in the processing of your application and issuance of your liquor license, please make sure that:

1. You have completed the application in full.
2. Application is signed by the owner (s), Corporate Officer or Club Officer.
3. The municipal officers have signed the application.
4. The license fee is correct and you have included the \$10.00 filing fee.
5. A diagram of the premises to be licensed accompanies the application.
6. If business is located in an unorganized township. The application must be approved by the County Commissioners and the \$10.00 filing fee paid to them.

SPECIAL NOTE

Limited Liability Companies, Limited Partnerships and Corporations must complete and submit the Supplementary Corporate Questionnaire.

Stock ownership in non-publicly traded companies must add up to 100%

Private Clubs and Fraternal Organizations must complete and submit the Supplementary Questionnaire for club applicants.

**Department of Public Safety
Division**



Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTIONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., etc.)		2. Business Name (D/B/A)	
DAD Small DOB: 12/18/59		Legend Sports Bar + Grill	
Melinda Small DOB: 11/17/61		Location (Street Address)	
Address		128 Harris Rd	
City/Town State Zip Code		Minot Me 04258	
Mailing Address		128 Harris Rd	
City/Town State Zip Code		Minot Me 04258	
Telephone Number Fax Number		Business Telephone Number Fax Number	
207 577-7102		207 577-7102	
Federal I.D. #		Seller Certificate #	
45-3957834			

3. If premises are a hotel, indicate number of rooms available for transient guests: 100

4. State amount of gross income from period of last license: ROOMS \$ X FOOD \$ X LIQUOR \$ X

5. Is applicant a corporation, limited liability company or limited partnership? ☒ YES ☐ NO

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? ☒ YES ☐ NO

7. If manager is to be employed, give name: _____

8. If business is NEW or under new ownership, indicate starting date: 8/1/2013

Requested inspection date: _____ Business hours: 11 AM - 1 AM M - Sun.

9. Business records are located at: 128 Harris Rd Minot 04258

10. Is/are applicants(s) citizens of the United States? ☒ YES ☐ NO

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Danny N Small	12-28-59	Millinocket Me
Melinda L Small	11-17-61	Limestone Me

Residence address on all of the above for previous 5 years (Limit answer to city & state)

178 Harris Rd
Minot Me 04258

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☒ NO ☐

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued? Yes ☒ No ☐ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

Sports Bar + Grill

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES ☐ NO ☒ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 4 miles Which of the above is nearest? _____

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: LA Growth Economic Counsel (Law)

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Auburn on August 1, 2013
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

STATE OF MAINE

Dated at: _____, Maine _____ ss
City/Town (County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Print Name

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	
FILING FEE	\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND
LIMITED PARTNERSHIPS

1. Exact Corporate Name: Maine Billiards League
Business D/B/A Name: Legends Sports Bar + Grill
2. Date of Incorporation: 11/17/2011
3. State in which you are incorporated: Maine
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
DAN + Melinda Small	Minot Me.	12-1-1959		
178 HARRIS Rd		11-17-61		

6. What is the amount of authorized stock? _____ Outstanding Stock? _____
7. Is any principal officer of the corporation a law enforcement official? () YES (☒) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (☒) NO
9. If yes, please complete the following: Name: _____

Date of Conviction: _____ Offense: _____

Location: _____ Disposition: _____

Dated at: Auburn On: August 01, 2013
City/Town Date

[Signature] Date: 6/7/13
Signature of Duly Authorized Officer

Print Name of Duly Authorized Officer



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99B875112

Criminal History Record

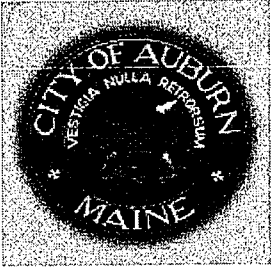
Introduction

This rap sheet was produced in response to the following request (Produced on 2013-07-08) :

Inquiries Name(s) DANNY N SMALL (1959-12-18)

NO MATCH WAS FOUND FOR YOUR REQUEST.

7/9/2013



POLICE BR
Fire
Tax - OK 7/31
Code

July 10, 2013

City of Auburn
Special Amusement Permit
Application & Re-Application

LICENSE / APPLICATION FEE: \$125.00

DATE OF APPLICATION: _____

7/10/2013

CLASS A - RESTAURANTS WITH ENTERTAINMENT, WHICH DOES NOT HAVE DANCING.

____ CLASS B - LOUNGES / BARS WITH ENTERTAINMENT, WHICH DOES NOT HAVE DANCING.

✓ ____ CLASS C - EITHER RESTAURANTS OR LOUNGES / BARS WITH ENTERTAINMENT, INCLUDING DANCING.

____ CLASS D - FUNCTION HALLS WITH ENTERTAINMENT, INCLUDING DANCING.

RENEWAL APPLICANTS: HAS ANY OR ALL OWNERSHIP CHANGED SINCE YOUR LAST APPLICATION? YES NO

BUSINESS NAME: Legends Sports Bar & Grill

PHYSICAL ADDRESS: 128 Center Street

(IF A NEW BUSINESS, WHAT WAS FORMERLY IN THIS LOCATION: Rock n up)

MAILING ADDRESS: 178 Harris Rd Mount Me 04258

BUSINESS TELEPHONE NUMBER: 207 577-7102

OWNER(S): MUST LIST EVERY PERSON OR CORPORATION WHO HAS A FINANCIAL INTEREST IN THE BUSINESS. USE ADDITIONAL PAPER IF NECESSARY.

1. OWNER: Melinda Small
DATE OF BIRTH: 11-17-61
ADDRESS: 178 Harris Rd Mont Me 04254
PRIMARY TELEPHONE NUMBER: 207 577-9355 cell
SECONDARY TELEPHONE NUMBER 207 345-3433 hm.

2. OWNER: Don Small
DATE OF BIRTH: 12-18-59
ADDRESS: 178 Harris Rd Mont Me 04254
PRIMARY TELEPHONE NUMBER: 207 577-7102 cell
SECONDARY TELEPHONE NUMBER _____

3. OWNER: _____
DATE OF BIRTH: _____
ADDRESS: _____
PRIMARY TELEPHONE NUMBER: _____
SECONDARY TELEPHONE NUMBER _____

HAS THE APPLICANT / PARTNERS AND OR CORPORATION
OFFICERS EVER BEEN ARRESTED, INDICTED OR CONVICTED
OF ANY VIOLATION OF
LAW? NO

IF YES, LIST WHO, THE DATE, THE LOCATION AND THE
OFFENSE(S) CHARGED. _____

DOES THE ISSUANCE OF THIS LICENSE DIRECTLY OR INDIRECTLY BENEFIT ANY CITY EMPLOYEE(S)? YES ✓ NO

IF YES, LIST THE NAME(S) OF EMPLOYEE(S) AND DEPARTMENT(S): _____

HAVE ANY OF THE APPLICANTS, INCLUDING THE CORPORATION IF APPLICABLE, EVER HELD A BUSINESS LICENSE WITH THE CITY OF AUBURN? ✓ YES NO

IF YES, PLEASE LIST THE BUSINESS NAME(S) AND LOCATION(S) PineTree Retirement Planning

20 Union Street
Auburn Me 04210

DESCRIBE IN DETAIL THE KIND AND NATURE OF BUSINESS AND PROPOSED ENTERTAINMENT AND / OR DANCING.

Sports Bar & Grill with Primary Focus on Leagues
For Darts and Billiards on Weekdays and Secondary
Focus on the Bar and Entertainment on Weekends

PLEASE CHECK OFF THE DAYS THAT YOU WILL BE OPEN AND FILL IN THE HOURS OF OPERATION.

SUNDAY	<u>✓</u>	HOURS:	<u>11am - 1am</u>
MONDAY	<u>✓</u>	HOURS:	<u>11</u>
TUESDAY	<u>✓</u>	HOURS:	<u>11</u>
WEDNESDAY	<u>✓</u>	HOURS:	<u>11</u>
THURSDAY	<u>✓</u>	HOURS:	<u>11</u>
FRIDAY	<u>✓</u>	HOURS:	<u>11</u>
SATURDAY	<u>✓</u>	HOURS:	<u>11</u>

DESCRIBE IN DETAIL THE ROOM(S) TO BE USED UNDER THE PERMIT. Dining & Billiards

ATTACH A DIAGRAM OR FLOOR PLAN OF YOUR BUSINESS. ON THE DIAGRAM PLEASE LIST THE FOLLOWING:

1. MAIN ENTRANCE
2. SECONDARY ENTRANCES
3. FIRE ESCAPES
4. FIRE EXTINGUISHERS
5. DESIGNATED SMOKING AREAS
6. LOCATION OF STATIONARY SECURITY PERSONNEL
7. FOOD SERVING OR PREPARATION AREAS
8. THE DIRECTION OF ANY SPEAKERS
9. THE DANCING AREA
10. LOCATIONS WHERE ALCOHOL WILL BE SOLD

ATTACH A TYPED LIST OF ALL EMPLOYEES INCLUDING THE FOLLOWING INFORMATION:

- NAME (TO INCLUDE ALL PREVIOUS NAMES USED)
- DATE OF BIRTH
- ADDRESS
- IF THEY HAVE EVER BEEN EVER BEEN ARRESTED, INDICTED OR CONVICTED OF ANY VIOLATION OF LAW? _____

IF YES, LIST THE DATE, THE LOCATION AND THE OFFENSE(S) CHARGED. _____

*Offered made And Accepted to 7 Front of House
Staff member And one Chef.*

HAS THE HAS THE APPLICANT / PARTNERS AND OR CORPORATION OFFICERS EVER HAD A SPECIAL AMUSEMENT LICENSE DENIED OR REVOKED? no

IF YES, LIST THE DATE, THE LOCATION AND DESCRIBE THE CIRCUMSTANCES. _____

**PLEASE BE ADVISED THAT THE APPLICANT OR RE-APPLICANT
MAY BE REQUIRED TO COMPLY WITH THE FOLLOWING
CONDITIONS:**

1. APPLICANT AND OR RE-APPLICANT AGREES TO HAVE TWO COUNTERS OR CLICKERS AT EACH ENTRANCE. ONE WILL BE USED TO DOCUMENT THE PATRONS THAT HAVE ENTERED THE ESTABLISHMENT. THE SECOND WILL BE USED TO DOCUMENT THE PATRONS THAT HAVE EXITED THE ESTABLISHMENT. THIS WILL GIVE THE STAFF AND PUBLIC SAFETY PERSONNEL AN ACCURATE COUNT OF PATRONS IN THE ESTABLISHMENT.
2. APPLICANT AND OR RE-APPLICANT AGREES TO HAVE THE MAXIMUM SEATING AND OR OCCUPANCY CAPACITY CLEARLY LISTED IN EACH ROOM THAT IS OPEN TO THE PUBLIC.

3. APPLICANT AND OR RE-APPLICANT AGREES TO HAVE SECURITY AND OR STAFF STATIONED AT ALL TIMES AT ALL ENTRANCES AND EXISTS USED BY THE PUBLIC.
4. APPLICANT AND OR RE-APPLICANT AGREES TO KEEP THE DESIGNATED SMOKING AREA CLEAN AND HAVE APPROPRIATE RECEPTACLES AVAILABLE FOR THEIR PATRONS.
5. APPLICANT AND OR RE-APPLICANT AGREES TO, IF SO ORDERED BY THE CHIEF OF POLICE, TO HIRE SWORN MEMBERS OF THE AUBURN POLICE DEPARTMENT FOR SECURITY. THE RATE WILL BE AT THE CURRENT CITY OF AUBURN DETAIL RATE. THESE OFFICERS WILL SUPPLEMENT THE EXISTING STAFF OR SECURITY. THE BELOW CHART WILL BE USED AS A GUIDE IN DETERMINING THE NUMBER OF OFFICERS REQUIRED.

Number of Attendees	Number of Police
1--200	2
201--400	4
401--600	6
601+	One supervisor, and one additional officer for each 200 attendees or portion thereof in excess of 601

**SPECIAL AMUSEMENT PERMITS SHALL EXPIRE AT THE SAME
TIME AS A STATE ISSUED LIQUOR LICENSE.**

I / WE HEREBY CERTIFY THAT ALL STATEMENTS MADE IN THE APPLICATION ARE TRUE. I / WE AGREE AND UNDERSTAND THAT ANY MISSTATEMENTS OR OMISSIONS OF MATERIAL FACT HEREIN WILL RESULT IN REFUSAL OF LICENSE OR REVOCATION OF LICENSE IF ONE HAS ALREADY BEEN ISSUED.

IT IS UNDERSTOOD THAT THIS AND ANY APPLICATION(S) SHALL BECOME PUBLIC RECORD AND THE APPLICANT(S) HEREBY WAIVE(S) ANY RIGHTS TO PRIVACY WITH RESPECT THERETO.

I / WE HEREBY AUTHORIZE THE RELEASE OF ANY CRIMINAL HISTORY RECORD TO THE CITY OF AUBURN. I / WE WAIVE ANY RIGHTS TO PRIVACY WITH RESPECT THERETO.

I / WE AGREE TO NOT IMPLEMENT ANY CHANGES OR MODIFICATIONS AFTER RECEIVING APPROVAL OF THE SPECIAL AMUSEMENT PERMIT. (SOME EXAMPLES ARE HOURS OF OPERATION, DAYS OF OPERATION AND THE BUILDING LAYOUT)

ALL REQUESTS FOR MODIFICATION(S) OF THE APPROVED SPECIAL AMUSEMENT PERMIT MUST BE SUBMITTED IN WRITING TO THE CITY OF AUBURN. ANY CHANGES MADE WITHOUT APPROVAL FROM THE CITY OF AUBURN MAY RESULT IN AN IMMEDIATE SUSPENSION OF THE SPECIAL AMUSEMENT PERMIT.

PENALTY: (CITY OF AUBURN ORDINANCE, CHAPTER 24, SECTION 2.23, (8)-(h))

VIOLATION OF ANY PROVISION OF SECTION 2.23. SHALL BE PUNISHED BY A CIVIL PENALTY OF FIVE HUNDRED DOLLARS (\$500.00). EACH ACT OF VIOLATION AND EVERY DAY UPON

WHICH ANY SUCH VIOLATION SHALL OCCUR SHALL
CONSTITUTE A SEPARATE OFFENSE. IN ADDITION TO SUCH
PENALTY, THE CITY MAY ENJOIN OR ABATE ANY VIOLATION
OF SECTION 2.23 BY APPROPRIATE ACTION. IN THE EVENT
THAT THE CITY SHALL PREVAIL IN ANY ACTION TO ENFORCE
SECTION 2.23, THE CITY SHALL RECOVER ITS COSTS OF SUIT,
INCLUDING REASONABLE ATTORNEY FEES.

IT IS UNDERSTOOD THAT I / WE WILL SUBMIT ANY ADDITIONS
OR SUBTRACTIONS OF ANY FULL TIME, PART TIME OR
VOLUNTEER STAFF MEMBERS WITHIN (7) SEVEN BUSINESS
DAYS TO THE CITY OF AUBURN. I / WE AGREE TO SUPPLY THE
REQUIRED INFORMATION ON ALL NEW EMPLOYEES.
(INFORMATION REQUIRED IS FOUND ON PAGE (4) FOUR IN
THIS APPLICATION.)

NAME (PRINTED) Donald N. Smith

SIGNATURE OF INDIVIDUAL 

IF PARTNERSHIP, BY MEMBERS OF THE PARTNERSHIP.

NAME (PRINTED) _____

SIGNATURE OF INDIVIDUAL _____

NAME (PRINTED) _____

SIGNATURE OF INDIVIDUAL _____

NAME (PRINTED) _____

SIGNATURE OF INDIVIDUAL _____

NAME (PRINTED) _____

SIGNATURE OF INDIVIDUAL _____

NAME (PRINTED) _____

SIGNATURE OF INDIVIDUAL _____

ADMINISTRATIVE USE ONLY:

1. APPLICANT AND OR RE-APPLICANT AGREES TO HAVE TWO COUNTERS OR CLICKERS AT EACH ENTRANCE. ONE WILL BE USED TO DOCUMENT THE PATRONS THAT HAVE ENTERED THE ESTABLISHMENT. THE SECOND WILL BE USED TO DOCUMENT THE PATRONS THAT HAVE EXITED THE ESTABLISHMENT. THIS WILL GIVE THE STAFF AND PUBLIC SAFETY PERSONNEL AN ACCURATE COUNT OF PATRONS IN THE ESTABLISHMENT.
2. APPLICANT AND OR RE-APPLICANT AGREES TO HAVE THE MAXIMUM SEATING AND OR OCCUPANCY CAPACITY CLEARLY LISTED IN EACH ROOM THAT IS OPEN TO THE PUBLIC.
3. APPLICANT AND OR RE-APPLICANT AGREES TO HAVE SECURITY AND OR STAFF STATIONED AT ALL TIMES AT ALL ENTRANCES AND EXISTS USED BY THE PUBLIC.
4. APPLICANT AND OR RE-APPLICANT AGREES TO KEEP THE DESIGNATED SMOKING AREA CLEAN AND HAVE APPROPRIATE RECEPTACLES AVAILABLE FOR THEIR PATRONS.

5. APPLICANT AND OR RE-APPLICANT AGREES TO, IF SO ORDERED BY THE CHIEF OF POLICE, TO HIRE SWORN MEMBERS OF THE AUBURN POLICE DEPARTMENT FOR SECURITY. THE RATE WILL BE AT THE CURRENT CITY OF AUBURN DETAIL RATE. THESE OFFICERS WILL SUPPLEMENT THE EXISTING STAFF OR SECURITY. THE BELOW CHART WILL BE USED AS A GUIDE IN DETERMINING THE NUMBER OF OFFICERS REQUIRED.

Number of Attendees	Number of Police
1--200	2
201--400	4
401--600	6
601+	One supervisor, and one additional officer for each 200 attendees or portion thereof in excess of 601

Police
Fire
Code
Tax

JUL 10 2013

CITY OF AUBURN
FOOD LICENSE APPLICATION

New ☒ Renewal ☐ Change ☐

Application date _____ Opening date _____ Expiration date _____

License applied for _____ Food Service Establishment (FSE) – Class I

List changes from last license _____

Business Hours of operation Mon - Fri 11-11 1-11-12 FS 11-1 Sq Footage 7800

Fee \$ _____ (Based on square footage and type of service)

Fee \$500.00 (1-2999 square feet)

Fee \$600.00 (3000-5999 square feet)

☒ Fee \$700.00 (6000-up)

Please attach a copy of the following: Floor Plan/facility diagram, menu or draft menu, certified food handler certificate with date of certification, and a copy of all state licenses applicable to this application or date of application.

ALL QUESTIONS MUST BE ANSWERED IN FULL

(Use back of application if necessary)

BUSINESS

APPLICANT

Business name Legends Sports Bar + Grill Owner's name Dan + Melinda Small

Business address 128 Centre Street Maiden name/ A/K/A (Morrison)

City Aub. State ME Zip 04210 Date of birth 12-18-59 11-17-61

Mailing address Same ↑ Home address 178 Harris Rd

City _____ State _____ Zip _____ City Moul State ME Zip 04258

Business phone 207 577-7102 Mailing address _____

Email Dan @ MBI pool.com City _____ State _____ Zip _____

Please indicate address to mail license: Business / (Applicant) Home phone 207 577-7102

Is applicant a corporation in the State of Maine? Yes ☒ No ☐

(If answer is "Yes", complete Supplementary Questionnaire for Corporate Applicants)

List all residences, including all places of business, within the last 5 years:

Address 178 Harris Rd City Moul State ME How long 5+

Address 20 Union St City Auburn State ME How long 4 yrs

Address _____ City _____ State _____ How long _____

Has applicant(s) ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? Yes _____ No X (If yes, complete the following)

Name _____ Date of conviction _____

Offense _____ Location _____

Disposition _____

If manager is to be employed, complete the following:

Name _____ Home address _____ Phone _____ Date of birth _____

Has manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 year? Yes _____ No ✓ (If yes, complete the following)

Name New En Date of conviction _____

Disposition _____ Location _____

Does applicant(s) own the premises? Yes _____ No ✓ (If "No", give name and address of owner)

Name New England Industrial Prop Address 12 Lexington Street Lewiston ME

Phone Number _____ Email _____

Food Service Establishment, Seating *****99 Occupancy load 198

Criminal record and/or revocation of driver's license (include driving violations) during the last 5 years:

<u>Date</u>	<u>Charge</u>	<u>Court</u>	<u>Disposition</u>

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

READ CAREFULLY BEFORE SIGNING

I hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto.

Day N. Self
Signature of Applicant

6/7/13
Date

ADDITIONAL COMMENTS OR CONDITIONS:[illegible]

Mech Room	Ladies Room	Handicap Restroom	Plants Room
-----------	-------------	-------------------	-------------

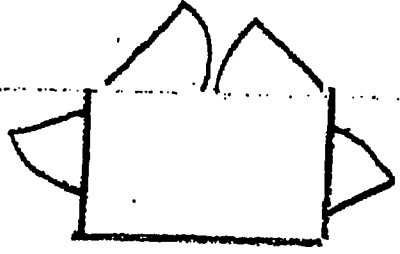
Storage

Bottle Room

Office

Cooler

Bar



- 8
- 9
- 10
- 11
- 12
- 13
- 14

Coin op

Coin op

- 1
- 2
- 3
- 4
- 5
- 6
- 7

Oil Tank

Storage

JUN 07 2013



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99B850885

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2013-06-07) :

Inquiries Name(s) DANNY N SMALL (1959-12-18)

NO MATCH WAS FOUND FOR YOUR REQUEST.

6/7/2013

Police - OK
Fire
Code
Tax - OK 7131

City of Auburn, Maine
"Maine's City of Opportunity"
Office of the City Clerk

JUL 30 2013

APPLICATION FOR BUSINESS LICENSE OR PERMIT

Do not use this form for food, liquor, special amusement or coin operated licenses.

DATE: 30
JUL 30 2013

New ☒ Renewal ☐

FEE: \$50.00 per table

BUSINESS INFORMATION

APPLICANT/CONTACT INFORMATION

Business name: Legends Sports Bar + Grill Name: DAN Small
Corporate name: Maine Billiards League Address: 178 HARRIS Rd Mount Me 04258
Address: 178 HARRIS Rd Mailing address: Same
City Mount State Me Zip 04210 (if different) _____
Mailing address: Same Telephone: 207 577-7102
(if different) _____ Manager: DAN Small
Telephone: _____ Address: Same
Email address for notices: DAN@MBLpool.com

DESCRIPTION OF BUSINESS:

Sports Bar + Grill

TYPE OF LICENSE(S) APPLYING FOR:

10 Tables

PROJECTED DATE TO OPEN BUSINESS: 8/1/2013

SIGNATURE OF APPLICANT: [Signature]

DAN SMALL VP
Print Name and Title of Person Signing Application

JUN 07 2013



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99B850885

Criminal History Record

Introduction

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Inquiries Name(s) DANNY N SMALL (1959-12-18)

NO MATCH WAS FOUND FOR YOUR REQUEST.

6/7/2013



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: August 5, 2013

Order 59-08052013*

Author: Clint Deschene, City Manager

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

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

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

Subject: Casting votes for the Maine Municipal Association's (MMA) Vice President and Executive Committee Members.

Information: Annually the City Council must cast a ballot for the Executive Committee of MMA. The process used has all candidates meet a committee of Executive Committee appointees (5 People) to interview all candidates and develop a recommended list. The only way to appear on a ballot is being nominated to fill a position or petition to have your name appear. Auburn shared concerns on this process last year and the committee left the process intact. I am requesting the Council authorize me to cast a ballot in favor of the proposed candidates.

Financial: None

Action Requested at this Meeting: Authorize Manager

Previous Meetings and History:

Attachments:

Note from Maine Municipal Association

Voting Ballot

Biographical Sketch of Proposed Nominees for 2014

Order 59-08052013

*Agenda items are not limited to these categories.

**City Council
Agenda Information Sheet**

City of Auburn

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



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Peter Nielsen, MMA President
Town Manager, Town of Oakland

DATE: July 8, 2013

SUBJECT: MMA Annual Election - Vice President and Executive Committee Members

Deadline: Friday, August 16, 2013 by 12:00 noon

Nomination Process – Each year member municipalities have an opportunity to vote on the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee was appointed in March to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying and interested in serving as the MMA Vice President. The MMA Nominating Committee completed its task in May and put forth a Proposed Slate of Nominees for 2014 to member municipalities.

Petition Process – As part of the May mailing, information was also provided on the Petition Process. Pursuant to the MMA Bylaws, nominations may also be made by Petition signed by a majority of the municipal officers in each of at least 5 member municipalities. The deadline for receipt of nominations by petition was July 8. There were no municipal officials nominated by petition.

It is now time for each member municipality to cast its official vote.

Election Process – Enclosed you will find the MMA Voting Ballot which includes the proposed Slate of Nominees to serve on the MMA Executive Committee as selected by the MMA Nominating Committee. A brief biographical sketch on each nominee listed on the MMA Voting Ballot is enclosed for your reference. You will note that unlike municipal elections, MMA does not provide for “Write-in Candidates” since our process includes an opportunity to nominate a candidate by petition, as noted above.

The MMA Voting Ballot must be signed by a majority of the municipal officers or a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association 12:00 p.m. on Friday, August 16. We have enclosed a self-addressed self-stamped envelope for your convenience. The MMA Voting Ballots will be counted that afternoon and the election results confirmed under my direction as President of the Association.

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at www.memun.org on Friday, August 16, after 4:00 p.m. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held **Wednesday, October 2, at 1:45 p.m., at the Augusta Civic Center**. Newly elected Executive Committee members will be introduced at the MMA Annual Business Meeting and officially take office on January 1, 2014.

If you have any questions on the Election Process, please contact Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at tchavarie@memun.org. Thank you.



MAINE MUNICIPAL ASSOCIATION

VOTING BALLOT

Election of Vice President and Executive Committee Members
Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 16, 2013

VICE-PRESIDENT - 1 YEAR TERM

Vote for One

Proposed by MMA Nominating Committee:

Marston Lovell, Councilor, City of Saco

☐

DIRECTORS - 3 YEAR TERM

Vote for Three

Proposed by MMA Nominating Committee:

James Chaousis, Town Manager, Town of Boothbay

☐

Linda Cohen, Councilor, City of South Portland

☐

Mary Sabins, Town Manager, Town of Vassalboro

☐

Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.

The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ Municipality: _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Print Name: _____

Signature: _____

Position: _____

OR Signed by a Majority of Municipal Officers

Current # of Municipal Officers: _____

Print Names:

Signatures:

Return To:

MMA Annual Election
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: (207) 626-3358 or 626-5947
Email: tchavarie@memun.org

**MAINE MUNICIPAL ASSOCIATION
EXECUTIVE COMMITTEE**

**BIOGRAPHICAL SKETCH OF
PROPOSED SLATE OF NOMINEES FOR 2014**

MMA VICE PRESIDENT (1-Year Term)

MARSTON LOVELL

- City of Saco, Councilor (2007 – present)
- City of Saco, Deputy Mayor, elected by the council (January 2009 – 2011)
- Council member, Saco RSU Withdrawal Committee (July 2012 - present)
- Council member, Saco Traffic Safety Committee (2007 – present)
- Council member, Saco Sesquicentennial Celebration Committee (2012)
- Vice President, Maine Municipal Association (April 2013 – present)
- Member, Maine Municipal Association Executive Committee (2011 – present)
- Member, MMA Workers Compensation Fund Board of Trustees (2011 – present)
- Member, MMA Property & Casualty Pool Board of Directors (2011 – present)
- Member, MMA Strategic & Finance Committee (2011-2012); Chair (Jan – March 2013)
- Maine Municipal Association, Legislative Policy Committee, Member (2008 – present)
- Manufacturers Analytics, computer and communications systems services, Owner and Operations Manager (1987 – present)
- Biddeford-Saco-Old Orchard Beach Transit Company, committee (board) Member (2008 – 2012)
- Member, Board of Directors, Biddeford-Saco Area Economic Development Corporation (2012 - present)
- Southern Maine Regional Planning Commission, Municipal Representative (2007 – present)
- Dyer Library Association, private, non-profit library and museum complex, board of trustees, Member (2001-2006), Treasurer (2002 – 2005)
- Accountant, three National Manufacturing Corporations, progressively more responsible positions resulting in Divisional Controller for two of those corporations (1978 – 1988)
- BSBA in Accounting, BA in Liberal Arts, University of Southern Maine (1975 –1978)
- Town of Sanford, Representative Town Meeting, member, (1970 – 1971)
- Maine Medical Center, Research Department, research assistant, internationally recognized published research (1970 – 1974)
- Children's Hospital Medical Center of Boston, Anesthesia Department, chief laboratory technician (1967 – 1968)
- Peter Bent Brigham Hospital, Research Department, research technician, (1966 – 1967)
- Military Service, as a reservist, progressively more responsible positions including four engineer troop commands, six staff positions four of which were construction related, military construction experience Viet Nam, Germany, New England, 2 Achievement Medals, 4 Commendation Medals, Meritorious Service Medal (1963 – 1970, 1977 – 1994).

(over)

MMA EXECUTIVE COMMITTEE MEMBERS (Three 3-Year Terms)

JAMES D. CHAOUSIS

- Town Manager, Town of Boothbay (November 2010 – present)
- Town Manager, Town of Livermore Falls (April 2009 – November 2010)
- Board of Directors, Maine Town & City Management Association (2011 – present)
- Board of Directors, Lincoln County Regional Planning Commission (2012 –present)
- Board of Directors, Boothbay Harbor Region Chamber of Commerce (2012 –present)
- Board of Directors, Midcoast Economic Development District (2011 – present)
- Board of Directors, Androscoggin Valley Council of Government (2009 – 2010)
- Jay/Livermore/Livermore Falls School Consolidation Committee (2010)
- BAS with minor in Public Administration, University of Maine
- Marine Corps, Gulf War Veteran (six years)

LINDA COHEN

- Councilor, City of South Portland (2012 – present)
- City Clerk, City of Portland (2001 – 2011)
- City Clerk, City of South Portland (1989 – 2001)
- Member, Maine Municipal Association Executive Committee (April 2013 – present)
- Member, MMA Workers Compensation Fund Board of Trustees (April 2013 – present)
- Member, MMA Property & Casualty Pool Board of Directors (April 2013 – present)
- Member, MMA Legislative Policy Committee (Portland and Westbrook representative) (2001 – 2011)
- MTCCA Affiliate Representative to MMA Legislative Policy Committee (1990's – 2011)
- South Portland Civic Service Commission (2009 – 2012)
- South Portland Lions Club (2011 – present)
- South Portland/Cape Elizabeth Chamber (2010 – present)
- Director of Development, LearningWorks, Portland, Maine (present)
- Licensed Loan Officer at Cumberland County Mortgage, South Portland (present)
- Licensed Realtor at The Maine Real Estate Network, South Portland (present)

MARY SABINS

- Town Manager, Town of Vassalboro (June 2008 – present)
- Town Manager, Town of Chelsea (2006 – 2007)
- Food Services and Facilities Director, School Administrative District 40, Waldoboro, Maine (2005 – 2006)
- 1st Town Manager, Town of Windsor (2001 – 2005)
- Town Administrator, Town of Hope (1997 – 2001)
- Town Clerk and Tax Collector, Town of Union (1988 – 1997)
- BA in Business Management, University of Maine at Augusta (2001)
- Board of Directors for the Kennebec Valley Council of Government (2008 – 2009)
- Maine Municipal Leadership Award by Maine Resource Recovery Association
- East Union Pioneer Grange Community Service Award

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



Jonathan LaBonte, Mayor

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

IN CITY COUNCIL

ORDER 59-08052013

Ordered that the City Council hereby authorizes the City Manager to cast a ballot in favor of the proposed candidates for the Maine Municipal Association's Vice President (Marston Lovell), and Executive Committee (James Chaousis, Linda Cohen, and Mary Sabins).

IN COUNCIL REGULAR MEETING JULY 1, 2013 VOL. 33 PAGE 151

Mayor LaBonte called the meeting to order at 7:08 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present. Councilor Young was excused after New Business was finished.

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes to suspend the rules to add a resolve under new business with respect to supplemental appropriations and expenditure transfers for the FY14 budget. Passage 5-2 (Councilors Crowley and Walker opposed), this item will be added as item #5 under New Business.

I. Consent Items*

1. Order 48-07012013*

Accepting the transfer of Forfeiture Asset (Dylan Boisvert).

Motion was made by Councilor Hayes and seconded by Councilor Crowley.
Passage 7-0.

2. Order 49-07012013*

Approving the Special Event request for the 2013 Great Falls Balloon Festival.

This item was pulled from the agenda.

II. Minutes

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine to accept the minutes of the June 17, 2013 City Council meeting.
Passage 7-0.

III. Reports

Mayor's Report – After the City Council in its budget discussion last week set a directive advocating for a downtown passenger rail, the Mayor expressed his disappointment when he attended an AVCOG meeting to see on their list of priorities for investments for the ATRC region the design of an intermodal facility at the Auburn Municipal Airport as well as endorsing a move to Montreal through Auburn and Bethel with the Spring Street downtown passenger rail listed as a third bullet item. After speaking up, they tabled that action until their next meeting at which time they were going to craft language to replace it.

City Committee Reports – Councilor Crowley and Councilor Walker submitted written reports.

Councilor Reports- Councilor Gerry announced that with her move to her new home, she has had some phone issues and has not had access to her emails, Councilor Hayes

IN COUNCIL REGULAR MEETING JULY 1, 2013 VOL. 33 PAGE 152

commented on the Mayor's comment in respect to the passenger rail and would like to review in the future, and Councilor Crowley invited Auburn residents to attend a patriotic music concert by the Auburn Community Band. She is inviting everyone to show up and have a picnic with her, she will be providing treats. The concert is on July 3, 2013. If it rains it will be moved to the Hilton Garden Inn.

City Manager's Report – City Manager Deschene submitted a written report and also welcomed Josh MacDonald, the new Manager of the dual sheet ice arena. Today was his first day of employment with the City.

IV. Communications, Presentations and Recognitions

- Swearing in Ceremony - Officer Tyler Ham and K-9 Rocky - Badge Pinning
- Proclamation - Ken Blais, owner of Rolly's Diner and the City of Auburn's 2013 Spirit of America Tribute recipient. Mr. Blais was unavailable so this recognition will be postponed until July 15, 2013.

V. Open Session

Steve Martelli, 41 Broad Street – On June 20th the Androscoggin Land Trust had over 400 volunteers from Tambrands helped picking up trash, cleaning up and making repairs around Bonney Park and the River Walk. He wanted to thank the volunteers. He also announced a new pizza place that has opened in New Auburn called Kelvi's Pizza.

VI. Unfinished Business

1. Ordinance 09-06172013

Approving the Flood Ordinance and Map Updates for 2013 National Flood Insurance Program (NFIP) Requirements (second and final reading).

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

Public comment – no one from the public spoke.

Passage 6-1 (Councilor Walker opposed).

VII. New Business

2. Order 50-07012013

Approving the 2013 Action Plan of the Community Development Block Grant Program and HOME Investment Partnerships Program.

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

IN COUNCIL REGULAR MEETING JULY 1, 2013 VOL. 33 PAGE 153

Public comment – Renee Simonitis, 9 Oak Street, Auburn and also serves on the Citizen Advisory Committee, commented that she has benefited from those funds and is now volunteering her time and as a committee member and a citizen, she supports the CDBG staff and their recommendations.

Passage 6-1 (Councilor Crowley opposed).

3. Order 51-07012013

Adopting the School Budget for Fiscal Year 2014.

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

Public comment –

Tom Kendall, 221 Stevens Mill Road and the Chair of the School Committee talked about the budget that has been brought forth.

Rob Kilgore, 36 Newbury Street – school issues are closer to the front of his mind now that he and his wife are expecting their first child and if the city would like to keep young professionals to stay here in Auburn they will need good schools to send their children to. If Council sets the tone by leading the citizens, the public will respond to it.

Dan Herrick, Hatch Hill Road said it boggles his mind that when the School Committee first came forward, Council did not say do something different when it was obvious the city couldn't afford that budget. He does not think this budget will get approved if it goes to the voters. He believes the School Committee and the School Department can do better than what they've done. He said it is time to start cutting from above and they need to cut back on administration.

Jaime Thibodeau, Beech Hill Road, hearing from people that the budgets presented are not acceptable, at what point is it considered acceptable to put funding toward education. Education is underfunded year after year, where is the money going. At what point do we fix it. Regarding cutting teacher's salaries and administration, are we going to get more community volunteers to step up? How will the kids get what they need if we continue to cut?

Councilor Hayes made a motion to move the question. Motion failed 3-4 (Councilors Gerry, Crowley, Walker, and Shea opposed).

Motion was made by Councilor Walker and seconded by Councilor Gerry to set a 2.99% tax increase. Motion failed 1-6 (Councilors Gerry, Crowley, Hayes, LaFontaine, Young, and Shea opposed).

IN COUNCIL REGULAR MEETING JULY 1, 2013 VOL. 33 PAGE 154

Motion was made by Councilor Gerry to take a minimum of \$150,000 out of the School Departments Fund Balance. Mayor LaBonté called the motion out of order.

Motion was made by Councilor Young to move the question. Passage 5-2 (Councilors Gerry and Walker opposed).

Passage of the original motion 5-2 (Councilors Gerry and Walker opposed).

4. Order 52-07012013

Setting the date (July 23, 2013) and location (Auburn Hall) for the School Budget Validation Referendum.

Motion was made by Councilor LaFontaine and seconded by Councilor Young. Passage 6-1 (Councilor Gerry opposed).

5. Resolve 05-07012013 – item added to the agenda

Motion was made by Councilor LaFontaine and seconded by Councilor Young to make a supplemental appropriation in the amount of \$110,000, to account for an increase in the State Revenue Sharing, per revised estimates received from the State. An appropriation of \$20,000 from the Police Outside Jobs special revenue account and a transfer in expenditure, per Charter Section 8.7 D of \$35,000 from Police cruisers. The expenditures authorized will be; \$120,000 for Fire Department overtime, \$25,000 for Public Works Curbside Recycling, \$20,000 for Special Events.

Public comment –

Larry Pelletier, 129 Second Street said he lives in New Auburn and the 9-1-1 response has been heartfelt and he feels that Auburn's Fire Department is the best in the State and possibly in the North East. He said he does not want to see cuts to the Fire Department.

Mary Sylvester, 208 Maple Hill Road, talked about the importance of maintaining the current curbside recycling program. She said replacing the current program with a new program could put recycling in jeopardy. She encouraged Council to retain the \$25,000 for recycling.

Andy Titus, Lamplighter Circle said we will be looking at this same problem next year, some micro management or information going forward is necessary. Don't throw out "scare tactics". It is not fair and doesn't solve anything. Fund essential services and legal requirements of the City and then look at what the residents really want from the City. Listen to the public.

Gary Simard, Cook Street, Auburn and has 35 years of Fire Service experience. He talked about fire service and what could happen if Engine 2 was taken out of

IN COUNCIL REGULAR MEETING JULY 1, 2013 VOL. 33 PAGE 155

service. He talked about multi unit fires and said New Auburn has the oldest buildings in the City, many of which have no sprinkler systems. Taking Engine 2 out of service would be unfair to the residents of New Auburn and Danville.

John Sullivan, 71 Mary Carroll Street, finds it ironic to hear we are sitting here talking about closing a fire station in New Auburn just after the 80th anniversary of the New Auburn fire. He said he feels we need good basic services – Police, Fire, and School Departments and he urged Council not to cut Fire Department services.

Camille Parish, 42 Lake Street spoke about curbside recycling. We should be focused on reduction of garbage and not a reduction of recycling. The amount of garbage we take to MMWAC causes an increased cost and we are creating some hazardous waste in the process. The market for recycling has increased. She suggests that we should be reinstating recycling. If not, she encouraged Council to put a drop off location at every school which would also encourage the schools to incorporate recycling education.

Joe Gray, Sopers Mill Road wanted to point out a few things. Councilor Shea said he did not want to have one day without brownouts but today was day one and the world didn't end. He said a tower truck is not essential to Auburn but the three pump trucks are a little bit essential. He talked about staffing and response time. We need to fund the fire department but the fire department has to be responsible to the public as well.

Michael Farrell, Beaver Road said what he sees is a bunch of election face. All Council has done is to acknowledge problems and put them off. Everything they do has consequence. School resource officer program can be billed out of CDBG money rather than build retaining walls and things like that. He said the City needs a union negotiator and went on to say that negotiating has been done too long in house. He said our overtime bill is killing the City and the 24 hour shifts includes rack time which is paying people to sleep and be on standby. That is not a service for anyone. We should have round the clock coverage if it means two 12 hour shifts or three 8 hour shifts, there is savings there. He asked Council to explore a partnership with United Ambulance and Engine 2.

Dan Herrick, Hatch Road said he wanted to commend Council for going through what they have gone through. He believes numbers in the newspaper on recycling was off. We cannot stop recycling because people may not pick it back up. He would like Council to put it back in. He said he is getting more calls now that when he was a Councilor about scare tactics and it has to stop. He asked how many police officers really work the Liberty Festival. He thinks we should keep the special events going. It is what the public wants. Someone needs to start looking at what is happening in this City. Start looking into each department, deeply and look for cuts and efficiencies.

IN COUNCIL REGULAR MEETING JULY 1, 2013 VOL. 33 PAGE 156

Mell Hamlyn, 14 Beech Street and the coordinator of the Great Falls Balloon Festival wanted to address the issue that came up earlier about fundraising and they do sponsorship drives and fundraising events in the community and raise approximately \$35,000 to \$40,000 a year from businesses to sponsor the festival. That along with other fees they have to charge as well as selling balloon rides which they receive a portion of the proceeds.

Phil Crowell, Chief of Police wanted to clarify a few things. The City has 20 less faces of employees through reductions that have taken place and the remaining employees are carrying the workload as a result of those reductions. There are 9 officers needed for the Liberty Festival to keep things safe. He responded to a comment made about municipal spending and School reduction and municipal regarding tax payers and the tax rate that is going to the school is flat however spending hasn't changed. New revenue coming from the State has funded the school department to be able to increase their budget but the Municipal side has been holding their own and making cuts and maybe this is not being communicated well. He talked about police cruisers and are doing their best to keep reduce costs. Managers are trying to do their best.

Jaime Thibodeau, Beech Hill Road said we need to look at the budget as soon as tomorrow for next year. She said she hears so much division with management of the City. She talked about "scare tactics" and asked how do we get to a place where we are working together as a city and looking at the same budget and going back to basics to what the city needs.

Mike Scott, 549 South Witham Road. He said his friends wondered why he wanted to move to Auburn from Sabattus years ago knowing that Auburn taxes were higher. He said he did so because he feels that he gets something for his money – services. He said he would move back to Sabattus if he did not want the services Auburn provides.

Motion was made by Councilor Shea and seconded by Councilor Crowley to amend by striking the \$20,000 for Special Events. Motion failed 3-4 (Councilors Shea, Hayes, LaFontaine, and Young opposed).

Motion was made by Councilor Shea and seconded by Councilor Hayes to amend by striking the \$25,000 for Recycling. Motion failed 1-6 (Councilors Gerry, Crowley, LaFontaine, Young, Walker, and Shea opposed).

Motion was made by Councilor Crowley and seconded by Councilor Walker to amend by moving the \$120,000 for Fire Fighters overtime to Fire Fighters Safety. Motion failed 3-4 (Councilors Shea, Hayes, LaFontaine, and Young opposed).

Motion was made by Councilor Gerry to amend by taking \$12,000 from the \$20,000 for Special Events and go towards waiving fees for non-profit food service licensing. Motion failed because no one seconded the motion.

IN COUNCIL REGULAR MEETING JULY 1, 2013 VOL. 33 PAGE 157

Passage of original motion 5-2 (Councilors Crowley and Walker opposed).

VIII. Open Session

Joe Gray, Sopers Mill Road – asked about the Forestry Board cutting trees behind Edward Little High School and they are keeping the trees as payment to cut the trees. He asked who authorized this.

IX. Executive Session

- Discussion on a personnel issue (City Manager review), pursuant to 1 M.R.S.A. §405(6)(A).
Motion by Councilor LaFontaine and seconded by Councilor Hayes, passage 6-0 (Councilor Young not present), 9:47 P.M. The Mayor declared Council out of Executive Session at 9:58 P.M.
- Discussion on a legal matter, pursuant to 1 M.R.S.A. §405(6)(E).
Motion by Councilor LaFontaine and seconded by Councilor Crowley, passage 4-0 (Councilors Young, Gerry, and Shea were not present), 9:59 P.M. The Mayor declared Council out of Executive Session at 10:12 P.M.
- Discussion on a real estate matter, pursuant to 1 M.R.S.A. §405(6)(C)
Motion by Councilor LaFontaine and seconded by Councilor Walker, passage 4-0 (Councilors Young, Gerry, and Shea not present), 10:13 P.M. The Mayor declared Council out of Executive Session at 10:22 P.M.

X. Future Agenda/Workshop Items – None

XI. Adjournment

Motion was made by Councilor Crowley and seconded by Councilor Walker to adjourn.
Passage 6-0. 10:23 P.M.

A True Copy.

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

IN COUNCIL REGULAR MEETING JULY 15, 2013 VOL. 33 PAGE 158

Mayor LaBonte called the meeting to order at 7:08 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. Consent Items*

1. Order 53-07152013*

Approving the Special Event and in kind services request for the 2013 Dempsey Challenge.

2. Order 54-07152013*

Approving the Special Event and in kind services request for the 2013 Great Falls Balloon Festival.

3. Order 55-07152013*

Setting the time to open the polls for the July 23, 2013 School Budget Validation Referendum Election for 7:00 A.M.

4. Order 56-07152013*

Authorizing the City Manager and Mayor Jonathan P. LaBonté to be representatives for negotiations regarding the contract between Auburn and the City Lewiston for water rights from the Androscoggin River into the canal system and extending the authorization to any necessary ancillary agreements, permits, or contracts relating to the Lewiston Falls Hydro Project.

There was a request from Councilors Walker and Crowley to remove items 1 and 2 from the Consent Agenda and placed under New Business as the first two items.

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine to accept the remaining consent items. Passage 7-0.

II. Minutes

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to approve minutes of the June 24, 2013 Special Council Meeting. Passage 7-0.

The Mayor requested that item number 6 under New Business be taken out of order. There were no objections from Council.

Hearing on the appeal of the denial of a business license for B.A.M.B.I.N.O.S (owner Crystal Palmer) pursuant to section 24-37 (b) of our Code of Ordinances.

Order 57-07152013 (item number 6 under New Business on the agenda taken out of order)

IN COUNCIL REGULAR MEETING JULY 15, 2013 VOL. 33 PAGE 159

Upholding/overturning the City Clerk's denial of B.A.M.B.I.N.O.S's (owner Crystal Palmer) application for a Second Hand Dealer permit. *Council may enter into Executive Session, to discuss the content of examinations administered by the City for licensing purposes, pursuant to 1 M.R.S.A. §405(G).*

Motion by Councilor LaFontaine and seconded by Councilor Walker to enter into executive session. Passage 7-0, 7:12 P.M.

The Mayor declared Council out of Executive Session at 9:12 P.M.

Motion was made by Councilor Crowley and seconded by Councilor Gerry to uphold the City Clerk's denial of B.A.M.B.I.N.O.S's (owner Crystal Palmer) application for a Second Hand Dealer permit. Passage 4-3, (Councilors LaFontaine, Walker, and Shea opposed).

III. Reports

Mayor's Report – No report.

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

City Manager's Report – City Manager Deschene submitted a written report.

Finance Director, Jill Eastman – June 2013 Monthly Finance Report

Motion was made by Councilor Crowley and seconded by Councilor Young. Passage 7-0.

IV. Communications, Presentations and Recognitions

- First Citizens Fire Academy
- Proclamation – Ken Blais – to be presented at the August 5, 2013 Meeting.
- Proclamation – Parks and Recreation Month

V. Open Session – No one from the public spoke

VI. Unfinished Business

1. Ordinance 05-06032013

Approving the newly proposed Flea Market license fee schedule (first reading).

Motion was made by Councilor Crowley and seconded by Councilor Hayes to postpone until the second meeting in August. Passage 5-1-1 (Councilor Gerry opposed, Councilor Shea abstained).

IN COUNCIL REGULAR MEETING JULY 15, 2013 VOL. 33 PAGE 160

2. Ordinance 06-06032013

Approving the newly proposed Peddlers license fee schedule (first reading).

Motion was made by Councilor Crowley and seconded by Councilor Hayes to postpone until the second meeting in August. Passage 5-1-1 (Councilor Gerry opposed, Councilor Shea abstained).

3. Resolve 04-06032013

Supporting the Emergency Medical Services.

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

Public comment – no one from the public spoke

Passage 6-1 (Councilor Hayes opposed).

4. Ordinance 07-06032013

Approving the proposed ordinance amendment on alcoholic beverages at Mass Gatherings (first reading).

Public comment – no one from the public spoke

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes. Passage 6-1 (Councilor Crowley opposed).

5. Ordinance 08-06032013

Approving the proposed Forestry Board Ordinance (first reading).

The City Manager recommends postponing this item to allow time for staff to review further.

Motion by Councilor LaFontaine and seconded by Councilor Young to postpone this item indefinitely. Passage 4-2-1 (Councilors Crowley and Hayes opposed, Councilor Shea was out of the room).

VII. New Business

Hearing on the appeal of the denial of a business license for B.A.M.B.I.N.O.S (owner Crystal Palmer) pursuant to section 24-37 (b) of our Code of Ordinances.

Order 57-07152013 - This item was taken out of order after the approval of the minutes.

Upholding/overturning the City Clerk's denial of B.A.M.B.I.N.O.S's (owner Crystal Palmer) application for a Second Hand Dealer permit.

IN COUNCIL REGULAR MEETING JULY 15, 2013 VOL. 33 PAGE 161

Council may enter into Executive Session, to discuss the content of examinations administered by the City for licensing purposes, pursuant to 1 M.R.S.A. §405(G).

Order 53-07152013 – This item was removed from the Consent Agenda
Approving the Special Event and in kind services request for the 2013 Dempsey Challenge.

Motion was made by Councilor LaFontaine and seconded by Councilor Young. Passage 5-1-1 (Councilor Crowley opposed and Councilor Shea was out of the room).

Order 54-07152013 - This item was removed from the Consent Agenda
Approving the Special Event and in kind services request for the 2013 Great Falls Balloon Festival.

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes. Passage 5-1-1 (Councilor Crowley opposed and Councilor Shea was out of the room).

Order 58-07152013
Approving the proposed changes to Building Permit fee schedule.

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

Public comment – no one from the public spoke.

Passage 6-0-1 (Councilor Shea was out of the room).

Resolve 06-07152013
Authorizing the application for and acceptance of a grant from the Northern Border Regional Commission.

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

Public comment – No one from the public spoke.

Passage 6-0-1 (Councilor Shea was out of the room).

VIII. Open Session – No one from the public spoke

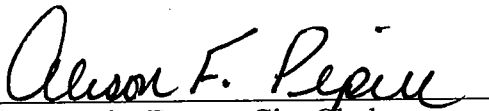
IN COUNCIL REGULAR MEETING JULY 15, 2013 VOL. 33 PAGE 162

- IX. Executive Session** – Discussion on a personnel issue (City Manager review) pursuant to 1 M.R.S.A. §405(6)(A). This item was postponed to a Special Meeting to be held Monday, July 22, 2013 at 5:30 A.M.
- X. Future Agenda/Workshop Items** – Future agenda items will be submitted with a new request form give to Council.
- XI. Adjournment**

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to adjourn. Passage 6-0-1 (Councilor Shea was out of the room), 10:05 P.M.

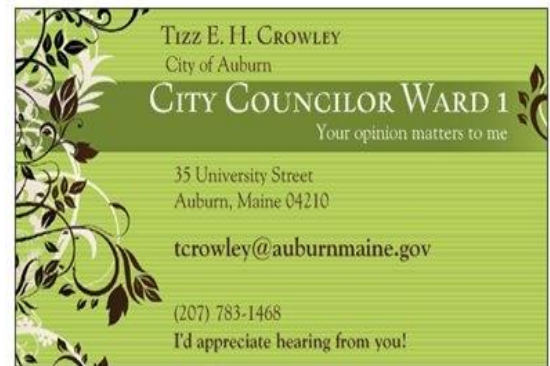
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ATTEST


Alison Pepin, Deputy City Clerk

Auburn Water District Report for Meeting Monday 2013.08.05

Prepared: Wednesday 2013.07.31
TO: Residents of Auburn and the Auburn City Council
FROM: Tizz E. H. Crowley- Auburn City Council Ward 1
Mayor LaBonte's representative to AWD



The Auburn Water District Trustees met on Wednesday, July 17, 2013.

A review of the financial reports indicates revenues are down about 2% as compared to last year, but the District should be able to meet budget objectives at year end. The District is still waiting for the insurance company to reimburse approximately \$61,000 for damages at the UV plant earlier this year. There was comment that while the District spends a significant amount (2013 budget= \$87,599) on gull management, yet observers see many ducks and geese at Lake Grove and near Taber's.

Preliminary discussion regarding possible rate increases occurred. I would expect a decision at the next meeting so public hearings could occur in the fall if needed. Trustees are carefully evaluating both the amount and the schedule for future rate increases. The Board is committed to maintaining our regular infrastructure of pipes as we monitor the need for an algaecide application with an ALUM project to follow the next year. The ALUM project is estimated to cost \$1M. It was reported LAWPC may request an additional \$150,000 per year, for the next 10 years, from each city for lake remediation and land acquisition.

Review of paid bills brought up a surprising cost... the AWD pays the Maine PUC an annual assessment of \$12, 162 which is not the only assessment to the District from the State. I cannot tell you what the value of these expenses are to the rate payer, but the District has no option but to pay.

The Trustees reviewed the Clean Water Act Master Plan 10 Year Update approval letter received by the District. Future conversation will be needed to address code violations, such as flat roofs, and how the District may assist customers with these challenges.

As a Water District Trustee, I recommended the AWD discontinue testing the water at the municipal beach. The standards, established by the City Council exceed the standard for our ocean coast line, all our Maine State Parks, standards by healthy lakes organizations, and most other States swimming standards. The standards cannot be met and are not comparable to those permitted at other swimming facilities in Auburn. The cost of water testing is therefore wasted. The Board of Trustees directed the Superintendent to speak with the City Manager about the continued need for testing. The District may wish to continue a weekly monitoring for comparison data purposes. Of interest to note personally... every time I've been to Lake Grove there have been more birds (ducks and geese) than people in the park. I did not observe any improvements to the Park which were part of the \$62K allocation approved by the City Council last spring. I could find no reference to park improvements in the spring and summer Parks & Recreations Work Plans.

As always, thank you Mr. Mayor for providing me the opportunity to serve.

Auburn Sewer District Report for Meeting Monday 2013.08.05

Prepared: Wednesday 2013.07.31
TO: Residents of Auburn and the Auburn City Council
FROM: Tizz E. H. Crowley- Auburn City Council Ward 1
Mayor LaBonte's representative to ASD



The Auburn Sewer District Board of Trustees met Tuesday, July 16, 2013 at the District office.

The Sewerage District financial position remains strong. The forecast is the district may exceed budget projections at year with by a favorable \$20,000 surplus.

Auburn residents may be interested to know the AWD and ASD pay the City of Auburn an average of \$500 each time they need a permit to open a street surface to repair lines.

ASD crews have been very busy systemically going through the City cleaning lines and basins. The new vacuum truck is in use regularly. This preventive maintenance will surely save a homeowner an expected problem in the future.

Take a look around your property. One way to lower sewer system costs is to be sure we get rain water out of our sewer lines where we must treat all water. Have questions about just where your storm water is flowing- call the ASD for help.

Several Auburn Sewerage District customers will be receiving notice of a new municipal sewer odor control strategy to be implemented in the next few months. The District is working with commercial customers to reduce or eliminate odors connected to the sewer system that result from sanitary waste disposed into the system. The District appreciates the community's patience and cooperation as we work together.

Tips of the Month:

- In humid weather, monitor your ducts for condensation. Humidity can do more than make you feel hot and sweaty; it can also make your ductwork sweat which creates condensation. This can cause backups and damage to your ducts.
- Most homes are equipped with garbage disposals, but don't let the ease of grinding food down fool you. Most modern disposals are not equipped to handle corn husks, celery, or other fibrous or stringy foods. Also, make sure you don't drain your cooking oils or fats down the drain, even with a garbage disposal. Any type of food that expands with water (like instant mashed potatoes) watch out for, they will cause a big mess in your pipes.
- Know where your water shut off valve is at all times in case of a major plumbing emergency.



*The Lewiston-Auburn Water Pollution Control Authority invites the community to a celebration of the start of operations of **Anaerobic Digestion and Power Generation Facilities** on September 9, 2013 at 10:30 am at the Wastewater Treatment Facility, 535 Lincoln Street, Lewiston, Maine*

by-products.

This is the first municipally owned digester in Maine. The generators will be running off waste

Auburn Ward 1 Report for Meeting Monday 2013.08.05

Prepared: Wednesday 2013.07.31
TO: Residents of Auburn and the Auburn City Council
FROM: Tizz E. H. Crowley- Auburn City Councilor Ward 1

“Thank you”- to our **Korean War veterans** and others who have served our country and protected the freedoms we enjoy daily. It was a pleasure to attend the 60th Anniversary program this past weekend.

Thank you to the **United New Auburn Association** for inviting the community as a whole to participate in your meetings and events. UNAA is a wonderful neighborhood association which sponsors many activities and programs to engage residents. Wednesday evening, City Manager Deschene talked with the group about the impacts in the new city budget and answered many questions posed by those in attendance. UNAA welcomes everyone regardless of where one might live.

Thank you to the **Auburn Public Works** for hosting a terrific open house. Everyone in attendance enjoyed the visit and activities. I wish I had space here to post photos and comments about each member of the crew I chatted with- such knowledge about equipment, the city, and how the work gets done... helps us understand the challenges faced and the pride in the work done on behalf of residents. Can't wait for the next opportunity!

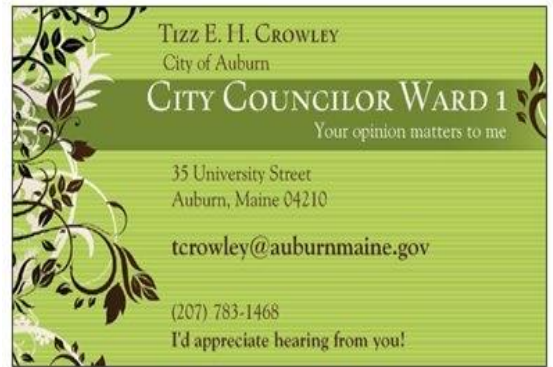
Dates to watch-

Wednesday August 7th Festival Plaza, Auburn *The Veayo Twins*. Music starts at 10am
Taking almost equally from the songwriters introduced to them by their mother (James Taylor, Carly Simon, Trisha Yearwood) and the bubblegum pop that all pre-teens can't resist (Britney Spears, Aaron Carter, Kelly Clarkson) they have already crafted an album that combines pop, straight-ahead rock, gutty R&B and a little country with a message; An inspirational message targeting today's culture, including bullying and other experiences.

Wednesday August 7th Downtown Auburn New Urbanist Walking tour from 5:30-6:30pm lead by Alan Manoin, Economic Specialist for the City of Auburn. We'll meet in front of Gritty's. Downtown Auburn stands ready for a 21st century renaissance. A renaissance built upon the ideal that Downtown Auburn is a distinctive destination place design for "time well spent". As a kick off to the city's Downtown Auburn revitalization efforts, we invite you to this energizing walking excursion along the sidewalks of Auburn. For more information and detail please contact Alan S. Manoin, Economic Development Specialist at Auburn City Hall at 207.333.6601 X1214 or amanoian@auburnmaine.gov

Monday, August 12th- Join the 1970-1971 graduating classes from **local high schools at Taber's** for an evening of friendship and laughter. I'll be there. Not your year? Check out the listing at Taber's every year has a special night. We gather at 5:30pm and are gone by 8:00pm.

Wednesday, August 14th is the next meeting of the **Parks and Recreation Advisory Meeting**. Come to Hasty Memorial Gym for the 6:30pm start time. Interested in community activities, City sponsored events, community resources- parks, cemeteries, ball fields- this is the citizen group that reviews and makes recommendations on these subjects. Dog Park, Winter Fest, and many other topics have been submitted by residents for consideration and should be on the agenda. Have you signed up for Recreation e-alerts? The City sends recreation e-alerts, updating the community of recreation activities, if you sign up for such on the city website- it's free!



Wednesday August 21st is the last summer concert at Festival Plaza by the Auburn Community Band. Please join me as we enjoy the summer evening on the Riverfront. Music starts at 7pm.

Visiting Hours- Please note a change in the Thursday visiting hours.

The Auburn Public Library closes earlier during the summer. The next visiting hours will be Tuesday, August 13th from 2-4pm and Thursday, August 22nd from 5-6pm. Of course, I'm always happy to meet with residents at their convenience. I enjoy the invitations I've received to meet various neighborhood groups.



Information provided to residents this period: As a Councilor I get calls and questions from Auburn residents. Helping to find the answers is one of my favorite parts of serving on the Council. Since our last meeting we've looked at several things including:

A resident, who lives by our airport, talked with me regarding **the Auburn Police car that is frequently parked** at the facility. According to my conversation with the City Manager, he is aware of the vehicle. Recently the Council directed that all municipal vehicles be parked/garaged in Auburn when not in use. This action resulted from the practice that Auburn cars were being used to commute to and from work, as much as 50 miles RT a day. The resident thought the vehicles would have been parked at the work site- city hall. I expected the same. The City Manager explained parking at the city limits was acceptable to meet the standard.

During the budget process, it was interesting to learn that less than one **in four (1 in 4) City of Auburn employees actually live in Auburn**. It begs the question "why?" Budget challenges need community dialogue to find solutions. Every Auburn resident should be able to answer "why should I own a house in Auburn?"

I know it's my hometown, but I really enjoy activities in our city. They do cost money however. I've attached the **Events Cost** report, prepared by the City Manager that outlines community events supported by the City of Auburn last year. It is not a complete list. Do you think these activities are good investment of your monies? Are there other community programs you'd like to see and would want us to financially support?

A **long-range plan for biking and walking** was presented at a public hearing on July 18th at an ARTC meeting. Unfortunately, there was little public notice about the session and Manley Road is not easily accessible by bike or walk. If you're interested in a copy of the report, please contact Joan Walton for ARTC jwalton@avcog.org or 125 Manley Road, Auburn, ME 04210. I would encourage ARTC to hold public meetings where attendees could walk or use public transportation.

For over a year, I have been asking about **reserved parking spaces** in the parking garage. Anyone visiting our downtown will notice the prime parking spaces are reserved for police and municipal vehicles. The police have moved the cars for special events like voting and the July 4th celebrations. The City Manager has assured me he will working on the issue. Unfortunately we will likely have completed our summer community events at Festival Plaza before a recommendation is presented.

Board and Committee Openings- Have you completed your application form? Committee work can be fun. It's a great way to meet others and to support your community. I urge you to step forward and apply today.

In closing, thank you to all residents but especially those in ward 1, who have provided me with valuable advice and recommendations in the past few weeks. Your interest and thoughtfulness are appreciated.

<u>EVENT</u>	<u>COSTS</u>
911 Ceremony	\$ 1,765.00
AVCOG Med collection Night	\$ 3,185.50
BALLOON FESTIVAL	\$ 8,317.92
Banner Installation - Multiple Events	\$ 2,355.00
DEMPSEY CHALLENGE	\$ 8,889.72
ELHS Football Games -	\$ 954.00
FESTIVAL OF LIGHTS	\$ 2,748.20
Great Falls Carnival	\$ 1,012.00
HALLOWEEN - NEW AUBURN	\$ 1,333.00
HEARTWALK	\$ 3,080.00
HOLIDAY EVENT - NEW AUBURN	\$ 124.65
L/A 5 K	\$ 3,393.40
LA ARTS DU-ATHELON	\$ -
LIBERTY FESTIVAL	\$ 4,734.00
MAINE CYCLING BIKE RACE	\$ 420.00
MEMORIAL DAY PARADE	\$ 774.40
Municipal Beach Yard sale-	\$ 810.00
NATIONAL NIGHT OUT	\$ 5,439.86
New Auburn American Legion -	\$ 635.00
PD Bike Safety EVENT -	\$ 1,868.29
River CleanUP	\$ 212.00
Rollys Cruise Nite	\$ 360.80
Safe Voices Week EVENT -	\$ 893.00
SPECIAL OLYMPICS TORCH RUN	\$ 100.80
ST Doms walking EVENT	\$ 1,281.40
Strut Your Mutt EVENT -	\$ 550.00
Teen Traffic Safety EVENT	\$ 896.20
TRIPLE CROWN - 5K BRIDGE RUN	\$ 3,014.43
TRIPLE CROWN - EMILY'S RACE	\$ 2,733.00
TRIPLE CROWN - YMCA 5K RACE	\$ 2,689.20
VETERAN'S DAY PARADE	\$ -
Voting	\$ 4,244.00
TOTAL COSTS	\$ 68,814.77
NON-IN-KIND COSTS	\$ 15,558.20
TOTAL IN-KIND	\$ 53,256.57

MANAGER'S REPORT

August 5, 2013

Naming of Ball Fields

I discussed with Mr. Colby Dill, American Legion Post #153, about the naming of the baseball field at Pettengill Park. As you know we are working to update the policy to include the new Public Services committee as part of the process. I think we could adjust our policy to have a committee oversee the naming process and requests and then provide a recommendation for the Council to enact by resolve. The action steps that need to occur are getting the committee structure in place with the Mayor, notify the Council of the naming delay and process, present an updated policy for a workshop in September, approve in September, and implement in October. I will continue to update Mr. Dill on the status so we can move forward.

School Budget Schedule

Basic Information

- State Law requires the School Committee to wait 10 days before submitting a new budget. If 14 days for absentee is added this means the earliest a vote could occur is August 20th.
- The School Committee must present a new budget within 45 days. The Council has 30 days to call a vote, so the longest is 75 days. This would be October 7th.
- Commitment and tax due date. Usually the 15th of September is the due date. This means August 15th is the date we need to send out bills and with one week lead time that is August 8th. Practically speaking the City could force a short process that has a validation vote on August 20th. This would require extra effort to publicize.
- Voting Machines are switching June 30th. Which means the City will most likely have to hand count. The State is controlling the new machines and we will be trained by August 14th, but the State doesn't expect us to use until November.

Potential Timeline

-
- | | |
|---|---------------------------|
| 1. Third Try School starts discussions with Committee on: | July 24, 2013 (Wednesday) |
| 2. School Committee adopts revised budget on: | July 31, 2013 (Wednesday) |
| 3. City Council approves voting date and revised budget: | Aug 5, 2013 (Monday) |
| 4. Absentee begins: | Aug 6, 2013 (Tuesday) |
| 5. Validation vote: | Aug 20, 2013 (Tuesday) |
| 6. Commitment: | Aug 21, 2013 (Wednesday) |

MEMA Distaster Grant

On July 16th we received notice from the State that the City of Auburn has been awarded \$114,036.04. The Federal share is \$85,527.04 (75%) and we expect that payment soon. The State of Maine's share is \$17,105.41 (15%) and we are owed this amount. The City's local share is \$11,403.60 (10%) and we have paid this out during FY13. Total reimbursement is \$102,632.44.

I want to thank Derek Boulanger for overseeing this process and all the departments that coordinated their efforts through him in a well organized and planned process.

Outlet Beach

Auburn Water District is no longer going to perform water quality tests. The results are not improving and the AWD Trustees feel it is becoming burdensome for staff and expensive. City Staff is reviewing a process to determine next steps.

LRAP (Local Road Assistance Program)

LRAP is revenue we receive from MDOT to help offset the cost of maintaining minor collector roads and other infrastructure in Auburn. In FY14 we are going to receive \$473,451. **This is \$17,406 more than we received in FY13.** The form has been completed by Dan Goyette and returned to MDOT for processing.

NOMINATION PAPERS ARE NOW AVAILABLE

On Monday July 8th, candidates began taking out nomination papers for the upcoming 2013 Municipal Election. The deadline to return nomination papers is Thursday August 22nd. City Staff have prepared packets of helpful information for the candidates. These packets are being distributed via email or hard copy to each candidate.

These packets include:

- Candidate Guide: Dos and Don'ts of campaign financing with regard to reporting requirements and post-election responsibilities, communication and disclosure statements
- Getting Started Packets: Forms, Instructions and Filing Requirements
- Section of the City Ordinance that covers nominations and elections
- Ethics Ordinance
- Council Code of Conduct
- Quick Tips and Useful Links: Basic election tips and links to FOAA requirements and City Charter/Ordinances
- Last year's meeting schedule
- List of all Boards and Committees
- A link to the State's web page on Forms and Guides for Municipal Candidates

AUGUST 1, 2013

Starting on August 1, 2013 there will be two changes related to Council Workshops and Meetings.

1. The agenda and supporting materials will be projected on the Council Screen during Workshops and Meetings
2. The City Manager will be sitting with Staff (next to the Assistant City Manager) during Workshops and Meetings

City/School Department Employee running for City Council

We have looked at the issue and believe that in the context of the incompatibility of offices provisions of the Charter, school employees are considered city employees. This would preclude an individual from simultaneously serving as both a councilor and an employee of the school department.

Under the Charter, the school department is a department of the City, and thus employment with the school department appears to be city employment. This is confirmed by the fact that the Section 4.8 incompatibility of offices provision that applies to school committee members ("No [school committee] member shall hold any other city office or employment during the term for which the member was elected") is identical to the Section 2.9 provision that applies to councilors ("No councilor shall hold any other city office or employment during the term for which the member was elected"). In prohibiting school committee members from holding "any other city office

or employment," the Charter clearly deems membership on the school committee to be a "city office or employment." If membership on the school committee is a "city office or employment," then employment with the school department necessarily is a "city office or employment" as well.

Boat Launch Facility

Staff has been in communication with Brookfield regarding the sign that was placed. The sign is going to be removed. As far as the flow rates we haven't received Brookfield's protocols. The current flow rate that we are using is 10,000 CF. Once we get something from Brookfield we can change it to 6,500 but only with justification. We look forward to working with Brookfield to keep our citizens safe while using the river for recreation.

CITY OF AUBURN



PROCLAMATION

TO CONGRATULATE KEN BLAIS FOR BEING NAMED THE 2013 CITY OF AUBURN'S SPIRIT OF AMERICA'S TRIBUTE RECIPIENT

WHEREAS, Ken Blais has been a prominent figure in Auburn for many years; and

WHEREAS, Ken has been instrumental in the revitalization efforts of New Auburn and is always willing to generously support community events and projects such as the holiday lighting, Easter Egg Hunt, Dinny Sullivan Day, New Auburn Association monthly meetings and many others; and

WHEREAS, He has owned and operated Rolly's Diner for numerous years and recently was awarded the first ever City of Auburn Community Service award at the recent LAEGC Award banquet; and

WHEREAS, Ken has given back in multiple ways that go above and beyond and truly show his compassion and dedication to his community; and

NOW, THEREFORE, the Auburn City Council, on behalf of the Citizen of Auburn, hereby expresses its strong appreciation for Ken Blais by naming him as the City of Auburn's 2013 Spirit of America Tribute recipient.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Seal of the City of Auburn to be imprinted this First day of July, Two Thousand Thirteen.

Mayor Jonathan P. LaBonté

Councilor Tizz E.H. Crowley

Councilor Robert Hayes

Councilor Mary LaFontaine

Councilor David Young

Councilor Leroy Walker

Councilor Joshua Shea

Councilor Belinda Gerry



City Council Agenda Information Sheet

City of Auburn

Council meeting Date: August 5, 2013

Ordinance 07-06032013

Author: Sue Clements-Dallaire, City Clerk

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

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

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

Subject: Amendment to the Mass Gathering Ordinance

Information: Under our current Mass Gathering ordinance it prohibits alcohol in the Mass Gathering area.

Sec. 24-217. Alcoholic Beverages

The sale or consumption of alcoholic beverages of any kind is prohibited within the mass gathering area during any event. The operator will exercise due diligence and exert his/her best efforts to prevent the consumption of alcoholic beverages within the mass gathering area and to prevent patrons from using, consuming, bringing in, or otherwise obtaining alcoholic beverages within the mass gathering areas. The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.

We are proposing changing the ordinance to allow the sale and consumption of alcoholic beverages under certain conditions (see attached).

Financial: N/A

Action Requested at this Meeting: Consider passage of second and final reading.

Previous Meetings and History: Discussed at the 6/3/2013 Council Workshop and was postponed on the 6/3/2013 agenda, and postponed again on 6/17/2013 and brought forward at the 7/15/2013 meeting for passage of the first reading.

Attachments:

Allowed alcohol use in parks – Various Towns and Cities
Ordinance 07-06032013 with proposed changes

*Agenda items are not limited to these categories.

ALCOHOL IN PARKS – RESPONSES MAY/JUNE 2013

Mount Desert

Mount Desert does not. We recently had to deny a wine tasting event at our marina green area.

Lewiston

City of Lewiston permits alcohol consumption in one park which hosts the larger city events (Dempsey Challenge, etc.). All events require insurance coverage (regardless if they have alcohol or not). All permitting and security (on-site security must be approved by the city) is their responsibility. The no-alcohol policy for other parks may be waived by a vote of the city council but that has not occurred to date.

Winterport

I think you will find many towns and cities allow this for these types of gatherings. Bangors Folk Festival has a beer and wine tent. Here in Winterport we ran a music Festival for 7 years and had a beer and wine area also. As long as you have a caterer that has an off premise license (I know Sea Dog does as they did our Festival for 5 years) and follow all the State and Insurance protocol you should be fine. We never had any problems doing this.

Scarborough

We officially prohibit alcohol in public spaces, and have never (at least not in modern history) been asked to allow it for a special occasion. However, in other towns that I have worked, we have allowed it with restrictions.

Gardner

We allow, with Council approval of a special event permit, for one time events like our Oktoberfest. Our PD is involved in where it can be located, what safety precautions need to take place to prevent underage drinking, etc. Group who sets it up needs to insure it and take all the risk. Other than that, no alcohol allowed.

Stockton Springs

I would be interested in responses that you get to this. We do not allow it as per a former 1st Select Woman whose husband was in recovery. I'm not sure if it is state law, MMA Risk management required, or just "Sara's law". We had an event last summer in our Community Room at Town Hall. They had a "beer tent" just over the property line at the Community Library and that apparently was legal.

Wiscasset

I know in other communities I have served that alcohol could be served on town grounds as long as we licensed and catered properly.

Bridgton

We allow alcohol only at the old town hall during rentals and require the sponsor/vendor to have the necessary local license as well as provide the town with their full insurance policy that names the town as additionally insured and that it is properly checked off on that form. We have had no problems to date.

Ellsworth

Ellsworth is going through this also. We have never allowed alcohol consumption on City property but this year we are having our 250th birthday and a group of citizens are planning a week-long celebration. One aspect of this celebration is a dinner and dance under a tent in our community park.

Ellsworth does not have an ordinance that disallows drinking, we have always just followed state law and when someone asked to serve alcohol on public property, the Council refused to sign the off-site premise alcohol form. They are however, planning on allowing alcohol for this event.

St. Agatha

We allow it on a case by case basis. It usually only comes up during our SummerFest and that is a town sponsored event. We do require a BYOB permit or liquor license depending on what the set up is. We do not have an ordinance prohibiting the consumption.

Madison

The Madison BOS recently voted to allow the American Legion to have a beer tent to go along with a chili cook-off event at the Town's annual Madison / Anson Day's. anticipated it will last 1.5 to 2 hours and would be controlled by the Legion. Hope this helps.

Thomaston

Thomaston allows it through a request to the Board of selectpersons. The town requires the applicant to provide Insurance through M.M.A. TULIP program and comply with State Liquor Laws.

South Berwick

In South Berwick we do not have an ordinance prohibiting alcohol consumption on Town property. We have authorized events providing the organizers arrange for a caterer who obtains an offsite catering license for alcohol. We have not done a "beer garden" but we have hosted the Historical Society at Town Hall and their caterer has served beer and wine. The Senior Citizens Annual New

Year's Eve party uses the same model at our Community Center. Neither of these would rise to the level of a public festival, but we have not experienced any difficulties.

In a past life, I attended a concert or two with beer gardens, one at the OOB Ballpark. My only thought is they become very crowded, but the upside is no one is walking around with alcohol.

Brownville

Although we do not allow it here on Town Property, formally for events it remains open. The "Tulip Program" is available online. This allows for the sponsor of the event to take out a blanket insurance policy to cover the event.

Augusta

On occasion we allow it in parks for festivals provided there's a licensed vendor with cert. of insurance.

Kennebunk

Provided "Alcohol Policy – Municipal Facility" and "Town Streets"

Cape Elizabeth

Provided "Group Use Policy", which addressed in part – alcohol.

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



Jonathan LaBonte, Mayor

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

IN CITY COUNCIL

ORDINANCE 07-06032013

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

Sec. 24-217. Alcoholic Beverages

The sale or consumption of alcoholic beverages of any kind is prohibited within the mass gathering area ~~during any event unless the operator obtains all necessary permits from the City. The operator will exercise due diligence and exert his/her best efforts to prevent the consumption of alcoholic beverages within the mass gathering area and to prevent patrons from using, consuming, bringing in, or otherwise obtaining alcoholic beverages within the mass gathering areas.~~

If the Operator intends to sell or permit the sale of alcoholic beverages within the mass gathering area during a mass gathering, the Operator shall restrict the time and location of such sale so that alcoholic beverages are sold only during the particular event and so that public safety and order will not be impaired. The Operator shall comply fully with the laws of the State of Maine regulating the sale and consumption of alcoholic beverages, as well as with the City's Special Amusement Ordinance. Alcoholic beverages may be sold and consumed only within a restricted area of the Facility, which does not include the parking lot. The Operator shall identify, in its Permit Application, the specific restricted areas where it proposes to sell alcoholic beverages, and the means by which it anticipates to limit the consumption of alcohol to such restricted portions of the mass gathering area. Additionally, the Operator shall exercise all due diligence, work with the Auburn Police Department on strict enforcement and exert its best efforts to control, limit and prevent the unauthorized consumption of alcoholic beverages on any part of the mass gathering area outside of the restricted areas, and to prevent patrons of the mass gathering area from using, consuming, bringing in, or otherwise obtaining alcoholic beverages in any manner not authorized by this Ordinance. Nothing in this Ordinance shall preclude the Operator from implementing more restrictive rules for the sale and consumption of alcoholic beverages.

No one under the age of 21 years of age will be allowed in this area.

The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.

Any person, partnership, corporation or other legal entity including the Operator, violating this Section shall be punished by a civil penalty of at least One Hundred (\$100.00) Dollars but not more than Five Hundred (\$500.00) Dollars. The failure to comply with conditions imposed upon the issuance of a mass gathering permit shall be a violation of this Section. Each violation shall be considered a separate offense, and each day a violation is allowed to exist shall be considered a separate offense. The civil penalty provided for in this Section shall be in addition to any other penalty or damages provisions provided within this Section, and shall be in addition to all other remedies to the City of Auburn at law and in equity. The provisions of this Section shall be enforced by the City Manager or such other municipal official or employee as the City Manager shall designate in writing. The City shall also be entitled to its reasonable attorney fees and costs for successfully prosecuting a violation of this Section.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: August 5, 2013

Order 60-08052013

Author: Clint Deschene, City Manager

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

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

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

Subject: Adopting the School Budget for FY2014

Information: The School Budget Validation Election that did not pass on June 11, 2013 or July 23, 2013 put us in a position that requires the City to review the proposed 3rd School Budget. Once Council has reviewed the budget they will have to consider forwarding it to the Auburn Voters for final approval.

The School Committee met on Wednesday July 31st and is forwarding a new budget to the City Council. The Council needs to review this budget that will result in a mill rate of 20.43.

It is my recommendation that the Council adopt the proposed school budget, set an election for August 20th, set a tax due date for September 25th, 2013, and direct staff to begin the process of sending out tax bills so that bills could be mailed on August 26th, 2013.

Following the above process results in a minimal change to the due date of taxes, begins the process to collect tax bills, which starts the revenue stream solidifying the City's cash flow. One concern to be aware of is that should the School Budget not be validated the tax bills would be based upon the amount taxes needed to fund education. However, any excess revenue would not be available to spend and would be held for future educational needs.

The alternative to not proceeding with commitment and tax billing is that the City will run the risk of needing a Tax Anticipation Note. Funds spend on the note would be interest bearing and would be an expense to the School or City beyond current budgets. I recommend against delaying bills due to the interest cost of a Tax Anticipation Note.

Financial: With approval the overall City budget, including municipal and county budgets, will have a 20.43 mil rate based on a \$2,005,721,383 overall valuation

Action Requested at this Meeting: Potential approval by City Council to proceed.

Previous Meetings and History: The School Budget Validation Referendum failed on June 11, 2013 and again on July 23, 2013.

Attachments: Order 60-08052013

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

Tizz 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 60-08052013

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2013/2014.

1. That \$14,578,636.00 be authorized to be expended for Regular Instruction;
2. That \$7,429,052.00 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$665,267.00 be authorized to be expended for Other Instruction;
5. That \$4,486,566.00 be authorized to be expended for Student and Staff Support;
6. That \$847,935.00 be authorized to be expended for System Administration;
7. That \$1,266,449.00 be authorized to be expended for School Administration;
8. That \$1,294,390.00 be authorized to be expended for Transportation and Buses;
9. That \$3,472,594.00 be authorized to be expended for Facilities Maintenance;
10. That \$2,671,986.00 be authorized to be expended for Debt Service and Other Commitments;
11. That \$-0- be authorized to be expended for All Other Expenditures;
12. That \$33,762,245.00 be appropriated for the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$13,625,217.00 be raised as the municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

Explanation: *The city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.*

13. That \$1,510,976.00 be raised and appropriated for the annual payments on debt service previously approved by the city's legislative body for non-state-funded school construction projects or non-state-funded portions of school construction projects, in addition to the funds appropriated as the local share of the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12;

***Explanation:** Non-state-funded debt service is the amount of money needed for the annual payments on the city's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

14. That \$0.00 be raised and appropriated in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, §15690;

***Explanation:** The additional local funds are those locally raised funds over and above the municipality's local contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the school department budget for education programs.*

15. That the school committee be authorized to expend \$36,712,875.00 for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, fund balances, state subsidy and other receipts for the support of schools;

16. That the City of Auburn appropriate \$373,357.00 for adult education and raise \$183,311.00 as the local share, with authorization to expend any additional incidental or miscellaneous receipts in the interest and for the well-being of the adult education program;

17. That the City of Auburn raise and appropriate \$41,796.00 for the services of Community Services-Crossing Guards.

18. That in addition to amounts approved in the preceding articles, the school committee be authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated;



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: August 5, 2013

Order 61-08052013

Author: Sue Clements-Dallaire, City Clerk

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

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

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

Subject: Setting the date, location, and time to open the polling place for the School Budget Validation Referendum Election.

Information: The School Budget Validation is going before Auburn voters for a third vote. If Council approves the school budget as presented tonight, we are recommending an election date of August 20, 2013, all voting to be done at Auburn Hall, and polls will open at 7:00 A.M. If approved, there will be one question on the ballot which will read;

“Do you favor approving the City of Auburn school budget for the upcoming school year as adopted by the City Council on August 5, 2013?”

Financial: Budget

Action Requested at this Meeting: Recommend setting the date for August 20, 2013 and the location to be Auburn Hall for all voting, and polls to open at 7:00 A.M.

Previous Meetings and History: The School Budget Validation went out to the Auburn Voters on June 11, 2013 and it failed. It went back to the voters again on July 23, 2013 and failed again, which means it will go back to the voters on a date set by Council once the budget is approved by Council.

Attachments: Order 61-08052013

**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



Jonathan LaBonte, Mayor

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

IN CITY COUNCIL

ORDER 61-08052013

ORDERED, that the City Council hereby sets the date of the School Budget Validation Referendum for August 20, 2013, with voting for all Wards to be consolidated to one polling place, Auburn Hall, and polls will open at 7:00 A.M.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: August 5, 2013

Order 62-08052013

Author: Jill M. Eastman, Finance Director

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

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

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

Subject: Order establishing the property tax payment due dates and to establish the property tax delinquency and overpayment interest rates for Fiscal Year 2013-2014.

Information:

Pursuant to 36 M.S.R.A. § 505, this order establishes the real estate property tax and personal property tax due dates of the Fiscal Year 2012-2013/

Real Estate property tax will be due in two equal installments on September 15, 2012 and March 15, 2013. Personal property tax will be due, in its entirety, September 15, 2012.

Also, pursuant to 36 M.S.R.A. § 505, this order confirms the interest rate for over payment and delinquent taxes as determined by the Treasurer State of Maine. The maximum rate set by the State Treasurer is determined by prime rate as published by the Wall Street Journal on the first business day of the calendar year, rounded up to the next whole percent plus 3 percentage points.

Financial: n/a

Action Requested at this Meeting: Adoption of Order

Previous Meetings and History:

Attachments:

- Order 62-08052013

*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



Jonathan LaBonte, Mayor

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

IN CITY COUNCIL

ORDER 62-08052013

ORDERED, that fifty percent (50%) of all real estate taxes assessed as in the annual commitment, committed to the Tax Collector, shall be due proportionately from each tax payer on September 25, 2013 and the remaining fifty percent (50%) shall be due on March 15, 2014.

Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any real estate taxes remaining uncollected on September 26, 2013 and March 16, 2014 respectively shall bear interest at a rate of 7% per annum from and after such dates.

Personal property taxes shall be due and payable on or before September 25, 2013. Any personal property taxes remaining unpaid on September 26, 2013 shall bear an interest rate of 7% per annum from and after such date. Interest on all delinquent taxes shall be computed on a daily basis and shall be collected by the Tax Collector. The Tax Collector is authorized to accept tax prepayments.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: August 5, 2013

Order 63-08052013

Author: Denis D'Auteuil

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

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

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

Subject: Public Services Department

Information: Pursuant to the City Charter Section 7.1 paragraph A, be it here by established a Public Services Department including Public Works, Parks and Recreation, and Engineering with no budget impact to the current fiscal year FY13/14. Be it also provided that City Staff are to work with the Mayor for the implementation of committee restructuring to be reviewed by the City Council.

Financial: none

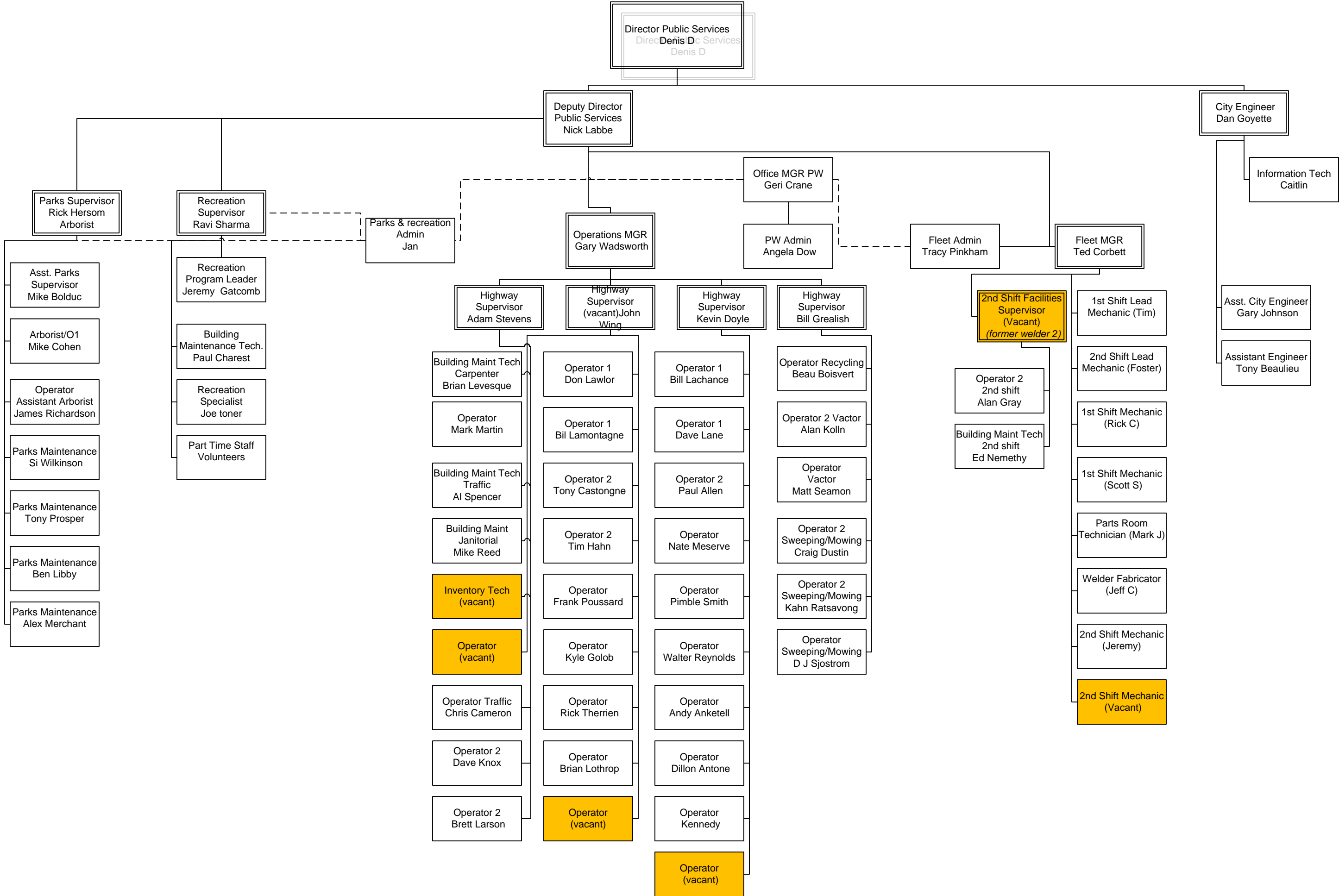
Action Requested at this Meeting: Recommend passage

Previous Meetings and History: On July 15th, 2013 the City Council had a work shop to discuss the restructuring of the Public Works, Parks and Recreation, and Engineering Departments into a Public Services Department.

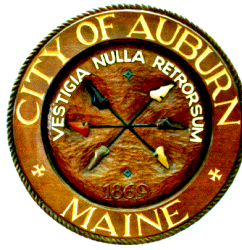
Attachments:

- Public Services Organizational Chart
- Order 63-08052013

**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



Jonathan LaBonte, Mayor

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

IN CITY COUNCIL

ORDER 63-08052013

ORDERED, that pursuant to the City Charter Section 7.1 paragraph A, that it be hereby established a Public Services Department including Public Works, Parks and Recreation, and Engineering with no budget impact to the current fiscal year FY13/14. Be it also provided that City Staff are to work with the Mayor for the implementation of committee restructuring to be reviewed by the City Council. See attached organizational chart.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: August 5, 2013

Order 64-08052013

Author: Reine Mynahan, Community Development Director

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

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

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

Subject: Community Development Program Amendment

Information: Re-allocation of Community Development Block Grant funds and HOME Investment Partnerships Program funds (see attached memo)

Financial: Community Development budget \$119,834.85
HOME Investment Partnerships Program budget \$115,000

Action Requested at this Meeting: Discussion and direction for budget changes, and set public hearing date.
It is recommended that this item be postponed until the meeting of August 19, 2013

Previous Meetings and History:

The City Council adopted the City budget in July with the request that \$50,000 be taken from the Community Development budget to pay for code enforcement.

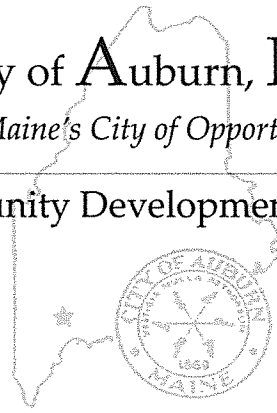
- Attachments:
- Memo to City Manager
- Community Development Budget
- CDBG Targeted Code Enforcement Program
- Code Requests in CDBG Target Areas Map
- CDBG Target Areas Maps
- Vacant Properties in CDBG Target Areas Map
- Draft Order 64-08052013

*Agenda items are not limited to these categories.


City of Auburn, Maine

"Maine's City of Opportunity"

Community Development Program



TO: Clinton Deschene, City Manager

FROM: Reine Mynahan, Community Development Director 

RE: Community Development Program Amendments

DATE: July 31, 2013

Community Development staff recommends amending the 2013-14 Annual Action Plan of the Community Development Program. The amendment is schedule for review by the City Council on August 5th and adoption on August 19th. The amendment involves two funding reallocations: 1) \$119,834.85 of Community Development Block Grant funds and 2) \$115,000 of HOME Investment Partnerships Program funds.

1) Community Development Block Grant:

During the City's budget process the City Council requested a \$50,000 contribution of the Community Development Block Grant Program to cover code enforcement efforts. This activity had not previously been included in Community Development budget. As a result the budget that was adopted did not reflect the \$50,000 for code enforcement.

In contemplating where these funds would come from the City Manager indicated all activities would be reviewed, especially funds allocated to social services. Based on input received since that time, reductions in social services have not been included in this proposal. The social services that are provided by Community Development supported agencies are vital to the community. There has been concern expressed, however, that the current level of assistance is not sustainable.

Upon completing a review of the FY2012 activities/budget, there are a number of accounts with a surplus balance that can be reprogrammed to other activities. These funds come primarily from unused grant funds that had been allocated to Community Concepts and from Rehab Program income. I propose re-allocating the surplus as follows:

Code Enforcement	\$50,000.00
Fair Housing	2,000.00
New Auburn River Trail	<u>67,834.85</u>
Total	\$119,834.85

2) HOME Investment Partnerships Program:

Last year a project for which we had reserved \$125,000 of HOME funds did not materialize (CEI Housing's rental project on Main Street). Those funds were subsequently re-allocated to the Homebuyer and Homeowner Rehab Programs. By regulation HOME funds must be committed to a project (a project means a specific address) within 18 months after the funds are awarded to the community. At this time we do not have an adequate number of projects to satisfy the commitment requirement and I do not expect this to change without some intervention.

For the past four months, we have heavily marketed the Homeowner Rehab Program. This effort has not produced the desired result of committing HOME funds. The solution is to create a project that can be fast tracked and committed by the September deadline.

We considered utilizing 61 Webster Street, a tax acquired property, as the project site. This building is slated for demolition utilizing Community Development funds. A marginal rehabilitation of this property would have cost \$140,000; the cost would have been \$180,000 for a project we would be proud. We didn't feel spending this much money to save this building was the right thing to do—61 Webster Street should be demolished.

We draw upon our experience with the Neighborhood Stabilization Program to accomplish the following results, commit HOME funds, improve a building (preferably in one of the target areas), create a homeownership opportunity for an income qualified family, and return funding to the program. I recommend we partner with Auburn Housing Authority's development company, Auburn Housing Development Corporation. The HOME funds would cover the money needed to purchase a building and prepare it for resale. All responsibilities for implementation will remain with the Community Development Department. We would identify a number of appropriate buildings, evaluate the construction cost and resale-ability, and handle the purchase. We would produce technical specifications, secure bids, award a contract, manage the construction to assure the building meets Housing Standards, and handle the resale. AHDC would be a silent partner, essentially holding title, at no cost to the City. A further consideration is utilization of the CHDO reserve. Each year 15% of HOME funds are reserved by the Department of Housing and Urban Development for a CHDO-eligible project. This project would count towards spending our CHDO reserve.

The budget includes the cost of building acquisition, rehabilitation and carrying costs. The total cost will be in the range of \$115,000. Upon resale, I anticipate we will receive between \$70,000-80,000 to be returned to the program. Funding for this activity should be taken from the following accounts:

Homebuyer	\$40,000
Homeowner Rehabilitation	<u>75,000</u>
Total	\$115,000

There would still be ample funds left in these two programs for other projects.

Community Development Program

Public Hearing Requirement: To comply with the Citizen Participation Plan requirements of the Community Development Program, a public hearing should be held prior to the vote on the amendment.

Citizen's Advisory Committee Review: The Citizen's Advisory Committee will meet on Wednesday, August 7th to discuss this amendment. The package of information describing this amendment was sent to the Citizen's Advisory Committee on July 31. Minutes of the meeting will be available for City Council review at their August 19th meeting.

FY2013 BUDGET

COMMUNITY DEVELOPMENT BLOCK GRANT/AUBURN

INCREASE/
DECREASE

NEW BUDGET

PLANNING AND ADMINISTRATION

General Administration	\$105,000		\$105,000
Project Delivery Costs/Housing	\$69,000		\$69,000
Goods and Services	\$28,200		\$28,200
Sub Total	\$202,200		

ECONOMIC DEVELOPMENT

Small Business Loan Program	\$30,000		\$30,000
Sub Total	\$30,000		

AFFORDABLE HOUSING

Code Enforcement Program	\$30,000	\$50,000	\$80,000
Rehabilitation Loan Program	\$193,995		\$193,995
Lead Testing/Clearance/Training	\$5,000		\$5,000
Community Concepts Weatherization	\$62,250		\$62,250
Curb Appeal Program	\$140,000		\$140,000
Sub Total	\$431,245		

PUBLIC IMPROVEMENTS

Municipal Beach	\$62,500		\$62,500
Edward Little Park	\$15,000		\$15,000
Sub Total	\$77,500		

ACQUISITION & DEMOLITION

Demolition of Deteriorated Buildings	\$65,000		\$65,000
New Auburn River Trail/Demolition	\$110,000	\$67,835	\$177,835
Sub Total	\$175,000		

PUBLIC SERVICES

Androscoggin Head Start/Family Advocacy	\$7,000		\$7,000
Auburn Recreation/ Scholarships	\$25,000		\$25,000
Literacy Volunteers/Adult Literacy	\$8,000		\$8,000
Safe Voices / Social Services	\$3,000		\$3,000
Heating Assistance Loan Program	\$20,000		\$20,000
Tedford Housing & Support Services	\$5,000		\$5,000
Good Neighbor Start-up	\$1,000		\$1,000
Catholic Charities/Search	\$2,500		\$2,500
Seniors Plus/Meals	\$3,500		\$3,500
Fair Housing		\$2,000	\$2,000
Sub Total	\$75,000		

TOTAL BUDGET	\$990,945	\$119,835	\$1,110,780
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HOME INVESTMENT PARTNERSHIPS PROGRAM/AUBURN

PROGRAM ADMINISTRATION

General Administration	25,500		\$25,500
Project Delivery Costs	41,000		\$41,000
Goods and Services	2,500		\$2,500

Sub Total **\$ 69,000**

AFFORDABLE HOUSING

Homebuyer Assistance	110,000	-\$40,000	\$70,000
Homebuyer/Youthbuild	50,000		\$50,000
Acquisition/Rehab/Homebuyer		\$115,000	\$115,000
Homeowner Rehabilitation	376,748	-\$75,000	\$301,748
Tenant Rental Assistance/Security Deposits	11,511		\$11,511

Sub Total **\$ 548,259**

TOTAL BUDGET **\$ 617,259** **\$0** **\$617,259**

Targeted Code Enforcement

Program Description:

The Targeted Code Enforcement Program provides a focused approach to code enforcement in the Auburn Downtown/Union Street/New Auburn neighborhoods (census tracts 101, 103, and 105). The area proposed for Targeted Code Enforcement has been further narrowed to areas that are also identified as blighted in the 2010 Blight Study Update. (Please see attached Auburn CDBG Target Area Map for exact boundaries). The 2000 Census data shows that between 50-80% of the population in these tracts is living below low mod income levels depending on which census tract. After gathering and analyzing data on vacant/abandoned buildings and past code enforcement activity it is now necessary to create an enforcement program that is more targeted. This will include expansions of housing and vacant building code enforcement efforts, funded by CDBG, that we believe is necessary to improve the overall condition of the housing stock in these areas. This will not be purely a “stick” approach to code compliance and improving neighborhood conditions but will be an enhanced partnership between CDBG and code enforcement that will also target financial resources including Spot, Residential and Homeowner Rehab Programs.

We propose utilizing our full time Code Compliance Officer for 75% of their time working on improving neighborhoods in the target area and one Code Compliance Assistant who is also an experienced CDBG Rehab Coordinator for 2 days per week. A map of the geographical boundaries of this program is included and labeled as CDBG target area.

Justification for this Program approach:

Auburn is a City of 67 square miles with approximately 6 square miles of water and 61 square miles of land. CDBG target areas described above total approximately 1 square mile in area and 50-80% of residents of those areas are at or below low mod income levels. Despite being 1/67th of the City's land area, 64% of documented code enforcement efforts were within CDBG target areas in 2012 (see attached map titled Code Requests in CDBG Target Areas).

The City of Auburn maintains a list of known vacant structures as potential nuisances and for being at high risk for criminal activity. There are slightly over 7000 residential properties including single-family homes, multi-family homes, mobile homes and condominiums within the City and we are aware that slightly over 100 or 1.5% of them are vacant and/or abandoned. City-wide, 1.5% may not be that alarming, but it should be noted that 40% of the known vacant or abandoned structures are concentrated within the 1/67th of the City's land area that is our target area (see attached map titled Vacant Buildings in CDBG Target Areas). The urgency of this program was heightened after three vacant structure fires spread to neighboring structures leaving more 170 people homeless in neighboring Lewiston on April 29th, May 3rd and May 6th 2013. The

tragedy did increase awareness, community involvement and cooperation among code enforcement and other public safety agencies.

Specific Program Design:

Our updated enforcement program will be aimed at focusing resources on the follow-up enforcement that comes with each new violation, vacant building or concern identified during inspections in the CDBG target areas. A designated Code Compliance Officer (CCO) will facilitate communication between the various departments of the City regarding problem properties and maintain a list of known vacant or abandoned structures. These lines of communication will help to coordinate initial inspections and will increase follow-up enforcement efforts. The Planning and Permitting Department has already begun fostering informal relationships between the Fire and Police Departments, Volunteers in Police Service (VIPS) and other volunteer groups to aid in monitoring vacant and abandoned properties. This group of stakeholders will be referred to as the Target Area Partners (TAP). The recent efforts, improved communication and increased monitoring were born out of necessity. Three human caused fires earlier this year in Lewiston, just across the Androscoggin River, heightened community involvement and the sense of urgency regarding high concentrations of vacant buildings. Although the cooperative efforts have increased the number of inspections and eyes on the street, it has also increased volume and demand for follow-up enforcement and created a backlog of complaints. The targeted program and the additional staff resources that it will bring will enable us to continue to take advantage of interdepartmental and volunteer monitoring, to keep up on required follow-up actions and to become more proactive in target neighborhoods.

TAP will continue communication and respond to changing demands. We will explore formalizing the group if benefits of doing so are identified, however, that may involve negotiations with 3-4 individual union groups and the current informal arrangements are meeting the immediate needs of the community. We do not want to risk current cooperation by attempting to formalize arrangements. Staff will also review data to monitor what is going on in these neighborhoods and change tactics as required to be as effective as possible. This will be shared with the Auburn Police Department who maintains similar data for their calls for service. In addition to targeting specific problem properties, the designated CCO will also walk the streets of neighborhoods with high concentrations of vacant structures, issue Notice of Violations and initiate condemnation proceedings as needed.

The beginning phase of this endeavor involves the CCO identifying top priority street segments based on code request and vacant structure concentrations and then going through those areas and working with owners to address violations. The ongoing monitoring effort will continue to be assisted by volunteers and staff from other departments including VIPS, firemen and police officers passing along vacant building information and by making some monitoring of those structures part of their regular work in.

Other efforts of the CCO will be spent on coordination with other departments and the corresponding paperwork for this. Code issues that will be reviewed includes structural issues specific to building code, as well as health and sanitary code issues like trash and debris, unsecured vacant buildings, abandoned cars, and zoning violations such as commercial use of a residential property and illegally created apartment units or boarding rooms. Paper work entails entering information into the City of Auburn's code enforcement software "Energov", documenting inspections, time keeping and written correspondence with property owners and on occasion the City Attorney.

As this work continues, specific properties with chronic problems will be targeted for further scrutiny and enforcement efforts. In addition, properties that are known to be vacant or are in foreclosure and chronically unsecured will be prioritized. As this information is gathered and mapped we can determine where to invest the most effort to enforce community standards.

Part of this project also includes efforts that will ensure that there is efficient and adequate follow up and strategic planning developed around the results of the targeted code enforcement. This includes the following efforts:

- Ensuring data is inputted on a weekly basis.
- Developing reports based on the information that are coordinated with other efforts in the City of Auburn, including the collection of data on continuing foreclosed properties, abandoned properties, tax delinquent properties and illegal activity from the Police department and Fire department.
- Mapping of the data to illustrate what is happening as the code enforcement activities continue.
- Ensuring information will be shared between the various departments of the City in an effort to identify which properties continue to be problems despite code enforcement activities and their accompanying fines.
- Ensuring that residents who report code concerns in the area have their issues addressed.

Community Involvement:

A majority of the code requests from target areas are complaint driven and from members of the community. The targeted approach and additional staff support will first allow for staff to catch up with existing community demand for the service and then to be more proactive in priority areas to hopefully get ahead of demand and reduce overall calls for service due to increased code compliance. Code compliance officers will make additional effort to be more visible in target areas and to communicate with residents that they encounter on the streets. We will also use our "ParticipateAuburn" email list, the City website and a press release to make people aware of the targeted efforts and the statistics that show the need for this targeted approach.

Feasibility:

This project is feasible for the following reasons:

- There is already a full time Code Compliance Officer in the Planning and Permitting Department. This is adding to an existing function, targeting efforts, and improving communication among partners, not creating a new one.
- The Code Compliance Officers are trained in how to recognize building code violations and health and safety issues and maintain State Certifications as Code Enforcement Officers to do so. Supervisors will be able to train new staff easily and our Code Compliance Assistant will work to become certified in the coming year.
- The Department has moved to a computerized data base system. This has improved our ability to track citations, map them with GIS and follow up on them appropriately. The graphic representation has also allowed us to better explain efforts and challenges to the community.
- Staff in the Department of Planning and Development has already started coordinating efforts among several volunteer groups and enforcement departments including VIPS, firemen and police officers. These groups have begun passing along vacant building information and are providing monitoring of those structures as part of their work.
- Neighborhood meeting scheduled for this fall can include outreach and community input on the targeted program.

Impact includes

- Decrease the incidents of health and safety issues that impact quality of life for residents and visibly affect the look of the neighborhood in a negative way.
- Bring financial resources to property owners that wish to comply but lack resources. Code compliance too often utilizes a “stick” approach and this program will bring a “carrot” approach.
- Prioritize code enforcement at vacant and/or abandoned structures and in neighborhoods with a high concentration of those structures.
- Encourage and even force owners to fix serious building and housing code issues. This includes fixing potential hazards like retaining walls, steps, and foundations and demolishing structures that cannot be rehabilitated.
- Identifying serious Problem Properties that have owners who are resistance to code enforcement and target them for court action and condemnation.

Code Requests in CDBG Target Areas



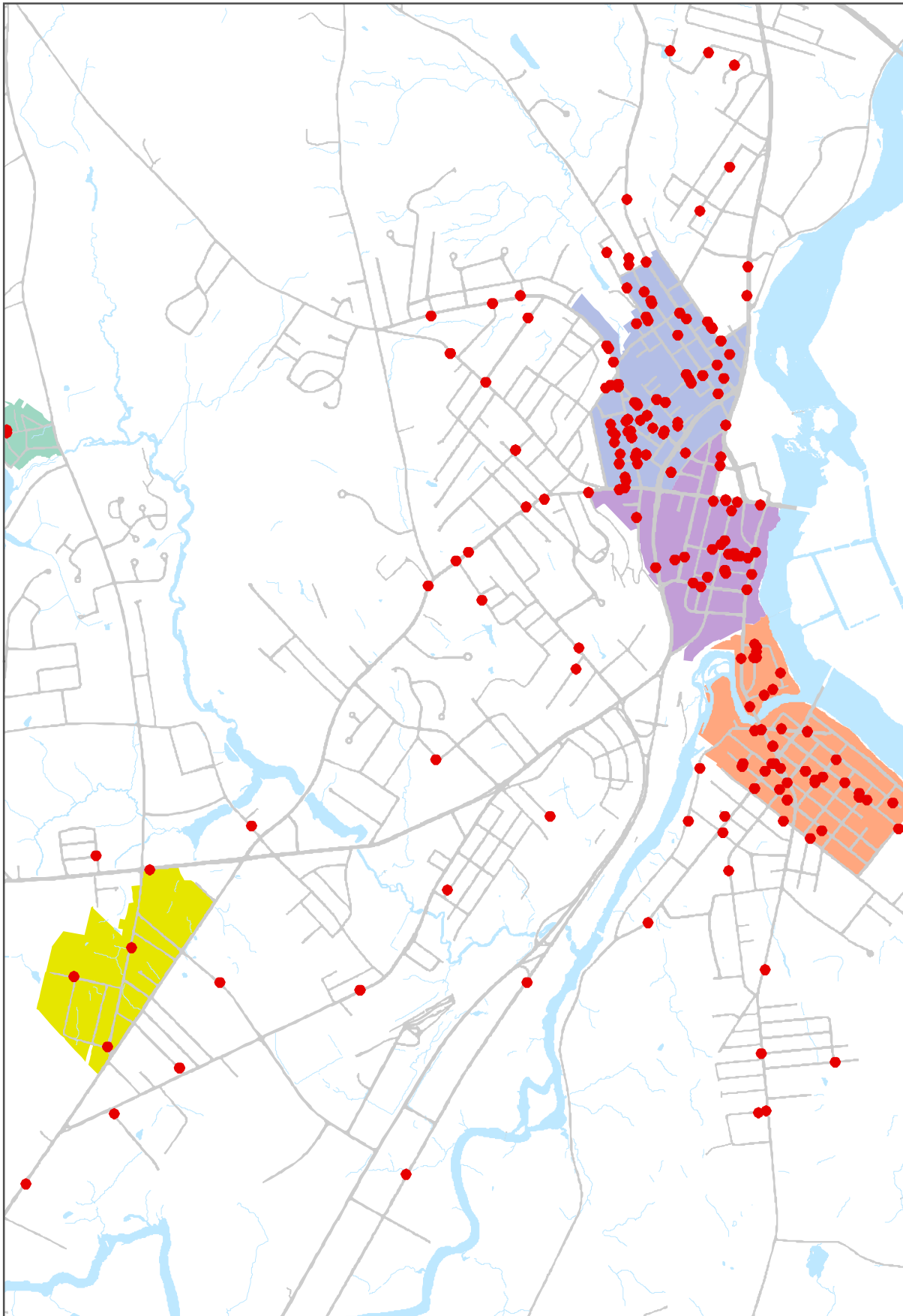
City of Auburn

60 Court Street
Auburn, Maine 04120

PHONE: (207) 333-6600

FAX: (207) 333-6623

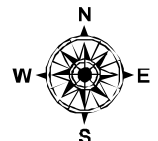
www.auburnmaine.gov



● Code Requests

CDBG Target Areas

- Downtown
- Manley Road
- New Auburn
- Sandy Beach
- Union Street



DISCLAIMER

While every effort has been made to ensure that these data are accurate and reliable, 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.

CDBG Target Areas



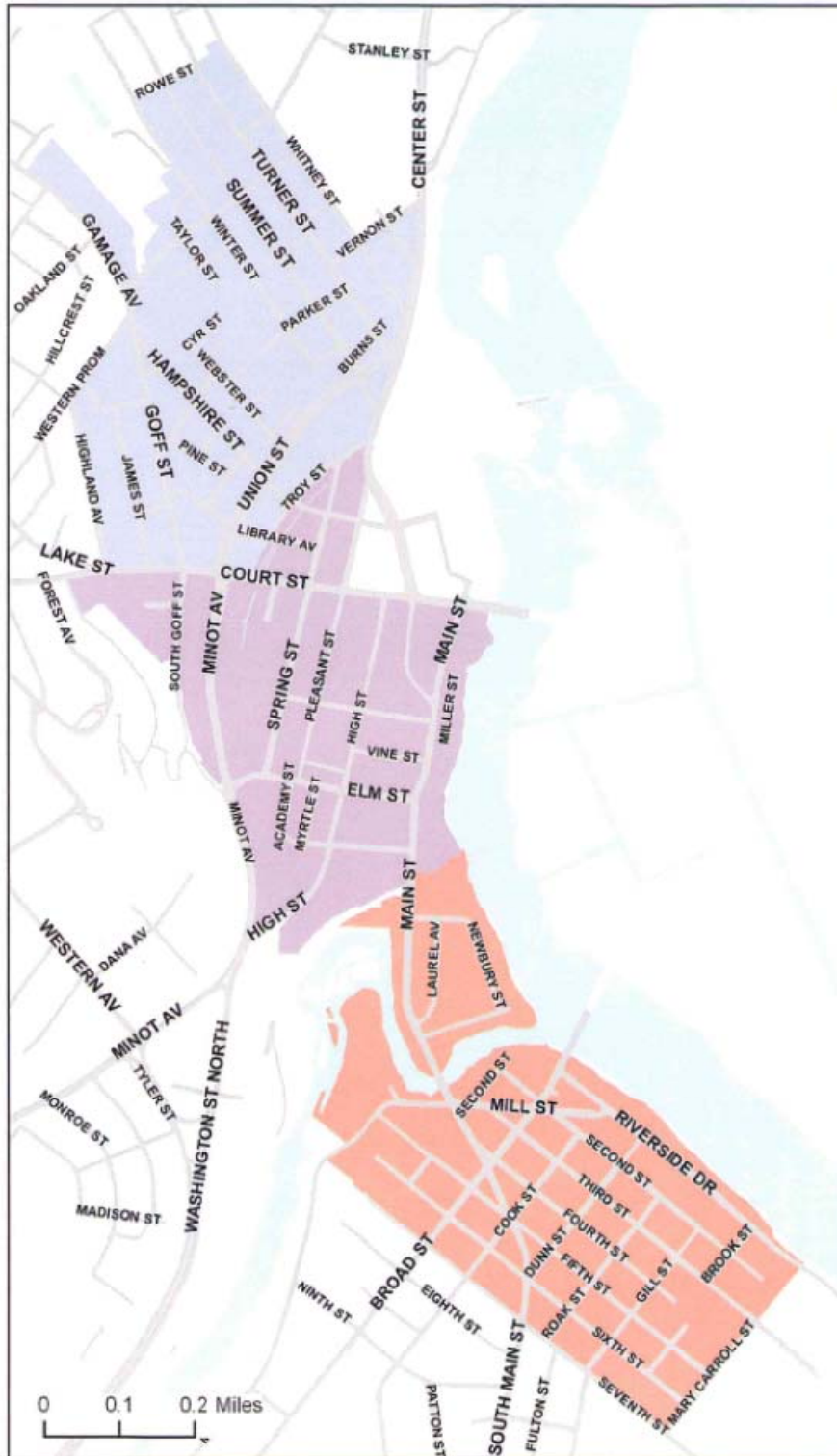
City of Auburn

60 Court Street
Auburn, Maine 04120

PHONE: (207) 333-6600

FAX: (207) 333-6623

www.auburnmaine.gov



Legend

CDBG Target Areas

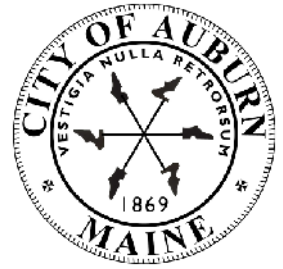
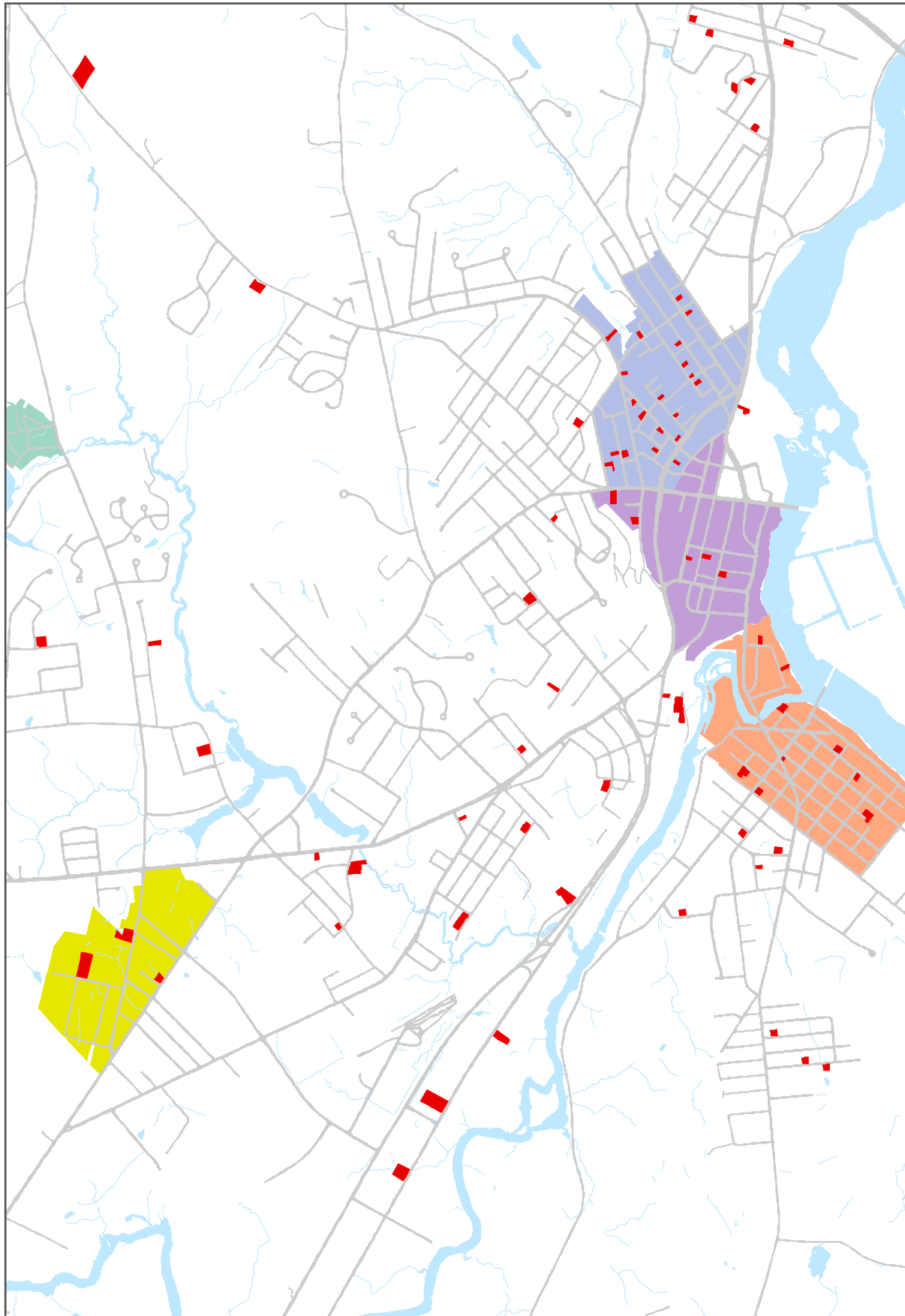
- Downtown
- New Auburn
- Union Street



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Vacant Buildings in CDBG Target Areas




City of Auburn

60 Court Street
Auburn, Maine 04120

PHONE: (207) 333-6600

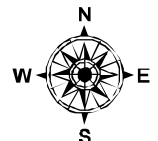
FAX: (207) 333-6623

www.auburnmaine.gov

 Parcels with Vacant Buildings

CDBG Target Areas

-  Downtown
-  Manley Road
-  New Auburn
-  Sandy Beach
-  Union Street



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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 64-08052013

ORDERED that the Auburn City Council hereby adopts the Community Development Program Amendment to the 2013 Annual Action Plan as recommended by Community Development staff.



City Council Information Sheet

City of Auburn

Council Meeting Date: August 5, 2013

Subject: Executive Session

Information: Discussion on a poverty abatement, pursuant to 36 M.R.S.A. §842(2) with possible action to follow.

City of Auburn, Maine

"Maine's City of Opportunity"

Health & Social Services



Memorandum

TO: CLINT DESCHENE, CITY MANAGER
FROM: DOROTHY MEAGHER, DIRECTOR SOCIAL SERVICES
SUBJECT: AUBURN POVERTY / INFIRMITY TAX ABATEMENT PROCEDURE
DATE: AUGUST 1, 2013

A request for a poverty abatement in accordance to Maine Law, title 36 MRSA § 841 (2) permits the municipal officers, on their own knowledge or on written application to make such abatements as they believe reasonable on the real or personal taxes of persons who, by reason of infirmity or poverty, are in their judgment unable to contribute to the public charge.

The purpose of 36 MRSA § 841 (2) is "to prevent towns from forcing the sale of property in order to collect taxes from those otherwise unable to pay." The municipality must look at the applicant's realistic financial capacity to pay his or her taxes.

Municipal officers must keep all application, information submitted in support of the application, files and communication relating to an application for abatement and the determination on the application for abatement are confidential. **Hearing and proceedings held pursuant to this subsection must be in executive session.**

To obtain poverty abatement an applicant has the burden of proving that by reason of poverty or infirmity, the applicant is unable to contribute to the public charges.

Decision Making Process: Section 841(2) requires that hearings and proceedings held pursuant to 841(2) shall be in executive session. **The council should make a motion at a public meeting to enter into executive session to deliberate over an abatement pursuant to 36 MRSA § 841 (2).** The motion must be approved and must be recorded. Any deliberation regarding the application should occur in executive session. **Council cannot make a decision in executive session;** the purpose of the executive session is for deliberation only. After coming out of the executive session, the council should make a motion such as " **I move to grant an abatement of the amount \$_____ pursuant to Title 36 MRSA §841(2).** The municipal officers' ultimate decision is a matter of public record. Recipient's name address or any information on the application cannot be disclosed.

Regardless of the outcome, a written decision to grant the abatement, deny the abatement or partially grant the abatement within 30 days of the date of the application. The written decision must include the specific reason for the decision and must inform the applicant of his or her appeal rights and the procedure for a request to appeal.

The Legislature in 2005 amended 36 MRSA § 841 (2) to provide that the municipal officers may only grant abatements of taxes "on the primary residence of" infirm or impoverished applicants.

Maine Revised Statutes

§841 PDF

§841 WORD/RTF

STATUTE SEARCH

CH. 105 CONTENTS

TITLE 36 CONTENTS

LIST OF TITLES

DISCLAIMER

MAINE LAW

REVISOR'S OFFICE

MAINE LEGISLATURE

§803

Title 36: TAXATION

§841-A

Part 2: PROPERTY TAXES

Chapter 105: CITIES AND TOWNS

Subchapter 8: ABATEMENT

§841. Abatement procedures

1. Error or mistake. The assessors, either upon written application filed within 185 days from commitment stating the grounds for an abatement or on their own initiative within one year from commitment, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided that the taxpayer has complied with section 706.

The municipal officers, either upon written application filed after one year but within 3 years from commitment stating the grounds for an abatement or on their own initiative within that time period, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided the taxpayer has complied with section 706. The municipal officers may not grant an abatement to correct an error in the valuation of property.

[1993, c. 133, §1 (RPR) .]

2. Infirmary or poverty. The municipal officers or the State Tax Assessor for the unorganized territory, within 3 years from commitment, may, on their own knowledge or on written application therefor, make such abatements as they believe reasonable on the real and personal taxes on the primary residence of any person who, by reason of infirmity or poverty, is in their judgment unable to contribute to the public charges. The municipal officers or the State Tax Assessor for the unorganized territory may extend the 3-year period within which they may make abatements under this subsection.

Municipal officers or the State Tax Assessor for the unorganized territory shall:

A. Provide that any person indicating an inability to pay all or part of taxes that have been assessed because of poverty or infirmity be informed of the right to make application under this subsection; [2005, c. 169, §1 (AMD).]

B. Assist individuals in making application for abatement; [1987, c. 772, §15 (NEW).]

C. Make available application forms for requesting an abatement based on poverty or infirmity and provide that those forms contain notice that a written decision will be made within 30 days of the date of application; [2005, c. 169, §1 (AMD).]

D. Provide that persons are given the opportunity to apply for an abatement during normal business hours; [1987, c. 772, §15 (NEW).]

E. Provide that all applications, information submitted in support of the application, files and communications relating to an application for abatement and the determination on the application for abatement are confidential. Hearings and proceedings held pursuant to this subsection must be in executive session; [2005, c. 169, §1 (AMD).]

F. Provide to any person applying for abatement under this subsection, notice in writing of their decision within 30 days of application; and [1987, c. 772, §15 (NEW).]

G. Provide that any decision made under this subsection include the specific

reason or reasons for the decision and inform the applicant of the right to appeal and the procedure for requesting an appeal. [2005, c. 169, §1 (AMD).]

[2005, c. 169, §1 (AMD) .]

3. Inability to pay after 2 years. If after 2 years from the date of assessment a collector is satisfied that a tax upon real or personal property committed to him for collection cannot be collected by reason of the death, absence, poverty, insolvency, bankruptcy or other inability of the person assessed to pay, he shall notify the municipal officers thereof in writing, under oath, stating the reason why that tax cannot be collected. The municipal officers, after due inquiry, may abate that tax or any part thereof.

[1979, c. 73, (RPR) .]

4. Veteran's widow or widower or minor child. Notwithstanding failure to comply with section 706 or section 1181, the assessors, on written application within one year from the date of commitment, may make such abatement as they think proper in the case of the unremarried widow or widower or the minor child of a veteran, if the widow, widower or child would be entitled to an exemption under section 653, subsection 1, paragraph D, except for her or his failure to make application and file proof within the time set by section 653, subsection 1, paragraph G, provided that the veteran died during the 12-month period preceding the April 1st for which the tax was committed.

[2005, c. 218, §10 (AMD) .]

5. Certification; record. Whenever an abatement is made, other than by the State Tax Assessor, the abating authority shall certify it in writing to the collector, and that certificate shall discharge the collector from further obligation to collect the tax so abated. When the abatement is made, other than an abatement made under subsection 2, a record setting forth the name of the party or parties benefited, the amount of the abatement and the reasons for the abatement shall, within 30 days, be made and kept in suitable book form open to the public at reasonable times. A report of the abatement shall be made to the municipality at its annual meeting or to the mayor and aldermen of cities by the first Monday in each March.

[1987, c. 772, §16 (RPR) .]

6. Appeals. The decision of a chief assessor of a primary assessing area or the State Tax Assessor shall not be deemed "final agency action" under the Maine Administrative Procedure Act, Title 5, chapter 375.

[1979, c. 73, (NEW) .]

7. Assessors defined. For the purposes of this subchapter the word "assessors" includes assessor, chief assessor of a primary assessing area and State Tax Assessor for the unorganized territory.

[2001, c. 396, §15 (AMD) .]

8. Approval of the Governor. The State Tax Assessor may abate taxes under this section only with the approval of the Governor or the Governor's designee.

[1999, c. 521, Pt. A, §4 (AMD) .]

SECTION HISTORY

1973, c. 66, §15 (AMD). 1975, c. 765, §§14-A (AMD). 1977, c. 44, §1 (AMD). 1977, c. 479, §15 (AMD). 1977, c. 509, §16 (RPR). 1977, c. 694, §§688-692 (AMD). 1979, c. 73, (RPR). 1987, c. 70, (AMD). 1987, c. 772, §§15,16 (AMD). 1989, c. 508, §10 (AMD). 1991, c. 16, §1 (AMD). 1991, c. 16, §2 (AFF). 1993, c. 133, §1 (AMD). 1999, c. 521, §A4 (AMD). 2001, c. 396, §15 (AMD). 2005, c. 169, §1 (AMD). 2005, c. 218, §10 (AMD).

Maine Revised Statutes

▼§843 PDF

▼§843WORD/RTF

➤STATUTE SEARCH

◀CH. 105 CONTENTS

◀TITLE 36 CONTENTS

◀LIST OF TITLES

➤DISCLAIMER

◀MAINE LAW

◀REVISOR'S OFFICE

◀MAINE LEGISLATURE

§842

Title 36: TAXATION

§843-A

Part 2: PROPERTY TAXES

Chapter 105: CITIES AND TOWNS

Subchapter 8: ABATEMENT

§843. Appeals

1. Municipalities. If a municipality has adopted a board of assessment review and the assessors or the municipal officers refuse to make the abatement asked for, the applicant may apply in writing to the board of assessment review within 60 days after notice of the decision from which the appeal is being taken or after the application is deemed to have been denied, and, if the board thinks the applicant is over-assessed, the applicant is granted such reasonable abatement as the board thinks proper. Except with regard to nonresidential property or properties with an equalized municipal valuation of \$1,000,000 or greater either separately or in the aggregate, either party may appeal from the decision of the board of assessment review directly to the Superior Court, in accordance with Rule 80B of the Maine Rules of Civil Procedure. If the board of assessment review fails to give written notice of its decision within 60 days of the date the application is filed, unless the applicant agrees in writing to further delay, the application is deemed denied and the applicant may appeal to Superior Court as if there had been a written denial.

[1995, c. 262, §4 (AMD) .]

1-A. Nonresidential property of \$1,000,000 or greater. With regard to nonresidential property or properties with an equalized municipal valuation of \$1,000,000 or greater either separately or in the aggregate, either party may appeal the decision of the local board of assessment review or the primary assessing area board of assessment review to the State Board of Property Tax Review within 60 days after notice of the decision from which the appeal is taken or after the application is deemed to be denied, as provided in subsections 1 and 2. The board shall hold a hearing de novo. If the board thinks that the applicant is over-assessed, it shall grant such reasonable abatement as the board thinks proper. For the purposes of this section, "nonresidential property" means property that is used primarily for commercial, industrial or business purposes, excluding unimproved land that is not associated with a commercial, industrial or business use.

[1995, c. 262, §4 (AMD) .]

2. Primary assessing areas. If a primary assessing area has adopted a board of assessment review and the assessors or municipal officers refuse to make the abatement asked for, the applicant may apply in writing to the board of assessment review within 60 days after notice of the decision from which the appeal is being taken or after the application is deemed to have been denied, and if the board thinks the applicant is over-assessed, the applicant is granted such reasonable abatement as the board thinks proper. Except with regard to nonresidential property or properties with an equalized municipal valuation of \$1,000,000 or greater, either separately or in the aggregate, either party may appeal the decision of the board of assessment review directly to the Superior Court, in accordance with the Maine Rules of Civil Procedure, Rule 80B. If the board of assessment review fails to give written notice of its decision within 60 days of the date the application was filed, unless the applicant agrees in writing to further delay, the application is deemed denied and the applicant may appeal to the Superior Court as if there had been a written denial.

[2001, c. 396, §17 (AMD) .]

3. Notice of decision. Any agency to which an appeal is made under this section is subject to the provisions for notice of decision in section 842.

[1991, c. 546, §12 (NEW) .]

4. Payment requirements for taxpayers. If the taxpayer has filed an appeal under this section without having paid an amount of current taxes equal to the amount of taxes paid in the next preceding tax year, as long as that amount does not exceed the amount of taxes due in the current tax year or the amount of taxes in the current tax year not in dispute, whichever is greater, by or after the due date or according to a payment schedule mutually agreed to in writing by the taxpayer and the municipal officers, the appeal process must be suspended until the taxes, together with any accrued interest and costs, have been paid. If an appeal is in process upon expiration of a due date or written payment schedule date for payment of taxes in a particular municipality, without the appropriate amount of taxes having been paid, whether the taxes are due for the year under appeal or a subsequent tax year, the appeal process must be suspended until the appropriate amount of taxes described in this subsection, together with any accrued interest and costs, has been paid. This subsection does not apply to property with a valuation of less than \$500,000.

[2009, c. 434, §16 (AMD) .]

SECTION HISTORY

1973, c. 536, §24 (AMD). 1973, c. 625, §246 (AMD). 1977, c. 509, §18 (RPR). 1977, c. 694, §693 (AMD). 1981, c. 30, §§3,4 (AMD). 1981, c. 364, §21 (AMD). 1981, c. 698, §180 (AMD). 1985, c. 764, §17 (AMD). 1991, c. 546, §12 (AMD). 1993, c. 242, §1 (AMD). 1993, c. 395, §12 (AMD). 1995, c. 262, §4 (AMD). 2001, c. 396, §17 (AMD). 2001, c. 436, §1 (AMD). 2001, c. 436, §2 (AFF). 2009, c. 434, §16 (AMD).

Data for this page extracted on 02/01/2012 10:16:04.

**The Revisor's Office cannot provide legal advice or interpretation of
Maine law to the public.**

If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

Maine Revised Statutes

▼ §842 PDF

▼ §842 WORD/RTF

➤ STATUTE SEARCH

➤ CH. 105 CONTENTS

➤ TITLE 36 CONTENTS

➤ LIST OF TITLES

➤ DISCLAIMER

➤ MAINE LAW

➤ REVISOR'S OFFICE

➤ MAINE LEGISLATURE

§841-C

Title 36: TAXATION

§843

Part 2: PROPERTY TAXES

Chapter 105: CITIES AND TOWNS

Subchapter 8: ABATEMENT

§842. Notice of decision

The assessors or municipal officers shall give to any person applying to them for an abatement of taxes notice in writing of their decision upon the application within 10 days after they take final action thereon. The notice of decision must state that the applicant has 60 days from the date the notice is received to appeal the decision. It must also identify the board or agency designated by law to hear the appeal. If the assessors or municipal officers, before whom an application in writing for the abatement of a tax is pending, fail to give written notice of their decision within 60 days from the date of filing of the application, the application is deemed to have been denied, and the applicant may appeal as provided in sections 843 and 844, unless the applicant has in writing consented to further delay. Denial in this manner is final action for the purposes of notification under this section but failure to send notice of decision does not affect the applicant's right of appeal. This section does not apply to applications for abatement made under section 841, subsection 2. [2001, c. 396, §16 (AMD).]

SECTION HISTORY

1977, c. 509, §17 (AMD). 1985, c. 764, §16 (AMD). 1987, c. 772, §17 (AMD). 1991, c. 546, §11 (AMD). 2001, c. 396, §16 (AMD).

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Augusta, Maine 04333-0007

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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 65-08052013

ORDERED, that the City Council hereby **grants/denies** an abatement of the amount of \$_____ pursuant to Title 36 M.R.S.A. §841 (2).