



# City Council Meeting and Workshop

## October 15, 2012

### Agenda

#### 5:30 P.M. Workshop

- A. Considering a City Ordinance relating to the Littlefield Bridge/Historical building or Structures – Clint Deschene
- B. Cost Share of consultant(s) or studies for Edward Little High School – Clint Deschene
- C. Federal Grant opportunity and process for the “New Auburn Greenway” – Ravi Sharma
- D. New project review from Engineering (ATRC project list 2013-2015) – Dan Goyette
- E. Ice Arena discussion with possible Executive Session, pursuant to 1 M.R.S.A. §405(6)(C) (an action item is being held in the agenda should any action be needed pursuant to the workshop) – Clint Deschene

#### 7:00 P.M. City Council Meeting

##### Pledge of Allegiance

- I. **Consent Items** – All items listed with an asterisk (\*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.
- II. **Minutes**
  - September 24, 2012 and October 1, 2012
- III. **Reports**
  - Mayor’s Report**
  - City Councilors’ Reports**
  - City Manager’s Report**
  - Finance Director, Jill Eastman** – September 2012 Monthly Report
- IV. **Communications, Presentations and Recognitions**
  - Uniform Crime Report (UCR) Presentation-Phil Crowell
- 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. **Order 70-09172012**
    - Appointing members to 911 Committee, Zoning Board of Appeals, Assessment Review.
    - City Council may go into Executive Session, pursuant to 1 M.R.S.A. §405(6)(A).
- VII. **New Business**

# Auburn City Council Meeting & Workshop

October 15, 2012

---

2. **Order 76-10152012**  
Approving the transfer of a tax acquired property on Foster Road.
3. **Order 77-10152012**  
Approving the renewal of an Auto Graveyard/Junkyard permit for M & P Auto Mart, 227 Merrow Road.
4. **Order 78-10152012**  
Approving the renewal of an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Old Hotel Road.
5. **Order 79-10152012**  
Approving the renewal of an Auto Graveyard/Junkyard permit for Maine Metal Recycling, 522 Washington St. North.
6. **Order 80-10152012**  
Approving the renewal of an Auto Graveyard/Junkyard permit for Randy's Auto Parts, 899 Broad Street.
7. **Order 81-10152012**  
Approving the renewal of an Auto Graveyard/Junkyard permit for Morris Auto Mart, 940 Washington Street North.
8. **Order 82-10152012**  
Approving the renewal of an Auto Graveyard/Junkyard permit for Buck's Auto, 249 Merrow Road.
9. **Order 83-10152012**  
Approving any potential discussion and action as a result of the Executive Session Workshop.

## VIII. Executive Session

- Discussion of Labor Contracts, pursuant to 1 M.R.S.A. §405(6)(D) with possible action to follow.

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

## X. Future Agenda/Workshop Items

## XI. Adjournment

**Executive Session:** On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session

# Auburn City Council Meeting & Workshop

## October 15, 2012

---

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 Meeting Date:** October 15, 2012

**Item** A

**Author:** Clinton Deschene

**Subject:** Historical Structure Ordinance

---

**Information:** During Manager Report on 10-01-2012 the Council requested the information on the Littlefield Bridge return for a workshop.

The perspective I recommend is the Council consider a policy approach to all historic buildings or structures. Otherwise all reviews will be case by case and subject to inconsistent decisions.

---

**Financial:** Yes, potential costs could and will exist for purchasing and sustaining historic structures, including the Littlefield Bridge.

---

**Action Requested at this Meeting:** Discuss and direct next steps.

---

**Previous Meetings and History:** Manager Report 10-01-2012

---

**Attachments:**

- Letter to Maine Historic Preservation
- Auburn Water District Assessment of Bridge
- Letter from Maine Historic Preservation

# AUBURN WATER DISTRICT

MEMBER MAINE WATER UTILITIES ASSOCIATION

268 COURT ST. - P.O. BOX 414

AUBURN, MAINE 04212-0414

Maine Historic Preservation Commission  
Attn: Robin Reed, Review and Compliance Coordinator  
65 State House Station  
Augusta, Me, 04333-0065

9/13/2012

Re: Removal of the Littlefield Corner Interurban Bridge

Dear Ms. Reed,

As we spoke yesterday afternoon, the Auburn Water and Sewerage District is requesting review of the Littlefield Corner Interurban Bridge for its historical significance. This bridge is located between a highway truss bridge (Littlefield Bridge) and a railroad bridge. This bridge is a 100' long simple concrete arch that was built in 1914 to carry the Portland-Lewiston Interurban. By 1933 it was abandoned. Currently the bridge carries a 20" sanitary sewer interceptor line, a 12" water transmission/distribution main, and an 8" natural gas main. Although it is not designated as such, pedestrian traffic uses the bridge to cross the Little Androscoggin River because the Littlefield Bridge is very narrow. The Auburn Water and Sewerage Districts own the Interurban Bridge.

The Maine Department of Transportation (MDOT) is in the process of designing a replacement for the adjacent Littlefields Bridge (PIN 19284). Construction is anticipated for next summer (2013). The new bridge will be 12' wider than the existing bridge, so it should be able to accommodate pedestrians.

Given that the Interurban Bridge is almost 100 years old, and its structural integrity is unknown, we are working with MDOT to transfer the water and sewer lines to the new bridge. Unutil Gas Company is working to transfer their gas main to the new bridge as well.

Once the new MDOT Bridge is complete, and the utilities have been transferred, it is our intention to remove the Interurban Bridge.

Enclosed for your review is a photograph of the existing Interurban Bridge.

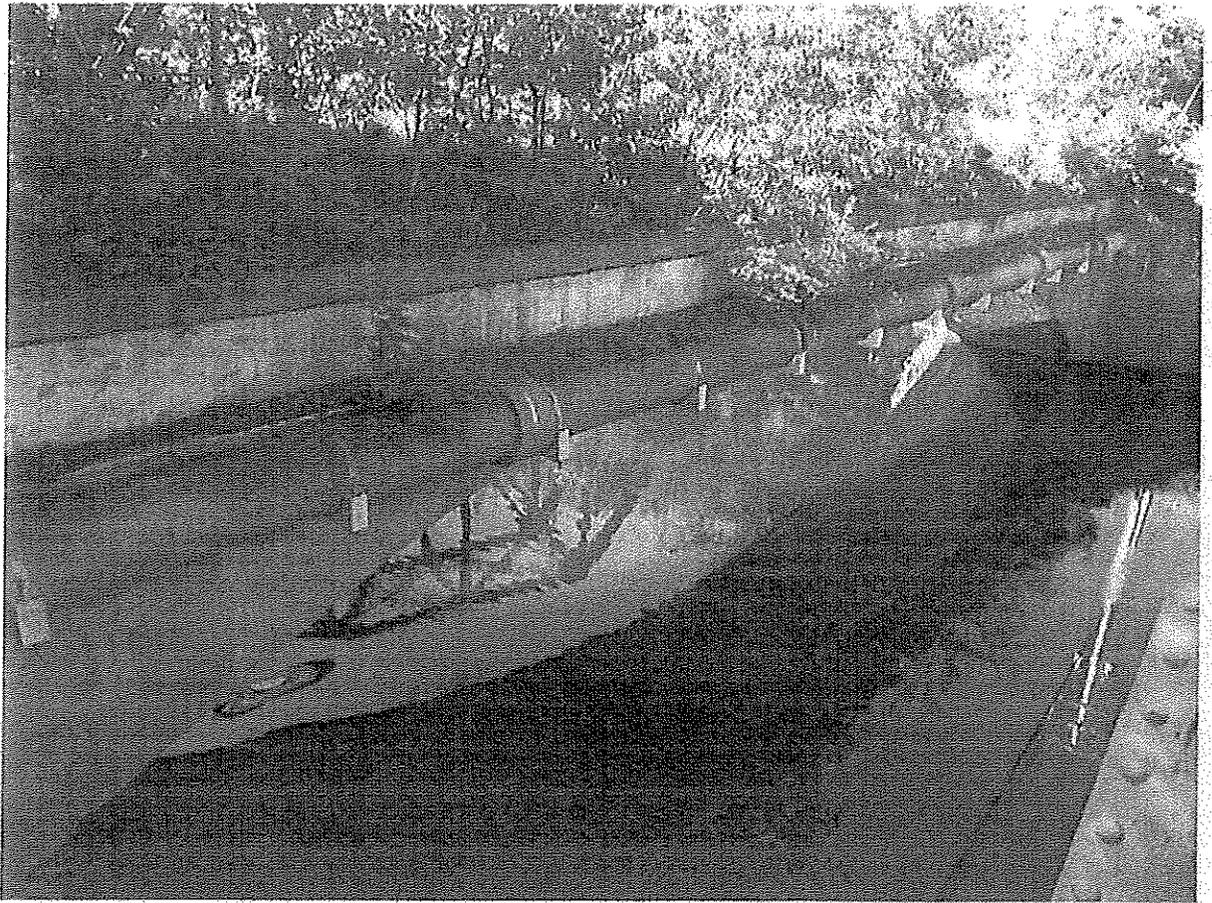
Upon review of this information, please let us know if the Commission has any issues with our plan.

Thank you for your time. If you have any questions, please contact me.

Sincerely,



Sid Hazelton, P.E.  
District Engineer

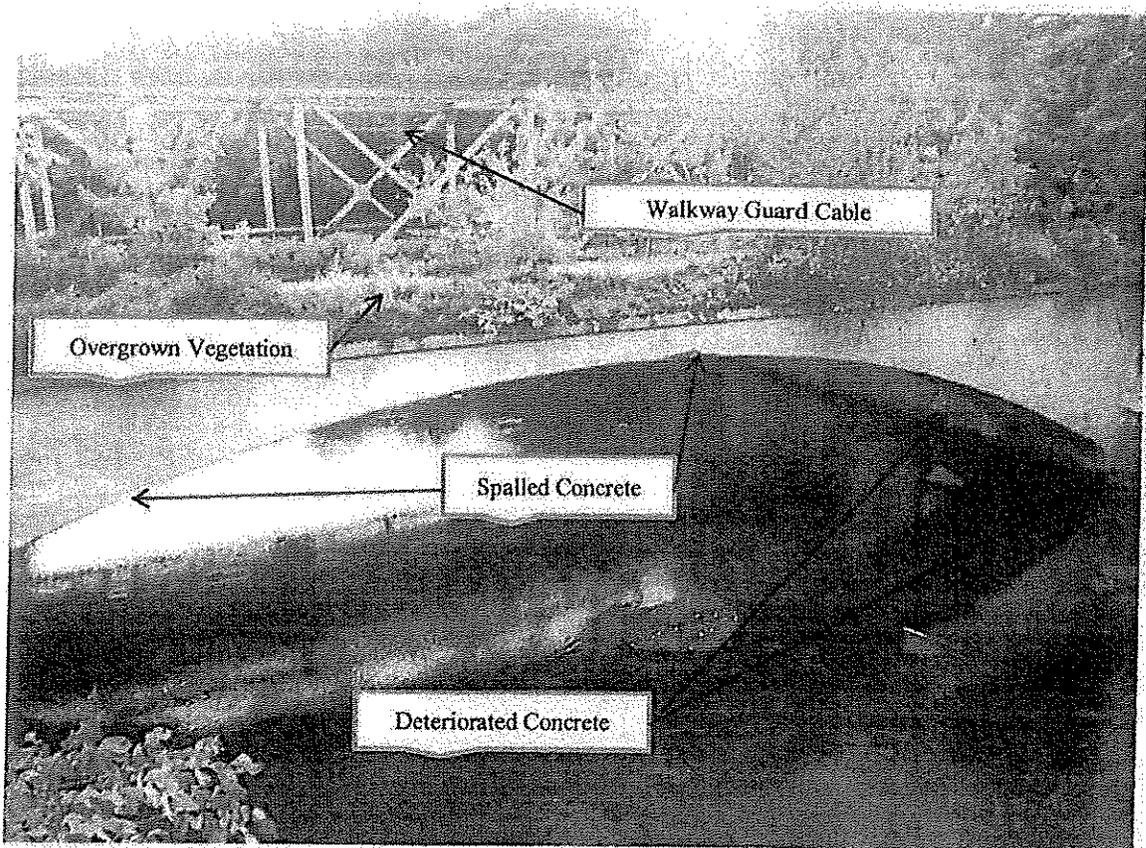




Memo: Preliminary Assessment of Littlefield Corner Interurban Bridge  
August 17, 2012  
Page 2

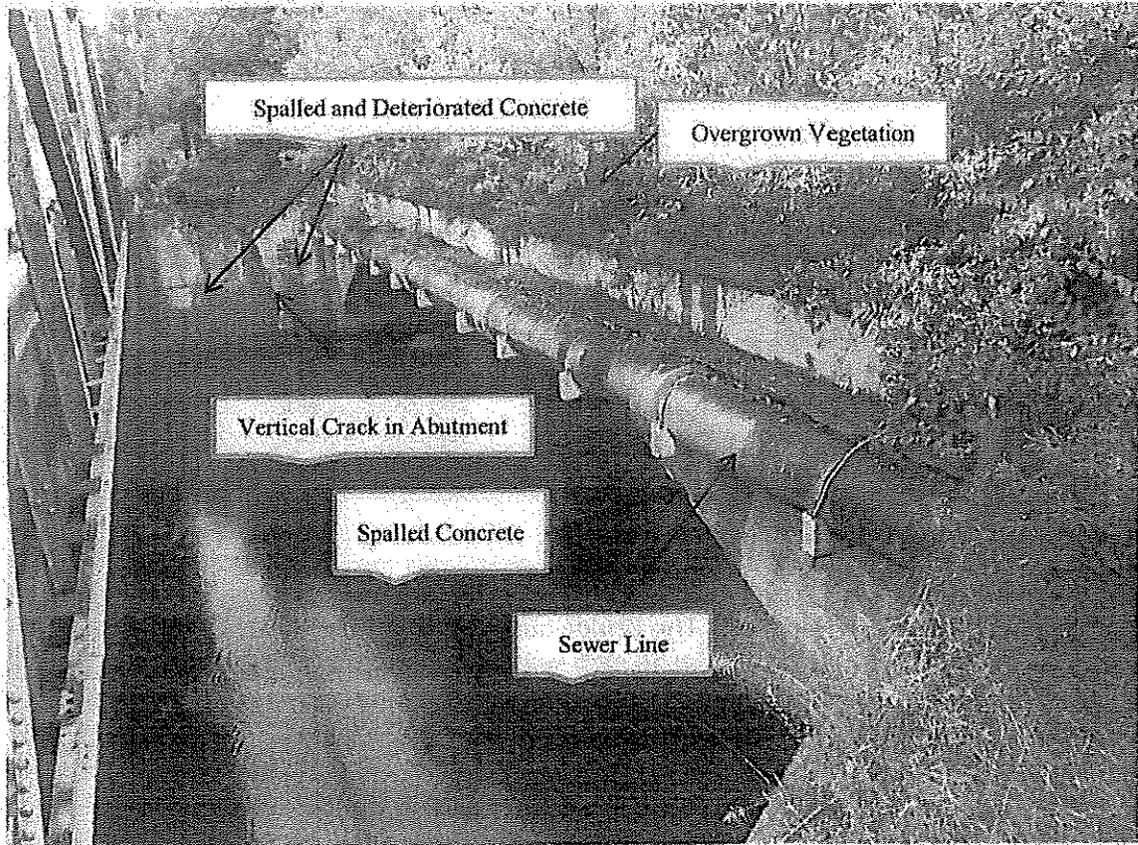
MDOT is currently designing a new bridge to replace the adjacent bridge. The District was recently made aware that they own the concrete arch bridge by MDOT. The district would like to assess the current condition of the concrete bridge and determine if it is feasible to rehabilitate.

As a first step, I observed the concrete bridge on August 16, 2012 with Sid Hazelton. Observations were limited due to the vegetation growth on top and the water flow beneath. The downstream face was observed from the railroad through-truss bridge.



Downstream Face Observations

The upstream face was observed from the stated owned steel bridge.



Upstream Face Observations

The surface of the bridge has been covered with soil and has overgrown with vegetation, brushes and small trees. This has turned into pedestrian walkway since the adjacent bridge does not have a pedestrian walkway.



North View



South View

The existing concrete bridge is approximately 98 years old and was designed original to support interurban trolleys. The bridge currently supports three (3) pipes and pedestrian traffic. An insulated 18 inch sewer line is attached to the upstream face of the bridge. A 12 inch water line and 8 inch gas line are run on top of the bridge buried within 2 to 4 feet of soil covering the pipes. The current fall protection along the walkway path consists of steel posts and steel cables which is not adequate and not in compliance with OSHA. Allowing access to this path is a potential liability hazard for the District.

Proceeding forward, the District has 3 potential options.

#### Option 1 - Relocate utilities on new Bridge

It is our understanding that the new upstream bridge is to be located in the same spot but raised approximately three (3) feet. The downstream concrete arch bridge causes some hydraulic restrictions in the river which has some effect on why the new bridge is raised. Further discussion with MDOT, regarding lowering the bridge and allowing the existing gravity sewer, gas and water lines to be relocated onto the new bridge should be pursued. This may be possible if MDOT knows that the concrete arch bridge could be removed. This would also make construction easier for MDOT as they would not have to be concerned about protecting the concrete arch bridge.

Memo: Preliminary Assessment of Littlefield Corner Interurban Bridge  
August 17, 2012  
Page 5

#### Option 2 – Determine Structural Condition of Concrete Arch Bridge

At a minimum, a structural assessment of the concrete bridge will include having concrete cores taken from the top of the arch as well as the abutment. Visual observations will be made of the exposed top surface, underside surfaces and abutments. All surfaces will be sounded (hit with hammers) to determine any softness or hollow spots. This will require that the District remove the vegetation and excavate to the top of concrete in several locations in order to have cores taken and to observe the condition of the concrete. The District will need to provide boats/staging in the river to provide access to the underside of the arch and abutments for observations and soundings.

Further investigations could include destructive testing of the concrete arch and abutments which would involve chipping and removing the concrete to expose the reinforcing steel to determine size, spacing and condition. This will be required if record drawings of the bridge cannot be found and to make a definitive statement regarding structural capacity of the bridge.

#### Option 3 – New Pedestrian/Utility Pre-Engineering Bridge

Remove the existing concrete arch bridge and temporarily support utilities and install a new pre-engineered steel or timber bridge and utilities. This could be designed to support pedestrian traffic as well as the utilities.

Option 1 appears to have the lowest cost and impact to the District. Option 2 will potential provide information regarding the structural condition and capacity of the arch bridge. If the structure is found to be capable of supporting the loads, the 98 year old structure will need constant maintenance and repair. Option 3 provides a new structure to support the utilities however, there is a significant cost as well as future maintenance.

As you move forward, we can develop specific engineering costs to assist you. For budgetary purposes, Option 2 engineering costs would range from \$7,000 to \$20,000 depending upon the level of effort.

Memo: Preliminary Assessment of Littlefield Corner Interurban Bridge  
August 17, 2012  
Page 6



PAUL R. LEPAGE  
GOVERNOR

MAINE HISTORIC PRESERVATION COMMISSION  
55 CAPITOL STREET  
65 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333

EARLE G. SHETTLEWORTH, JR.  
DIRECTOR

September 27, 2012

Sid Hazelton, P.E.  
Auburn Water District  
PO Box 414  
Auburn, ME 04212-0414

Project: MHPC #1589-12; Removal of the Littlefield Corner Interurban Bridge,  
Location: Auburn, Maine

Dear Mr. Hazelton:

I am writing in response to your letter dated September 13, 2012 to Robin Reed of our staff informing the Commission that the Auburn Water District intends to remove the Littlefield Corner Interurban Bridge upon transfer of the utilities to the new highway bridge that is in the process of being designed.

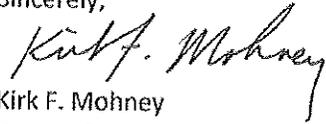
As you may know, during consultation with the MDOT relating to the current Littlefield Bridge replacement project, the Commission determined that the former interurban bridge is eligible for listing in the National Register of Historic Places. Consequently, the MDOT took measures in the design of the new highway bridge to avoid any adverse effects on the historic interurban bridge.

The National Register eligibility of the interurban bridge does not restrict the Water District's use or disposition (including demolition) of the structure, provided that such use or disposition is not a federal undertaking as defined in the Advisory Council on Historic Preservation's regulations in 36 CFR Part 800.16(y). An undertaking is defined as "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval." Federal permits include those issued by the U.S. Army Corps of Engineers. If your proposed action to demolish the bridge meets the definition of a Federal undertaking, please be advised that you will need to initiate consultation with our office pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

Buildings and structures associated with Maine's interurban lines are uncommon, and the concrete arch bridge at Littlefield Corner is especially noteworthy because of its design and construction. Furthermore, its location near a highway bridge and an early twentieth century steel railroad bridge offers an opportunity for the public to see an unusual assemblage of transportation related structures. For these reasons, the Commission encourages the Water District to reconsider its plans to demolish the interurban bridge, and to take measures to preserve it and/or find a new steward for the structure. We would welcome the opportunity to discuss this matter further with the Water District.

If you have any questions regarding our comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Kirk F. Mohney". The signature is written in a cursive style with a large, sweeping initial "K".

Kirk F. Mohney  
Deputy State Historic Preservation Officer



# City Council Workshop Information Sheet

City of Auburn

---

**Council Meeting Date:** October 15, 2012

**Item** B

**Author:** Clinton Deschene

**Subject:** Study and funding for consultant(s) on New Edward Little High School

---

**Information:** The School department requested contribution by the city to preliminary studies on the potential construction and/or renovations to ELHS. The Council requested a workshop and indicated a desire to fund portions relating to joint facilities use such as shared athletic fields. Another area is the site of a new ELHS would require reviews with Land Use and Comprehensive Planning. The Council may feel it appropriate to have studies or recommendations regarding this as well.

Some of athletic field research dovetails with the Council's goal to develop a recreational master plan. Additionally the Council should refer to the Comprehensive Plan and Land Use.

---

**Financial:** Yes, depending on Council direction cost would start at about \$10,000 and increase as more was added.

---

**Action Requested at this Meeting:** Discuss and direct next steps.

---

**Previous Meetings and History:** Manager Report 10-01-2012

---

**Attachments:**



City Council  
Workshop Information Sheet

City of Auburn

**Council Workshop Date:** 10/15/2012

**Item** C

**Author:** Ravi Sharma

**Subject:** Land & Water Conservation Fund Grant

**Information:** The Federal Government has allocated funding for the Land & Water Conservation Fund Grant, making funding available for acquisition and/or development of public outdoor recreation facilities. Grants can provide up to \$200,000 of allowable costs for eligible acquisition and/or development projects. Funding cannot exceed 50 percent of a project's total cost. This is a reimbursement grant, meaning the sponsor agency must pay for project costs in full as they are incurred.

**Financial:**

**Action Requested at this Meeting:** Discussion Only

**Previous Meetings and History:**

**Attachments:**

- 2012 L&WCF Application
- 2012 Sample Transmittal Letter
- 2012 Sample Warrant Articles/Resolves
- 2012 Sample Project Certification

# **Guidelines for Participation And Application 2012**

Land & Water Conservation Fund



**A Cooperative Program for Outdoor Recreation**

**MAINE DEPARTMENT OF CONSERVATION  
Grants & Community Recreation Division  
124 State House Station  
Augusta, Maine 04333**

## PREFACE

The Land and Water Conservation Fund Act of 1964 (LWCF) was established to assist federal, state, and local governments in the acquisition and/or development of public outdoor recreation facilities. Administered at the federal level by the National Park Service and at the state level by the Maine Department of Conservation, Bureau of Parks and Lands, LWCF grants can provide up to **\$200,000.00** of the allowable costs for eligible acquisition and/or development projects.

This manual is intended to provide general information about the Land and Water Conservation Fund program, including the steps a potential sponsor must take to apply.

Qualified sponsors that are interested in submitting a proposal should contact the Grants and Community Recreation Division of BP&L at the address below for assistance and guidance in the application process.

**Grants and Community Recreation Division  
Bureau of Parks and Lands  
124 State House Station  
Augusta, Maine 04333**

207-287-4962

**Mick Rogers, Alternate State Liaison Officer**  
E-mail address: [mick.rogers@maine.gov](mailto:mick.rogers@maine.gov)

### BOTH DEADLINES MUST BE MET

<p><b>PRE -INSPECTION DEADLINE</b></p> <p>All projects <u>must</u> request a pre-inspection site visit prior to July 27, 2012</p> <p><b><u>LATE REQUESTS WILL NOT BE ACCEPTED</u></b></p>	<p><b>APPLICATION DEADLINE</b></p> <p>Applications must be submitted on or before close of Business (5:00 PM) Friday, November 16, 2012 or postmarked on that date</p> <p><b><u>LATE APPLICATIONS WILL NOT BE ACCEPTED</u></b></p>
---	--

### APPLICATION FORMAT

Please submit an original and four (4) copies of the application materials in a **SOFT COVER 3 prong binder (PLEASE NO HARD COVER 3-ring binders)**.

#### Note

This booklet should be retained in the sponsoring agency's project file following the submission of an application. Contents of this booklet include information and directions regarding future actions that must be taken if the application receives preliminary state approval.

This application can also be found at: <http://www.state.me.us/doc/parks/programs/community/lwgrants.html>

**Maine Department of Conservation  
Bureau of Parks and Lands  
Grants and Community Recreation Division  
124 State House Station  
Augusta, Maine 04333**

Land and Water Conservation Fund – FY 2012

To Application Recipients,

The LWCF application process requires that a pre-approval site inspection of a potential project be made by state staff. In order to properly schedule such inspections, we are requesting that if your community intends to submit a completed application by the deadline of **November 16, 2012**, you fill out the form below and return it no later than **July 27, 2012**.

(PLEASE NOTE: THIS DOES NOT CONSTITUTE A COMPLETED APPLICATION)

If you have any questions concerning the site inspection or the application process, please contact Mick Rogers at 207-287-4962 or [mick.rogers@maine.gov](mailto:mick.rogers@maine.gov).

---

Municipality: City of Auburn

Contact Name: Ravi Sharma

Address: 48 Pettengill Park Rd.

Phone: (207) 333-6601

E-mail: [rsharma@auburnmaine.gov](mailto:rsharma@auburnmaine.gov)

Brief Project Narrative: (type of project, location, estimated cost, etc.)

# Land & Water Conservation Fund

## Guidelines for Participation and Application – 2012

### Contents

LWCF General Information.....	Page 1
Application Procedures.....	Page 5
Application Checklist.....	Page 7
Application Form.....	Page 11
Application Form: Project Narrative.....	Page 14
Appendices Index.....	Page 16

### Appendices

A – Appraisal Information for Acquisition Projects.....	Page 16
B – Open Project Selection Process.....	Page 17
C – Sample Project Agreement.....	Page 20
D – Sample Transmittal Letter.....	Page 32
E – Warrant Articles/Certification.....	Page 33
F – SF424 and SF424C Instructions, Samples, Blanks.....	Page 35
G – Sample Project Maps.....	Page 40
H – Sample Cost Estimates.....	Page 42
I – Environmental Assessment.....	Page 44
J – Certification Regarding Debarment.....	Page 57
K – Construction/Non-Construction Assurances.....	Page 60
L – Civil Rights Assurances.....	Page 64
M – Sample Joint School Use Agreement.....	Page 65

## SECTION 1.0 LAND AND WATER CONSERVATION FUND

### 1.1 Program Overview

The Land and Water Conservation Fund is a federal grant program through the National Park Service (NPS), authorized by Congress to fund on a reimbursement basis up to 50% of allowable costs (maximum grant award is **\$200,000.00** as established by the State) for the acquisition, development, and/or renovation of public outdoor recreation facilities. The program is administered under the direction of the State Liaison Officer (SLO) appointed by the Governor. No direct contact is maintained between a project sponsor and the NPS. All correspondence must be directed through the office of the SLO in the Bureau of Parks and Lands (BP&L), Maine Department of Conservation.

### 1.2 Sponsor Eligibility

Grants may be awarded to any of the following:

- Municipal agencies (cities, towns, counties, school districts)
  - Special purpose agencies, such as Water Districts, are **not** eligible
- State agencies
- Other governmental agencies (Indian Tribal Governments)

### 1.3 Eligible Projects

Generally the acquisition, development, and/or renovation of outdoor recreation facilities intended for either active or passive public use are eligible for financial assistance. Only projects in accordance with the current (2009-2014) State Comprehensive Outdoor Recreation Plan (SCORP) may be considered. The proposed facility should provide recreational uses more appropriately provided by a public agency than those that could be supplied by private enterprise. A representative of the Grants and Community Recreation Division will establish the preliminary eligibility of a particular proposal through a pre-application site inspection. An authorized agent of the potential sponsoring agency must request the pre-application inspection. **\*Pre-inspection required for all applications. Request must be made by July 27, 2012.**

### 1.4 Project Selection

Eligible proposals are reviewed and scored by a five-person committee made up of BP&L staff and volunteer municipal park and recreation professionals using the state and NPS approved Open Project Selection Process (OPSP). The availability of funding appropriated by Congress in each fiscal year will determine the number of grants that can be awarded in that year.

### 1.5 Match Requirements

LWCF funding will not exceed 50 percent, or the grant cap (\$200,000), of a project's total cost. The LWCF grant is a reimbursement grant, meaning the sponsor must be able to pay for the project costs in full as they are incurred. Once federal project approval has been received, the sponsor can submit requests for reimbursement.

The match may include:

- Cash
- Donated (full or partial) labor, materials, services, equipment

- Federal, state, and local grants
  - LWCF funds may not be matched by other federal funds unless the statutory provision of the subsequent federal grants program explicitly allows recipients to use such assistance to match other federal funds.

The value of donated/volunteer labor may be calculated using two methods, depending on the type of labor:

- Professionals – If a person is professionally skilled in the work being donated to the project (i.e., carpenter building a picnic pavilion), the wage rate this individual is normally paid for performing this type service may be charged to the project.
- Unskilled labor – Will be charged at a rate of \$10.00 per hour.

The value of donated equipment may be calculated by one of two methods:

- Standard rate – The rate the equipment owner would normally charge for the use of the equipment.
- MDOT rate – Equipment rates set by the Maine Department of Transportation. These can be found at: <http://www.maine.gov/mdot/laborrates.php>

## **1.6 Application Prerequisites**

Prior to application, the potential sponsor must have established a project committee. This committee shall have a minimum of three (3) and a maximum of seven (7) members with overlapping terms of tenure to ensure continuity of progress despite the inevitable change of municipal personnel. One member of the committee shall be designated as the day-to-day contact person for the project.

## **1.7 Allowable Costs**

- Acquisition Projects: Only the purchase price and any cost incurred under the Federal Uniform Relocation Assistance Act of 1970 is allowable. Reimbursement shall be based on the fair market value of the property as determined by an approved appraisal or the actual purchase price, whichever is less. Incidental costs such as legal fees, surveys, appraisals, etc. are not allowable. See **Appendix A** for more information on requirements for LWCF-funded acquisition projects.
- Development/Renovation Projects: Most of the direct costs of renovation/construction of a facility are allowable. Administrative costs, certain types of buildings, purchase of operational or maintenance equipment, and operating/maintenance costs are not allowed.

## **1.8 Control and Tenure of Project Land**

For lands included in a project proposal, the sponsor must have title or adequate control (fee or easement) of the project area. Property that is proposed for acquisition and/or development and which is subject to reversionary interests, or is subject to outstanding interests (i.e., mineral rights) may be eligible to receive LWCF funds. The National Park Service's determination in this regard will rest on the compatibility of the uses proposed and any reversionary/outstanding interests.

## 1.9 Sponsor's Obligations

Each sponsor will be required to sign a Project Agreement (PA) with the State of Maine that defines the sponsor's obligation with the acceptance of the federal funds. Among these obligations are:

**Project Timing:** Sponsors are expected to begin their projects promptly following federal approval. Failure of a sponsor to commence the project within a reasonable period of time could result in rescission of the funds and termination of the PA.

**Acknowledgement:** Sponsors must maintain a suitable **permanent** acknowledgement of LWCF assistance at the project site.

**Operation:** LWCF-assisted facilities must be operated to allow public use for outdoor recreation.

**Maintenance:** Sponsors are required to maintain LWCF-assisted facilities in a safe, attractive, and functional condition.

**Retention:** Regardless of the amount of federal funding for acquisition, development, and/or renovation, LWCF-assisted facilities must remain in public ownership for public outdoor recreation purposes **in perpetuity**. Should all or **any** portion of a LWCF funded facility or property be changed to other than public outdoor recreation use, the project sponsor is required by Sec. 6(f)(3) of the LWCF Act to replace, **at its own expense**, the converted property with property having: 1) equal or greater appraised value; and 2) equal or greater recreational usefulness.

Interests, including conservation easements, in LWCF-assisted facilities (including project land) cannot be conveyed to entities that do not qualify as a sponsor under the LWCF Act.

## 1.10 User Fees

Fees may be charged and the income used to defray the costs of operation and maintenance of the LWCF-assisted project. If fees are charged, there may be a reasonable difference in the fee schedule for residents of the sponsoring community and for nonresidents (no greater than double). Fee schedules must be approved by the State Liaison Officer.

## 1.11 School Related Facilities

Outdoor recreation areas and facilities for coordinated use by the general public and by public schools may be eligible for LWCF assistance (need must be established predominantly by non-educationally related public use). **Facilities for exclusive school use are not eligible.** A schedule for public use must be posted on the site.

## **1.12 Reimbursement of Project Costs**

**Reimbursement of allowable costs is calculated based on the ratio of the amount of requested LWCF funds to estimated total allowable project costs (provided on Form SF424 in the application).**

Example: Estimated total allowable project cost provided on Form SF424 in sponsor's application is \$75,000. Sponsor requests \$25,000 in LWCF funds for this project. The reimbursement rate for this project is 33% ( $25,000/75,000 = 33\%$ ). If actual allowable project costs are \$75,000 or more, sponsor will be reimbursed \$25,000. If actual allowable project costs are less than \$75,000, sponsor will be reimbursed 33% of actual allowable costs (i.e., actual project costs are \$60,000, sponsor will receive \$20,000 in LWCF reimbursement).

Sponsor is responsible for paying project costs as they are incurred. In order to receive reimbursement, sponsor must submit proof of payment along with all other required documentation to BP&L as outlined in the fiscal procedures booklet (provided to sponsors with PA). Reimbursements generally take 4-6 weeks to process and provide payment to the sponsor. Reimbursements may be requested as often as once a month.

BP&L will withhold 5% of the LWCF grant until project is complete, a final inspection is done, and NPS has approved the close-out of the project.

## SECTION 2.0 APPLICATION PROCEDURES

### 2.1 Pre-Application Site Inspection

The sponsor must request a site inspection by BP&L to determine preliminary project eligibility. An authorized representative of the prospective sponsoring agency must be present for the inspection. This should be done as early as possible and must be done prior to **July 27, 2012. Return the site inspection form attached to the cover of this application to schedule an inspection. Projects will not be accepted without a pre-application site inspection.**

### 2.2 Submit Application and All Supporting Documentation

Project Committee members gather required information and documentation for application (see application checklist on pages 9-11) that must be submitted to the Bureau of Parks and Lands on or before the specified deadline. **NOTE: APPLICATION MUST BE SUBMITTED WITH ONE ORIGINAL AND FOUR (4) COPIES.**

### 2.3 Application Review/Scoring

Project proposals are reviewed and scored by the review committee using the Open Project Selection Process (**OPSP – see Appendix B**). Projects are ranked in priority order for approval based on availability of funds. Following state approval, sponsors are notified of status of their request (approximately October/November).

### 2.4 Federal Approval

Sponsors of approved projects may be required to submit additional documentation prior to the Bureau of Parks and Lands submitting applications to the National Park Service for federal approval. Federal approval may take between 4 - 6 weeks, but can be longer in situations including donation/acquisition of property or other unusual circumstances (approximately November/December).

### 2.5 Project Agreement

Upon receipt of federal approval BP&L notifies the project sponsor and a Project Agreement (**see Appendix C**) between the State and the local sponsor is executed by representatives of both parties. The General Provisions, which describe the sponsor's responsibilities under the LWCF Act, are included as part of the Project Agreement. **NOTE: PROJECT COSTS INCURRED BY THE SPONSOR PRIOR TO FULL EXECUTION OF THE PROJECT AGREEMENT ARE NOT ELIGIBLE FOR REIMBURSEMENT OR AS MATCH.**

### 2.6 Finalize Development Plans and Bidding

Project development plans are finalized and must be approved by the state project officer before bids for construction are solicited. Bids are received and project contract is awarded. Construction of facility begins. State project officer will make periodic inspections to view progress.

**Note:** (a) **Bids or quotes for project work must not be solicited prior to federal approval of the project or before state authorization to proceed.** Except for some engineering, costs incurred prior to the date of federal approval will not be eligible. (b) Federal regulations provide for reimbursement on the basis of the lowest qualified bid or quote.

**Caution: Do not proceed with bidding or construction without written authorization from the State Project Officer.**

## **2.7 Project Completion and Close-out**

Upon notification by project sponsor that work is completed, state project officer will conduct a final inspection. If the work is accepted as being in accord with the Project Agreement and approved plans, a project close-out request will be submitted to NPS. Upon receipt of close-out approval from NPS, a final billing will be processed and the project will be closed out. Five (5%) percent of the LWCF grant will be withheld until this step is completed.

## SECTION 3.0 PROJECT APPLICATION CHECKLISTS

The items necessary to complete the Land and Water Conservation Fund application are listed below. Please provide these items in the order listed. **Each section should be labeled, indexed, or tabbed as indicated. Use this checklist to ensure you have submitted a complete application.** Incomplete applications will not be reviewed and not receive funding. Applicants must provide one original (marked as “Original”) and four copies of the completed application on or before the application deadline of August 26, 2010 (postmark date).

**The following items are required for all LWCF applications.**

### A. Transmittal (cover) Letter – **Exhibit A**

A Letter of Transmittal, or Cover Letter, on applicant’s letterhead must accompany the LWCF application. The letter must be signed and dated by the applicant’s Chief Executive Officer and is the assurance that the sponsor endorses the proposal. The letter must:

- *designate a project leader who will be the primary individual responsible for the implementation of the project: include the individual’s name, address, e-mail and a daytime telephone number.*
- *certify that if the grant is awarded, the applicant will comply with all applicable local, state, and federal regulations concerning acquisition and/or development of the proposed project.*
- *identify the type of assistance being sought (acquisition, development, renovation, or some combination of these categories.)*

**Appendix D** provides a sample letter of transmittal.

### B. Legal Authority to Apply (project certification) – **Exhibit B**

The municipal legislative body (city/town council, town meeting, etc.) must pass the necessary warrant articles or resolves to satisfy the language of the Project Certification. **The Project Certification must accompany the application.** See **Appendix E** for Project Certification wording and a sample letter.

### C. Application for Federal Assistance (Standard Form (SF) 424) – **Exhibit C** (Also available at: <http://www.nps.gov/ncrc/programs/lwcf/pub.htm>)

Standard Form 424 (SF 424) is prescribed by the Office of Management and Budgeting (OMB) Circular A-102. See **Appendix F** for instructions on completing SF 424, 424C an example of a completed forms, and a blank copy that may be used by the applicant.

### D. Application Forms (pages 11-16) – **Exhibit D**

### E. Project Maps/Plans – **Exhibit E**

- Location Map: indicates the location of the project within the community (not to exceed 8 ½ x 11).
- 6(f) Boundary Map: shows the boundaries of the property to be acquired and/or developed with federal funds that will be subject to all terms and conditions of the Land and Water Conservation Fund Act, including the “retention” obligation (see application section 1.9). The 6(f) Boundary Map **must** include:

- Dimensions of 6(f) boundaries;
  - GPS coordinates
  - Physical features abutting site (roads, water bodies, utility corridors, etc.);
  - Existing recreational facilities;
  - Proposed elements of the LWCF project;
  - Means of access to the LWCF site from a public way (must be included in the 6(f) boundary
  - North arrow
- The plan should be to scale and not to exceed 11" x 17".
- Plans/Specifications: If available, final design plans and specifications should be submitted to provide additional information on the proposed development.

See **Appendix G** for sample of Location Map and 6(f) Map.

#### **F. Project Cost Estimates – Exhibit F**

Cost estimates must provide sufficient information to determine what work will be done in developing the project or what the cost of acquisition is to be. **Appendix H** includes a template for cost estimates for both acquisition and development projects.

#### **G. Project Description and Environmental Assessment Form—Exhibit G**

An environmental assessment that addresses the impact of the proposed project on the property in question and surrounding areas must be prepared according to information in **Appendix I**. In rare instances, projects may require an environmental impact study.

#### **H. Project Timetable – Exhibit H**

A timetable, in months, indicating major milestones for completion of all work to be assisted with federal funds needs to be included. The project starting date should show as “Month 1 – Grant Approval Awarded, followed by monthly increments thereafter. For example – “Month 2 – construction documents complete; Month 5 – bids awarded; Month 7 – construction start; Month 10 – construction substantially complete”.

#### **I. Copy of Relevant Section(s) of Local Comprehensive Plan/Recreation Plans – Exhibit I**

Include, if applicable, copies of relevant sections (title page, table of contents, section(s) of the report(s)) that provides evidence of need for the project being submitted for funding – **Do not attach the entire report(s) with application**. If no plans exist or the facility is not identified in such plan(s), include documentation indicating what level of public participation has been involved in planning the proposed project **or** outdoor recreation facilities in general.

#### **J. Intergovernmental Review – Exhibit J**

Intergovernmental review is necessary for all projects involving federal funds. Mail one copy of the completed SF424 plus the Location Map and 6(f) Boundary Map to your regional planning agency and one copy to the State Planning Office (SPO), Intergovernmental Review Coordinator, 338 State House Station, Augusta, ME 04333. Attach a copy of your cover letter to SPO and the SPO response as Exhibit J. Allow 4 weeks of a response.

**K. State Historic Preservation Commission Review – Exhibit K**

Proposed projects must also be reviewed by the Maine State Historic Preservation Commission (MSHPC). Mail one copy of the completed SF424, a copy of the project location map and 6(f) boundary map to: Maine Historic Preservation Commission, 65 State House Station, Augusta, ME. 04333. Attach a copy of your cover letter and the Maine State Historic Preservation Commission response as Exhibit K. Allow 4 weeks for a response.

**L. Debarment Certificate – Exhibit L**

(Also available at: <http://www.nps.gov/ncrc/programs/lwcf/pub.htm>)

An authorized representative of the sponsoring entity must complete and sign Federal Form DI-2010 “Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying”. See **Appendix J** for blank form.

**M. Assurances – Construction Programs (for renovation/development projects), or Non-Construction Programs (for acquisition projects) – Exhibit M**

(Also available at: <http://www.nps.gov/ncrc/programs/lwcf/pub.htm>)

An authorized representative of the sponsoring entity must complete and sign Federal Form SF424D “Assurances – Construction Programs” for a renovation/development project and/or SF424B “Assurances – Non-Construction Programs” for an acquisition project. See **Appendix K** for blank forms.

**N. Civil Rights Assurance – Exhibit N**

An authorized representative of the sponsoring entity must complete and sign Federal Form DI-1350 “Civil Rights Assurance”. See **Appendix L** for blank form.

**O. Joint Use Agreement (if applicable) – Exhibit O**

A “Joint Use Agreement” must be prepared for **any project that involves development of school property**. The agreement must indicate the intention of the school and community to share use of the facility and allow public access/use. The agreement must be signed by authorized representatives of all parties involved and approved by the State Liaison/Alternate State Liaison Officer. A sample agreement is shown in **Appendix M**.



**PROJECT NARRATIVE AND QUESTIONNAIRE**

**The Project Narrative/Questionnaire on the following pages must be completed as part of the application process and included in the materials submitted to the Bureau of Parks and Lands.**

**If using additional sheets of paper when completing an item, please indicate the Section and Number being addressed on the additional sheets.**

**LWCF GRANT APPLICATION FORM – Part 1: General Information**

<b>1.1 Applicant Information</b>	
Sponsor Name:	
Address:	
Federal I.D. Number:	
Based on best available data from State Planning Office, please provide the following:	
1. Population of community in which project is located:	
2. Population increase/decrease – latest 10 year figures:	
3. Community median family income:	\$
Contact Person Name and Title:	
Telephone #:	E-Mail:
<b>1.2 Project Information</b>	
Project Name:	
Location (Road/Street, Town/City):	
Type of project/facility proposed (i.e., ball field, tennis courts, day use park, etc.):	
What are the lands uses surrounding the project site (i.e., residential, commercial, undeveloped woodland, etc.):	

**1.3 Project Type:** Check the box for the type of project you are requesting funding for.

Renovation – of a public outdoor recreation facility that is at least 20 years old.  
**Documentation of when facility was originally constructed and when it was last renovated must be provided.**

Combination renovation/development – renovation of a public outdoor recreation facility that is at least 20 years old (**provide documentation as described above**), and development/construction of a new outdoor facility.

Combination acquisition/development – purchase of permanent rights (fee or easement) in land for public outdoor recreation purposes and development/construction of a new public outdoor recreation facility.

New construction – of a new public outdoor recreation facility.

Acquisition – of permanent right (fee or easement) in land for public outdoor recreation purposes.

**1.4 Consistency with Municipal Plans**

Is the need for the proposed project identified in a locally approved Municipal Comprehensive Plan, a municipal recreation plan, and/or a municipal open space plan?

Yes       No      If Yes, provide documentation\*

\*Documentation should include copies of the report(s) title page, table of contents, and those sections of the report(s) that relate to the proposed project in this application, and labeled/tabbed as Exhibit I. **Do not attach a complete copy of the referenced plan(s) with this application.**

Has the municipality’s comprehensive plan current and been determined by the State Planning Office (SPO) to be a “Consistent Comprehensive Plan”?

Yes       No      If Yes, provide documentation from SPO

Has the municipality’s comprehensive plan been adopted?

Yes       No      If Yes, provide documentation

Does the municipality have a current “State Certified Growth Management Plan”?

Yes       No      If Yes, provide documentation from SPO

**1.5 Project Scope**

Explain, in concise terms, the scope of the work and/or what you intend to accomplish through this project (use additional sheets if necessary). Also describe how this project relates to the America's Great Outdoor Initiative.

## LWCF GRANT APPLICATION FORM – Part 2: Project Narrative

The following categories are keyed to the Open Project Selection Process (OPSP), which is used to score LWCF applications and develop a priority listing of applications submitted for funding. On separate sheets, address each category (if applicable) as it relates to your proposal. Be concise but provide enough information to allow your proposal to be evaluated fairly. **Please provide the information in the order listed below, and number and title your responses as numbered and titled below. Provide documentation where instructed or appropriate.**

**2.1 Community Support** – Describe community support for the project. Document public hearings, resident questionnaires/surveys, town meetings where a need for the project has been expressed, support letters from local organizations, schools, clubs, etc. **Provide documentation of all support indicated in your response.**

### 2.2 Project Impact on Recreational Opportunity

#### 2.2.a Existing Facilities/Use

Indicate the number, condition, and availability of similar facilities you are proposing to develop/renovate/acquire within the community (include school facilities that are available to the public), and provide information on the present condition and level of use (type of users, number of users/level of use) of those facilities.

#### 2.2.b Proposed Facility Use Estimate

Provide an estimate of the amount of use the proposed facility will receive. Estimates should be done on a weekly, seasonal, or annual basis.

#### 2.2.c Project Priority

Explain the impact(s) of delaying or not doing this project at this time.

#### 2.2.d Area of Service and connectivity as prioritized in SCORP

Describe the area the majority of users of the new facility(ies) will come from. Will it be the immediate neighborhood, a large segment of the community, community-wide, multi-town, or regional. **Provide documentation for multi-town and regional projects.**

#### 2.2.e User Profile

Identify the projected users of the facility (age ranges, male/female, teams/leagues, groups, individuals).

#### 2.2.f Participant/Spectator Use

Will the predominant use of the facility be for active or passive activities? If applicable, identify any planned spectator accommodations.

### 2.3 Site and Project Quality

#### 2.3.a Site Accessibility

Describe the relationship/proximity of the site to the majority of the anticipated users and to community service centers. Include information on access to the site from public roads, visibility of project, and hours of operation.

#### 2.3.b Site Compatibility

Describe site factors related to the intended development and use of the site, such as: on-site slope/grade; soils and drainage; surrounding land uses; wet areas; ledge; etc. Describe how known/anticipated development problems will be addressed.

#### 2.3.c Alternative Transportation

If applicable, how does the location of the proposed facility promote alternative transportation options (including walking and biking)?

### **2.3.d Quality of Project Design**

Describe the actions taken to support the design process (survey, soils study, site analysis, permit applications, etc.) **Provide documentation.** Has the proposed project been designed by an engineer/architect/engineer? If yes, provide documentation. If not, describe how the design will be accomplished.

### **2.3.e Site Aesthetics**

Describe any outstanding natural site features and how project development will be done to be sensitive to aesthetic considerations. Identify any visual intrusions or other potential negative factors associated with your potential project. **Provide pictures if possible.**

### **2.3.f Access for Persons with Disabilities**

Discuss anticipated use and accessibility to the site and facilities for persons with disabilities. Describe specific features that will be incorporated into the design and construction of the facility to comply with the Americans with Disabilities Act (ADA) and the new Department of Justice ADA compliance on trails if applicable.

### **2.3.g Brownfield Development**

Is the proposed site a former Environmental Protection Agency (EPA) or Maine Department of Environmental Protection (MDEP) designated contaminated/hazardous site that has been remediated and approved for public use? **If yes, provide documentation.**

## **2.4 Cost Assessment and Financial Capability**

### **2.4.a Cost Analysis**

Provide a project budget with all costs of project included (see **Appendix H**). Cite sources of estimated costs.

### **2.4.b Availability of Project Match**

Provide information on the sources of funds and/or non-cash match you intend to provide for this project (must be at least 50% of total project costs). For each source: list the source and amount of funding and/or value of the non-cash match; and, the status of the funds and or non-cash match (i.e., no contact made with potential funding source; contact has been made with funding source but no commitment received; or funds/non-cash match committed to the project). **Documentation for any funds/non-cash match noted as “committed to the project” must be provided.**

### **2.4.c Maintenance Planning**

Describe how the site/facilities will be maintained to ensure they are available, safe, and attractive for public recreational use. Provide information on resources for: maintenance personnel, equipment, maintenance funding, and site/facility maintenance schedules.

## **2.5 LWCF History/Compliance**

### **2.5.a LWCF Grants Previously Awarded**

Attach a list of applicant’s previously funded LWCF projects showing project/facility name and project number (if known) and a brief narrative of the use and condition of the project. A list of previously funded LWCF projects can be obtained from the Alternate State Liaison Officer.

### **2.5.b Five-Year LWCF Inspection Reports**

Provide copies (if applicable) of most recent “Five-Year LWCF Inspection Report” filed for each project listed in 2.6.a above. Inspection report forms can be obtained from the Alternate State Liaison Officer.

## Appendices

**A – Appraisal Information for Acquisition Projects**

**B – Open Project Selection Process (OPSP)**

**C – Sample Project Agreement (PA)**

**D – Sample Transmittal Letter**

**E – Sample Warrant Articles/Project Certification**

**F – SF 424: Instructions, Sample, Blank Form**

**G – Sample Maps**

**H – Sample Cost Estimates**

**I – Project Description and Environmental Assessment Form**

**J – Certificate Regarding Debarment, etc.**

**K – Construction/Non-Construction Assurances**

**L – Civil Rights Assurance**

**M – Sample Joint Use School Agreement**

### **APPENDIX A – Appraisal Information for Acquisition Projects**

1. All acquisitions assisted by federal funds require compliance with the “Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646). This law defines the procedures that must be followed in acquiring real property.
2. A site inspection by the state project officer will determine if the proposed acquisition is eligible for federal cost sharing.
3. For purposes of this application, a sponsor may secure an estimate of the property value from an appraiser knowledgeable of local real estate values. If the project is approved, an appraisal by a qualified appraiser will be required to establish the property value. *See below (\*) for appraisal information.*
4. **No formal negotiations (e.g. Sales Agreements) may be conducted until the project is approved, an appraisal is completed, and formal authorization from the state is received.**

\*Appraisal Information – The appraisal must conform to the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA) and must be performed by a qualified appraiser. The sponsor must also have an appraisal review completed by a qualified review appraiser to ensure the original appraisal report conforms to UASFLA standards and requirements. *Note: Appraisal costs are not reimbursable by LWCF funds.* The sponsor must provide one copy of the appraisal report and the appraisal review report to the Grants and Community Recreation Division. Other requirements concerning acquisitions may be imposed as applicable under P.L. 91-646, which governs acquisition of real property with federal funding assistance.

## APPENDIX B - Open Project Selection Process (OPSP)

To be eligible for Land and Water Conservation Fund (LWCF) grants a proposed project must meet priority outdoor recreation needs as identified in the current Statewide Comprehensive Outdoor Recreation Plan (SCORP 2003-2009), in addition to other program requirements.

Selection of projects to be funded by the LWCF program will be based on:

- A pre-application site inspection by a representative of the Maine Bureau of Parks and Lands (BP&L) to determine if the proposed project meets program and SCORP eligibility;
- A BP&L staff evaluation of existing recreation facilities maintained/operated by the applicant;
- Review of a complete application, including documentation and supplemental information, submitted by the applicant; and,
- Past performance (if any) in LWCF grant administration.

Selection of municipal grant awards is based on a competitive process designed to ensure that annual appropriations of LWCF funds are directed to projects that have a significant impact to a community, a region, or the State of Maine in general. Examples of projects that may be determined to have significant impact include, but are not limited to:

- Acquisition of property to prevent loss of an existing public outdoor recreation facility;
- Acquisition of land to protect critical natural areas and/or wetlands;
- Development of public outdoor recreation facilities to meet established, documented needs in a community or region;
- Development of public outdoor recreation facilities to serve a broad range of users including special needs populations; and,
- Renovation of existing public outdoor recreation facilities that serve an established, documented need (only if renovation is not a result of inadequate maintenance during the reasonable life of the facility).

### LWCF Project Review Process

Grant applications will not be reviewed for completeness or accuracy prior to distributing the applications to the review committee for scoring. Applications will be scored as submitted based on their merits.

The project applications will be reviewed, scored, and ranked using criteria (see “Project Review Criteria” below) approved by the National Park Service (NPS) and BP&L. The LWCF Review Committee is composed of volunteer professional park and recreation staff and BP&L staff. The committee will review the applications and recommend LWCF funding priorities to the Director and/or Deputy Director of BP&L. Recommended projects are then submitted to NPS for final approval.

### Project Review Criteria

#### 1. Project Type (10 points)

- a. Renovation: Renovation of an LWCF funded public outdoor recreation facility that is at least twenty (20) years old. Documentation must be provided identifying when the facility was originally developed / constructed and when it was last renovated. (10 points)
- b. Combination Renovation/Development: Renovation of an LWCF funded outdoor recreation facility that is at least twenty (20) years old (provide documentation as described in 1.a above), and development/construction of a new outdoor recreation facility. (7 points)
- c. Combination Acquisition/Development: The purchase of permanent rights (fee simple or easement) in land for public outdoor recreation purposes and development / construction of a new public outdoor Recreation facility(ies). (7 points)
- d. New Construction: Development/construction of a new public outdoor recreation facility(ies). (5 points)
- e. Acquisition: The purchase of permanent rights (fee simple or easement) in land for public outdoor recreation purposes. (5 points)

**2. Needs Assessment (47 points)**

- a. Project is identified as a priority need in a municipal comprehensive plan/municipal recreation/open-space plan, and has documented community support. (15 points)
  - i. Planning Effort (0-5 points): no plan (0); plan, but recreation facilities not mentioned in plan (1); vague reference to recreation in plan (2); reference to specific facility in plan (3); facility referenced with support in plan (4); facility is a major priority in plan (5).
  - ii. Community Support (0-5 points): no support (0); very weak support, no documentation (1); weak support, little documentation (2); support, some documentation (3); strong documented support (4); very strong broad documented support (5).
  - iii. Bonus Points (0-5 points): applicant's comprehensive plan is current and has been determined by State Planning Office (SPO) to be a "Consistent Comprehensive Plan" (3); applicant has a current "State Certified Growth Management Program" (5).
- b. Project Impact on Recreational Opportunity (10 points): little increase, similar recreational opportunities available (0-2); expands on recreational opportunities for existing programs (3-6); provides significant recreational opportunity not available locally or regionally (7-10).
- c. Project Implementation Priority (2 points): project may be delayed without serious consequences (0); loss of recreation opportunity or open space if project is not funded (2).
- d. Project Service Area (10 points): neighborhood only (1-2); large segment of municipality (3-4); entire municipality (5-6); multi-town/region (7-8); statewide (9-10).
- e. Intended User Profile (10 points): limited user or age group (1-3); organized publicly sponsored (team sports) activities (4-5); spontaneous activities for both sexes/several age groups (6-7); spontaneous activities for broad range of age groups and types of users (8-10).
- f. Participant/Spectator Use (5 points): mainly passive/spectator activities (1-2); team sport facilities without excessive seating (3-4); spontaneous activity (non team activities) areas with high participant to spectator ratio (5).

**3. Site and Project Quality (40 points)**

- a. Appropriateness of the Site for the Intended Purpose (15 points)
  - i. Location and accessibility of the site to intended users (5 points): poor access (0); fair access (1-2); good access (3-4); excellent access (5).
  - ii. Compatibility (size, slope, soils, etc.) of the proposed development with site characteristics (5 points): poor site (0); fair site (1-2); good site (3-4); excellent site (5).
  - iii. Bonus Points (5 points): site location supports alternative transportation options (walking, biking, etc.) and is consistent with Smart Growth Initiative goals to reduce sprawl and make more efficient use of public investment.
- b. Quality of Project Design (10 points): poor design practices, lack of information, vague description (0-4); design adequate but some details missing (5-7); good planning concepts, soils analysis/grading plan/design complete (8-10).
- c. Site Aesthetics (5 points): unattractive site (0); average (1); above average (2-3); outstanding natural area (4-5).
- d. Access for Disabled (5 points): limited or no ADA access, or no plans for ADA access (0); plans for ADA access at most major portions of the facility (1-4); all portions of facility are ADA accessible (5).
- e. Bonus Points (5 points): Site is a former Environmental Protection Agency (EPA) or Maine Department of Environmental Protection (MDEP) contaminated/hazardous site that has been re-mediated and approved for public use.

**4. Cost/Financial Assessment/Capability (35 points)**

- a. Cost Analysis (10 points): cost estimates do not appear adequate for type of facility (0-2); cost appears to be adequate, but some information is lacking or unclear (3-5); good design and quality, cost estimate may be high (6-8); quality design with reasonable cost (9-10).
- b. Availability of Project Match (10 points): match not available/approved, questionable local support (0); match heavily dependent on future donation or other non-cash sources (1-4); at least 50% of match is available/approved, support for balance documented (5-9); 100% of match is available/approved at time of application (10),

- c. Maintenance Planning (10 points): maintenance planning unclear/resources inadequate (0-2); planning fair to good, resources adequate (3-7); planning excellent, personnel and equipment available (8-10).
  - d. Condition of Applicant's Recreation Facilities (5 points): facility(ies) not useable (0); poor (1); good (2); average (3); above average (4); excellent (5).
5. **LWCF History/Compliance (10 points)**
- a. Number of LWCF Grants Previously Awarded (5 points): five (5) or more LWCF grants (0); four (4) LWCF grants (1); three (3) LWCF grants (2); two (2) LWCF grants (3); one (1) LWCF grant (4); no LWCF grants (5).
  - b. Five Year Inspection Reports (-10 or 0 points): Is applicant up-to-date on five-year inspection reports for all LWCF funded projects? Yes, or not applicable (0); no (-10).
  - c. LWCF Signage (-10 points or 0 points): Does all of applicant's LWCF funded sites have all required signs on site? yes, or not applicable (0); no (-10).
  - d. Verification of 6(f) Boundaries/Conversions (-10 or 0 points): Have any unauthorized changes been made to any LWCF project 6(f) boundaries? no, or not applicable (0); yes (-10).
  - e. Application Preparation (5 points): poor preparation, apparent disregard of instructions, missing material/documentation (0); fair preparation, fair description of project/conditions, one or two major items missing or lacking in detail (1-2); good preparation, few minor items incomplete or lacking in detail (3-4); excellent preparation, well detailed project/process, no items missing, excellent plans and environmental assessment (5).

**APPENDIX C – Sample Project Agreement (PA)**

*After receiving Federal approval, the Department of Conservation will forward a Project Agreement (PA) to the Applicant. The PA is the contract between the State and the Applicant for the expenditure of the grant funds. Attached to and a part of the State PA, will be a copy of the PA between the National Park Service and the State of Maine containing the terms and conditions of the LWCF funds that the Applicant will assume by executing the PA with the State of Maine.*

**STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
BUREAU OF PARKS AND LANDS  
LAND & WATER CONSERVATION FUND  
PROJECT AGREEMENT**

**Political Subdivision:** Town of \_\_\_\_\_

**Project Title:** \_\_\_\_\_

**Project Period: Project Number:** 23-00 \_\_\_\_\_

**Project Scope:** \_\_\_\_\_

<b>Project Costs:</b>	<b>Total</b> _____	<b>Federal:</b> _____	<b>Local:</b> _____
-----------------------	--------------------	-----------------------	---------------------

THIS AGREEMENT is hereby made between; the STATE OF MAINE, by and through the BUREAU OF PARKS & LANDS, hereinafter called the State, and the **Town of \_\_\_\_\_**, hereinafter called the Recipient.

**WITNESS:**

**WHEREAS**, the United States of America, represented by the Director, National Park Service, United States Department of the Interior, and the State of Maine have entered into an agreement (which, with its attachments and all regulations and provisions incorporated therein, is hereinafter referred to as the Project Agreement) pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964) providing for the acquisition and/or construction of the above described project (hereinafter referred to as the Project), for the benefit of the Recipient, and,

**WHEREAS**, the Project Agreement between the United States of America and the State imposes responsibilities upon the State which the State has assured the United States of America will apply to the Recipient and which the Recipient agrees to perform;

**NOW, THEREFORE**, for valuable considerations, the State and the Recipient agree as follows:

1. The Project Agreement is hereby attached and made a part of the Agreement, and the Recipient hereby agrees to discharge, perform, and fully satisfy all provisions of the Project Agreement directly or indirectly applicable to the Recipient, and the Recipient further agrees that it shall not, through any act or omission, violate any provision of the Project Agreement.
2. In connection with all phases of the Project, including all work to be performed in the development thereof, the Recipient agrees as follows:
  - a. The Recipient shall comply with the provisions of the Uniform Relocation and Real Property Acquisition Policies act of 1970 (P.L. 91)646 84 Stat. 1894) including amendments thereto and regulations there under, as provided in 1 M.R.S.A 901 et seq.
  - b. The Recipient agrees to execute and complete the Project in strict accordance with the above referenced Project Scope and the other terms and conditions hereof. Subsequent to this Agreement, any change in the use or any substantial change in the design or arrangement of the Project must have the prior written approval of the State and the National Park Service of the U.S. Department of the Interior.
  - c. The Recipient shall not advertise any work on the Project for bidding, enter into any contract for work to be performed, or undertake any work on the Project unless and until the Recipient shall have submitted reasonably detailed plans and specifications for the Project to the State for approval and shall have received written approval of the State.
  - d. All contracts for work on the Project shall be awarded through competitive bidding and shall be subject to prior approval of the state.
  - e. The Recipient shall establish a separate account for all funds received and expended in connection with the Project and shall preserve (and permit inspection of) such financial records until an audit is made by the United States Government, but in no case for less than three (3) years following the completion of the Project.

- f. The eligibility for reimbursement by the State of any cost incurred or proposed to be incurred in connection with the Project shall be determined by the State Liaison Officer in accordance with the criteria set forth in the National Park Service Manual and any replacements or amendments thereto.
  - g. The Recipient agrees to repay any funds received for costs determined to be non-allowable by a post audit of the Project account.
3. The Recipient agrees that it shall, at its sole cost and expense, retain title to and management over all land acquired and improvements thereon developed in connection with the Project (such land and improvements hereinafter referred to as the Facilities) and operate the Facilities in a first-class manner for the use of the general public for the lifetime of the Facilities. Without limitation of the foregoing, the Recipient shall, at its sole cost and expense, comply with the following particular requirements:
  - a. The Recipient shall own and operate the Facilities and shall not sell, assign, transfer, lease, encumber or create or suffer any lien upon, the Facilities or any part thereof. The Facilities shall at all times be used exclusively for public outdoor recreation in accordance with the terms of this Agreement, unless prior written approval of any change of use is obtained from the State and the National Park Service. The Facilities shall be kept open to the public at reasonable hours and times of the year consistent with the types of recreational opportunities offered therein, and shall be open to use and entry by all members of the public, regardless of race, color, creed, national origin, sex or place of residence, who are eligible according to reasonable rules and regulations for the use of the facilities adopted by the Recipient in accordance with the Project Agreement.
  - b. The Facilities shall be operated and maintained to present an attractive and inviting appearance to the public to the satisfaction of the State Liaison Officer. The Recipient shall provide and maintain adequate sanitation and sanitary facilities and all the Facilities shall be maintained and operated in accordance with the applicable Federal, State and Local laws, ordinances, codes, rules, regulations, and standards. The Recipient shall keep the facilities safe for public use in good, operable condition and repair.
4. Upon request of the State, the Recipient shall, at its own cost and expense, keep any building, improvements or equipment, as designated by the State, forming part of the Facilities, insured against loss or damage by fire, lightning, vandalism, malicious mischief, theft, and such other risks as may be included in the broadest form of extended coverage available in an amount determined from time to time by the State to the full insurable value thereof.
5. Upon request of the State, the Recipient shall, at its own cost and expense, provide and keep in force comprehensive general public liability insurance against claims for personal injury, death or property damage occurring on, in or about the Facilities, or respecting the use of any vehicle or equipment used by the Recipient in connection with the Project or the Facilities, such insurance to be in form and amount determined from time to time by the State.
6. All insurance provided by the Recipient pursuant to this Agreement shall be carried by responsible companies satisfactory to the State. Certificates evidencing such policies shall be furnished to the State and shall require thirty (30) days prior written notice to the State of any cancellation or modification thereof.
7. The Recipient understands and agrees that by executing this Agreement and receiving the benefits hereof, it is irrevocably binding itself to operate, maintain, and care for the Facilities, all at its sole cost and expense, and in accordance with the Provisions of this Agreement. If the Recipient fails to fulfill any of its obligation hereunder, including without limitation of those relating to the operation, insurance, maintenance, and repair of the Facilities, the State may, at its election, in addition to other rights it may have hereunder or at law or in equity, operate and insure the Facilities, provide such maintenance and repairs and/or otherwise perform the obligations of the Recipient for and on account of the Recipient, in which event any amounts so expended by the State shall become an amount due and payable by the Recipient to the State and the Recipient shall promptly reimburse the State for all such amounts. If the Recipient fails to make such payment promptly upon request, the State may withhold all or any part of any other monies which may be payable to the Recipient under other State programs, by invoking the provisions of 5 M.R.S.A. #113 or otherwise.
8. The Recipient shall post in a prominent place on the Facilities, and shall maintain in good condition, a sign, approved by the State, giving public acknowledgment of assistance from the Land and Water Conservation Fund.
9. The Project and the Facilities, and all records pertaining thereto, shall at all reasonable times be open and available for inspection by the State, its agents and designees.
10. The Recipient shall indemnify, defend, and save the State harmless from and against any and all claims, expenses, damages, injuries, liabilities and costs (including reasonable attorneys' fees and court costs) arising out of or in any way in connection with the construction, operation, use, or maintenance of the Project and the Facilities or any accident or occurrences therein or thereon.

11. The provisions of 5 M.R.S.A #784(2), regarding nondiscrimination in employment, are hereby incorporated into this Agreement by reference as if the same were set out in full herein.

12. **The following terms and conditions are made a part of this Agreement:**

- a. The conversion restrictions of Sec. 6.f. of the Land and Water Conservation Fund Act apply to that area shown on the attached Project Area Map. Specifically, the LWCF Act states in Section 6(f)(3), as amended, "no property acquired or developed with assistance under this section, shall, without the approval of the Secretary (of the Interior), be converted to other than public outdoor recreation uses."
- b. The project site shall be adequately signed to indicate that it is a public recreation facility.
- c. The State will turn over to the **Town of \_\_\_\_\_** all funds granted hereunder upon submission of approved reimbursement request(s).
- d. The **Town of \_\_\_\_\_** will post and maintain on site all signs required under the Land and Water Conservation Fund Act, including but not limited to, acknowledgement of LWCF assistance and Title VI of the Civil Rights Act.
- e. The **Town of \_\_\_\_\_** will submit Project Inspection Reports every five (5) years commencing five (5) years from the date of project close-out (final project reimbursement).

**IN WITNESS WHEREOF**, the parties hereto have, by their duly authorized agents, executed this Agreement as of the date entered below.

Date:

STATE OF MAINE

By: Mick Rogers

Title: Alternative State Liaison Officer

RECIPIENT

Sponsor: Town of \_\_\_\_\_

By:

Typed/Printed Name/Title:

**UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
LAND AND WATER CONSERVATION FUND  
PROJECT AGREEMENT**

*(OMB No. 1024-0033, August 31, 2010)*

State: \_\_\_\_\_ Project Number: \_\_\_\_\_

Project Title: \_\_\_\_\_

Project Period: \_\_\_\_\_

Proposal Scope (Description of Project): \_\_\_\_\_

The following are hereby  
incorporated into this agreement:

Total Project Cost      \$ \_\_\_\_\_

LWCF Amount              \$ \_\_\_\_\_  
(Fund amount not to exceed 50% of total)

1. General Provisions
2. LWCF State Assistance Program Manual
3. Project Application and Attachments
4. OMB Circular A-102
5. 43 CFR Part 12
6. 36 CFR Part 59

The United States of America, represented by the Director, National Park Service, United States Department of the Interior, and the State named above (hereinafter referred to as the State), mutually agree to perform this agreement in accordance with the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), the provisions and conditions of the Land and Water Conservation Fund State Assistance Program Manual, and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, assurances, and certificates attached hereto or retained by the State and hereby made a part hereof.

The United States hereby promises, in consideration of the promises made by the State herein, to obligate to the State the amount of money referred to above, and to tender to the State that portion of the obligation which is required to pay the United States' share of the costs of the above project, based upon the above percentage of assistance. The State hereby promises, in consideration of the promises made by the United States herein, to execute the project described above in accordance with the terms of this agreement.

The following special project terms and conditions were added to this agreement before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this agreement as of the date entered below.

THE UNITED STATES OF AMERICA

STATE

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(State)

National Park Service  
Department of the Interior

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

Date: \_\_\_\_\_  
(entered by NPS)

\_\_\_\_\_  
(Title)

Estimated Burden Statement: The public reporting burden for this collection of information is estimated to average 3 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form should be sent to the National Park Service, State and Local Assistance Programs Division, 1849 C Street NW, Washington, DC 20240.

Paperwork Reduction Act Statement: This form is necessary to provide data input into an NPS project database which provides timely data on projects funded over the life of the program. Such data is used to monitor project progress and to analyze program trends. A Federal Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Any comments on the burden estimate or other aspects of this collection of information may be addressed to the National Park Service, State and Local Assistance Programs Division, 1849 C Street NW, Washington, DC 20240.

**LAND AND WATER CONSERVATION FUND  
PROJECT AGREEMENT GENERAL PROVISIONS**

**Part I – Definitions**

- A. The term "NPS" or "Service" as used herein means the National Park Service, United States Department of the Interior.
- B. The term "Director" as used herein means the Director of the National Park Service, or any representative lawfully delegated the authority to act for such Director.
- C. The term "Manual" as used herein means the Land and Water Conservation Fund Grants Manual (NPS-34).
- D. The term "project" as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the project agreement.
- E. The term "State" as used herein means the State or Territory which is a party to the project agreement, and, where applicable, the political subdivision or public agency to which funds are to be transferred pursuant to this agreement. Wherever a term, condition, obligation, or requirement refers to the State, such term, condition, obligation, or requirement shall also apply to the recipient political subdivision or public agency, except where it is clear from the nature of the term, condition, obligation, or requirement that it is to apply solely to the State. For purposes of these provisions, the terms "State," "grantee," and "recipient" are deemed synonymous.
- F. The term "Secretary" as used herein means the Secretary of the Interior, or any representative lawfully delegated the authority to act for such Secretary.

**Part II - Continuing Assurances**

The parties to the project agreement specifically recognize that the Land and Water Conservation Fund assistance project creates an obligation to maintain the property described in the project agreement consistent with the Land and Water Conservation Fund Act and the following requirements.

Further, it is the acknowledged intent of the parties hereto that recipients of assistance will use moneys granted hereunder for the purposes of this program, and that assistance granted from the Fund will result in a net increase, commensurate at least with the Federal cost-share, in a participant's outdoor recreation. It is intended by both parties hereto that assistance from the Fund will be added to, rather than replace or be substituted for, State and local outdoor recreation funds.

- A. The State agrees, as recipient of this assistance, that it will meet the following specific requirements and that it will further impose these requirements, and the terms of the project agreement, upon any political subdivision or public agency to which funds are transferred pursuant to the project agreement. The State also agrees that it shall be responsible for compliance with the terms of the project agreement by such a political subdivision or public agency and that failure by such political subdivision or public agency to so comply shall be deemed a failure by the State to comply with the terms of this agreement.
- B. The State agrees that the property described in the project agreement and the signed and dated project boundary map made part of that agreement is being acquired or developed with Land and Water Conservation Fund assistance, or is integral to such acquisition or development, and that, without the approval of the Secretary, it shall not be converted to other than public outdoor recreation use but shall be maintained in public outdoor recreation in perpetuity or for the term of the lease in the case of leased property. The Secretary shall approve such conversion only if it is found to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions deemed necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. This replacement land becomes subject to Section 6(f)(3) protection. The approval of a conversion shall be at the sole discretion of the Secretary, or his designee. Prior to the completion of this project, the State and the Director may mutually alter the area described in the project agreement and the signed and dated project boundary map to provide the most satisfactory public outdoor recreation unit, except that acquired parcels are afforded Section 6(f)(3) protection as Fund reimbursement is provided.

In the event the NPS provides Land and Water Conservation Fund assistance for the acquisition and/or development of property subject to reversionary interests with full knowledge of those reversionary interests, conversion of said property to other than public outdoor recreation uses as a result of such reversionary interest being exercised is approved. In receipt of this approval, the State agrees to notify the Service of the conversion as soon as possible and to seek approval of replacement property in accord with the conditions set forth in these provisions. The State further agrees to effectuate such replacement within a reasonable period of time, acceptable to the Service, after the conversion of property takes place. The provisions of

this paragraph are also applicable to: leased properties acquired and/or developed with Fund assistance where such lease is terminated prior to its full term due to the existence of provisions in such lease known and agreed to by the Service; and properties subject to other outstanding rights and interests that may result in a conversion when known and agreed to by the Service.

- C. The State agrees that the benefit to be derived by the United States from the full compliance by the State with the terms of this agreement is the preservation, protection, and the net increase in the quality of public outdoor recreation facilities and resources which are available to the people of the State and of the United States, and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the United States by way of assistance under the terms of this agreement. The State agrees that payment by the State to the United States of an amount equal to the amount of assistance extended under this agreement by the United States would be inadequate compensation to the United States for any breach by the State of this agreement. The State further agrees, therefore, that the appropriate remedy in the event of a breach by the State of this agreement shall be the specific performance of this agreement.
- D. The State agrees to comply with the policies and procedures set forth in the Land and Water Conservation Fund Manual. Provisions of said Manual are incorporated into and made a part of the project agreement.
- E. The State agrees that the property and facilities described in the project agreement shall be operated and maintained as prescribed by Manual requirements.
- F. The State agrees that a permanent record shall be kept in the participant's public property records and available for public inspection to the effect that the property described in the scope of the project agreement, and the signed and dated project boundary map made part of that agreement, has been acquired or developed with Land and Water Conservation Fund assistance and that it cannot be converted to other than public outdoor recreation use without the written approval of the Secretary of the Interior.
- G. Nondiscrimination
  1. By signing the LWCF agreement, the State certifies that it will comply with all Federal laws relating to nondiscrimination as outlined in the Civil Rights Assurance appearing at Part III-I herein.
  2. The State shall not discriminate against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence as set forth in the Manual.

### **Part III - Project Assurances**

#### **A. Applicable Federal Circulars**

The State shall comply with applicable regulations, policies, guidelines and requirements including OMB Circular A-102 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), 43 CFR Part 12 (Administrative and Audit Requirements and Cost Principles for Assistance Programs, Department of the Interior), A-87 (Cost Principles for State and Local Governments), and A-133 (Audits of State and Local Government) as they relate to the application, acceptance and use of Federal funds for this federally assisted project.

#### **B. Project Application**

1. The Application for Federal Assistance bearing the same project number as the agreement and associated documents is by this reference made a part of the agreement.
2. The State possesses legal authority to apply for the grant, and to finance and construct the proposed facilities. A resolution, motion or similar action has been duly adopted or passed authorizing the filing of the application, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the State to act in connection with the application and to provide such additional information as may be required.
3. The State has the ability and intention to finance the non-Federal share of the costs for the project. Sufficient funds will be available to assure effective operation and maintenance of the facilities acquired or developed by the project.

#### **C. Project Execution**

1. The project period shall begin with the date of approval of the project agreement or the effective date of a waiver of retroactivity and shall terminate at the end of the stated or amended project period unless the project is completed or terminated

sooner in which event the project shall end on the date of completion or termination. For project elements added to a consolidated grant, the project period will begin on the date the project element is approved.

2. The State shall transfer to the project sponsor identified in the Application for Federal Assistance or the Description and Notification Form all funds granted hereunder except those reimbursed to the State to cover administrative expenses.
3. The State will cause work on the project to be commenced within a reasonable time after receipt of notification that funds have been approved and assure that the project will be prosecuted to completion with reasonable diligence.
4. The State will require the facility to be designed to comply with the Architectural Barriers Act of 1968 (Public Law 90-480) and DOI Section 504 Regulations (43 CFR Part 17). The State will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
5. The State shall secure completion of the work in accordance with approved construction plans and specifications, and shall secure compliance with all applicable Federal, State, and local laws and regulations.
6. In the event the project covered by the project agreement, including future stages of the project, cannot be completed in accordance with the plans and specifications for the project; the State shall bring the project to a point of recreational usefulness agreed upon by the State and the Director or his designee.
7. The State will provide for and maintain competent and adequate architectural/engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the NPS may require.
8. The State will comply with the terms of Title II and Title III, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), 94 Stat. 1894 (1970), and the applicable regulations and procedures implementing such Act for all real property acquisitions and where applicable shall assure that the Act has been complied with for property to be developed with assistance under the project agreement.
9. The State will comply with the provisions of: Executive Order 11988, relating to evaluation of flood hazards; Executive Order 11288, relating to the prevention, control, and abatement of water pollution, and Executive Order 11990 relating to the protection of wetlands.
10. The State will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires the purchase of flood insurance in communities where such insurance is available, as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes, for use in any area that has been identified as an area having special flood hazards by the Flood Insurance Administration of the Federal Emergency Management Agency. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
11. The State will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities, pursuant to 40 CFR, Part 15.20 and that it will notify the NPS of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing by the EPA. The State agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. The State further agrees to insert this clause into any contract or subcontract in excess of \$100,000.
12. The State will assist the NPS in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archaeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to effects (see CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
13. The State will comply with Executive Order 12432, "Minority Business Enterprise Development as follows:
  - (1) Place minority business firms on bidder's mailing lists.
  - (2) Solicit these firms whenever they are potential sources of supplies, equipment, construction, or services.

(3) Where feasible, divide total requirements into smaller needs, and set delivery schedules that will encourage participation by these firms.

(4) For any project involving \$500,000 or more in grant assistance (except for projects involving acquisition only) the State or recipient shall submit, prior to the commencement of construction and every fiscal year quarter thereafter until project completion, reports documenting the efforts to hire minority business firms. These reports, SF 334, will be submitted one month following the end of each fiscal quarter (i.e., January 31, April 30, July 31, and October 31) to the appropriate National Park Service Regional Office.

(5) The Department of the Interior is committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness.

The National Park Service Regional Offices will work closely with the States to ensure full compliance and that grant recipients take affirmative action in placing a fair share of purchases with minority business firms.

14. The State will comply with the intergovernmental review requirements of Executive Order 12372.

**D. Construction Contracted for by the State Shall Meet the Following Requirements:**

1. Contracts for construction shall comply with the provisions of 43 CFR Part 12 (Administrative and Audit Requirements and Cost Principles for Assistance Programs, Department of the Interior).
2. No grant or contract may be awarded by any grantee, subgrantee or contractor of any grantee or subgrantee to any party, which has been debarred or suspended under Executive Order 12549. By signing the LWCF agreement, the State certifies that it will comply with debarment and suspension provisions appearing at Part III-J herein.
3. In accordance with the "Stevens Amendment" (to Section 623 of the Treasury, Postal Service and General Government Appropriations Act), for procurement of goods and services (including construction services) having an aggregate value of \$500,000 or more, the amount and percentage (of total costs) of federal funds involved must be specified in any announcement of the awarding of a contract.

**E. Retention and Custodial Requirements for Records**

1. Financial records, supporting documents, statistical records, and all other records pertinent to this grant shall be retained in accordance with 43 CFR Part 12 for a period of three years; except the records shall be retained beyond the three-year period if audit findings have not been resolved.
2. The retention period starts from the date of the final expenditure report for the project or the consolidated project element.
3. State and local governments are authorized to substitute microfilm copies in lieu of original records.
4. The Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local governments and their subgrantees which are pertinent to a specific project for the purpose of making audit, examination, excerpts and transcripts.

**F. Project Termination**

1. The Director may temporarily suspend Federal assistance under the project pending corrective action by the State or pending a decision to terminate the grant by the Service.
2. The State may unilaterally terminate the project or consolidated project element at any time prior to the first payment on the project or consolidated project element. After the initial payment, the project may be terminated, modified, or amended by the State only by mutual agreement.
3. The Director may terminate the project in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The Director will promptly notify the State in writing of the determination and the reasons for the termination, together with the effective date. Payments made to States or recoveries by the Service under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.
4. The Director or State may terminate grants in whole, or in part at any time before the date of completion, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The NPS may allow full credit to the State for the Federal share of the non-cancelable obligations, properly incurred by the grantee prior to termination.
5. Termination either for cause or for convenience requires that the project in question be brought to a state of recreational usefulness agreed upon by the State and the Director or that all funds provided by the National Park Service be returned.

**G. Lobbying with Appropriated Funds**

The State must certify, for the award of grants exceeding \$100,000 in Federal assistance, that no Federally appropriated funds have been paid or will be paid, by or on behalf of the State, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding, extension, continuation, renewal, amendment, or modification of this grant. In compliance with Section 1352, title 31, U.S. Code, the State certifies, as follows:

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**H. Provision of a Drug-Free Workplace**

In compliance with the Drug-Free Workplace Act of 1988 (43 CFR Part 12, Subpart D), the State certifies, as follows:

The grantee certifies that it will or continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of a grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted;

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The State must include with its application for assistance a specification of the site(s) for the performance of work to be done in connection with the grant.

**I. Civil Rights Assurance**

The State certifies that, as a condition to receiving any Federal assistance from the Department of the Interior, it will comply with all Federal laws relating to nondiscrimination. These laws include, but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), which prohibits discrimination on the basis of race, color, or national origin; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap; (c) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et. seq.), which prohibits discrimination on the basis of age; and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, handicap or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the applicant. THE APPLICANT HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE shall apply to all aspects of the applicant's operations including those parts that have not received or benefited from Federal financial assistance.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date.

The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United State shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, and sub-recipients and the person whose signature appears on the grant agreement and who is authorized to sign on behalf of the Applicant.

**J. Debarment and Suspension**

**Certification Regarding Debarment, Suspension and Other  
Responsibility Matters - Primary Covered Transactions**

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission or embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement, or receiving stolen property;

- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The State further agrees that it will include the clause "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions" appearing below in any agreement entered into with lower tier participants in the implementation of this grant. Department of Interior Form 1954 (DI-1954) may be used for this purpose.

**Certification Regarding Debarment, Suspension, Ineligibility  
and Voluntary Exclusion - Lower Tier Covered Transactions**

(1) The prospective lower tier participant certifies, by submission of this application that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this application.

**APPENDIX D -- Sample Transmittal Letter**

**Submit on municipal/agency/SAD letterhead**

July 15, 2010

Bureau of Parks and Lands  
Mick Rogers, Alternate State Liaison Officer  
124 State House Station  
Augusta, Maine 04333-0124

Dear Mick,

The City/Town of \_\_\_\_\_ is pleased to forward this application under the Land and Water Conservation Fund (LWCF) program administered through the Maine Department of Conservation. The City/Town of \_\_\_\_\_ is applying for an LWCF grant in the amount of \$\_\_\_\_\_ in federal funds for the (development/acquisition) of (type of facility).

I am aware that should this application receive approval, there are federal and state requirements for project conduct and for operation and maintenance of the completed facility with which the City/Town will be obligated to comply.

The required local legislative approval was obtained from the (City Council, Town Council, Town Meeting) on (date).

(Name and Title) will be the principal contact and project manager for this project. (He/She) can be reached by telephone at (telephone number and e-mail address) or by correspondence at (address).

Sincerely,

\_\_\_\_\_  
(Signature of Chief Executive Officer)  
(Typed Chief Executive Officer's name and title)

## APPENDIX E – Sample Warrant Articles/Project Certification

### Warrant Articles or Resolves

USE THE FOLLOWING WORDING IN DRAFTING WARRANT ARTICLES OR RESOLVES: (NOTE: If Project Sponsor is a School Administrative District, contact Alt. State Liaison Officer for copy of appropriate Project Certification)

#### **1. Authorizing Application (must be worded as follows)**

Article #xxx

To see if the City/Town will authorize the (*specify selectmen or other officials*) to apply, on behalf of the City/Town, for federal financing assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for the (*specify acquisition or development*) of (*give title of project as it will appear on application*); and further authorize (*specify selectmen or other officials*) to enter into the Land and Water Conservation Fund Project Agreement with the State subsequent to federal approval of the project.

#### **2. Appropriation of local funds\***

If City/Town tax appropriations are being used for all or part of the local share of the project cost, The City/Town must raise the funds through Town Meeting or Council action.

#### **3. Authorization to borrow the necessary funds from time to time to cover anticipated reimbursement\***

The local sponsor is obligated to pay all costs of the project “up-front”. Therefore, there may be the need to authorize the borrowing of funds which will be repaid by federal reimbursement.

\*Note: Numbers 2 and 3 may be worded to be contingent upon approval of federal funds.

**Project Certification**  
**(Submit on municipal/agency/SAD letterhead after passage of warrant)**

**This is to certify** that the (*legislative body – i.e., Town Meeting, City Council, etc. and name of City/Town*) hereby authorizes (*name or title of municipal official, agency, or department*) to make application for financial assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for (*specify acquisition or development*) of (*give title of project as it will appear on the project application*).

**This further certifies** that the (*legislative body and name of City/Town*) is familiar with the terms and conditions of the Land and Water Conservation Fund Project Agreement, revision dated March 1995 and hereby authorizes (*name or title*) to enter into said agreement between (*name of municipality*) and the State of Maine upon federal approval of the above identified project.

**This further certifies** that the (*name of agency or department*) has been legally constituted and is responsible for planning and carrying out the municipal recreation program, and the continued operation and maintenance of this completed project in accordance with the terms and conditions of the Land and Water Conservation Fund Project Agreement (*provide data on how established and organized*).

**And this further certifies** that except for the financial assistance requested by this project application, no financial assistance has been applied for, given or promised under any other State or Federal Program (*if any, please specify*).

Date \_\_\_\_\_ At \_\_\_\_\_

And signed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPENDIX F – SF- 424  
INSTRUCTIONS FOR THE SF-424**

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 2053.

**PLEASE DO NOT RETURN YOU COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:	Item:	Entry:
1	Select Type of Submission	11	Enter a brief descriptive title of the project. If more than on program involved
2	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).	12	List only the largest political entities affected (e.g., State, counties, cities.)
3	State use only (if applicable).	13	Enter the proposed start date and end date of the project.
4	Enter Date Received by Federal Agency Federal Identifier number: If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank.	14	List the applicant's Congressional District and any District(s) affected by the programs or project.
5	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS Number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	15	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
6	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	16	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
7	Select the appropriate letter in the space provided. A. State B. County C. Municipal D. Township E. Interstate F. Inter-municipal G. Special District H. Independent School District I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) O. Not for Profit Organization	17	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
8	Select the type from the following list: <ul style="list-style-type: none"> <li>• "New" means a new assistance award.</li> <li>• "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.</li> <li>• "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing Obligation. If a revision enter the appropriate letter:                A. Increase Award    B. Decrease Award                C. Increase Duration    D. Decrease Duration</li> </ul>	18	To be signed by the authorized representative of the applicant. A Copy of the governing body's authorization for you to sing this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)
9	Name of Federal agency from which assistance is being requested with this application.		
10	Use the Catalog of Federal Domestic Assistance number and title of the program under		

SF-424 (Rev. 7-97) Back

**APPENDIX F – SAMPLE OF SF- 424**

**APPLICATION FOR  
FEDERAL ASSISTANCE**

1. Type of Submission: Application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-construction		2. DATE SUBMITTED	Applicant Identifier
				3. DATE RECEIVED BY STATE	State Application Identifier
				4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
<b>5. APPLICANT INFORMATION</b>					
Legal Name: Town of Malta			Organizational Unit: Department: Community Services		
Organizational DUNS: 001 001 001			Division: Parks and Recreation Division		
Address: Street: 100 Maine Street			Name and telephone number of person to be contacted on matters involving this application (give Prefix: Ms. First Name: Mary		
City: Malta			Middle Name: Jane		
County: Pineview			Last Name: Doe		
State: Maine		Zip code: 04000-0000		Suffix:	
Country: United States			Email: mjdoe@malta.org		
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 01-6123456			Phone Number (give area code) 207-123-4567		Fax Number (give area) 207-123-6789
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision			7. TYPE OF APPLICANT: (See back of form for Application C- Municipal		
If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters)			Other (specify)		
Other (specify)			9. NAME OF FEDERAL AGENCY: U.S. Department of Interior, National Park Service		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 15-916			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: The Town of Malta Tennis Court construction Project		
TITLE (Name of Program):					
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): Malta, Pineview, United States					
13. PROPOSED PROJECT Start Date: 4/1/09 Ending Date: 12/31/09			14. CONGRESSIONAL DISTRICTS OF: a. Applicant 02 b. Project 02		
15. ESTIMATED FUNDING:			16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESSES?		
a. Federal	\$35,000.00			a. Yes <input checked="" type="checkbox"/>	THIS PREAPPLICATION / APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: Date: June 12, 2008
b. Applicant	\$35,000.00			b. No <input type="checkbox"/>	PROGRAM IS NOT COVERED BY E.O. 12372 OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
c. State	\$				
d. Local	\$				
e. Other	\$				
f. Program Income	\$				
g. TOTAL	\$70,000.00			17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes" attach an explanation <input checked="" type="checkbox"/> No	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION / PRE APPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.					
a. Authorized Representative					
Prefix	Ms.	First Name	Mary	Middle Name	Jane
Last Name	Doe	Suffix			
b. Title: Town Manager			c. Telephone Number (give area code) 207-123-4567		
d. Signature of Authorized Representative:			e. Date Signed: June 17, 2008		

**Appendix F Form 424 Blank  
APPLICATION FOR  
FEDERAL ASSISTANCE**

1. Type of Submission: Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-construction		2. DATE SUBMITTED	Applicant Identifier
				3. DATE RECEIVED BY STATE	State Application Identifier
				4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
<b>5. APPLICANT INFORMATION</b>					
Legal Name:			Organizational Unit:		
			Department:		
Organizational DUNS:			Division:		
Address:			Name and telephone number of person to be contacted on matters involving this application (give area code)		
Street:		Prefix:		First Name:	
City:		Middle Name:			
County:		Last Name:			
State:		Zip code:		Suffix:	
Country:		Email:			
6. EMPLOYER IDENTIFICATION NUMBER (EIN):			Phone Number (give area code)		Fax Number (give area code)
[ ]-[ ]-[ ]					
8. TYPE OF APPLICATION:			7. TYPE OF APPLICANT: (See back of form for Application Types)		
<input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision					
If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters)			Other (specify)		
Other (specify)			9. NAME OF FEDERAL AGENCY:		
			U.S. Department of Interior, National Park Service		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:		
[ ]-[ ]-[ ]					
TITLE (Name of Program):					
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):					
13. PROPOSED PROJECT			14. CONGRESSIONAL DISTRICTS OF:		
Start Date:		Ending Date:		a. Applicant 02      b. Project 02	
15. ESTIMATED FUNDING:			16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESSES?		
a. Federal		\$		a. Yes <input type="checkbox"/>	
b. Applicant		\$		THIS PREAPPLICATION / APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:	
c. State		\$		Date:	
d. Local		\$		b. No <input type="checkbox"/>	
e. Other		\$		PROGRAM IS NOT COVERED BY E.O. 12372 OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
f. Program Income		\$		17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
g. TOTAL		\$		<input type="checkbox"/> Yes If "Yes" attach an explanation <input type="checkbox"/> No	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION / PRE APPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.					
a. Authorized Representative					
Prefix		First Name		Middle Name	
Last Name				Suffix	
b. Title:			c. Telephone Number (give area code)		
d. Signature of Authorized Representative:			e. Date Signed		

## APPENDIX F – 424C

Public reporting burden for information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0041), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This sheet is to be used for the following types of applications: (1) "New" (means a new [previously unfunded] assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal Government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount, there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no cost) changes. If you have questions, please contact the Federal agency.

Column a. – If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through 16 (as applicable) under "COST CLASSIFICATION."

If this application entails a change to an existing award for the items under "COST CLASSIFICATION".

Column b. – If this is an application for a "New" project, enter that portion of the cost of each item in Column a. which is not allowable for Federal assistance. Contact the Federal agency for assistance in determining the allow ability of specific costs.

If this application entails a change in an existing award, enter the adjustment [+ or (-)] to the previously approved costs (from column a.) reflected in this application.

-----  
Line 1 – Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchases of land which is allowable for Federal participation and certain services in support of construction of the project.

Line 2 – Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line 3 – Enter estimated costs related to relocation advisory assistance, replacement housing, and relocation payments to displaced persons and businesses, etc. line 4 – Enter estimated basic engineering fees related to

construction (this includes start-up services and preparation of project performance work plan).

Line 5 – Enter estimated engineering cost, such as surveys, tests, soil borings, etc.

Line 6 – Enter estimated engineering inspection costs.

Line 7 – Enter estimated cost of site preparation and restoration which are not included in the basic construction contract.

Line 8 – Enter estimated cost of the site demolition and removal which are not included in the basic construction contract.

Line 9 – Enter estimated cost of the construction contract.

Line 10 – Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line 11- Enter estimated miscellaneous costs.

Line 12 – Total of items 1 through 11

Line 13 – Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)

Line 14 – Enter the total of lines 12 and 13.

Line 15 Enter estimated program income to be earned during the grant period, e.g., salvaged materials, etc.

Line 16 – Subtract line 15 from line 14.

Line 17 – this block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, column "c." by the Federal percentage share (this may be up to 100 percent; consult Federal agency for Federal percentage share) and enter the product on line 17.

APPENDIX F - SAMPLE OF FORM 424C

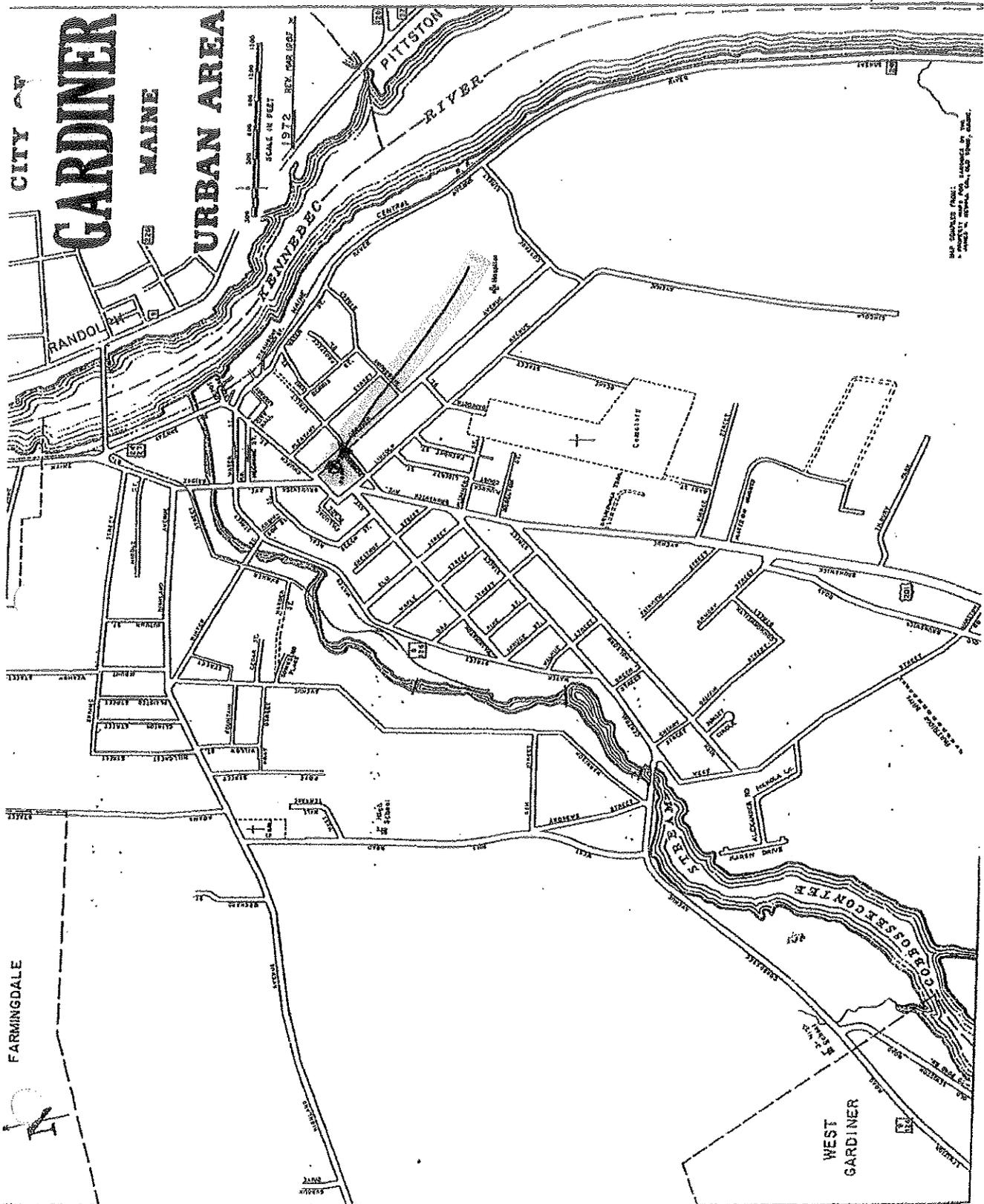
OBM Approval No. 0348-00441

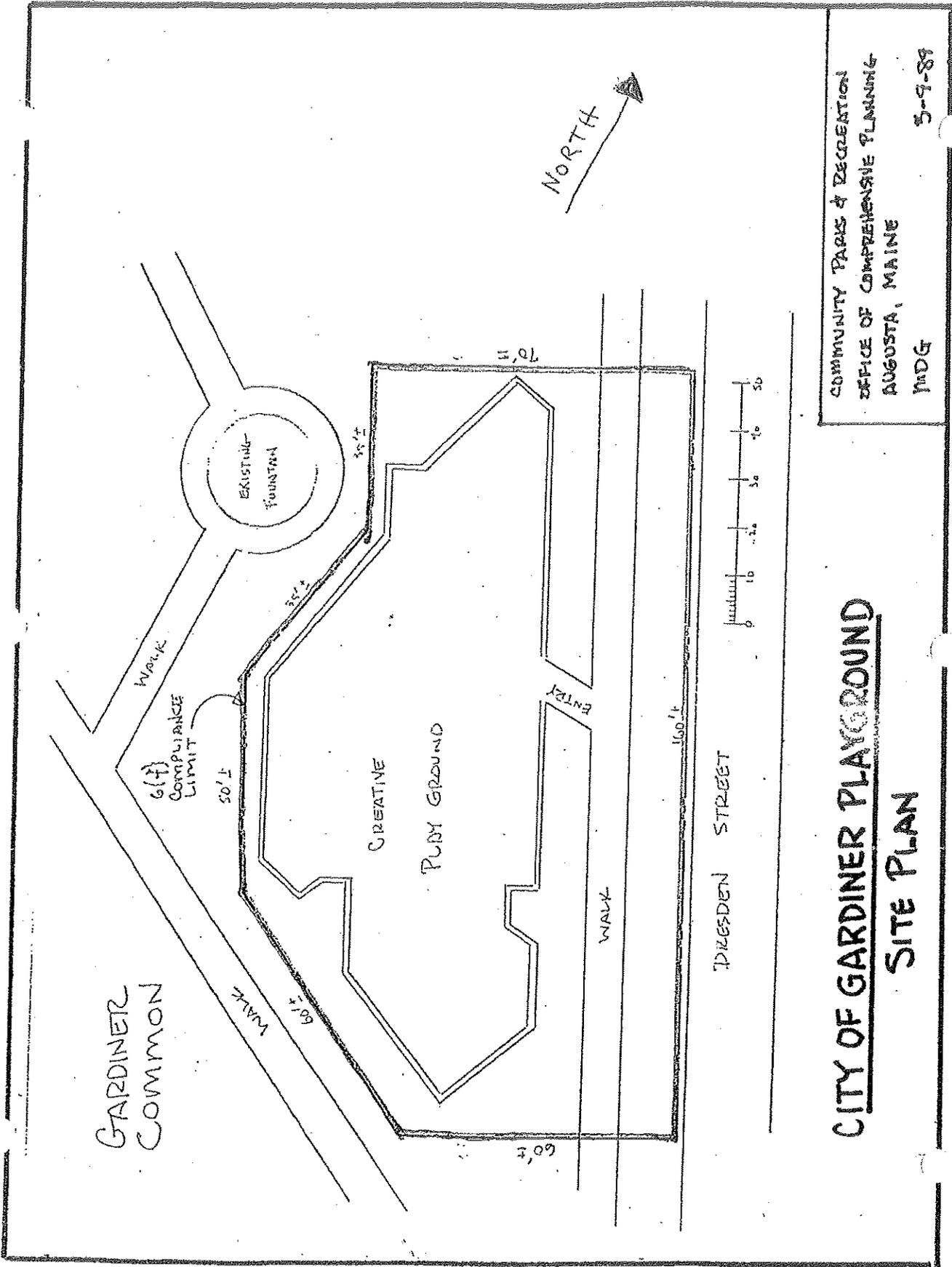
**BUDGET INFORMATION - Construction Programs**

NOTE: Certain Federal assistance programs require additional computation to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	\$	\$	\$0.00
2. Land, structures, right-of-way, appraisals, etc.	\$	\$	\$0.00
3. Relocation expenses and payments	\$	\$	\$0.00
4. Architectural and engineering fees	\$	\$	\$0.00
5. Other architectural and engineering fees	\$	\$	\$0.00
6. Project inspection fees	\$	\$	\$0.00
7. Site work	\$	\$	\$0.00
8. Demolition and removal	\$	\$	\$0.00
9. Construction	\$	\$	\$0.00
10. Equipment	\$	\$	\$0.00
11. Miscellaneous	\$	\$	\$0.00
12. <b>SUBTOTAL (sum of lines 1-11)</b>	\$0.00	\$0.00	\$0.00
13. Contingencies	\$	\$	\$0.00
14. SUBTOTAL	\$	\$	\$0.00
15. Project (program) income	\$	\$	\$0.00
16. <b>TOTAL PROJECT COSTS (subtract#15 from #14)</b>	\$	\$	\$0.00
<b>FEDERAL FUNDING</b>			
17. Federal assistance requested, calculate as follows: (consult Federal agency for Federal percentage share.) Enter the resulting Federal share.	Enter eligible cost from line 16c Multiply X	%	\$0.00

APPENDIX G - SAMPLE PROJECT LOCATION MAP





COMMUNITY PARKS & RECREATION  
OFFICE OF COMPREHENSIVE PLANNING  
AUGUSTA, MAINE  
MDG 5-9-89

# CITY OF GARDINER PLAYGROUND SITE PLAN

## APPENDIX H – Sample Cost Estimates

The sponsor must submit a cost estimate that lists estimated items and costs. Project grant awards and reimbursement ratio will be based on these figures.

### Sample Cost Estimate – Acquisition Project

Cost will be determined by having the property appraised (appraisal must be done in conformance with Uniform Appraisal Standards for Federal Land Acquisition – UASFLA). Note: Appraisal and appraisal review costs are not eligible for reimbursement.

Use the following example to submit a cost estimate for a proposed acquisition:

Name of Municipality: Hoover

Project Title: Green Memorial Park Acquisition

Date: 06/2008

#### Acquisition Schedule

Code* No.	Parcel** No.	Acreage	Estimated Date of Acquisition	Estimated Value of Land	Estimated Value of Improvements	Total Estimated Cost
1	151	3.5	06-30-08	\$4,200.00		\$4,200.00
3	152	9.5	06-30-08	\$7,600.00		\$7,600.00
	Total	13.0		\$11,800.00		\$11,800.00

\*Code: 1 – Purchase; 2 – Condemnation; 3 – Donation

\*\*From municipal tax map

Sample Cost Estimate – Development Project

The sponsor must submit a cost estimate that lists anticipated work items and cost amounts. This estimate should reflect the total project cost to develop the facility as designed by an engineer, designer, landscape architect, etc., or estimated costs provided by builders/contractors familiar with the type of facility.

Most estimates will consist of costs for engineering, construction costs (material and labor), and a contingency (recommended to be 10% of construction costs).

Name of Municipality: Hoover

Project Title: Gallagher Park Tennis Courts

Type of Facility: Tennis Courts

Site Preparation: 1 acre – lump sum	\$ 2,000.00
Fill: 900 CY @\$5.00/yd	\$ 4,500.00
Paving: 1,500 sq. yds @ \$10.00/sq. yd.	\$15,000.00
Fencing: 460 lf @\$10.00/lf	\$ 4,600.00
Sealing/Lining: 1,500 sq. yds @ \$4.00/sq. yd.	\$ 6,000.00
Landscaping: lump sum	\$ 2,500.00
Net Posts/Net: lump sum	\$ 1,200.00
Subtotal	\$35,800.00
Contingency	\$ 3,500.00
Subtotal	\$39,300.00
Engineering	\$ 4,700.00
Total Cost	\$44,000.00

APPENDIX I – Project Description and Environmental Assessment Form



LWCF Proposal Description and Environmental Screening Form

The purpose of this Proposal Description and Environmental Screening Form (PD/ESF) is to provide descriptive and environmental information about a variety of Land and Water Conservation Fund (LWCF) state assistance proposals submitted for National Park Service (NPS) review and decision.

Except for the proposals listed below, the PD/ESF must be completed, including the appropriate NEPA document, signed by the State, and submitted with each new federal application for LWCF assistance and amendments for: scope changes that alter or add facilities and/or acres; conversions; public facility exceptions; sheltering outdoor facilities; and changing the original intended use of an area from that which was approved in an earlier LWCF agreement.

For the following types of proposals only this Cover Page is required because these types of proposals are administrative in nature and are categorically excluded from further NEPA environmental analysis. NPS will complete the NEPA CE Form.

- SCORP planning proposal
Time extension with no change in project scope or with a reduction in project scope
To delete work and no other work is added back into the project scope
To change project cost with no change in project scope or with a reduction in project scope
To make an administrative change that does not change project scope



Name of LWCF Proposal:

Date Submitted to NPS:

Prior LWCF Project Number(s) List all prior LWCF project numbers and all park names associated with assisted site(s):

Local or State Project Sponsoring Agency (recipient or sub-recipient in case of pass-through grants):

Local or State Sponsor Contact:

Name/Title:

Office/Address:

Phone/Fax:

Email:

Using a separate sheet for narrative descriptions and explanations, address each item and question in the order it is presented, and identify each response with its item number such as Step 1-A1, A2; Step 3-B1; Step 6-A1, A29; etc.

## Step 1. Type of LWCF Proposal

### \_\_\_\_\_ **New Project Application**

- Acquisition** *Go to Step 2A*     **Development** *Go to Step 2B*     **Combination (Acquisition & Development)** *Go to Step 2C*

### \_\_\_\_\_ **Project Amendment**

- Increase in scope or change in scope from original agreement.** *Complete Steps 3A, and 5 through 7.*
- 6(f) conversion proposal.** *Complete Steps 3B, and 5 through 7.*
- Request for public facility in a Section 6(f) area.** *Complete Steps 3C, and 5 through 7.*

### \_\_\_\_\_ **Request for temporary non-conforming use in a Section 6(f) area.**

*Complete Steps 4A, and 5 through 7.*

### \_\_\_\_\_ **Request for significant change in use/intent of original LWCF application.**

*Complete Steps 4B, and 5 through 7.*

### \_\_\_\_\_ **Request to shelter existing/new facility within a Section 6(f) area regardless of funding source.** *Complete Steps 4C, and 5 through 7.*

## Step 2. New Project Application (See LWCF Manual for guidance.)

### **A. For an Acquisition Project**

1. Provide a brief narrative about the proposal that provides the reasons for the acquisition, the number of acres to be acquired with LWCF assistance, and a description of the property. Describe and quantify the types of existing resources and features on the site (for example, 50 acres wetland, 2,000 feet beachfront, 200 acres forest, scenic views, 100 acres riparian, vacant lot, special habitat, any unique or special features, recreation amenities, historic/cultural resources, hazardous materials/ contamination history, restrictions, institutional controls, easements, rights-of-way, above ground/underground utilities, including wires, towers, etc.).
2. How and when will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?
3. Describe development plans for the proposal for the site(s) for public outdoor recreation use within the next three (3) years.
4. SLO must complete the State Appraisal/Waiver Valuation Review form in Step 7 certifying that the appraisal(s) has been reviewed and meets the "Uniform Appraisal Standards for Federal Land Acquisitions" or a waiver valuation was approved per 49 CFR 24.102(c)(2)(ii). State should retain copies of the appraisals and make them available if needed.
5. Address each item in "D" below.

### **B. For a Development Project**

1. Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including a site sketch depicting improvements, where and how the public will access the site, parking, etc. Indicate entrances on 6(f) map. Indicate to what extent the project involves new development, rehabilitation, and/or replacement of existing facilities.

2. When will the project be completed and open for public outdoor recreation use?
3. Address each item in "D" below.

**C. For a Combination Project**

1. For the acquisition part of the proposal:
  - a. Provide a brief narrative about the proposal that provides the reasons for the acquisition, number of acres to be acquired with LWCF assistance, and describes the property. Describe and quantify the types of existing resources and features on the site (for example, 50 acres wetland, 2,000 feet beachfront, 200 acres forest, scenic views, 100 acres riparian, vacant lot, special habitat, any unique or special features, recreation amenities, historic/cultural resources, hazardous materials/ contamination history, restrictions, institutional controls, easements, rights-of-way, above ground/underground utilities, including wires, towers, etc.)
  - b. How and when will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?
  - c. Describe development plans for the proposed for the site(s) for public outdoor recreation use within the next three (3) years.
  - d. SLO must complete the State Appraisal/Waiver Valuation Review form in Step 7 certifying that the appraisal(s) has been reviewed and meets the "Uniform Appraisal Standards for Federal Land Acquisitions" or a waiver valuation was approved per 49 CFR 24.102(c)(2)(ii). State should retain copies of the appraisals and make them available if needed.
2. For the development part of the proposal:
  - a. Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including a site sketch depicting improvements, where and how the public will access the site, parking, etc. Indicate entrances on 6(f) map. Indicate to what extent the project involves new development, rehabilitation, and/or replacement of existing facilities.
  - b. When will the project be completed and open for public outdoor recreation use?
3. Address each item in "D" below.

**D. Additional items to address for a new application and amendments**

1. Will this proposal create a **new** public park/recreation area **where none previously existed** and is not an addition to an existing public park/recreation area? Yes \_\_\_\_ (go to #3) No \_\_\_\_ (go to #2)
2.
  - a. What is the name of the pre-existing public area that this new site will be added to?
  - b. Is the pre-existing public park/recreation area already protected under Section 6(f)? Yes \_\_\_\_ No \_\_\_\_  
If no, will it now be included in the 6(f) boundary? Yes \_\_\_\_ No \_\_\_\_
3. What will be the name of this **new** public park/recreation area?
4.
  - a. Who will hold title to the property assisted by LWCF? Who will manage and operate the site(s)?
  - b. What is the sponsor's type of ownership and control of the property?
    - \_\_\_\_ Fee simple ownership
    - \_\_\_\_ Less than fee simple. Explain:
    - \_\_\_\_ Lease. Describe lease terms including renewable clauses, # of years remaining on lease, etc. Who will lease area? Submit copy of lease with this PD/ESF. (See LWCF Manual for **program restrictions** for leases and further guidance.)

5. Describe the nature of any rights-of-way, easements, reversionary interests, etc. to the Section 6(f) park area? Indicate the location on 6(f) map. Do parties understand that a Section 6(f) conversion may occur if private or non-recreation activities occur on any pre-existing right-of-way, easement, leased area?
6. Are overhead utility lines present, and if so, explain how they will be treated per LWCF Manual.
7. As a result of this project, describe **new** types of outdoor recreation opportunities and capacities, and short and long term public benefits.
8. Explain any existing non-recreation and non-public uses that will continue on the site(s) and/or proposed for the future within the 6(f) boundary.
9. Describe the planning process that led to the development of this proposal. Your narrative should address:
  - a. How was the interested and affected public notified and provided opportunity to be involved in planning for and developing your LWCF proposal? Who was involved and how were they able to review the **completed** proposal, including any state, local, federal agency professionals, subject matter experts, members of the public and Indian Tribes. Describe any public meetings held and/or formal public comment periods, including dates and length of time provided for the public to participate in the planning process and/or to provide comments on the completed proposal.
  - b. What information was made available to the public for review and comment? Did the sponsor provide written responses addressing the comments? If so, include responses with this PD/ESF submission.
10. How does this proposal implement statewide outdoor recreation goals as presented in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) (include references), and explain why this proposal was selected using the State's Open Project Selection Process (OPSP).
11. List all source(s) and amounts of financial match to the LWCF federal share of the project. The value of the match can consist of cash, donation, and in-kind contributions. The federal LWCF share and financial matches must result in a viable outdoor recreation area and not rely on other funding not mentioned here. Other federal resources may be used as a match if specifically authorized by law.

Source	Type of Match	Value
		\$
		\$
		\$

12. Is this LWCF project scope part of a larger effort not reflected on the SF-424 (*Application for Federal Assistance*) and grant agreement? If so, briefly describe the larger effort, funding amount(s) and source(s). This will capture information about partnerships and how LWCF plays a role in leveraging funding for projects beyond the scope of this federal grant.
13. List all required federal, state, and local permits/approvals needed for the proposal and explain their purpose and status.

**Proceed to Steps 5 through 7**



**Step 3. Project Amendment** (See LWCF Manual for guidance.)

**A. Increase/Change in Project Scope**

1. **For Acquisition Projects:** To acquire additional property that was not described in the original project proposal and NEPA documentation, follow Step 2A-Acquisition Project and 2D.

2. **For Development Projects:** To change the project scope for a development project that alters work from the original project scope by adding elements or enlarging facilities, follow Step 2B-Development Project and 2D.
3. **For Combination Projects:** Follow Step 2C as appropriate.

## **B. Section 6(f)(3) Conversion Proposal**

Prior to developing your Section 6(f)(3) conversion proposal, you must consult the LWCF Manual and 36 CFR 59.3 for complete guidance on conversions. Local sponsors must consult early with the State LWCF manager when a conversion is under consideration or has been discovered. States must consult with their NPS-LWCF manager as early as possible in the conversion process for guidance and to sort out and discuss details of the conversion proposal to avoid mid-course corrections and unnecessary delays. **A critical first step is for the State and NPS to agree on the size of the Section 6(f) park land impacted by any non-recreation, non-public use, especially prior to any appraisal activity.** Any previous LWCF project agreements and actions must be identified and understood to determine the actual Section 6(f) boundary.

The Section 6(f)(3) conversion proposal including the required NEPA environmental review documents (CE recommendation or an EA document) must focus on the loss of public outdoor recreation park land and recreational usefulness, and its replacement per 36 CFR 59, and **not** the activities precipitating the conversion or benefits thereof, such as the impacts of constructing a new school to relieve overcrowding or constructing a hotel/restaurant facility to stimulate the local economy. Rather, the environmental review must 1) focus on "resource impacts" as indicated on the ESF (Step 6), including the loss of public park land and recreation opportunities (ESF A-15), and 2) the impacts of creating new replacement park land and replacement recreation opportunities. A separate ESF must be generated for the converted park area and each replacement site. Section 6(f)(3) conversions always have more than minor impacts to outdoor recreation (ESF A-15) as a result of loss of parkland requiring an EA, except for "small" conversions as defined in the LWCF Manual Chapter 8.

For NPS review and decision, the following elements are required to be included in the State's completed conversion proposal to be submitted to NPS:

1. A letter of transmittal from the SLO recommending the proposal.
2. A detailed explanation of the sponsor's need to convert the Section 6(f) parkland including all efforts to consider other practical alternatives to this conversion, how they were evaluated, and the reasons they were not pursued.
3. An explanation of how the conversion is in accord with the State Comprehensive Outdoor Recreation Plan (SCORP).
4. Completed "State Appraisal/Waiver Valuation Review form in Step 7 for each of the converted and replacement parcels certifying that the appraisals meet the "Uniform Appraisal Standards for Federal Land Acquisitions." States must retain copies of the appraisals/waiver valuations and make them available for review upon request.
5. For the park land proposed for conversion, a detailed description including the following:
  - a. Specific geographic location on a map, 9-digit zip code, and name of park or recreation area proposed for conversion.
  - b. Description of the area proposed for the conversion including the acreage to be converted and any acreage remaining. For determining the size of the conversion, consider not only the physical footprint of the activity precipitating the conversion, but how the precipitating activity will impact the entire 6(f) park area. **In many cases the size of the converted area is larger than the physical footprint.** Include a description of the recreation resources, facilities, and recreation opportunities that will be impacted, displaced or lost by the proposed conversion. For proposals to partially convert a Section 6(f) park area, the remaining 6(f) park land must remain recreationally viable and not be impacted by the activities that are precipitating the conversion. If it is anticipated that the precipitating activities impact the remaining Section 6(f) area, the proposed area for the conversion should be expanded to encompass all impacted park land.

- c. Description of the community and population served by the park, including users of the park and uses.
  - d. For partial conversions, a revised 6(f) map clearly indicating both the portion that is being converted and the portion remaining intact under Section 6(f).
6. For each proposed replacement site:
- a. Specific geographic location on a map, 9-digit zip code, and geographical relationship of converted and replacement sites. If site will be added to an existing public park/outdoor recreation area, indicate on map.
  - b. Description of the site's physical characteristics and resource attributes with number and types of resources and features on the site, for example, 15 acres wetland, 2,000 feet beachfront, 50 acres forest, scenic views, 75 acres riparian, vacant lot, special habitat, any unique or special features, structures, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, overhead/underground utilities including overhead wires, towers, etc.
  - c. Identification of the owner of the replacement site and its recent history of use/function up to the present.
  - d. Detailed explanation of how the proposed replacement site is of reasonably equivalent usefulness and location as the property being converted, including a description of the recreation needs that will be met by the new replacement parks, populations to be served, and new outdoor recreation resources, facilities, and opportunities to be provided.
  - e. Identification of owner and manager of the new replacement park?
  - f. Name of the new replacement park. If the replacement park is added to an existing public park area, will the existing area be included within the 6(f) boundary? What is the name of the existing public park area?
  - g. Timeframe for completing the new outdoor recreation area(s) to replace the recreation opportunity lost per the terms of conversion approval and the date replacement park(s) will be open to the public.
  - h. New Section 6(f) map for the new replacement park.
7. NEPA environmental review, including NHPA Section 106 review, for both the converted and replacement sites in the same document to analyze how the converted park land and recreational usefulness will be replaced. Except for "small" conversions (see LWCF Manual Chapter 8), conversions usually require an EA.

***Proceed to Steps 5 through 7***



**C. Proposal for a Public Facility in a Section 6(f) Area**

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. In summary, NPS must review and decide on requests to construct a public indoor and/or non-recreation facility within a Section 6(f) area. In certain cases NPS may approve the construction of public facilities within a Section 6(f) area where it can be shown that there will be a net gain in **outdoor recreation** benefits and enhancements for the entire park. In most cases, development of a non-recreation public facility within a Section 6(f) area constitutes a conversion. For NPS review, the State/sponsor must submit a proposal to NPS under a letter of transmittal from the SLO that:

1. Describes the purpose and all proposed uses of the public facility such as types of programming, recreation activities, and special events including intended users of the new facility and any agency, organization, or other party to occupy the facility. Describe the interior and exterior of the facility, such as office space, meeting rooms, food/beverage area, residential/lodging area, classrooms, gyms, etc. Explain how the facility will be compatible with the outdoor recreation area. Explain how the facility and associated uses will significantly support and enhance existing and planned outdoor recreation resources and uses of the site, and how outdoor recreation use will remain the primary function of the site. (The public's outdoor recreation use must continue to be greater than that expected for any indoor use, unless the site is a single facility, such as a swimming pool, which virtually occupies the entire site.)
2. Indicates the exact location of the proposed public facility and associated activities on the site's Section 6(f) map. Explain the design and location alternatives considered for the public facility and why they were not pursued.

3. Explains who will own and/or operate and maintain the facility? Attach any 3<sup>rd</sup> party leases and operation and management agreements. When will the facility be open to the public? Will the facility ever be used for private functions and closed to the public? Explain any user or other fees that will be instituted, including the fee structure.
4. Includes required documents as a result of a completed NEPA process (Steps 5 – 7).

***Proceed to Steps 5 through 7*** 

**Step 4. Proposals for Temporary Non-Conforming Use, Significant Change in Use, and Sheltering Facilities (See LWCF Manual for guidance.)**

**A. Proposal for Temporary Non-Conforming Use**

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. NPS must review and decided on requests for temporary uses that do not meet the requirements of allowable activities within a Section 6(f) area. A temporary non-conforming use is limited to a period of six months (180 days) or less. Continued use beyond six-months will not be considered temporary, and may result in a Section 6(f)(3) conversion of use requiring the replacement of converted parkland. For NPS review, describe the temporary non-conforming use (activities other than public outdoor recreation) in detail including the following information:

1. A letter of transmittal from the SLO recommending the proposal.
2. Describe in detail the proposed temporary non-conforming use and all associated activities, why it is needed, and alternative locations that were considered and why they were not pursued.
3. Explain length of time needed for the temporary non-conforming use and why.
4. Describe the size of the Section 6(f) area affected by the temporary non-conforming use activities and expected impacts to public outdoor recreation areas, facilities and opportunities. Explain efforts to keep the size of the area impacted to a minimum. Indicate the location of the non-conforming use on the site's 6(f) map.
5. Describe any anticipated temporary/permanent impacts to the Section 6(f) area and how the sponsor will mitigate them during and after the non-conforming use ceases.
6. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

***Proceed to Steps 5 through 7*** 

**B. Proposal for Significant Change in Use**

Prior to developing the proposal, you must consult the LWCF Manual for complete guidance. NPS approval must be obtained prior to any change from one eligible use to another when the proposed use would significantly contravene the original plans or intent for the area outlined in the original LWCF application for federal assistance. Consult with NPS for early determination on the need for a formal review. NPS approval is only required for proposals that will **significantly** change the use of a LWCF-assisted site (e.g., from passive to active recreation). The proposal must include and address the following items:

1. A letter of transmittal from the SLO recommending the proposal.
2. Description of the proposed changes and how they significantly contravene the original plans or intent of LWCF agreements.
3. Explanation of the need for change in use and how the change is consistent with local plans and the SCORP.
4. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

*Proceed to Steps 5 through 7*



### **C. Proposal for Sheltering Facilities**

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. NPS must review and decide on all proposals to shelter an existing outdoor recreation facility or construct a new sheltered recreation facility within a Section 6(f) area regardless of funding source. The proposal must demonstrate that there is an increased benefit to public recreation opportunity. Describe the sheltering proposal in detail, including the following:

1. A letter of transmittal from the SLO recommending the proposal.
2. Describe the proposed sheltered facility, how it would operate, how the sheltered facility will include recreation uses that could typically occur outdoors, and how the primary purpose of the sheltered facility is recreation.
3. Explain how the sheltered facility would not substantially diminish the outdoor recreation values of the site including how the sheltered facility will be compatible and significantly supportive of the outdoor recreation resources present and/or planned.
4. Explain how the sheltered facility will benefit the total park's outdoor recreation use.
5. Describe efforts provided to the public to review the proposal to shelter the facility and has local support.
6. Document that the sheltered facility will be under the control and tenure of the public agency which sponsors and administers the original park area.
7. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

*Proceed to Steps 5 through 7*



### **Step 5. Summary of Previous Environmental Review** (including E.O. 12372 - Intergovernmental Review)

To avoid duplication of effort and unnecessary delays, describe any prior environmental review undertaken at any time and still viable for this proposal or related efforts that could be useful for understanding potential environmental impacts. Consider previous local, state, federal (e.g. HUD, EPA, USFWS, FHWA, DOT) and any other environmental reviews. At a minimum, address the following:

1. Date of environmental review(s), purpose for the environmental review(s) and for whom they were conducted.
2. Description of the proposed action and alternatives.
3. Who was involved in identifying resource impact issues and developing the proposal including the interested and affected public, government agencies, and Indian tribes.
4. Environmental resources analyzed and determination of impacts for proposed actions and alternatives.
5. Any mitigation measures to be part of the proposed action.
6. Intergovernmental Review Process (Executive Order 12372): Does the State have an Intergovernmental Review Process? Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, has the LWCF Program been selected for review under the State Intergovernmental Review Process? Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, was this proposal reviewed by the appropriate State, metropolitan, regional and local agencies, and if so, attach any information and comments received about this proposal. If proposal was not reviewed, explain why not.
7. Public comment periods (how long, when in the process, who was invited to comment) and agency response.
8. Any formal decision and supporting reasons regarding degree of potential impacts to the human environment.

9. Was this proposed LWCF federal action and/or any other federal actions analyzed/reviewed in any of the previous environmental reviews? If so, what was analyzed and what impacts were identified? Provide specific environmental review document references.

Use resource impact information generated during previous environmental reviews described above and from recently conducted site inspections to complete the Environmental Screening Form (ESF) portion of this PD/ESF under Step 6. Your ESF responses should indicate your proposal's potential for impacting each resource as determined in the previous environmental review(s), and include a reference to where the analysis can be found in an earlier environmental review document. If the previous environmental review documents contain proposed actions to mitigate impacts, briefly summarize the mitigation for each resource as appropriate. The appropriate references for previous environmental review document(s) must be documented on the ESF, and the actual document(s) along with this PD/ESF must be included in the submission for NPS review.

***Proceed to Steps 6 through 7*** 

## **Step 6. Environmental Screening Form (ESF)**

This portion of the PD/ESF is a working tool used to identify the level of environmental documentation which must accompany the proposal submission to the NPS. By completing the ESF, the project sponsor is providing support for its recommendation in Step 7 that the proposal either:

1. meets criteria to be categorically excluded (CE) from further NEPA review and no additional environmental documentation is necessary; or
2. requires further analysis through an environmental assessment (EA) or an environmental impact statement (EIS).

An ESF alone does not constitute adequate environmental documentation unless a CE is recommended. If an EA is required, the EA process and resulting documents must be included in the proposal submission to the NPS. If an EIS may be required, the State must request NPS guidance on how to proceed.

The scope of the required environmental analysis will vary according to the type of LWCF proposal. For example, the scope for a new LWCF project will differ from the scope for a conversion. Consult the LWCF Manual for guidance on defining the scope or extent of environmental analysis needed for your LWCF proposal. As early as possible in your planning process, consider how your proposal/project may have direct, indirect and cumulative impacts on the human environment for your type of LWCF action so planners have an opportunity to design alternatives to lessen impacts on resources, if appropriate. When used as a planning tool in this way, the ESF responses may change as the proposal is revised until it is ready for submission for federal review. Initiating or completing environmental analysis after a decision has been made is contrary to both the spirit and letter of the law of the NEPA.

The ESF should be completed with input from resource experts and in consultation with relevant local, state, tribal and federal governments, as applicable. The interested and affected public should be notified of the proposal and be invited to participate in scoping out the proposal (see LWCF Manual Chapter 4). At a minimum, a site inspection of the affected area must be conducted by individuals, who are familiar with the type of affected resources, possess the ability to identify potential resource impacts, and to know when to seek additional data when needed.

At the time of proposal submission to NPS for federal review, the completed ESF must justify the NEPA pathway that was followed: CE recommendation, production of an EA, or production of an EIS. The resource topics and issues identified on the ESF for this proposal must be presented and analyzed in an attached EA/EIS. Consult the LWCF Manual for further guidance on LWCF and NEPA.

The ESF contains two parts that must be completed:

### **Part A. Environmental Resources**

### **Part B. Mandatory Criteria**

**Part A:** For each environmental resource topic, choose an impact estimate level (none, negligible, minor, exceeds minor) that describes the degree of potential negative impact for each listed resource that may occur directly, indirectly and cumulatively as a result of federal approval of your proposal. For each impacted resource provide a

brief explanation of how the resource might be affected, how the impact level was determined, and why the chosen impact level is appropriate. If an environmental review has already been conducted on your proposal and is still viable, include the citation including any planned mitigation for each applicable resource, and choose an impact level as mitigated. If the resource does not apply to your proposal, mark NA in the first column. Add any relevant resources (see A.24 on the ESF) if not included in the list.

**Use a separate sheet to briefly clarify how each resource could be adversely impacted; any direct, indirect, and cumulative impacts that may occur; and any additional data that still needs to be determined. Also explain any planned mitigation already addressed in previous environmental reviews.**

**Part B:** This is a list of mandatory impact criteria that preclude the use of categorical exclusions. If you answer “yes” or “maybe” for any of the mandatory criteria, you must develop an EA or EIS regardless of your answers in Part A. Explain all “yes” and “maybe” answers on a separate sheet.

<b>A. ENVIRONMENTAL RESOURCES</b> Indicate potential for adverse impacts. Use a separate sheet to clarify responses per instructions for Part A on page 9	<b>Not Applicable-</b> Resource does not exist	<b>No/Negligible Impacts-</b> Exists but no or negligible impacts	<b>Minor Impacts</b>	<b>Impacts Exceed Minor</b> E/A/EIS required	<b>More Data Needed to Determine Degree of Impact</b> E/A/EIS required
1. Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.					
2. Air quality					
3. Sound (noise impacts)					
4. Water quality/quantity					
5. Stream flow characteristics					
6. Marine/estuarine					
7. Floodplains/wetlands					
8. Land use/ownership patterns; property values; community livability					
9. Circulation, transportation					
10. Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing					
11. Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.					
12. Unique or important wildlife/ wildlife habitat					
13. Unique or important fish/habitat					
14. Introduce or promote invasive species (plant or animal)					
15. Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc. <i>Most conversions exceed minor impacts. See Step 3.B</i>					
16. Accessibility for populations with disabilities					
17. Overall aesthetics, special characteristics/features					
18. Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc. Attach SHPO/THPO determination.					
19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure					
20. Minority and low-income populations					
21. Energy resources (geothermal, fossil fuels, etc.)					
22. Other agency or tribal land use plans or policies					
23. Land/structures with history of contamination/hazardous materials even if remediated					
24. Other important environmental resources to address.					

B. MANDATORY CRITERIA If your LWCF proposal is approved, would it...	Yes	No	To be determined
1. Have significant impacts on public health or safety?			
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands, wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (E.O. 11990); floodplains (E.O 11988); and other ecologically significant or critical areas.			
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?			
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?			
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?			
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?			
7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office. (Attach SHPO/THPO Comments)			
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.			
9. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?			
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?			
11. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?			
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?			

**Environmental Reviewers**

The following individual(s) provided input in the completion of the environmental screening form. List all reviewers including name, title, agency, field of expertise. Keep all environmental review records and data on this proposal in state compliance file for any future program review and/or audit. The ESF may be completed as part of a LWCF pre-award site inspection if conducted in time to contribute to the environmental review process for the proposal.

- 1.
- 2.
- 3.

The following individuals conducted a site inspection to verify field conditions. List name of inspector(s), title, agency, and date(s) of inspection.

- 1.
- 2.
- 3.

State may require signature of LWCF sub-recipient applicant here:

\_\_\_\_\_ Date \_\_\_\_\_

First, consult the attached list of "Categorical Exclusions (CEs) for Which a Record is Needed." If you find your action in the CE list **and** you have determined in Step 6A that impacts will be minor or less for each applicable environmental resource on the ESF **and** you answered "no" to all of the "Mandatory Criteria" questions in Step 6B, the proposal qualifies for a CE. Complete the following "State LWCF Environmental Recommendations" box indicating the CE recommendation.

If you find your action in the CE list **and** you have determined in Step 6A that impacts will be greater than minor or that more data is needed for any of the resources **and** you answered "no" to all of the "Mandatory Criteria" questions, your environmental review team may choose to do additional analysis to determine the context, duration, and intensity of the impacts of your project or may wish to revise the proposal to minimize impacts to meet the CE criteria. If impacts remain at the greater than minor level, the State/sponsor must prepare an EA for the proposal. Complete the following "State Environmental Recommendations" box indicating the need for an EA.

If you do not find your action in the CE list, regardless of your answers in Step 6, you must prepare an EA or EIS. Complete the following "State Environmental Recommendations" box indicating the need for an EA or EIS.

### State NEPA Pathway Recommendation

I certify that a site inspection was conducted for each site involved in this proposal and to the best of my knowledge, the information provided in this LWCF Proposal Description and Environmental Screening Form (PD/ESF) is accurate based on available resource data. All resulting notes, reports and inspector signatures are stored in the state's NEPA file for this proposal and are available upon request. On the basis of the environmental impact information for this LWCF proposal as documented in this LWCF PD/ESF with which I am familiar, I recommend the following LWCF NEPA pathway:

- This proposal qualifies for a Categorical Exclusion (CE).
  - CE Item #:
  - Explanation:
- This proposal requires an Environmental Assessment (EA) which is attached and has been produced by the State/sponsor in accordance with the LWCF Program Manual.
- This proposal may require an Environmental Impact Statement (EIS). NPS guidance is requested per the LWCF Program Manual.

*Reproduce this certificate as necessary. Complete for each LWCF appraisal or waiver valuation.*

### State Appraisal/Waiver Valuation Review

Property address:

Date of appraisal transmittal letter/waiver:

Real property value: \$

Effective date of value:

I certify that:  a State-certified Review Appraiser has reviewed the appraisal and has determined that it was prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions.

OR

the State has reviewed and approved a waiver valuation for this property per 49 CFR 24.102(c)(2)(ii).

SLO/ASLO Original Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Typed Name, Title, Agency:

**U.S. Department of the Interior Appendix J--Debarment  
Certifications Regarding Debarment, Suspension and  
Other Responsibility Matters, Drug-Free Workplace  
Requirements and Lobbying**

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions -

**The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to**

be used or use this form certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.) Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.) Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12) Signature on this form provides for compliance with The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Interior determines to award the covered transaction, grant, cooperative agreement or loan.

---

**PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions**

---

CHECK  IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

---

**PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions**

---

CHECK  IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

---

**PART C: Certification Regarding Drug-Free Workplace Requirements**

---

CHECK  IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code—9digit)

---

---

---

Check  if there are workplaces on files that are not identified here.

---

**PART D: Certification Regarding Drug-Free Workplace Requirements**

---

CHECK  IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL.

Alternate II. (Grantees Who Are Individuals):

- a. The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- b. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

**PART E: Certification Regarding Lobbying**  
**Certification for Contracts, Grants, Loans, and Cooperative Agreements**

CHECK  IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK  IF CERTIFICATION FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

\_\_\_\_\_  
TYPED NAME AND TITLE

\_\_\_\_\_  
DATE

## APPENDIX K ASSURANCES - CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.</li> <li>2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or a proper accounting system in accordance with generally accepted accounting standards or agency directives.</li> <li>3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.</li> <li>4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.</li> <li>5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the completed work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.</li> <li>6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding which application for Federal assistance is being made; and</li> <li>7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.</li> <li>8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).</li> </ol> | <ol style="list-style-type: none"> <li>9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.</li> <li>10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under agency, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.</li> <li>11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.</li> <li>12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.</li> </ol> |
|---|--|

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations.
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

<b>SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL</b>	<b>TITLE</b>
<b>APPLICANT ORGANIZATION</b>	<b>DATE SUBMITTED</b>

## Appendix K ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

Note : Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§16811683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 Of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to non-discrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other non-discrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic river system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with PL 93-348 regarding the protection of human subject involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (PL 89-544, as amended, 6 USC 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 USC 4801 et. Seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133 "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

Signature of Authorized Certifying Official	Title:
Applicant Organization:	Date Submitted:

**APPENDIX L-Civil Rights Assurances**

**U. S. DEPARTMENT OF THE INTERIOR  
CIVIL RIGHTS ASSURANCE**

As the authorized representative of the applicant, I certify that the applicant agrees that, as a condition to receiving any Federal financial assistance from the Department of the Interior, it will comply with all Federal laws relating to nondiscrimination. These laws include, but are not limited to: (a) Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000d-1), which prohibits discrimination on the basis of race, color, or national origin; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 6101 et. Seq.), which prohibits discrimination on the basis of age; and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, handicap or age be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the applicant. **THE APPLICANT HEREBY GIVES ASSURANCE THAT** it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE shall apply to all aspects of the applicant's operations including those parts that have not received or benefited from Federal financial assistance.

In any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applicants for Federal financial assistance which were approved before such date.

The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of the assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, and subrecipients and the person whose signature appears below who is authorized to sign this assurance on behalf of the applicant.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT/ORGANIZATIONS	DATE SUBMITTED:
APPLICANT/ ORGANIZATION MAILING ADDRESS	BUREAU OR OFFICE EXTENDING ASSISTANCE <i>Maine Department of Conservation</i>



**APPENDIX D – Sample Transmittal Letter**

**Submit on municipal/agency/SAD letterhead**

July 15, 2010

Bureau of Parks and Lands  
Mick Rogers, Alternate State Liaison Officer  
124 State House Station  
Augusta, Maine 04333-0124

Dear Mick,

The City/Town of \_\_\_\_\_ is pleased to forward this application under the Land and Water Conservation Fund (LWCF) program administered through the Maine Department of Conservation. The City/Town of \_\_\_\_\_ is applying for an LWCF grant in the amount of \$\_\_\_\_\_ in federal funds for the (development/acquisition) of (type of facility).

I am aware that should this application receive approval, there are federal and state requirements for project conduct and for operation and maintenance of the completed facility with which the City/Town will be obligated to comply.

The required local legislative approval was obtained from the (City Council, Town Council, Town Meeting) on (date).

(Name and Title) will be the principal contact and project manager for this project. (He/She) can be reached by telephone at (telephone number and e-mail address) or by correspondence at (address).

Sincerely,

\_\_\_\_\_  
(Signature of Chief Executive Officer)  
(Typed Chief Executive Officer's name and title)

## APPENDIX E – Sample Warrant Articles/Project Certification

### Warrant Articles or Resolves

USE THE FOLLOWING WORDING IN DRAFTING WARRANT ARTICLES OR RESOLVES:  
(NOTE: If Project Sponsor is a School Administrative District, contact Alt. State Liaison Officer for copy of appropriate Project Certification)

#### **1. Authorizing Application (must be worded as follows)**

Article #xxx

To see if the City/Town will authorize the (*specify selectmen or other officials*) to apply, on behalf of the City/Town, for federal financing assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for the (*specify acquisition or development*) of (*give title of project as it will appear on application*); and further authorize (*specify selectmen or other officials*) to enter into the Land and Water Conservation Fund Project Agreement with the State subsequent to federal approval of the project.

#### **2. Appropriation of local funds\***

If City/Town tax appropriations are being used for all or part of the local share of the project cost, The City/Town must raise the funds through Town Meeting or Council action.

#### **3. Authorization to borrow the necessary funds from time to time to cover anticipated reimbursement\***

The local sponsor is obligated to pay all costs of the project “up-front”. Therefore, there may be the need to authorize the borrowing of funds which will be repaid by federal reimbursement.

\*Note: Numbers 2 and 3 may be worded to be contingent upon approval of federal funds.

**Project Certification**  
**(Submit on municipal/agency/SAD letterhead after passage of warrant)**

**This is to certify** that the (*legislative body – i.e., Town Meeting, City Council, etc. and name of City/Town*) hereby authorizes (*name or title of municipal official, agency, or department*) to make application for financial assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for (*specify acquisition or development*) of (*give title of project as it will appear on the project application*).

**This further certifies** that the (*legislative body and name of City/Town*) is familiar with the terms and conditions of the Land and Water Conservation Fund Project Agreement, revision dated March 1995 and hereby authorizes (*name or title*) to enter into said agreement between (*name of municipality*) and the State of Maine upon federal approval of the above identified project.

**This further certifies** that the (*name of agency or department*) has been legally constituted and is responsible for planning and carrying out the municipal recreation program, and the continued operation and maintenance of this completed project in accordance with the terms and conditions of the Land and Water Conservation Fund Project Agreement (*provide data on how established and organized*).

**And this further certifies** that except for the financial assistance requested by this project application, no financial assistance has been applied for, given or promised under any other State or Federal Program (*if any, please specify*).

Date \_\_\_\_\_

At \_\_\_\_\_

And signed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# City Council Workshop Information Sheet

City of Auburn

**Council Workshop Date:** October 15, 2012

**Item** D

**Author:** Dan Goyette, City Engineer

**Subject:** New project review from Engineering (ATRC project list 2013-2015) – Dan Goyette

---

**Information:**

Review of projects submitted for the 2013-2015 Transportation Improvement Program and discuss future requests.

---

**Financial:** The City would be obligated to provide a 20% (typical) match to the project funds.

---

**Action Requested at this Meeting:**

Informational / Discussion

---

**Previous Meetings and History:**

---

**Attachments:**

1. TIP Scoring Criteria
2. Score Sheet

**ATRC**  
**Project Selection and Prioritization Process**

**Accepted by Policy Committee March 22<sup>nd</sup>, 2012**



**I. INTRODUCTION**

This document outlines the Androscoggin Transportation Resource Center (ATRC) project selection and prioritization process for the biennial Transportation Improvement Program (TIP). It conforms to the ATRC Organizational Bylaws and is consistent with the:

- ATRC 20-Year Plan
- ATRC Unified Planning Work Program, and the
- Overall Capital Improvement needs of the ATRC area.

**II. PUBLIC INVOLVEMENT**

This document conforms to the ATRC Public Involvement Process, last adopted February 26, 2004.

**III. ELIGIBILITY, ROLES, AND RESPONSIBILITIES**

**A. Organizational Eligibility**

The chief elected or administrative officials from the following organizations may propose projects through the ATRC process:

- 1) City of Lewiston
- 2) City of Auburn
- 3) Town of Lisbon
- 4) Town of Sabattus
- 5) Androscoggin Valley Council of Governments (AVCOG)
- 6) Lewiston-Auburn Transit Committee (LATC)
- 7) Western Maine Transportation Services (WMTS)
- 8) Maine Department of Transportation (MaineDOT)
- 9) Maine Department of Environmental Protection (MDEP)
- 10) Maine Turnpike Authority (MTA)

Only projects endorsed by municipal councils (including proposals from private not-for-profit organizations) will be included in the ATRC list submitted to MaineDOT. Written evidence of Board of Directors support is required for proposals from public transportation organizations and private not-for-profit organizations.

**B. Roles and Responsibilities**

The specific roles and responsibilities of the two standing ATRC committees are presented below.

- 1) Technical Committee – This committee reviews TIP project proposals and makes recommendations on final project selection to the Policy Committee. During the TIP development process, the Technical Committee carries out the following work in the evaluation of highway improvement proposals:

- a. Fine tune detailed scopes of work for each proposal,
- b. Review data collection and analysis of projects, and
- c. Recommend a ‘short list’ of projects for which cost estimates will be prepared,
- d. Review ‘short list’ projects in the field with ATRC staff,
- e. Recommend a final list of projects for Policy Committee consideration

2) Policy Committee – The Policy Committee will review and comment on all qualified project selection recommendations. The Policy Committee will formulate policy that determines the project list submitted to MaineDOT and will endorse the final TIP document.

**IV. PROJECT PROPOSAL REQUIREMENTS**

In order to be considered, project proposals must meet the following requirements.

- A. Proposals must be consistent with the ATRC Long Range Transportation Plan.
- B. Proposals must be consistent with the comprehensive plan or municipal policy document of the city/town in which it is located.
- C. Proposed projects that begin or end at a town or city boundary line must be appropriately connected with the existing or programmed transportation infrastructure in the adjacent community.
- D. Proposals submitted after the deadline will not be considered.
- E. Only complete project proposals with detailed scopes of work will be considered for funding. ATRC staff can provide assistance.
- F. Proposals for roadway improvements must be located on the Federal Functional classified highways in the ATRC region.
- G. Highway reconstruction project proposals that add capacity to the system (including turning lane construction) must be based on a thorough engineering analysis, such as a study sponsored by ATRC. Projects that are deemed “reasonably significant” per Maine’s Sensible Transportation Policy Act will also require a full alternatives analysis before they can be considered for funding (pursuant to MaineDOT Rule 17-229-103).

**V. PROPOSAL SCORING**

MaineDOT evaluates Surface Transportation Program (STP) Safety and STP Enhancement project proposals in advance of the rest of the highway and transit program. MaineDOT notifies ATRC of projects selected for inclusion into the TIP with funding from one of these sources. Projects not selected by MaineDOT are still eligible to be considered for funding, under the available balances of STP, National Highway System (NHS), and/or Federal Transit Administration (FTA) capital funding programmed by ATRC.

The following sections describe the technical scoring process that assists ATRC in the allocation of Federal Highway Administration (FHWA) and FTA funding.

A. FTA Section 5309 and 5307 Capital Funds

FTA publishes an allocation of Section 5307 Capital Funds to the urban area on an annual basis. Section 5309 Funds are allocated throughout the nation on a competitive basis. ATRC does not allocate FTA capital funds on a formula basis as many other MPOs do. ATRC allocates capital fund on a “needs justified” basis. Project proposals from Section 5307 Capital Funds should evolve from a capital improvement or replacement program.

B. Highway Improvement Scoring Formula (STP and NHS Funding)

The eight scoring factors for projects are described below.

**Project Scoring Criteria**

<b>Criteria</b>	<b>Recon/Rehab</b>	<b>Resurfacing</b>	<b>Intersection</b>
Traffic Volume	20	30	20
Traffic Growth	10	5	10
Safety	20	0	35
Pavement Condition	15	40	0
Congestion	5	0	15
Preferred Trucking Route	10	10	10
Bicycle/Pedestrian Improvements	10	10	10
Project Phasing	10	5	0
<b>Maximum Score</b>	100	100	100

- 1) Traffic Volume – The amount of volume that a roadway serves is indicative of its importance in serving the transportation system. Roads which service more vehicles will be given more importance than roads that do not serve as many vehicles. Intersection volumes will be measured by the greatest of the crossing roads.

<b>Volume (AADT) in thousands</b>	<b>Recon/Rehab</b>	<b>Resurfacing</b>	<b>Intersection</b>
<2	0	0	0
2-5	4	10	5
5-8	7	15	10
8-11	15	20	13
11-15	20	25	17
>15	25	30	20

- 2) Traffic Growth - The growth in traffic on a roadway segment is a good indicator of future demand need. Priority is given to those facilities for which the demand is expected to increase the most. This factor is based on the ATRC Traffic Model which has a target year of 25 years.

Growth	Recon/Rehab	Resurfacing	Intersection
<5%	0	0	0
5-10%	1	1	1
10-20%	3	3	3
20-30%	7	4	7
>30%	10	5	10

- 3) Safety - The safety score is based upon MaineDOT's list of high crash locations for the preceding three years. MaineDOT classifies a roadway link or node as a high crash location (HCL) if it has had eight or more crashes in a three year period, and if it has a critical rate factor (CRF) greater than 1.0.

A project that includes a HCL and seeks to correct the deficiencies will receive:

Safety	Recon/Rehab	Resurfacing	Intersection
Corrects HCL	15	0	35

- 4) Pavement Condition - The pavement condition score is based upon MaineDOT's latest customer service level for pavement condition. This rating incorporates the PCR (pavement condition rating), and the strength and ride quality of the road as measured by MaineDOT's ARAN vehicle. If the local municipality has data which is more recent than what is available from MaineDOT, the local data may be used for the analysis.

Projects that have roads in the worst condition will be given more points.

**Pavement Customer Service Level (MaineDOT System)**

CSL Condition	Rating	Recon/Rehab	Resurfacing	Intersection
A	Excellent	2	3	0
B		7	15	0
C		11	30	0
D		13	35	0
F	Poor	15	40	0

- 5) Congestion – Highway reconstruction projects that add capacity to the road network can improve flow on a roadway link or at an intersection. This might include turning lanes and wider shoulders. Increasing the existing capacity of roadway is desired as it would improve congestion without additional pavement area which can be expensive. This may include traffic signal or other ITS improvements.

A project will receive a higher score if its improvements will increase the capacity or LOS of a roadway as measured and recommended by an engineering study.

Congestion	Recon/Rehab	Resurfacing	Intersection
Maximum Points	5	0	15

- 6) Preferred Trucking Route – Projects which will facilitate the efficient transport of goods in the ATRC area will be prioritized. A project which resides on a designated corridor of the latest ATRC preferred trucking route map will receive 10 points.
- 7) Bicycle/Pedestrian Improvements – Projects may receive up to 10 points for including improvements to the bicycle or pedestrian network as part of highway reconstruction, rehabilitation or intersection improvements. These points may be awarded as shown below.

Points	Criteria	Example
10	The project is located in a pedestrian district and will include new and/or improved bicycle and pedestrian facilities, such as bike lanes, sidewalks with esplanades, and other streetscape improvements and amenities. A pedestrian district is a dense, mixed use area where a high volume of “people” traffic is both expected and encouraged, such as schools, downtown Auburn and Lewiston, Lisbon Falls, Sabattus Village, Auburn Mall and Lewiston Mall.	Central Ave, Lewiston Court St., Auburn Lisbon St., Lewiston Turner St., Auburn
8	The project will include NEW bicycle AND pedestrian facilities where none exist but are warranted as referenced in <i>Bridging the Gaps 2008 update</i> .	Park Avenue, Auburn Bartlett St., Lewiston
6	The project will include NEW bicycle OR pedestrian facilities where none exist but are warranted, as referenced in <i>Bridging the Gaps 2008 update</i> .	Minot Avenue, Auburn Russell St., Lewiston
4	The project will replace existing bicycle and pedestrian facilities where such facilities have excessively deteriorated or the project will replace existing bicycle and pedestrian facilities, such as for ADA sidewalk modifications, re-striping of existing shoulders and paving gravel shoulders, etc.	
0	No facilities are planned.	

- 8) Project Phasing - The connectivity of a project is based on whether or not the proposed project is a “continuation” of another project. The prior project must have been completed within the last five years.

A project will receive points if one end of the project is part of another recent project. If the proposed project does not begin or end at another recent project, then no points are awarded.

Project Phasing	Recon/Rehab	Resurfacing	Intersection
Maximum Points	10	5	0

C. Existing Sidewalk Scoring Formula

Scoring factors for reconstruction and rehabilitation of currently existing sidewalks are listed below.

Criteria	Score
Pedestrian Usage	30
Safety & Accessibility	20
Condition	40
Connectivity	10
<b>Maximum Score</b>	<b>100</b>

- 1) Pedestrian Usage – The amount of use that a sidewalk receives will indicate the demand for the walkway.

Score	Criteria
30	The project will replace existing sidewalks that are excessively deteriorated with greater than 75% of the area at severity level high (see section C.3) in the pedestrian district. A pedestrian district is a dense, mixed use area where a high volume of “people” traffic is both expected and encouraged, such as schools, downtown Auburn and Lewiston, Lisbon Falls, Sabattus Village, Auburn Mall and Lewiston Mall.
25	The project is located in a pedestrian district or within a ¼ mile radius of a transit facility such as a bus stop, and will reconstruct existing sidewalks.
10	The project will replace sidewalks that are located in the pedestrian district.
5	The project will improve sidewalks outside of the pedestrian district.

- 2) Safety and Accessibility – Access criteria are combined to assess the ease of use that mobility-impaired people will encounter on the sidewalk. The design for sidewalks should be to make them accessible to all users regardless of age or ability. Examples of problems that should be corrected are changes in

level “steps”, steep cross-slopes and grades, new or improved intersection ramps, or moving obstacles like utility poles in the sidewalk that must be maneuvered.

A project will receive 10 points for addressing safety issues and 10 points for addressing ADA and accessibility issues.

3) Condition – The condition of sidewalks are divided into four categories as shown in the figure below.

Severity Level Score	Description	Notes
0	Low Severity	Sidewalk in good condition, was new or recently built
10	Medium-Low Severity	Low distress; some cracking, with little, if any, problems for mobility
25	Medium-High Severity	Mild distress; sidewalk may be broken up in areas, or showing wear in various areas, may be difficult for some pedestrians to use
40	High Severity	High distress; sidewalk in extremely poor condition, and may be impassable with possible large cracks, potholes, and missing sidewalk sections

4) Connectivity – The connectivity of a project is based on whether or not the proposed project is a “continuation” of another project.

A project will receive 5 points for each end of the sidewalk project that connects to another sidewalk. The total sidewalk score may not exceed 10 point. If the proposed project does not begin or end at another project, then no points are awarded.

#### D. New Sidewalk Scoring Formula

The four scoring factors for new sidewalks are listed below, which are further described in the following sections.

Criteria	New
Sidewalk Location	40
Demonstrated Need	30
Connectivity	10
Installation guidelines	20
<b>Maximum Score</b>	<b>100</b>

- 1) Sidewalk Location – The area that the new sidewalk will be located in will demonstrate the need for the sidewalk. New sidewalks which will be located inside of pedestrian districts will be of highest priority, while those outside will be of lower priority. A pedestrian district is a dense, mixed use area where a high volume of “people” traffic is both expected and encouraged, such as downtown Auburn and Lewiston, Lisbon Falls, Sabattus Village, Auburn Mall and Lewiston Mall.

New sidewalks located inside of pedestrian districts will be given 40 points. New sidewalks located outside of the pedestrian district, but connecting to it will be given 15 points. Sidewalks outside of the pedestrian district will be given 5 points.

- 2) Demonstrated Need – Areas that have proven pedestrian usage and are without sidewalks need consideration in the interest of safety.

30 Points will be awarded for areas that can in some way document heavy pedestrian usage, such as an engineering study. 15 points will be awarded for projects that can show modest usage in the area, such as ‘cow paths’ in a grassy area.

- 3) Connectivity – The connectivity of a project is based on whether or not the proposed project is a “continuation” of another project.

A project will receive 5 points for each end of the sidewalk project that connects to another sidewalk. The total sidewalk score may not exceed 10 points. If the proposed project does not begin or end at another project, then no points are awarded.

- 4) Installation guidelines – A new sidewalk that is located according to *Safety Effectiveness of Highway Design Features* (FHWA, 1992) will be awarded full points. This will help insure that new sidewalks are built in the most desirable locations.

Only Federally Functional Classified roads will be considered for projects. Local roads will not be considered for projects.

*Guidelines for Sidewalk Installation*

<b>Land-Use/Roadway Functional Classification/Dwelling Unit</b>	<b>New Urban and Suburban Streets</b>	<b>Existing Urban and Suburban Streets</b>
Commercial & Industrial (All Streets)	Both sides.	Both sides. Every effort should be made to add sidewalks where they do not exist and complete missing links.
Residential (Major Arterials)	Both sides.	Both sides.
Residential (Collectors)	Both sides.	Multifamily—both sides.
		Single family dwellings—prefer both sides; require at least one side.
Residential (Local Streets) More than 4 units per acre	Both sides.	Prefer both sides; require at least one side.
1 to 4 units per acre	Prefer both sides; require at least one side.	At least 4' shoulder on both sides required.
Less than 1 unit per acre	One side preferred; shoulder on both sides required.	One side preferred, at least 4' shoulder on both sides required.

**VI. FINANCIAL CONSTRAINT**

A. Introduction

Federal rules require MPOs to financially constrain their Transportation Improvement Programs (TIPs) to funding levels that can reasonably be expected to exist in the funding years covered by the program. The rules also require the MPOs to program four years of projects rather than two years, but only the first two years are formally programmed with federal, state, and local funding. In the event that additional funds become available, the third or fourth year projects would advance to development. Third and fourth year projects that are not considered in the biennium will be considered for funding in the next TIP process.

- B. Expected NHS, STP, FTA Section 5309 and FTA Section 5307 Funding Levels  
MaineDOT provides ATRC with the projected funding levels at the beginning of the project selection process. Final allocations are provided during the development of the state's TIP.

## VII. POLICY COMMITTEE SELECTION

Ultimately, it is the ATRC Policy Committee that will establish the final list of projects of what will be submitted to MaineDOT. The technical scoring system outlined in Section V covers the technical aspects of proposed projects only. The Policy Committee must address a whole range of policy issues before making a final decision on project selection.

### A. Policy Considerations

The Policy Committee will, as part of its effort to take a more holistic approach, consider the following list of policy issues. This list is not intended to leave out or exclude any other issues that may be facing the community but is intended to serve as examples of what is considered when selecting projects over and above a technical ranking.

- 1) Economic development potential of areas impacted by the project
- 2) Fostering economic growth in areas not currently under development
- 3) Enhancing existing development to include making an area more attractive for future business development
- 4) Job growth
- 5) Job retention
- 6) Promotes diversification of business types
- 7) Promotes or is consistent with community goals
- 8) Contributes to the vitality, health and safety of the community
- 9) Capacity to proceed

2014 - 2017 TIP Project Candidate Scoring List

9/13/2012

RANK	CITY	LOCATION	DESCRIPTION	PROJECT CLASS	MILES	COST ESTIMATE	Score
1	Lewiston	Sabattus Street	Main Street to Pond Road signals & ADA; remainder	Intersection	-	\$ 790,000	* 80
2	Lisbon	Route 196	Frost Hill Avenue to Capital Avenue	Resurfacing	0.78	\$ 275,000	* 73
3	Lewiston	Lisbon Street	Chestnut St to Main St	Resurfacing	0.32	\$ 1,020,000	72
4	Lewiston	Lisbon Street	Chestnut, Pine, ash, chestnut/canal, ash/bates, pine/bates	Intersection	-	\$ 780,000	* 63
5	Sabattus	Main Street	Park Street to Sabattus River Bridge	Sidewalk	0.40	\$ 275,000	60
6	Sabattus	Route 132	Stonewall Road to Wales town line	Reconstruction	0.63	\$ 650,000	^ 57
7	Lisbon	Main Street (Route 125)	Huston Street to Urban Compact Line	Reconstruction	1.00	\$ 1,860,000	* 53
8	Lewiston	Bartlett Street	East Ave to College St	Resurfacing	1.06	\$ 1,500,000	52
8	Lewiston	River Road	Turnpike to A.P. Parkway	Reconstruction	0.86	\$ 1,276,500	* 52
8	Lewiston	River Road	South Avenue to Turnpike	Reconstruction	0.34	\$ 507,500	* 52
8	Auburn	Park Avenue	School to Lake Street	Reconstruction	0.36	\$ 1,500,000	# 52
12	Lewiston	Lincoln Street	Guiley Brook to Lew. Aub. Water Pollution Control Autho	Sidewalk	0.70	\$ 620,000	50
12	Auburn	Hotel Road	East Hardscrabble to Lewiston Junction Road	Reconstruction	0.50	\$ 1,500,000	50
12	Lewiston	Stetson Road	Main Street to College Street	Resurfacing	0.66	\$ 265,000	50
12	Auburn	Park Avenue	Summer to Mt Auburn	Reconstruction	0.09	\$ 800,000	50

\$ 5,650,000

\$ 12,554,000

\$ 13,619,000

Notes from the Technical Committee discussion (9/13/12)

\* MaineDOT estimate

^ The Town of Sabattus has indicated that while Route 132 is a priority, it likely will not have local match until 2016 (the 3rd year of this TIP)

# This portion of Park Ave is currently funded for \$500,000 already, and is currently the design, with full PS&E expected this fall.



# City Council Workshop Information Sheet

City of Auburn

**Council Meeting Date:** October 15, 2012

**Item** E

**Author:** Clinton Deschene

**Subject:** Ice Arena

---

**Information:** Pursuant to the Council's request to entertain new approaches to a dual surface Ice Arena the staff is presenting many options.

First, new financial data is included and has been shared based upon different approaches to expenses and more indications of ice time rental.

Second, many communications to the Council, in letters or emails, stress the Community Development value. Community Development impacts are there but do not and should not show up on the budget for the Arena. This is where the Council needs to consider the risk versus the potential.

Third, per prior budgets it should be clear that risk is a major component to the operating budget. Without more time and significant, possibly expensive studies, the costs are projections. And even with studies the projections may be more reliable but do not constitute a guarantee. Compound this with the time it will take the potential renters consistently indicate that their programs are at risk if a new facility is not prepared for them by next fall because Ingersoll will not satisfy their demands both currently and into the future.

Fourth, it is accurate that Ingersoll does break even and profit on an annual basis, but if current renters disband or diminish, the risk that Ingersoll may begin to lose money is a real concern as well.

Overall, this new information is per your request and staff and I are ready to discuss in more detail.

---

**Financial:** Yes there are potential impacts.

---

**Action Requested at this Meeting:** Discuss and direct next steps.

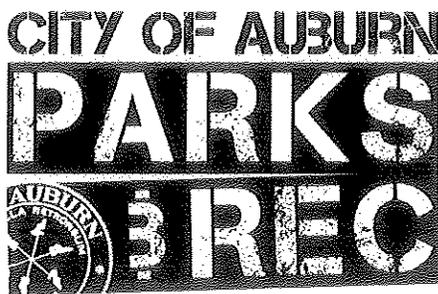
---

**Previous Meetings and History:** 6/18/2012, 6/25/2012, 7/2/2012, 9/4/2012, 9/17/2012, and 10/01/2012.

---

**Attachments:**

- Memo
- New budget



**To:** Mayor LaBonte and City Council

**From:** Ravi Sharma, Parks & Recreation Director

**Subject:** Summary of Revisions to Dual Surface Ice Arena Financial Forecast

**Date:** October 5, 2012

The attached financial forecast and this memo serve as a summarization of revisions made to the October 1, 2012 financial forecast and the basis for the changes.

The document is broken down as it has been in previous versions, but historical Ingersoll data has been removed for purposes of clarity. This scenario assumes the City would still execute the project under a lease agreement. All figures presented in this forecast are identical to the forecast you received on October 1, 2012 with the exception of the following changes:

- Received rental intent from Southern Maine Middle School Hockey League. Added to revenues for the amount of \$13,500.
- Corrected revenue figure from \$9,000 to 45,000 for L/A Bolts. Rental intent letter states 200 prime rental hours.
- Received rental intent from L/A Edge. Added to revenues in 2013 for the amount of \$9,000.
- Corrected High School Hockey revenue figures to \$66,775. (Actual hours scheduled at Ingersoll)
- Revised debt service to \$8.5 million @ 4.5% for 30 years. This equates to a \$509,000 payment per year.
- Removed property taxes. A separate memo from Economic Development Director, Roland Miller, will explain this revision in detail.

In the forecast you received on October 1, 2012, revenue figures for 2013 totaled \$1,086,364. Revenue figures in the revised version for 2013 total \$1,129,564 which represents a difference of \$43,200. Expenses in the October 1, 2012 forecast for 2013 totaled \$1,363,735. Expenses in the revised forecast total \$1,130,186 which represents a difference of \$220,009.

Essentially, these revisions bring the enterprise to a nearly break-even status in 2013 with positive cash flow in the years following.



# City of Auburn - Double Surface Ice Arena

## Income Statement Historical/Forecasted

Lease Scenario  
5 Year Pro Forma  
**DRAFT**

### Enterprise Fund

	FORECASTED				
REVENUE	2013	2014	2015	2016	2017
Concession Stand	70,000	70,000	70,000	70,000	70,000
Naming Rights	50,000	50,000	50,000	50,000	50,000
Sign Advertisement	32,000	32,000	32,000	32,000	32,000
Proshop	11,000	11,000	11,000	11,000	11,000
Tournament Revenues	41,200	41,200	41,200	41,200	41,200
Miscellaneous	2,500	2,500	2,500	2,500	2,500
Public Skating	20,218	22,240	24,464	26,910	29,601
Skating Instruction	20,723	22,795	25,075	27,583	30,341
Rental Income					
Growth in 1 year for Rentals	67,500	67,500	67,500	67,500	67,500
Twin City Trains	236,250	240,975	245,794	250,710	255,724
Maine Gladiators	135,000	137,700	140,454	143,263	146,128
ELHS, Leavitt, Poland/GNG, Red Homets	66,775	66,775	66,775	66,775	66,775
Southern Maine Middle School Hockey	13,500	13,500	13,500	13,500	13,500
Maine Hockey Development	66,150	67,473	68,882	70,198	71,602
L/A Seniors	67,500	67,500	67,500	67,500	67,500
Rousseau's Clinics	31,500	32,130	32,772	33,428	34,096
Power Play	18,000	18,360	18,727	19,101	19,483
Boston Kremes	22,500	22,950	23,409	23,877	24,354
Tuesday Night Men's	11,700	11,934	12,172	12,416	12,664
Monday Night Coed	11,700	11,934	12,172	12,416	12,664
Mike Benube	6,300	6,428	6,564	6,685	6,819
L/A Bolts	45,000	45,000	45,000	45,000	45,000
Fons Group	6,250	6,375	6,502	6,632	6,765
Greg Gilbert	5,850	5,967	6,086	6,208	6,332
L/A Edge	9,000	11,250	11,250	11,250	11,250
Townsend Clinic	9,750	9,945	10,143	10,346	10,553
Gardiner Area Youth		11,250	11,250	11,250	11,250
Central Maine Area Youth		11,250	11,250	11,250	11,250
Tribeal Men's League		11,250	11,250	11,250	11,250
Midcoast Youth		11,250	11,250	11,250	11,250
Maine Amateur		11,250	11,250	11,250	11,250
Room Rentals	4,800	5,280	5,808	6,388	7,027
Birthday Rentals	12,000	13,200	14,520	15,972	17,569
Special Events	2,400	2,640	2,904	3,194	3,513
Shanny Hockey	12,498	13,747	15,122	16,634	18,298
In-house Clinics	20,000	20,000	20,000	20,000	20,000
	<b>1,129,564</b>	<b>1,172,796</b>	<b>1,192,285</b>	<b>1,212,686</b>	<b>1,234,256</b>



# City of Auburn - Double Surface Ice Arena

## Income Statement Historical/Forecasted

Lease Scenario  
5 Year Pro Forma

DRAFT

### Enterprise Fund

Salaries							
Director	65,000	66,300	67,626	68,978	70,358		
Facilities Manager	54,112	55,194	56,298	57,424	58,573		
Administrative Assistant	31,200	31,824	32,460	33,109	33,771		
Maintenance Supervisor	26,000	26,520	27,050	27,581	28,143		
Ice Attendant (2)	45,600	46,512	47,442	48,391	49,358		
Ice Attendant (2) Part time	10,900	11,118	11,340	11,567	11,798		
Skate Guard (2)	1,250	1,250	1,250	1,250	1,250		
Skate Instructor (2)	1,550	1,550	1,550	1,550	1,550		
OT-Regular	1,979	2,018	2,058	2,100	2,142		
Uniforms	1,400	1,428	1,456	1,485	1,515		
Health Insurance	89,333	93,794	98,484	103,408	108,578		
FICA/Medicare	17,961	18,320	18,687	19,060	19,442		
Retirement	14,087	14,369	14,656	14,949	15,248		
Cafeteria plan	5,700	5,700	5,700	5,700	5,700		
Advertising	20,000	20,000	20,000	20,000	20,000		
CPA Consultation Services	2,100	2,100	2,100	2,100	2,100		
Marketing Consultation Services							
Equipment Inspection	2,095	2,157	2,222	2,289	2,367		
Repairs - building	8,464	8,464	8,464	8,464	8,464		
Repairs - equipment	22,256	22,256	22,256	22,256	22,256		
Repairs - maintenance contracts	2,824	2,824	2,824	2,824	2,824		
Training and tuition	1,000	1,000	1,000	1,000	1,000		
Travel - mileage reimbursement	1,500	1,500	1,500	1,500	1,500		
Travel - seminar costs	750	750	750	750	750		
Dues and subscriptions	150	150	150	150	150		
Insurance premiums	7,500	7,725	7,956	8,195	8,441		
Supplies	7,950	8,109	8,271	8,436	8,605		
Postage							
Phone & Internet	1,686	1,698	1,733	1,767	1,803		
Utilities - water & sewer	5,082	5,183	5,287	5,393	5,501		
Utilities - electricity	129,650	132,243	134,887	137,585	140,337		
Utilities - bottled gas	27,127	27,669	28,222	28,787	29,363		
CIP	15,000	15,000	15,000	15,000	15,000		
<b>DEBT SERVICE - 8.5 Million @ 4.5% - 30 Years</b>	<b>509,000</b>	<b>509,000</b>	<b>509,000</b>	<b>509,000</b>	<b>509,000</b>	<b>509,000</b>	<b>509,000</b>
<b>PROPERTY TAXES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUE IN EXCESS OF EXPENDITURES</b>	<b>1,130,186</b>	<b>1,143,726</b>	<b>1,157,679</b>	<b>1,172,058</b>	<b>1,186,877</b>		
(BEFORE DEPRECIATION)	-622	29,070	34,606	40,628	47,381		

**IN COUNCIL SPECIAL MEETING SEPTEMBER 24, 2012 VOL. 33 PAGE 66**

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 (Councilor Young arrived at 7:07 P.M.).

**I. Consent Items\***

1. **Order 71-09242012\*** Authorizing the City Manager to prepare and execute documents necessary to complete a transfer of city-owned property at 127 Howe Street (PID: 227-105) to abutting property owners in accordance with the terms of the agreement reached between the abutting property owners and the City.

Motion was made by Councilor LaFontaine and seconded by Councilor Gerry. Passage 6-0 (Councilor Young was not present for this vote).

**II. Minutes - none**

**III. Reports - none**

**IV. Communications, Presentations and Recognitions**

- New Auburn Planning Presentation-Eric Cousens, Roland Miller, Reine Mynahan

**V. New Business**

1. **Order 72-09242012** Naming a parcel of City owned property at 8 South Main Street.

Public hearing –  
Susan Savard Smith, Mechanic Falls  
Joel Goodman, Auburn  
John Henderson, 84 Summer Street, Auburn

Motion was made by Councilor Walker and seconded by Councilor Young to name the park Sullivan Square.

Public comments –  
Susan Savard Smith, Mechanic Falls  
Joel Goodman, Auburn

Motion was made by Councilor Gerry and seconded by Councilor Hayes to amend the motion by naming the park Sullivan-Zalen Square.

Public comments –  
John Henderson, Auburn

Motion failed, 1-6 (Councilors Crowley, Hayes, LaFontaine, Young, Walker, and Shea all opposed).

**IN COUNCIL SPECIAL MEETING SEPTEMBER 24, 2012 VOL. 33 PAGE 67**

Motion was made by Councilor Hayes and seconded by Councilor LaFontaine to amend the original motion by naming the park Celtic Park.

Public comment - none

Motion failed 3-4 (Councilors Gerry, Crowley, Young, and Walker all opposed).

Passage of the main motion, 4-3 (Councilors Hayes, LaFontaine, and Shea opposed).

**VI. Open Session** – Nobody from the public spoke.

**VII. Future Agenda/Workshop Items** – None

**VIII. Adjournment**

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to adjourn. Passage 7-0.

A True Copy.

ATTEST   
Susan Clements-Dallaire, City Clerk

## IN COUNCIL REGULAR MEETING OCTOBER 1, 2012 VOL. 33 PAGE 68

City Manager, Clint Deschene called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall. He asked for a motion to select a Mayor Pro Tempore in the excused absence of Mayor Jonathan LaBonté.

Motion was made by Councilor Hayes and seconded by Councilor Walker nominating Councilor Shea as Mayor Pro Tempore. Passage 7-0.

Councilor Shea led the assembly in the salute to the flag. All Councilors were present.

### I. Consent Items\*

1. **Order 73-10012012\*** Setting the time for opening the polls for the November 6, 2012 General Election.
2. **Order 74-10012012\*** Appointment of Warden's and Ward Clerk's for the November 2012 General Election and for all 2013 Elections.
3. **Order 75-10012012\*** Accepting the land donation Parcel ID 183-029 located off Vickery Road.

Motion was made by Councilor Gerry and seconded by Councilor Crowley for passage of the consent items. Passage 7-0.

### II. Minutes

Motion was made by Councilor Crowley and seconded by Councilor Hayes to approve the minutes of the September 17, 2012. Passage 7-0.

### III. Reports

**Mayor's Report** – Councilor Shea reported on behalf of Mayor LaBonté.

#### Committee Reports

- Transportation
  - Androscoggin Transportation Resource Center – City Manager Deschene reported on behalf of Mayor LaBonté.
  - Lewiston Auburn Transit – Councilor Gerry, no report.
  - Airport, Railroad – Councilor Hayes, no report.
  - Bike-Ped Committee – Councilor Shea, no report.
- Housing
  - Community Development Block Grant, Neighborhood Stabilization Program, Auburn Housing Authority – Councilor Gerry reported.
- Economic Development
  - L-A Economic Growth Council, Auburn Business Development Corp. – Councilor Shea reported.

**IN COUNCIL REGULAR MEETING OCTOBER 1, 2012 VOL.33 PAGE 69**

- Education
  - Auburn School Committee – Councilor Young reported.
  - Auburn Public Library – Councilor LaFontaine reported.
  - Great Falls TV – Councilor Young and Councilor Shea. Councilor Young reported.
- Environmental Services
  - Auburn Water District, Auburn Sewerage District – Councilor Crowley reported.
  - Mid-Maine Waste Action Corp. – Councilor Walker reported.
- Recreation
  - Recreation Advisory Board – Councilor Walker, no report.
- Public Safety
  - LA 911 – Councilor Walker, no report.

**City Councilors' Reports** – Councilors Crowley, LaFontaine, and Walker reported.

**City Manager's Report** – City Manager Deschene reported.

**IV. Communications, Presentations and Recognitions - none**

**V. Open Session**

Tim Doughty, Cherry Vale Circle, Auburn

**VI. Unfinished Business**

1. Ordinance 06-09172012 Approving the zoning change on South Witham Road. Second and final reading.

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

A motion was made to suspend the rules to add an item to the agenda under unfinished business as item #2 (Ice Arena). Passage 6-1 (Councilor Walker).

Public comment –

Tim Doughty, 75 Cherry Vale Circle, Auburn

Mary Sylvester, Maple Hill Road, Auburn

Holly Bricker, 23 Beckett Street, Auburn

Gary Bricker, Auburn

A resident of Nottingham Avenue, Auburn

Dennis Berube, Crest Avenue, Auburn

Eric Chadborne, New Gloucester

Andy Titus, 17 Lamplighter Circle, Auburn

Dan D'Auteil, Dan Chasse – Maine Gladiators

**IN COUNCIL REGULAR MEETING OCTOBER 1, 2012 VOL.33 PAGE 70**

A motion was made by Councilor Crowley and seconded by Councilor Hayes to rescind order 65-09042012 authorizing the City Manager to execute the lease agreement on the double surface ice arena that was passed on 9/17/2012. Passage 5-2 (Councilors LaFontaine and Walker).

**VII. New Business - None**

**VIII. Executive Session**

A motion was made by Councilor LaFontaine and seconded by Councilor Crowley to enter into Executive Session to discuss a personnel matter pursuant to 1 M.R.S.A. §405(6)(A). Passage 7-0, 9:12 P.M.

Councilor Shea declared Council out of executive session at 9:37 P.M.

A motion was made by Councilor LaFontaine and seconded by Councilor Crowley to enter into Executive Session to discuss a personnel matter pursuant to 1 M.R.S.A. §405(6)(A). Passage 7-0, 9:12 P.M.

Councilor Shea declared Council out of executive session at 9:37 P.M.

**IX. Open Session**

Joe Gray, Sopers Mill Road

**X. Future Agenda/Workshop Items**

Councilor Crowley - issues regarding committee appointments.

Councilor Walker – Sherwood Heights Tennis Courts and the East Auburn Tennis Court.

Councilor LaFontaine – Recreation and Land use.

Councilor Gerry – Snowmobile Club

Councilor Shea – Community Little Theater and a designated Arts Agency.

**XI. Adjournment**

Motion was made by Councilor Young and seconded by Councilor Crowley to adjourn. Passage 7-0, 9:42 P.M.

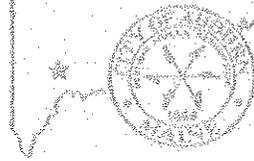
A True Copy.

ATTEST   
Susan Clements-Dallaire, City Clerk

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services



**TO:** Clint Deschenes, City Manager  
**FROM:** Jill M. Eastman, Finance Director  
**RE:** September 2012 Financials  
**DATE:** October 10, 2012

The City has completed its third month of the fiscal year 2013. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 25.00% of the annual budget. Please note that many revenues and expenditures tend to be cyclical therefore the distribution throughout the year will not be even.

### **Balance Sheet**

Significant changes to cash and "net due to/from" is due to the receipt of bond proceeds from the current year bond issue and the property tax collections in September.

The change in taxes receivable (\$17,516,498) and deferred revenue (\$18,987,610) are the result of property tax collections in September.

### **Revenues**

Revenues collected through September 30<sup>th</sup> were \$25,856,608 or 35.94% of budget. This is on par with revenues from the same period last year.

Notable revenues include:

- A. Property tax collections of \$19.6 million – slightly less than last year.

**CITY OF AUBURN**

September 2012 Financials

- B. \$839,665 was collected in excise tax - \$58,778 higher than September 2011.
- C. The City received \$377,161 in "Homestead" exemption reimbursements from the State. This is similar to last year.
- D. State Revenue Sharing was \$583,328 – a 6.6% drop from the same period last year. State Revenue Sharing has been on the decrease for the third year in a row.

**Expenditures**

Expenditures for the City were \$15.6 million through September 30th or 21.94% of the budget. This was \$5.5 million less than last year primarily due to the timing of transfers of TIF Funds and School Department Expenditures.

Debt service payments were up by almost \$332,376 - which is for 2011 Bond principal and interest payments.

**Investments**

Investments as of September 30th totaled \$12,768,139 and earned interest of approximately \$2,000. The average interest rate was .22% compared to .21% for the same period last year.

Respectfully submitted,



Jill M Eastman  
Finance Director

**CITY OF AUBURN, MAINE**  
**BALANCE SHEET - CITY GENERAL FUND, WC AND UNEMPLOYMENT FUND (NOT INCLUDING SCHOOL)**  
**AS OF September and August 2012, and June 2012**

	UNAUDITED Sept 30 2012	UNAUDITED Aug 31 2012	Increase (Decrease)	UNAUDITED JUNE 30 2012
<b>ASSETS</b>				
CASH	\$ 30,566,918	\$ 13,846,874	\$ 16,720,044	\$ 13,294,906
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	562,438	743,126	(180,688)	1,059,806
TAXES RECEIVABLE-CURRENT	19,806,108	37,322,606	(17,516,498)	114,898
DELINQUENT TAXES	534,215	536,866	(2,651)	440,748
TAX LIENS	1,168,000	1,247,610	(79,610)	1,264,200
NET DUE TO/FROM OTHER FUNDS	6,090,809	14,228,552	(8,137,743)	1,508,634
	<u>58,728,487</u>	<u>67,925,634</u>	<u>(9,197,147)</u>	<u>17,683,192</u>
<b>TOTAL ASSETS \$ 58,728,487 \$ 67,925,634 \$ (9,197,147) \$ 17,683,192</b>				
<b>LIABILITIES &amp; FUND BALANCES</b>				
ACCOUNTS PAYABLE	\$ (850,299)	\$ (3,106,689)	\$ 2,256,390	\$ (1,314,860)
PAYROLL LIABILITIES	8,071	106,954	(98,883)	1,365
ACCRUED PAYROLL	9,914	9,914	0	(166,818)
STATE FEES PAYABLE	(20,700)	(48,675)	27,975	11,446
ESCROWED AMOUNTS	(43,865)	(43,365)	(500)	(64,250)
DEFERRED REVENUE	(19,968,817)	(38,956,427)	18,987,610	(1,598,154)
	<u>(20,865,696)</u>	<u>(42,038,288)</u>	<u>21,172,592</u>	<u>(3,131,271)</u>
<b>TOTAL LIABILITIES \$ (20,865,696) \$ (42,038,288) \$ 21,172,592 \$ (3,131,271)</b>				
FUND BALANCE - UNASSIGNED	\$ (37,504,584)	\$ (25,529,139)	\$ (11,975,445)	\$ (14,102,463)
FUND BALANCE - RESTRICTED FOR WORKERS COMP & UNEMPLOYMENT	776,017	776,017	-	684,766
FUND BALANCE - RESTRICTED	<u>(1,134,224)</u>	<u>(1,134,224)</u>	<u>-</u>	<u>(1,134,224)</u>
<b>TOTAL FUND BALANCE \$ (37,862,791) \$ (25,887,346) \$ (11,975,445) \$ (14,551,921)</b>				
<b>TOTAL LIABILITIES AND FUND BALANCE \$ (58,728,487) \$ (67,925,634) \$ 9,197,147 \$ (17,683,192)</b>				

**CITY OF AUBURN, MAINE**  
**REVENUES - GENERAL FUND COMPARATIVE**  
**THROUGH September 30, 2012 VS September 30, 2011**

REVENUE SOURCE	FY 2013 BUDGET	ACTUAL REVENUES THRU SEPT 2012	% OF BUDGET	FY 2012 BUDGET	ACTUAL REVENUES THRU SEPT 2011	% OF BUDGET	VARIANCE
<b>TAXES</b>							
PROPERTY TAX REVENUE-	\$ 42,121,141	\$ 19,622,750	46.59%	\$ 41,053,952	\$ 20,282,705	49.41%	\$ (659,955)
PRIOR YEAR REVENUE	\$ -	\$ 262,106		\$ -	\$ 387,195		\$ (125,089)
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 514,584	\$ 377,161	73.29%	\$ 488,573	\$ 369,692	75.67%	\$ 7,469
ALLOWANCE FOR ABATEMENT	\$ -	\$ -		\$ -	\$ -		\$ -
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ -	\$ -		\$ -
EXCISE	\$ 3,018,500	\$ 839,665	27.82%	\$ 2,719,000	\$ 780,887	28.72%	\$ 58,778
PENALTIES & INTEREST	\$ 140,000	\$ 19,191	13.71%	\$ 140,000	\$ 26,872	19.19%	\$ (7,681)
<b>TOTAL TAXES</b>	<b>\$ 45,794,225</b>	<b>\$ 21,120,873</b>	<b>46.12%</b>	<b>\$ 44,401,525</b>	<b>\$ 21,847,351</b>	<b>49.20%</b>	<b>\$ (726,478)</b>
<b>LICENSES AND PERMITS</b>							
BUSINESS	\$ 39,900	\$ 21,238	53.23%	\$ 30,000	\$ 16,955	56.52%	\$ 4,283
NON-BUSINESS	\$ 260,700	\$ 140,373	53.84%	\$ 268,400	\$ 87,716	32.68%	\$ 52,657
<b>TOTAL LICENSES</b>	<b>\$ 300,600</b>	<b>\$ 161,610</b>	<b>53.76%</b>	<b>\$ 298,400</b>	<b>\$ 104,671</b>	<b>35.08%</b>	<b>\$ 56,939</b>
<b>INTERGOVERNMENTAL ASSISTANCE</b>							
STATE-LOCAL ROAD ASSISTANCE	\$ 378,000	\$ 114,011	30.16%	\$ 378,000	\$ 115,349	30.52%	\$ (1,338)
STATE REVENUE SHARING	\$ 2,400,000	\$ 583,328	24.31%	\$ 2,400,000	\$ 624,317	26.01%	\$ (40,989)
WELFARE REIMBURSEMENT	\$ 53,083	\$ 11,131	20.97%	\$ 44,955	\$ 11,839	26.34%	\$ (708)
OTHER STATE AID	\$ 21,000	\$ 18,054	85.97%	\$ 20,000	\$ 18,451	92.26%	\$ (397)
FEMA REIMBURSEMENT	\$ -	\$ -		\$ -	\$ -		\$ -
CITY OF LEWISTON	\$ 158,362	\$ -	0.00%	\$ 158,362	\$ -	0.00%	\$ -
<b>TOTAL INTERGOVERNMENTAL ASSISTANCE</b>	<b>\$ 3,010,445</b>	<b>\$ 726,525</b>	<b>24.13%</b>	<b>\$ 3,001,317</b>	<b>\$ 769,956</b>	<b>25.65%</b>	<b>\$ (43,432)</b>
<b>CHARGE FOR SERVICES</b>							
GENERAL GOVERNMENT	\$ 130,955	\$ 26,293	20.08%	\$ 135,090	\$ 33,547	24.83%	\$ (7,255)
PUBLIC SAFETY	\$ 263,102	\$ 34,609	13.15%	\$ 208,545	\$ 25,113	12.16%	\$ 9,496
EMS TRANSPORT	\$ -	\$ -		\$ -	\$ -		\$ -
EMS AGREEMENT	\$ 100,000	\$ 16,667	16.67%	\$ 100,000	\$ 20,400	20.40%	\$ (3,733)
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 494,057</b>	<b>\$ 77,568</b>	<b>15.70%</b>	<b>\$ 441,635</b>	<b>\$ 79,060</b>	<b>17.90%</b>	<b>\$ (1,492)</b>
<b>FINES</b>							
PARKING TICKETS & MISC FINES	\$ 45,000	\$ 5,612	12.47%	\$ 55,000	\$ 6,038	10.98%	\$ (426)
<b>MISCELLANEOUS</b>							
INVESTMENT INCOME	\$ 30,000	\$ 9,570	31.90%	\$ 60,000	\$ 8,537	14.23%	\$ 1,033
INTEREST-BOND PROCEEDS	\$ 2,000	\$ -	0.00%	\$ 2,000	\$ -	0.00%	\$ -
RENTS	\$ 122,000	\$ -	0.00%	\$ 122,000	\$ 121,827	99.86%	\$ (121,827)
UNCLASSIFIED	\$ 5,150	\$ 13,939	270.67%	\$ 7,340	\$ 9,300	126.70%	\$ 4,639
SALE OF RECYCLABLES	\$ -	\$ -		\$ -	\$ 15,097		\$ (15,097)
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 21,511		\$ -	\$ 11,050		\$ 10,461
SALE OF PROPERTY	\$ 20,000	\$ 15,393	76.96%	\$ 20,000	\$ -	0.00%	\$ 15,393
RECREATION PROGRAMS/ARENA	\$ 43,275	\$ -	0.00%	\$ 33,275	\$ 1,565	4.70%	\$ (1,565)
MMWAC HOST FEES	\$ 197,400	\$ 50,477	25.57%	\$ 197,400	\$ 50,052	25.36%	\$ 425
9-1-1 DEBT SERVICE REIMBURSEMENT	\$ -	\$ (20)		\$ 98,318	\$ -	0.00%	\$ (20)
TRANSFER IN: TIF	\$ 324,212	\$ -	0.00%	\$ 324,212	\$ -	0.00%	\$ -
ENERGY EFFICIENCY	\$ 2,000	\$ 437	21.84%	\$ 2,600	\$ -	0.00%	\$ 437
CDBG	\$ 8,000	\$ 1,334	16.68%	\$ 8,000	\$ 2,001	25.01%	\$ (667)
UTILITY REIMBURSEMENT	\$ 37,500	\$ 5,383	14.35%	\$ 37,500	\$ 6,884	18.36%	\$ (1,501)
CITY FUND BALANCE CONTRIBUTION	\$ 1,350,000	\$ -	0.00%	\$ 1,050,000	\$ -	0.00%	\$ -
<b>TOTAL MISCELLANEOUS</b>	<b>\$ 2,141,537</b>	<b>\$ 118,023</b>	<b>5.51%</b>	<b>\$ 1,962,645</b>	<b>\$ 226,313</b>	<b>11.53%</b>	<b>\$ (108,290)</b>
<b>TOTAL GENERAL FUND REVENUES</b>	<b>\$ 51,785,864</b>	<b>\$ 22,210,210</b>	<b>42.89%</b>	<b>\$ 50,160,522</b>	<b>\$ 23,033,389</b>	<b>45.92%</b>	<b>\$ (823,179)</b>
<b>SCHOOL REVENUES</b>							
EDUCATION SUBSIDY	\$ 17,942,071	\$ 3,561,225	19.85%	\$ 17,942,071	\$ 4,795,620	26.73%	\$ (1,234,395)
EDUCATION	\$ 1,358,724	\$ 85,173	6.27%	\$ 1,358,724	\$ 1,531,349	112.70%	\$ (1,446,176)
SCHOOL FUND BALANCE CONTRIBUTION	\$ 855,251	\$ -	0.00%	\$ 855,251	\$ -	0.00%	\$ -
<b>TOTAL SCHOOL</b>	<b>\$ 20,156,046</b>	<b>\$ 3,646,398</b>	<b>18.09%</b>	<b>\$ 20,156,046</b>	<b>\$ 6,326,969</b>	<b>31.39%</b>	<b>\$ (2,680,571)</b>
<b>GRAND TOTAL REVENUES</b>	<b>\$ 71,941,910</b>	<b>\$ 25,856,608</b>	<b>35.94%</b>	<b>\$ 70,316,568</b>	<b>\$ 29,360,358</b>	<b>41.75%</b>	<b>\$ (3,503,750)</b>

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - GENERAL FUND COMPARATIVE**  
**THROUGH September 30, 2012 VS September 30, 2011**

DEPARTMENT	Unaudited			Unaudited			VARIANCE
	FY 2012 REVISED BUDGET	EXP THRU SEPT 2012	% OF BUDGET	FY 2012 BUDGET	EXP THRU SEPT 2011	% OF BUDGET	
<b>ADMINISTRATION</b>							
MAYOR AND COUNCIL	\$ 99,690	\$ 29,387	29.48%	\$ 99,690	\$ 52,900	53.06%	\$ (23,513)
CITY MANAGER	\$ 343,296	\$ 63,145	18.39%	\$ 280,915	\$ 65,432	23.29%	\$ (2,287)
ASSESSING SERVICES	\$ 183,801	\$ 37,929	20.64%	\$ 188,906	\$ 37,734	19.98%	\$ 195
CITY CLERK	\$ 150,676	\$ 27,055	17.96%	\$ 137,422	\$ 24,867	18.10%	\$ 2,188
FINANCIAL SERVICES	\$ 419,539	\$ 85,523	20.38%	\$ 365,023	\$ 194,929	53.40%	\$ (109,406)
HUMAN RESOURCES	\$ 137,836	\$ 29,237	21.21%	\$ 137,363	\$ 30,020	21.85%	\$ (783)
INFORMATION COMMUNICATION TECHNOLOGY	\$ 386,632	\$ 64,971	16.80%	\$ 361,058	\$ 149,883	41.51%	\$ (84,912)
LEGAL SERVICES	\$ 85,000	\$ 2,596	3.05%	\$ 84,284	\$ 33,147	39.33%	\$ (30,551)
CUSTOMER SERVICE	\$ -	\$ -	-	\$ 2,428	\$ 846	34.84%	\$ (846)
<b>TOTAL ADMINISTRATION</b>	<b>\$ 1,806,470</b>	<b>\$ 339,843</b>	<b>18.81%</b>	<b>\$ 1,657,089</b>	<b>\$ 589,758</b>	<b>35.59%</b>	<b>\$ (249,915)</b>
<b>COMMUNITY SERVICES</b>							
ENGINEERING	\$ 320,370	\$ 70,543	22.02%	\$ 293,612	\$ 66,130	22.52%	\$ 4,413
COMMUNITY PROGRAMS	\$ 14,050	\$ 10,150	72.24%	\$ 12,650	\$ 9,800	77.47%	\$ 350
PLANNING & PERMITTING	\$ 776,532	\$ 163,750	21.09%	\$ 727,756	\$ 153,479	21.09%	\$ 10,271
PARKS AND RECREATION	\$ 602,191	\$ 136,805	22.72%	\$ 615,858	\$ 121,054	19.66%	\$ 15,751
HEALTH & SOCIAL SERVICES	\$ 176,567	\$ 50,459	28.58%	\$ 153,811	\$ 38,547	25.06%	\$ 11,912
PUBLIC LIBRARY	\$ 968,292	\$ 242,073	25.00%	\$ 929,407	\$ 232,352	25.00%	\$ 9,721
<b>TOTAL COMMUNITY SERVICES</b>	<b>\$ 2,858,002</b>	<b>\$ 673,780</b>	<b>23.58%</b>	<b>\$ 2,733,094</b>	<b>\$ 621,362</b>	<b>22.73%</b>	<b>\$ 52,418</b>
<b>FISCAL SERVICES</b>							
DEBT SERVICE	\$ 6,682,797	\$ 4,309,211	64.48%	\$ 6,810,550	\$ 3,976,835	58.39%	\$ 332,376
PROPERTY	\$ 699,114	\$ 220,105	31.48%	\$ 680,137	\$ 204,467	30.06%	\$ 15,638
WORKERS COMPENSATION	\$ 415,000	\$ -	0.00%	\$ 451,890	\$ 85,582	18.94%	\$ (85,582)
WAGES & BENEFITS	\$ 4,602,545	\$ 1,095,319	23.80%	\$ 4,209,929	\$ 1,113,042	26.44%	\$ (17,723)
EMERGENCY RESERVE (10108062-670000)	\$ 333,818	\$ -	0.00%	\$ 328,608	\$ -	0.00%	\$ -
<b>TOTAL FISCAL SERVICES</b>	<b>\$ 12,733,274</b>	<b>\$ 5,624,635</b>	<b>44.17%</b>	<b>\$ 12,481,114</b>	<b>\$ 5,379,926</b>	<b>43.10%</b>	<b>\$ 244,709</b>
<b>PUBLIC SAFETY</b>							
EMERGENCY MGMT AGENCY	\$ -	\$ -	-	\$ 2,903	\$ -	0.00%	\$ -
FIRE DEPARTMENT	\$ 3,904,344	\$ 884,938	22.67%	\$ 3,716,161	\$ 860,497	23.16%	\$ 24,441
POLICE DEPARTMENT	\$ 3,439,583	\$ 745,307	21.67%	\$ 3,315,380	\$ 761,920	22.98%	\$ (16,613)
<b>TOTAL PUBLIC SAFETY</b>	<b>\$ 7,343,927</b>	<b>\$ 1,630,245</b>	<b>22.20%</b>	<b>\$ 7,034,444</b>	<b>\$ 1,622,417</b>	<b>23.06%</b>	<b>\$ 7,828</b>
<b>PUBLIC WORKS</b>							
PUBLIC WORKS DEPARTMENT	\$ 4,617,744	\$ 894,248	19.37%	\$ 4,682,884	\$ 769,830	16.44%	\$ 124,418
WATER AND SEWER	\$ 558,835	\$ 135,251	24.20%	\$ 558,835	\$ 135,231	24.20%	\$ 20
<b>TOTAL PUBLIC WORKS</b>	<b>\$ 5,176,579</b>	<b>\$ 1,029,499</b>	<b>19.89%</b>	<b>\$ 5,241,719</b>	<b>\$ 905,061</b>	<b>17.27%</b>	<b>\$ 124,438</b>
<b>INTERGOVERNMENTAL PROGRAMS</b>							
AUBURN-LEWISTON AIRPORT	\$ 105,000	\$ 26,250	25.00%	\$ 106,750	\$ 26,688	25.00%	\$ (438)
E911 COMMUNICATION CENTER	\$ 1,035,381	\$ 258,193	24.94%	\$ 968,347	\$ 242,087	25.00%	\$ 16,106
LATC-PUBLIC TRANSIT	\$ 235,548	\$ -	0.00%	\$ 207,779	\$ -	0.00%	\$ -
LAEGC-ECONOMIC COUNCIL	\$ 160,687	\$ 40,172	25.00%	\$ 160,687	\$ 40,172	25.00%	\$ -
COMMUNITY LITTLE THEATER	\$ 20,160	\$ -	0.00%	\$ 20,160	\$ 5,040	25.00%	\$ (5,040)
TAX SHARING	\$ 289,000	\$ 43,602	15.09%	\$ 288,593	\$ 39,601	13.72%	\$ 4,001
<b>TOTAL INTERGOVERNMENTAL</b>	<b>\$ 1,845,776</b>	<b>\$ 368,217</b>	<b>19.95%</b>	<b>\$ 1,752,316</b>	<b>\$ 353,588</b>	<b>20.18%</b>	<b>\$ 14,629</b>
<b>COUNTY TAX</b>							
TIF (10108058-580000)	\$ 2,006,244	\$ 2,006,244	100.00%	\$ 1,925,561	\$ 1,925,560	100.00%	\$ 80,684
OVERLAY	\$ 2,619,142	\$ -	0.00%	\$ 2,619,142	\$ 2,539,607	96.96%	\$ (2,539,607)
	\$ -	\$ -	-	\$ 301,604	\$ -	0.00%	\$ -
<b>TOTAL CITY DEPARTMENTS</b>	<b>\$ 36,389,414</b>	<b>\$ 11,672,463</b>	<b>32.08%</b>	<b>\$ 35,746,083</b>	<b>\$ 13,937,279</b>	<b>38.99%</b>	<b>\$ (2,264,816)</b>
<b>EDUCATION DEPARTMENT</b>	<b>\$ 34,705,246</b>	<b>\$ 3,929,126</b>	<b>11.32%</b>	<b>\$ 34,705,246</b>	<b>\$ 7,127,938</b>	<b>20.54%</b>	<b>\$ (3,198,812)</b>
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$ 71,094,660</b>	<b>\$ 15,601,589</b>	<b>21.94%</b>	<b>\$ 70,451,329</b>	<b>\$ 21,065,217</b>	<b>29.90%</b>	<b>\$ (5,463,628)</b>

CITY OF AUBURN, MAINE  
 INVESTMENT SCHEDULE  
 AS OF September 30, 2012

INVESTMENT	FUND	BALANCE	BALANCE	INTEREST	WEIGHTED
			September 30, 2012	RATE	AVG YIELD
BANKNORTH MNY MKT	24-1242924	\$ 55,235.72	\$ 55,235.72	0.20%	
BANKNORTH MNY MKT	24-1745910	\$ 49,201.62	\$ 49,201.62	0.10%	
BANKNORTH MNY MKT	24-1745944	\$ 66,783.66	\$ 66,783.66	0.20%	
BANKNORTH CD	7033	\$ 102,404.84	\$ 102,404.84	2.64%	
BANKNORTH MNY MKT	24-1809302	\$ 52,465.09	\$ 52,465.09	0.20%	
BANKNORTH MNY MKT	24-1745902	\$ 197,643.99	\$ 197,643.99	0.20%	
BANKNORTH MNY MKT	24-1745895	\$ 1,115,855.82	\$ 1,115,855.82	0.20%	
BANKNORTH MNY MKT	24-1746819	\$ 10,879,688.90	\$ 10,879,688.90	0.20%	
BANKNORTH MNY MKT	24-1745928	\$ 248,858.92	\$ 248,858.92	0.10%	
<b>GRAND TOTAL</b>		<b>\$ 12,768,138.56</b>	<b>\$ 12,768,138.56</b>		<b>0.22%</b>



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** October 15, 2012

**Order** 70-09172012

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Committee and Board Appointments

---

### Information:

#### Zoning Appeals Board – 4 Vacancies

- Filling an expired 3 year term, term expiration 1/1/2015
- Filling an expired 3 year term, term expiration 4/1/2015
- Filling an expired 3 year term, term expiration 4/1/2015
- Filling the remainder of a 3 year term, term expiration 8/1/2014

#### Board of Assessment Review – 3 Vacancies

- Filling an expired 5 year term, term expiration 4/1/2017
- Filling an expired 5 year term (alternate member), term expiration 1/1/2016
- Filling an expired 5 year term (alternate member), term expiration 9/1/2017

#### 911 Committee – 1 Vacancy

- Filling an expired 3 year term, term expirations 9/1/2015

---

**Financial:** N/A

---

**Action Requested at this Meeting:** City Council may go into Executive Session, pursuant to 1 M.R.S.A. §405(6)(A) to discuss the appointments and review the applications. It is recommended that appointments be made.

---

**Previous Meetings and History:** This item was on the 9/4/2012 workshop but was postponed to 9/17/2012. It appeared on the 9/17/2012 workshop and agenda but was postponed to 10/01/2012 as a workshop item.

---

### Attachments:

- Applications (one applicant for the Zoning Appeals Board recently withdrew his application because he is no longer an Auburn resident)
- Current member information
- Order 70-09172012

Board & Committee Appointment Application

City of Auburn

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

This is an application for:  New Appointment  Reappointment

Name: Ken Sonagere Ward: 1 Years as an Auburn Resident: 28

Mailing Address: 483 West Auburn Road

Physical Address: SAME

Phone: 754-6367 Email: trapper483@aol.com

Describe your education and/or experience: FAA Licensed AirFrame and Powerplant Mechanic, Licensed Trained Plumber, Landlord, Residential Builder, SELF Storage business owner

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

Zoning Board of Appeals

The following are the current committees and boards in Auburn:

- Community Development Loan Committee
- L/A Transit Committee
- Planning Board\*
- Recreation Advisory Committee
- L/A Transit Committee
- Auburn Housing Authority
- School Committee
- L/A Cable TV Advisory Board
- Zoning Board of Appeals
- Audit and Procurement
- 911 Committee
- Ethics Panel
- L/A Community Forest Board

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

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

Signature: Kenneth Sonagere Date: 2-26-12 *10/10/12 confirmed that applicant is still interested.*

\*When serving on the Planning Board you may not serve on any other boards or committees.



JAN 09 2012
CITY OF AUBURN

Community Service Volunteer Form

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

Glenn E. Aho
City Manager

Name: Lane Feldman
New Appointment [X]
Re-appointment [ ]
Ward: 3
Mailing Address: 75 Western Ave.
Physical Address:
Telephone #: 7863855 Home 2909260 Work Cell
E-Mail Address: bryz201120@aol.com
Years as Auburn Resident: 37

Describe your education and/or experience (check here [ ] if using reverse side for extra space):
Previously served three terms on the Auburn School Committee

Please check which committee/board/position you wish to participate with: (Check only one committee per application).

- 9-1-1 Committee
Airport Board
Auburn Housing Authority
[X] Board of Assessment Review
Cable TV Advisory Board
Community Development Loan Committee
Community Forest Board
Ethics Advisory Committee
Volunteers in Police Service
Investment Advisory Board
Lake Auburn Watershed Protection Com.
L-A Transit Committee (bus system)
Planning Board
Recreation Advisory Committee
Sewer District Trustees
Water District Trustees
[X] Zoning Board of Appeals
Auburn Hall Reception/Office Support

Signature [Handwritten Signature] Date: 1/5/12
"Providing superior services at an affordable cost"

10/10/12 confirmed with applicant that he is still interested in serving on either of these boards

AUG 14 2012

Board & Committee Appointment Application

City of Auburn

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

This is an application for:  New Appointment  Reappointment

Name: Walter Gritty Ward: 5 Years as an Auburn Resident: 50

Mailing Address: 69 LORING AVE

Physical Address: SAME

Phone: 207 782-1622 Email: WALTER@GRITTY.COM

Describe your education and/or experience:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

ASSESSMENT REVIEW

The following are the current committees and boards in Auburn:

- Community Development Loan Committee
- L/A Transit Committee
- Planning Board\*
- Recreation Advisory Committee
- L/A Transit Committee
- Auburn Housing Authority
- School Committee
- L/A Cable TV Advisory Board
- Zoning Board of Appeals
- Audit and Procurement
- 911 Committee
- Ethics Panel
- L/A Community Forest Board

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

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

Signature: Walter W. Gritty Date: 8/13/12

\*When serving on the Planning Board you may not serve on any other boards or committees.



JAN 09 2012  
CITY OF AUBURN

Community Service Volunteer Form

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

Glenn E. Aho  
City Manager

Name: Lane Feldman New Appointment   
Re-appointment  Ward: 3  
Mailing Address: 75 Western Ave.  
Physical Address: \_\_\_\_\_  
Telephone #: 786-3855 Home 290-260 Work \_\_\_\_\_ Cell \_\_\_\_\_  
E-Mail Address: boyz2+120@aol.com Years as Auburn Resident: 37

Describe your education and/or experience (check here  if using reverse side for extra space):

Previously served three terms on the Auburn School Committee

Please check which committee/board/position you wish to participate with: (Check only one committee per application).

- |  |  |
|--|--|
| <input type="checkbox"/> 9-1-1 Committee                       | <input type="checkbox"/> Investment Advisory Board             |
| <input type="checkbox"/> Airport Board                         | <input type="checkbox"/> Lake Auburn Watershed Protection Com. |
| <input type="checkbox"/> Auburn Housing Authority              | <input type="checkbox"/> L-A Transit Committee (bus system)    |
| <input checked="" type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Planning Board                        |
| <input type="checkbox"/> Cable TV Advisory Board               | <input type="checkbox"/> Recreation Advisory Committee         |
| <input type="checkbox"/> Community Development Loan Committee  | <input type="checkbox"/> Sewer District Trustees               |
| <input type="checkbox"/> Community Forest Board                | <input type="checkbox"/> Water District Trustees               |
| <input type="checkbox"/> Ethics Advisory Committee             | <input checked="" type="checkbox"/> Zoning Board of Appeals    |
| <input type="checkbox"/> Volunteers in Police Service          | <input type="checkbox"/> Auburn Hall Reception/Office Support  |

Signature

Date

1/5/12

"Providing superior services at an affordable cost"

10/10/12 confirmed with applicant that he is still interested in serving on either of these boards

60 Court Street • Suite 243 • Auburn, ME 04210  
(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6621 Fax

www.auburnmaine.org

AUG 23 2012

Board & Committee Appointment Application

City of Auburn

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

This is an application for:  New Appointment  Reappointment

Name: Timothy Earle Ward: 2 Years as an Auburn Resident: 35

Mailing Address: 212 Lake Street, Auburn, ME

Physical Address: Same

Phone: 207-333-1741 Email: timothy.earle@roadrunner.com

Describe your education and/or experience: I.T. Director for City of Lewiston, ME

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

911 Committee

The following are the current committees and boards in Auburn:

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

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

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

Signature: [Handwritten Signature] Date: 8/22/12

\*When serving on the Planning Board you may not serve on any other boards or committees.

AUG 02 2012

Board & Committee Appointment Application

City of Auburn

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

This is an application for:  New Appointment  Reappointment

Name: Daniel W. Laurie Ward: 1 Years as an Auburn Resident: 3

Mailing Address: 464 East Waterman Road Auburn, ME 04210

Physical Address: Same

Phone: (207) 402-0556 Email: dan.laurie@comcast.com

Describe your education and/or experience: Call Center Manager, 211 Maine

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

911 Committee

The following are the current committees and boards in Auburn:

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

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

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

Signature: [Signature] Date: 8/2/2012

\*When serving on the Planning Board you may not serve on any other boards or committees.

### **Zoning Appeals Board (4)**

- Fill expired term, a 3 year term, expiration 1/1/2015 (replacing K. Sonagere)
- Fill expired term, a 3 year term, expiration 4/1/2015 (replacing M. Adler)
- Fill expired term, a 3 year term, expiration 4/1/2015 (replacing B. Whitley)
- Fill remainder of a term, expiration 8/1/2014 (replacing D. Philbrick)

Associate members currently serving are Larry Pelletier and Elizabeth Shardlow. Larry would like to remain as an Associate member, Elizabeth would be interested in moving from an Associate position to a regular position.

### **Board of Assessment (3)**

- Fill expired term, a 5 year term, expiration 4/1/2017 (replacing Walter Crites)
- Fill alternate position that is vacant, 5 year term, expirations 1/1/2016
- Fill alternate position that is vacant, 5 year term, expirations 9/1/2017

Andrea Westbye is currently serving as an alternate member on this Board. I have been unsuccessful in contacting her to find out if she would be interested in moving from an alternate position to a regular position on this board.

### **911 Committee (1)**

- 3 year term – expiration of 9-1-2015

Zoning Appeals Board	Term Expiration	
Position 1	1/1/2015	
Position 2	4/1/2015	
Position 3	4/1/2015	
Position 4 - fill remaining term	8/1/2014	
<b>Board of Assessment Review</b>		
Position 1	4/1/2017	
Position 2 (alternate)	1/1/2016	
Position 3 (alternate)	9/1/2017	
<b>911 Committee</b>		
Position 1	9/1/2015	
<b>Applicants</b>	<b>Position Applied For</b>	
Ken Sonagere - Ward 1	Zoning Appeals Board	
Lane Feldman - Ward 3	Zoning Appeals Board	
Lane Feldman - Ward 3	Board of Assessment Review	
Walter Crites - Ward 5	Board of Assessment Review	

Zoning Board of Appeals

9/12/2012

Board Name	FIRM	Last	Street	Ward	Term Expiration	Staff Person
Zoning Board of	Michael	Dixon	126 Everett Road	2	10/1/2013	Eric Cousens
Zoning Board of					1/1/2015	Eric Cousens
Zoning Board of					4/1/2015	Eric Cousens
Zoning Board of	Walter	Gary	655 Pownal Road	4	3/1/2014	Eric Cousens
Zoning Board of					8/1/2014	Eric Cousens
Zoning Board of					4/1/2015	Eric Cousens
Zoning Board of	Lawrenc	Pelletier	129 Second Street	5	4/1/2013	Eric Cousens
Zoning Board of	Elizabeth	Shardlow	598 Minot Ave		8/1/2014	Eric Cousens
Zoning Board of						Eric Cousens

\* Associate members

Assessment Review Board

9/12/2012

Board Name	First	Last	Street	Ward	Term Expiration	Staff Person
* Board of Assess					1/1/2016	Renee LaChapelle
* Board of Assess					9/1/2017	Renee LaChapelle
Board of Assess					4/1/2017	Renee LaChapelle
Board of Assess	Denis	Berube	26 Crest Avenue	2	12/1/2014	Renee LaChapelle
Board of Assess	Georgia	Chomas	317 Turner Street	2	1/1/2015	Renee LaChapelle
Board of Assess	Jonathan	Harris	18 Monroe Street	3	10/1/2015	Renee LaChapelle
Board of Assess	Bruce	Mason	200 Mount Auburn Av 1		6/1/2014	Renee LaChapelle
* Board of Assess	Andrea	Westbye	102 Second Street	5	1/1/2013	Renee LaChapelle

\* Alternate members

Board Name	First	Last	Street	Ward	Term Expiration	Title
911 Committee	Phil	Crowell			2/10/2014	Auburn P Chief
911 Committee	Geoff	Low (Acting)			2/10/2014	Auburn F Chief
911 Committee	Michael	Bussiere				Lewiston P Chief
911 Committee	Paul	LeClair				Lewiston F Chief
911 Committee	David	Stuchiner			2/10/2014	Auburn Resident
911 Committee	Vacant				9/1/2015	Auburn resident
911 Committee	Donald	D'Auteuil				City Councilor-Lew
911 Committee	Heather	Hunter				Lewiston Employee
911 Committee	Leroy	Walker				City Councilor-Aub

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 70-09172012**

**ORDERED**, that the following individuals be and hereby are appointed to the following Boards or Committees:

<b>Name</b>	<b>Position</b>	<b>Term Expiration</b>
	Zoning Appeals Board	1/1/2015
	Zoning Appeals Board	4/1/2015
	Zoning Appeals Board	4/1/2015
	Zoning Appeals Board	8/1/2014
	Board of Assessment Review	4/1/2017
	Board of Assessment Review	1/1/2016
	Board of Assessment Review	9/1/2017
	911 Committee	9/1/2015



**City Council  
Agenda Information Sheet**

**City of Auburn**

---

**Council Meeting Date:** October 15, 2012

**Order** 76-10152012

**Author:** Roland G. Miller, Director of Community & Economic Development

**Subject:** Deeding a tax acquired property (146 Foster Road) to Mr. George Schott in exchange for the release of use for 2.49 acres now being required for wetland mitigation in building the new Industrial Park.

---

**Information:** The U.S. Army Corps of Engineers is requiring, in order to issue a permit for the new industrial park, 2.49 acres of land that Mr. Schott previously retained to use for future permitting, be included in the mitigation of wetland impacts associated with this project. Mr. Schott has agreed to accept the Foster Road property in exchange for releasing his use of the 2.49 acre parcel.

---

**Financial:** Avoidance of demolition and cleanup costs associated with the 146 Foster Road property.

---

**Action Requested at this Meeting:** Passage of the Order

---

**Previous Meetings and History:** Work-shopped at meeting of October 1, 2012

---

**Attachments:** Order 76-10152012

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

## CITY COUNCIL

### ORDER 76-10152012

**ORDERED** that the City Manager is hereby authorized to transfer ownership of the tax acquired property (Tax parcel 107-008) located at 146 Foster Road to Mr. George Schott. This transfer is in exchange for a release of use of 2.49 acres of land Mr. Schott retained when selling property to the Auburn Business Development Corporation. The U.S. Army Corps of Engineers now is requiring the 2.49 acre to be a part of wetland migration for the new Auburn Industrial Park.



# City Council Agenda Information Sheet

City of Auburn

---

**Council Agenda Date:** 10/15/2012

**Order** 77-10152012

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Annual Automobile Graveyard/Junkyard permit renewal for M & P Auto 227 Merrow Road.

---

**Information:**

This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. State Law requires a Public Hearing and Council approval. The facilities have been inspected by the Code Enforcement Office and the Fire Department and there were no concerns.

---

**Financial:** N/A

---

**Action Requested at this Meeting:** Recommend passage

---

**Previous Meetings and History:** Workshop discussion on 10/01/2012.

---

**Attachments:**

- Memo from Eric Cousens, Director of Planning and Permitting
- Map of Randy's Auto, 899 Broad Street and Morris Auto Mart/Don's Towing, 940 Washington Street
- Public Hearing ad
- Order 77-10152012

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting



To: Mayor and City Council  
From: Eric J. Cousens, Director of Planning and Permitting  
Re: 2012-2013 Junkyard License Inspections  
Date: October 5, 2012

The City Clerk requested that this office inspect all of the licensed junkyards prior to the Council's consideration of their license renewals. Inspections were completed between October 1 and October 5, 2012 and found the following:

Maine Metal Recycling - 522 Washington St. N - No concerns. Under Schnitzer ownership, significant upgrades have been made to organize traffic flow and treat stormwater.

Isadore T. Miller - 79 & 80 Old Hotel Rd. - No Concerns. Site is mostly cleaned with a small area being used for storage.

Randy's Auto Parts - 899 Broad St. - No concerns. The Council had questions about the proximity of fill and storage areas to the Little Androscoggin River at the workshop. A map of the site is attached. The junkyard area is approximately 600' from the railroad tracks and the separated from the river. The fill added to the north of the existing building was done with appropriate permits to accommodate a new garage/warehouse building.

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

Morris Auto Mart - 940 Washington ST. N - Concerns addressed. The property owner is making the necessary repairs to the screening fence along Washington Street. As we discussed at the workshop, most of the property is located within the floodplain and much of it floods almost annually. The junkyard has existed since about 1938 according to the owner. Because of the flooding and proximity to the Little Androscoggin River the site was considered for acquisition by the EPA almost 20 years ago but another site in Massachusetts was chosen. The owner would still consider any proposals like that if an entity wanted to buy out the junkyard portion of the business and continue with only the towing operation or for relocation. This should be investigated further for a long-term solution. A map is attached.

Buck's Auto -249 Merrow Rd. – No concerns. Mostly storage of construction equipment and materials.



---

**City of Auburn  
Public Hearing**

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Auburn on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on Monday, October 15, 2012, in the Council Chambers, Auburn Hall, 60 Court Street at 7:00 P.M. or as soon thereafter as it may be heard. All interested persons may appear and will be given the opportunity to be heard before final action is taken on said applications.

**Maine Metal Recycling - 522 Washington St. N**

**Isadore T. Miller - 79 & 80 Old Hotel Rd.**

**Randy's Auto Parts - 899 Broad St.**

**M & P Auto, Inc. - 227 Mellow Rd.**

**Morris Auto Mart - 940 Washington ST. N**

**Buck's Auto - 249 Mellow Rd.**

Sue Clements-Dallaire, City Clerk, Auburn, Maine

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 77-10152012**

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for M & P Auto Mart, 227 Merrow Road.



**City Council  
Agenda Information Sheet**

**City of Auburn**

---

**Council Workshop Date:** 10/15/2012

**Order** 78-10152012

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Annual Automobile Graveyard/Junkyard permit renewal for Isadore T. Miller, 79 & 80 Old Hotel Road.

---

**Information:**

This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. State Law requires a Public Hearing and Council approval. The facilities have been inspected by the Code Enforcement Office and the Fire Department and there were no concerns.

---

**Financial:** N/A

---

**Action Requested at this Meeting:** Recommend passage

---

**Previous Meetings and History:** Workshop discussion on 10/01/2012.

---

**Attachments:** Order 78-10152012

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



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

Jonathan LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 78-10152012**

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Old Hotel Road.



**City Council  
Agenda Information Sheet**

**City of Auburn**

**Council Workshop Date:** 10/15/2012

**Order** 79-10152012

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Annual Automobile Graveyard/Junkyard permit renewal for Maine Metal Recycling, 522 Washington Street N.

**Information:**

This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. State Law requires a Public Hearing and Council approval. The facilities have been inspected by the Code Enforcement Office and the Fire Department and there were no concerns.

**Financial:** N/A

**Action Requested at this Meeting:** Recommend passage.

**Previous Meetings and History:** Workshop discussion on 10/01/2012.

**Attachments:** Order 79-10152012

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



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

Jonathan LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 79-10152012**

**ORDERED**, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Maine Metal Recycling, 522 Washington Street, North.



## City Council Agenda Information Sheet

City of Auburn

---

**Council Workshop Date:** 10/15/2012

**Order** 80-10152012

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Annual Automobile Graveyard/Junkyard permit renewal for Randy's Auto Parts, 899 Broad Street.

---

**Information:**

This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. State Law requires a Public Hearing and Council approval. The facilities have been inspected by the Code Enforcement Office and the Fire Department and there were no concerns.

---

**Financial:** N/A

---

**Action Requested at this Meeting:** Recommend passage.

---

**Previous Meetings and History:** Workshop discussion on 10/01/2012.

---

**Attachments:** Order 80-10152012

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



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

Jonathan LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 80-10152012**

**ORDERED**, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Randy's Auto Parts, 899 Broad Street.



**City Council  
Agenda Information Sheet**

**City of Auburn**

---

**Council Workshop Date:** 10/15/2012

**Order** 81-10152012

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Annual Automobile Graveyard/Junkyard permit renewal for Morris Auto Mart, 940 Washington Street N.

---

**Information:**

This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. State Law requires a Public Hearing and Council approval. The facilities have been inspected by the Code Enforcement Office and the Fire Department. Concerns have been addressed with Code Enforcement and there were no concerns with the Fire Department.

---

**Financial:** N/A

---

**Action Requested at this Meeting:** Recommend passage.

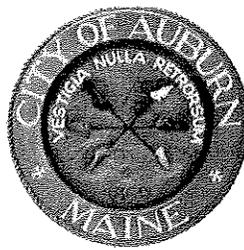
---

**Previous Meetings and History:** Workshop discussion on 10/01/2012.

---

**Attachments:** 81-10152012

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 81-10152012**

**ORDERED**, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Morris Auto Mart, 940 Washington Street North.



## City Council Agenda Information Sheet

City of Auburn

**Council Workshop Date:** 10/15/2012

**Order** 82-10152012

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Annual Automobile Graveyard/Junkyard permit renewal for Buck's Auto, 249 Merrow Road.

**Information:**

This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. State Law requires a Public Hearing and Council approval. The facilities have been inspected by the Code Enforcement Office and there were no concerns. The Fire Department has scheduled their inspection for Thursday, October 11.

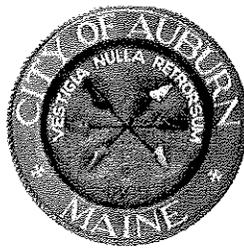
**Financial:** N/A

**Action Requested at this Meeting:** Recommend passage.

**Previous Meetings and History:** Workshop discussion on 10/01/2012.

**Attachments:** Order 82-10152012

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



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

Jonathan LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 82-10152012**

**ORDERED**, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Buck's Auto, 249 Merrow Road.



## City Council Agenda Information Sheet

City of Auburn

---

**Council Meeting Date:** October 15, 2012

**Order**

83-10152012

**Author:** Clinton Deschene

**Subject:** Ice Arena

---

**Information:** Pursuant to the Council's request to entertain new approaches to a dual surface Ice Arena the staff is presenting many options.

First, new financial data is included and has been shared based upon different approaches to expenses and more indications of ice time rental.

Second, many communications to the Council, in letters or emails, stress the Community Development value. Community Development impacts are there but do not and should not show up on the budget for the Arena.

This is where the Council needs to consider the risk versus the potential.

Third, per prior budgets it should be clear that risk is a major component to the operating budget. Without more time and significant, possibly expensive studies, the costs are projections. And even with studies the projections may be more reliable but do not constitute a guarantee. Compound this with the time it will take the potential renters consistently indicate that their programs are at risk if a new facility is not prepared for them by next fall because Ingersoll will not satisfy their demands both currently and into the future.

Fourth, it is accurate that Ingersoll does break even and profit on an annual basis, but if current renters disband or diminish, the risk that Ingersoll may begin to lose money is a real concern as well.

Overall, this new information is per your request and staff and I are ready to discuss in more detail.

---

**Financial:** Yes there are potential impacts.

---

**Action Requested at this Meeting:** Discuss and direct next steps.

---

**Previous Meetings and History:** 6/18/2012, 6/25/2012, 7/2/2012, 9/4/2012, 9/17/2012, and 10/01/2012.

---

**Attachments:**

- Memo
- New budget



## City Council Information Sheet

City of Auburn

---

**Council Meeting Date:** October 15, 2012

**Subject:** Executive Session

---

**Information:** Discussion about Labor Contracts, pursuant to 1 M.R.S.A. §405(6)(D).

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

- A. Discussion 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.
-