



City Council Meeting and Workshop

September 17, 2012

Agenda

5:30 P.M. Workshop

- A. Political sign ordinance – Council discussion
- B. Auburn-Lewiston Airport sale of Lot 9 to Paul Cutter (Cutter, LLC) with possible action during the Council meeting – Ed Plourde
- C. Land donation Parcel ID 183-029 located off Vickery Road-Roland Miller, Keith McBride
- D. Lewiston Auburn Transit Committee (LATC) commuter services – Clint Deschene
- E. Committee and Board Appointments (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).

7:00 P.M. City Council Meeting

Pledge of Allegiance

- I. **Consent Items** – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.
 1. **Order 66-09172012***
Appointing John D. Chamberlain as a Constable with firearm for the Auburn Police Department.
 2. **Order 67-09172012***
Accepting the transfer of \$656.00 forfeiture assets in U.S. Currency (Abreau).
 3. **Order 68-09172012***
Accepting the transfer of \$525.00 in U.S. Currency; one .45 high point pistol serial # X4173571; and one 12 gauge NEF shot gun serial # NA241124 forfeiture assets (Stoodley).
- II. **Minutes**
 - September 4, 2012
- III. **Reports**
 - Mayor's Report
 - City Councilors' Reports
 - City Manager's Report
 - Finance Director, Jill Eastman – August 2012 Monthly Report
- IV. **Communications, Presentations and Recognitions**
 - Council Orientation-City Council Roles and Responsibilities - Dan Stockford, Attorney

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- 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 65-09042012

Authorizing the City Manager to execute the lease agreement on the double surface ice arena (wording was changed to agree with order language). Council may go into Executive Session, pursuant to 1 M.R.S.A. §405(6)(C).

VII. New Business

1. Ordinance 06-09172012

Approving the zoning change on South Witham Road. Public hearing and first reading.

2. Order 69-09172012

Authorizing the sale of Lot 9 to Paul Cutter (Cutter, LLC) and authorizing the Chairman of the Auburn-Lewiston Municipal Airport Board of Directors to sign all necessary documents for the completion of this transaction on behalf of the City of Auburn.

3. 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).

VIII. Executive Session

- Discussion of a personnel issue, pursuant to 1 M.R.S.A. §405(6)(A).
- Discussion of Labor Contracts, pursuant to 1 M.R.S.A. §405(6)(D).
- Discussion of a real estate matter, pursuant to 1 M.R.S.A. §405(6)(C).

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

X. Future Agenda/Workshop Items

XI. Adjournment

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

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion

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- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: September 17, 2012

Item A

Author: Sue Clements-Dallaire, City Clerk

Subject: Political Sign Ordinance

Information: A letter was received from Councilor Crowley with a proposal to change the ordinance on political signs limiting them to private property only.

Financial: N/A

Action Requested at this Meeting: Discussion only

Previous Meetings and History: This was discussed at the City Council workshop on 9/4/2012.

Attachments:

- Letter to Mayor and Council from Councilor Tizz Crowley
- Current political sign ordinance for Auburn
- Current political sign ordinance for Brunswick

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Council

TO: Auburn City Council and Mayor

FROM: Tizz E. H. Crowley, City Councilor Ward 1

CC: Clint Deschene, City Manager
Susan Clements-Dallaire

DATE: September 4, 2012

RE: Proposed Ordinance Change Limiting Signs to Private Property

At the request of several Auburn residents and myself I am proposing a change in our ordinance as it relates to political signs. The change is to limit signs to private property. Our ordinance might model that of the Town of Brunswick:

604.7 Political Campaign Signs. *Political Campaign Signs are temporary signs bearing messages relating to an election, primary or referendum. Political Campaign Signs are permitted on private property no sooner than 60 days before an election, primary or referendum and must be removed no later than 5 days after the same election, primary or referendum. Size shall be limited to 8 square feet.*

Brunswick's ordinance has two additional elements that are not important to my request for Auburn but I thought might want to be discussed in our workshop. The time frames defined, 60 days before and 5 days after, are not necessary in my opinion and infringes upon the personal rights of a property owner. I know of at least one ward 1 location that has a half dozen or so political signs displayed year round. I think the sign size is also addressed in our sign ordinances and does not need a limit here- free speech and private property rights should be valued.

Reason for suggesting and **support this change:**

Safety- Signs in median strips, along travel lanes, at intersections are dangerous and contribute to driver distraction. We want drivers to pay attention to driving. Signs are intended to capture a person's attention- why do we want drivers to take their eyes off the road?

There is an employee safety issue with signs on public places. Often times when political signs are removed from the public area, like median strips and street esplanades, the wire holdings are left behind and may not be seen by a City Worker attempting to mow or plow the property. Injury can occur.

Placement of the signs in high traffic areas such as median strips expose the person to a risk of being hit by a moving vehicle, especially in high speed area.

Appearance of the City- Cluttered intersections, posters all over public recreational and retail areas, do not give a warm or professional appearance to visitors. What do we want people to see first when coming to Auburn? What do you want them to remember... there were seventeen campaign signs for one candidate in one traffic island... or maybe that the biggest and first sign you read in our mall area is a political campaign sign for a Lewiston mayoral candidate?

When there are heavy winds and rain storms the signs are ripped up and discarded all over the city's grass areas and most the traffic islands. The cost to the City to clean up is another consideration.

Please think about the snow plowing issues related to signs. Many get pushed out by the plow or the piling of snow on the roadsides. Not all candidates or campaigns go out and remove signs before storms and seldom go back and pick up storm damage ones. We do not need more trash at our roadsides.

Better campaigns- When a candidate or a cause has to talk to a property owner and get permission to post a sign, we will have more engagement in the political process. There will be a personal connection or involvement. It will likely cost candidates/causes less money for signs as it is more likely each property owner will post a single sign rather the dozens on a single traffic island. Often a single candidate will post several in a single traffic island. It might make it easier to compete as an unknown candidate or less financed cause may not have funds for offsetting the impact of multiple signs in a high traffic area.

The individual property owner will have the responsibility of installing, maintaining and removing the signs which will save campaigns time and money. This will also have an impact on the appearance of our City. No municipal time or money will be necessary to manage locations and such. I believe the proposed change will make the candidates/causes more accountable for the signs.

The change in ordinance should cost candidates/causes less money to run because fewer signs will be needed to cover the City.

Reduce Municipal Costs- Our city employees have to monitor locations and educate campaigns on sign limits around voting locations. A limit to only private property removes the limiting voting location barriers. Parks and Public Works crews will not have to take time to remove and return signs located in median strips and esplanades. In the June election season, we have lots of mowing and parks works getting the City ready for Memorial Day... so staff either removes and returns the items to ready the traffic island or the island doesn't get any attention for the 30 day period and looks terrible to Auburn visitors. This is what happened this past May which was only a quiet "Primary period". What will be the required effort for Parks and Public Works during this fall's major election?

Keeping signs out of road ditches, blocking fire hydrants, gravel shoulders, will make work easier for crews, improve safety and save costs of enforcement. We need to reduce the number of traffic hazards even in our rural areas.

Enforcement- A simple rule, "Private Property Only", is easier to enforce because violators will stand out. Residents will have the authority and are encouraged to pick up trash and materials on our streets, so signs violating the ordinance may be removed when seen by anyone. In recent election seasons, the city has picked up signs, stored them at Public Works, and even called candidates if contact information is available. None of this would be needed if maintained on private property. Campaign staff will not want the candidate or cause to stand out as "breaking the law" so self- enforcement will improve.

It would be foolish not to consider the **reasons to oppose** and not to make this change and continue to allow political signs on public property. Here are the objections I have concerned or heard:

Freedom of Speech- A fundamental right of citizens is public speech and expression. Would this proposed change limit freedom of speech? Should the government provide places for free speech? Does this proposal significantly disadvantage an unknown candidate or unpopular cause?

Since there is more private property than public property in Auburn, I believe there is sufficient space to post signs without using public land. The private property rule more visually demonstrates free speech as individual property owners will also be "standing up" for a particular candidate/cause. To its extreme, we may be placing a disadvantage on an unknown candidate, but it could be argued the change promotes and encourages the unknown candidate to get out and talk with voters.

A compromise for limiting political signs to private property is to have **one** publically owned property, designated as a campaign location, for public promotion and education. The single site, like Great Falls School Park, could be designated by the City, on an annual basis, as a location where candidates and causes could post for 30 days before and 7 days after an election, materials informing the public of their platforms and such. We would likely limit the space, as a suggestion 20' by 40', so one candidate/cause could not take over the area.

Enforcement- the City is currently struggling to enforce our current sign ordinances. We have received several complaints in just the past two weeks where rules are not enforced and therefore are not equitable to residents with similar needs. If we are not enforcing the ordinance, and I recognize a cost of doing so, we will lose compliance from others and the problem and safety issues will increase.

This issue, once again, raises the question of the cost of enforcement here in Auburn. What message do we give residents if we do not enforce rules? If we choose not to change the ordinance to limit political signs to private property, and we cannot not (or choose not) to enforce our current standards, then I'd recommend we eliminate all requirements political signs- it will be fair, equitable and get the City out of the business of signs.

Thank you for your consideration of this matter. I look forward to an informative discussion.

Sec. 60-638. - Signs, on-premises.

- (a) *All districts.* The following signs are permitted in any use district, except where otherwise prohibited by law, and shall not be subject to the issuance of a sign permit.
- (1) One sign not exceeding one square foot used to display the street number and/or name of the occupants of the premises.
 - (2) One nonilluminated sign not exceeding two square feet used to describe a home occupation, boardinghouse or lodginghouse, or tourist home located on the premises.
 - (3) One sign not exceeding 24 square feet on the premises of public or semipublic buildings, funeral homes and charitable or religious institutions. This sign may incorporate a bulletin board.
 - (4) One real estate sign not exceeding eight square feet relating to the sale, rental or lease of the premises. Such sign shall be removed within one week after the property transaction.
 - (5) One sign each for a building contractor, architect or engineer, each sign not exceeding 16 square feet, relating to construction projects. Such sign shall be removed within one week after the issuance of the certificate of occupancy (completion).
 - (6) Building name and date sign and/or memorial tablet, not exceeding an aggregate of ten square feet, showing the name of the building and date of erection and/or historic information, when cut into masonry, formed of bronze or similar noncombustible material.
 - (7) One professional name plate sign not exceeding eight square feet.
 - (8) Two signs, not exceeding 16 square feet each, describing farm products for sale on the premises. Instead of two signs, a single double-faced sign may be erected with a display area, not exceeding 16 square feet on each side.
 - * (9) Political signs, not exceeding 16 square feet in total area for single-faced signs on one standard, or eight square feet on each side of double-faced signs on one standard, provided that:
 - a. Such signs shall not be erected more than 30 days prior to the election to which they pertain;
 - b. Such signs are removed within seven days after the election to which they refer;
 - c. Removal of such signs shall be the joint responsibility of the candidate and the property owner on whose premises the signs are displayed.
 - (10) Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs, directional signs, noncommercial and temporary signs or street banners related to public or charitable purposes may be approved by the city clerk along with stipulations as to the size, location, message, period of display and other requirements such as insurance and approval of building owners on whose property the banner will be attached.
- (b) *Residence districts.* The following sign regulations apply in residence districts:
- (1) Except where specifically permitted, all signs shall be single-faced, mounted flat on the wall of a structure or standing.
 - (2) No off-premises signs are permitted, except as provided for in chapter 42

Brunswick

604 Signs Not Subject To Permit

The following signs are permitted as indicated in each subsection, and require no permit.

- 604.1 Real Estate Sign.** A real estate sign is a temporary sign advertising the lease or sale of land, space or structure. A real estate sign may not exceed 4 square feet for the sale of a residential structure. For all other uses and vacant land, the sign may not exceed 32 square feet. Real Estate Signs must be removed within ten days of the sale or lease of the property. (Amended 9/4/01 E)
- 604.2 Contractor Sign.** A contractor's sign is a temporary sign erected during the construction phase of a project only, not to exceed 32 square feet. Such sign must be removed upon the issuance of a Certificate of Occupancy, where one is required. Contractor Signs may also be used during home improvement or renovation projects that are not subject to Certificate of Occupancy, but must be removed after the work has been completed.
- 604.3 Signs for Garage or Yard Sales.** Lawn, yard or garage sale signs are prohibited on any state or local public property or right-of-way, or on utility poles. No sign for garage or yard sales shall be posted more than 24 hours before and after the event. Size is limited to 4 square feet.
- 604.4 Window Signs.** Window signs are allowed provided that they are placed on the inside of the window, and occupy no more than 25% of the glassed area of all windows.
- 604.5 Farm Stand Signs.** Signs used to advertise a farm stand selling fruits, vegetables or other agricultural crops and products are permitted provided that each sign is not greater than 10 square feet. Such signs may have a changeable copy not subject to review. Farm stand signs may be displayed only during the season when the premises are open for business. (Amended 9/4/01 E)
- 604.6 Household Signs.** Signs that display street numbers, last names and personal names given to residential structures shall not require a permit.
- * 604.7 Political Campaign Signs.** Political Campaign Signs are temporary signs bearing messages relating to an election, primary or referendum. Political Campaign Signs are permitted on private property no sooner than 60 days before an election, primary or referendum and must be removed no later than 5 days after the same election, primary or referendum. Size shall be limited to 8 s.f. (Amended 12/1/97 R, 9/4/01 E)
- 604.8 Sandwich Signs.** A sandwich sign is a free-standing, moveable sign, usually shaped like an "A", used to advertise daily specials or special events. A sandwich sign may not exceed 7 square feet and shall be made of wood or materials that appear to be wood. A sandwich sign may be displayed only when the premises it advertises are open for business. Such signs may not impede pedestrian, bicycle or vehicular access. Any sandwich sign which is found to impede the safe movement of pedestrians, bicycles or vehicles may be ordered removed or relocated by the Codes Enforcement Officer. Sandwich Signs located in the Village Review Zone do not require review by the Village Review Board.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: September 17, 2012

Item B

Author: Clint Deschene, City Manager

Subject: Auburn-Lewiston Airport sale of Lot 9 to Paul Cutter (Cutter, LLC)

Information: See attached letter from Edouard Plourde, Interim Airport Manager

Financial:

Action Requested at this Meeting: Discussion and **possible action** on this item to authorize the sale and to authorize the Chairman of the Board of Directors of the Auburn-Lewiston Municipal Airport to sign on behalf of the City of Auburn the necessary documents for completion of this transaction.

Previous Meetings and History: This item went before the Lewiston City Council on 9/4/2012 for approval. Council approved the request on behalf of Veterinary Support Services to construct a 9,441 square foot building and operate an animal cremation service at this location (it also went before Council during a workshop on 8/6/2012). Due to these two meetings creates the basis for the request of action on the same night of presentation.

Attachments: Under tab 2 in notebooks

- Letter From Edouard Plourde
- Short Form Quitclaim Deed
- Settlement Statement
- Maine Commercial Mechanics Liens and Persons in Possession Affidavit
- Amendment to Agreement for the Purchase and Sale of Real Estate
- Foreign Investment in Real Property Tax Act Certification – Transferor
- Residency Affidavit of Entity Transferor
- Notice Pursuant to 38 M.R.S.A. §563 (6)



City Council Workshop Information Sheet

City of Auburn

Council Meeting Date: September 17, 2012

Item C

Author: Roland Miller, Director of Community & Economic Development

Subject: Donation of Land (Parcel Identification PID: 183-029) to the City of Auburn

Information: Last month, economic development staff were contacted by landowner Mark Fournier about the possibility of donating a 3 acre parcel of land on Vickery Road to the city. The parcel abuts 34 acres of city-owned land, and the addition of this parcel will allow for public access to this land from Vickery Road.

Financial: The city will incur no significant costs from this charitable donation of land.

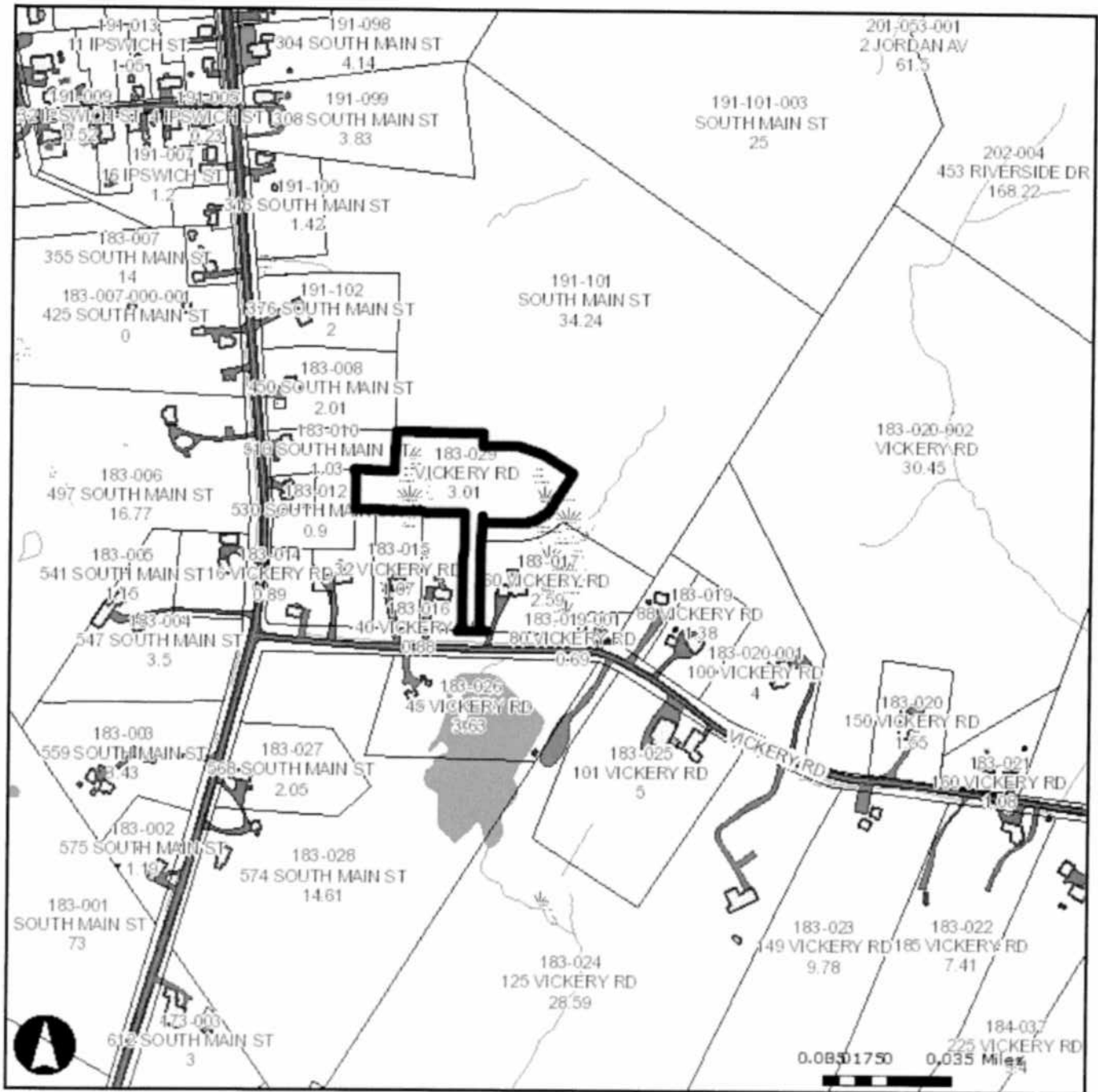
Action Requested at this Meeting: None

Previous Meetings and History: None

Attachments:

- Map of this parcel

Map





City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: September 17, 2012

Item D

Author: Clint Deschene, City Manager

Subject: Lewiston-Auburn Transit Committee (LATC) commuter services

Information: Mayor LaBonté and Deputy City Administrator, Phil Nadeau had discussions a while ago on the matter of commuter services for Lewiston-Auburn residents. Lewiston has already presented this to their Council on August 14, 2012 in support of LATC's intercity transit.

Resulting from Lewiston's action, I am recommending that we review the mission statement of LATC for the Auburn City Council to determine if mission statements or policy statements need revision.

Financial:

Action Requested at this Meeting: Discussion only.

Previous Meetings and History:

Attachments:

- LATC's By-Laws
- Memo from Phil Nadeau to Lewiston's Mayor and Council dated 8/14/2012
- Lewiston's Resolve supporting LATC's intercity transit

**AN AGREEMENT TO ESTABLISH
THE LEWISTON-AUBURN TRANSIT COMMITTEE**

This Agreement made and entered into this 10th day of September in the year nineteen hundred and seventy six by the City of Lewiston and the City of Auburn, and amended on this 17 day of February, 1998.

WITNESSETH, that whereas the City of Lewiston and the City of Auburn agree to cooperatively establish the Lewiston-Auburn Transit Committee, and

WHEREAS, the City of Lewiston and the City of Auburn provide financial assistance to maintain public mass transportation, and

WHEREAS, the City of Lewiston and the City of Auburn intend to receive federal financial assistance for public mass transportation through grant programs sponsored by the U.S. Department of Transportation, Federal Transit Administration, and

WHEREAS, a public entity charged with administering said Federal grant programs is desired,

Now, THEREFORE, the City of Lewiston and the City of Auburn agree as follows:

CONDITIONS OF AGREEMENT

ARTICLE 1 - PREAMBLE

Section 1.1 Incorporation

Pursuant to Chapter 203 of Title 30 of the Maine State Statutes, there is hereby created as administrative agency of the Cities of Lewiston and Auburn to be known as the Lewiston-Auburn Transit Committee, hereinafter called the "Committee".

Section 1.2 Purpose

The purpose of the Committee shall be to establish, maintain and implement a short- and long-range bus transit development program, and to apply for, receive and administer Federal and State grants-in-aid for mass transit on behalf of the Cities of Lewiston and Auburn to provide adequate and efficient mass transit for the Lewiston-Auburn area.

ARTICLE 2 – DELEGATION OF POWERS TO THE COMMITTEE

The Cities of Lewiston and Auburn delegate or otherwise transfer to the Committee the administrative responsibilities of providing for the planning of mass transportation in the Lewiston–Auburn area and overseeing the utilization of public funds provided by the cities of Lewiston and Auburn for the purpose of subsidizing mass transportation in the Lewiston–Auburn area. The cities further delegate to the Committee the other powers incorporated herein.

ARTICLE 3 – CONTRACTS

The Committee is authorized to enter binding contracts with other persons, corporations and governmental bodies or agencies thereof, including contracts to plan for and purchase mass transit capital equipment and services for the purposes set forth in ARTICLE 1 Section 1.2 upon such terms as the Committee shall approve. The Committee may also negotiate for, receive and use grants and loans from any governmental body or agency which are available for use in the furtherance of any of the purposes of the Committee.

ARTICLE 4 – ANNUAL EXPENSES

Section 4.1 Estimating Annual Expenses

The private operator of scheduled, fixed route mass transit service in the Lewiston–Auburn area shall annually prepare and present to the Committee a budget for its next fiscal year, itemizing expenses of operations, maintenance and repairs, costs of contemplated capital improvement, and other costs incidental to the provision of transit service in the Lewiston–Auburn area. In addition, the private transit operator shall furnish the Committee with a description of services to be offered, fare structure and routing. The Committee will review the budget and operating plan for the next fiscal year, and jointly with the private transit operator establish a recommended estimate budget showing anticipated revenues, both farebox and non–farebox, for the forthcoming fiscal year. The budget will also include the costs of performing any necessary mass transit planning which is not specifically a part of the mass transit service operating budget submitted by the private mass transit operator.

Section 4.2 Requests for Public Funds

In any fiscal year in which the recommended budget, as approved by the Committee, shows anticipated expenses exceeding anticipated revenues, the Committee shall request the participating municipalities for the

difference. If a majority of the members of the Lewiston City Council and the Auburn City Council approve the amount of this request, the proportionate share of each city shall be calculated on the basis of: fifty percent (50%) of the requested amount shall be paid by the City of Auburn, and fifty percent (50%) of the requested amount shall be paid by the City of Lewiston. In any year in which a request is made, the Committee shall give notice to the Cities of Lewiston and Auburn. Such requests shall be submitted to each city in time for inclusion in their respective budgets for their next fiscal year, and if approved, they shall make provision through assessment of taxes or otherwise to obtain sufficient revenues to pay the same. Such amount shall be due and payable on or about the beginning of the fiscal year of each city.

ARTICLE 5 – LEWISTON–AUBURN TRANSIT COMMITTEE

Section 5.1 Membership

The Lewiston–Auburn Transit Committee shall be composed of seven (7) members determined on the basis of: three (3) members will be appointed by the Lewiston City Council with at least one (1) member being an elected public official, three (3) members will be appointed by the Auburn City Council with at least one (1) member being an elected public official, and alternate seventh member each city. The seventh member will initially be appointed by the Transit Committee and will be a citizen of Lewiston or Auburn. Subsequent appointments will be made by the City Council from the alternate city and the position will continue to alternate between cities. Four (4) members shall constitute a quorum.

Section 5.2 Term of Membership

Members of the Lewiston–Auburn Transit Committee will serve three (3) year terms with the exception of elected public officials whose term shall run concurrent with their term in office. Members shall not be limited to one (1) term.

Section 5.3 Election of Officers

The Lewiston–Auburn Transit Committee shall elect from their membership a Chair–person who shall have full voting rights. A Vice–Chairperson shall also be elected from the Committee membership to serve in the Chair–person's absence. Election of officers shall occur at such time when the current Chairperson or Vice–Chairperson desires to resign from their position.

ARTICLE 6 – GENERAL ADMINISTRATION

Section 6.1 Fiscal Year

The Committee shall adopt as their fiscal year October 1 to September 30 or be such other fiscal year as the Committee may by resolution adopt.

Section 6.2 Reports

Reports detailing revenues and costs, ridership and other pertinent information shall be submitted to the Committee each month by the private transit operator being financially aided by public funds. These reports will be combined at the end of each fiscal year to produce an annual report.

Section 6.3 Meeting

Regular meetings of the Committee will be held on a monthly basis.

ARTICLE 7 – REAL AND PERSONAL PROPERTY

Section 7.1 Ownership

All real or personal property acquired for the purposes set forth in Section 1.2 through Federal capital grants received by the Committee will be owned by the Committee or leased by the Committee from the Maine Department of Transportation. All major purchases will be subject to a depreciation schedule covering the usable life of the property.

Section 7.2 Maintenance of Property

All real and personal property, including but not limited to, buses, bus washers, fareboxes, acquired by the Committee through Federal grants to be directly used by the private transit operator in providing service shall be leased to the private operator and maintained in good repair by the private operator. All property not used directly by the private operator in providing service, including but not limited to bus shelters and bus stop signs, shall not be leased to the private operator and shall be maintained by the city in which the property is located, or through some method mutually agreeable to both the City of Lewiston and the City of Auburn. Disposition of fully depreciated property upon termination of the Committee shall be considered in any agreement made in the latter case.

Section 7.3 Disposition of Property

All real property owned or leased by the Committee either fully or partially depreciated, that is no longer needed for the originally authorized purpose, shall be disposed as follows, pursuant awarding agency instructions:

- (a) The Committee shall retain clear title to real property, fully or partially depreciated, upon compensating the awarding agency for their share if the current fair market value is greater than \$5,000.
- (b) The Committee shall competitively sell real property, compensating the awarding agency for their share of the proceeds if the current fair market value is greater than \$5,000.
- (c) The Committee shall transfer title of fully depreciated real property to the awarding agency or to a third party designated/approved by the awarding agency. For real property not fully depreciated, the Committee shall be compensated a proportion equal to their share of the initial purchase based on the current fair market value of the property.
- (d) Real property leased by the Committee shall revert to the lessor at such time the property is no longer needed for the original authorized purpose. The Committee shall be compensated a proportion equal to their share based on the original purchase price and the current fair market value.

Section 7.4 Disposition of Property Upon Termination

If the Committee is terminated for any reason and still holds ownership of or is leasing property either fully or partially depreciated, this property will be distributed as follows:

- (a) All fully depreciated property being leased and maintained by the private operator with a current fair market value less than \$5,000 will become the joint property of the City of Lewiston and the City of Auburn, each holding a share equal to fifty percent (50%) of the value of the property. The property may be sold and the proceeds of the sale divided equally between the City of Lewiston and the City of Auburn, or may be retained under any understanding agreeable to both the Cities of Lewiston and Auburn.
- (b) All fully depreciated property not being leased and maintained by the private operator will become the property of the City in which it is located and by which it has been maintained. Disposition of

property being maintained by mutual agreement shall have been determined at the time of mutual agreement.

- (c) All partially depreciated property owned by the Committee shall be sold, and the proceeds of the sale shall be divided as follows: a proportion equal to the Federal share of the original grant monies used to purchase the equipment shall be returned to the Federal government, and the remainder shall be divided equally between the City of Lewiston and the City of Auburn.
- (d) All partially depreciated property being leased by the Committee from the MDOT shall be returned to the MDOT with the City of Lewiston and the City of Auburn receiving a proportion equal to the local share of the original grant monies used to purchase the equipment.

ARTICLE 8 - TERMINATION

The Committee shall remain in existence for an indefinite term and until terminated by a majority vote of both the Auburn City Council and the Lewiston City Council. The provisions of this agreement may also be amended by a majority vote of both the Auburn City Council and the Lewiston City Council. In the event that either municipal body shall vote to modify this agreement or terminate the Committee, notice in writing shall immediately be given to the Committee.

ARTICLE 9 - AMENDMENTS

Amendments to this Agreement may be discussed at any meeting of the Committee, and any revisions emanating therefrom will be subject to approval by the City of Lewiston and the City of Auburn.

WITNESS

CITY OF LEWISTON

Garahyl Pesham Whittier

Kaileigh A. Tara
Mayor Kaileigh Tara

WITNESS

CITY OF AUBURN

James E. Thompson

Lee Young
Mayor Lee Young

**AMENDMENT TO AGREEMENT TO ESTABLISH
THE LEWISTON-AUBURN TRANSIT COMMITTEE**

THIS AGREEMENT made this 12th day of February, 2001, by and between the City of Lewiston and the City of Auburn.

I. WHEREAS,

A. By Agreement dated as of September 10, 1976, the aforesaid Cities entered into an agreement establishing THE LEWISTON-AUBURN TRANSIT COMMITTEE ("LATC"), as an administrative agency of the aforesaid Cities;

B. By Agreement dated on or about January 20, 1998, an agreement amending said 1976 Agreement was approved and executed by the aforesaid Cities, a copy of which amendatory agreement ("the 1998 Agreement") is hereto annexed as Exhibit A;

C. The aforesaid Cities wish to further amend the 1998 Agreement;

D. The aforesaid Cities have reached an agreement with respect to the same which they wish to reduce to a written memorandum.

II. NOW THEREFORE, for consideration paid, each to the other, receipt and sufficiency of which is hereby mutually acknowledged, the aforesaid Cities do hereby agree as follows:

A. That the 1998 Agreement be and hereby is amended by striking from ARTICLE 7 Subsection 7.3(b) and substituting in its place the following subsection:

"(b) In the event that the Committee wishes to sell real property, such property shall be sold either by (i) a negotiated at price equal at least to the fair market value as disclosed by an appraisal process satisfying the requirements of the U.S. Department of Transportation, Federal Transit Administration, and approved by the City Councils of both Cities; or (ii) by a process of competitive bidding. In either case, the proceeds shall be used either (a) to compensate the awarding agency for its share of the proceeds if the current fair market value is greater than \$5,000; or (b) for the purpose of acquiring or constructing a replacement or substitute facility."

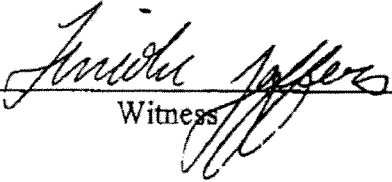
B. Except as specifically modified herein, the 1998 Agreement is hereby ratified and reconfirmed, and nothing in this Agreement shall impair or abrogate the authority of LATC

under the 1998 Agreement or under the terms of 30-A M.R.S.A. §2201, *et. seq.*

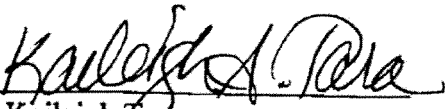
C. Pursuant to 30-A M.R.S.A. §2204, This Agreement shall become effective upon being filed with the City Clerks of the Cities of Lewiston and Auburn and with the Secretary of State.

IN WITNESS WHEREOF, the City of Lewiston has caused this Agreement to be executed on its behalf by Kaileigh Tara, its Mayor, thereunto duly authorized, and the City of Auburn has caused this Agreement to be executed on its behalf by Lee Young, its Mayor, thereunto duly authorized.

CITY OF LEWISTON

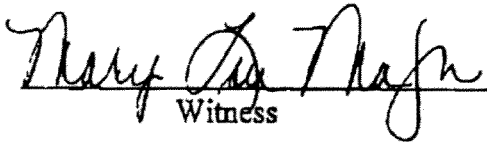


Witness

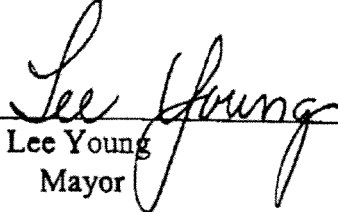
BY: 

Kaileigh Tara
Mayor

CITY OF AUBURN



Witness

BY: 

Lee Young
Mayor



The Office of
 Deputy City Administrator
 Phil Nadeau
 27 Pine Street • Lewiston, Maine • 04240
 Tel. 207-513-3121, Ext. 3201 • Fax 207-795-5069
 Email: pnadeau@lewistonmaine.gov



MEMORANDUM

TO:	Mayor and City Council
FROM:	Phil Nadeau, Deputy City Administrator
DATE:	August 14, 2012
RE:	Lewiston-Auburn Transit Committee (LATC) Resolution

1. BACKGROUND

Mayor Labonte and I have had multiple discussions on the matter of commuter services for Lewiston-Auburn residents who want to access daily travel outside of L-A for work or play. Mayor Labonte and I have also discussed the LATC's mission to provide fixed transit services within Lewiston-Auburn as defined within its interlocal agreement and how our local transit planning for the system must also work as part of the transportation planning process overseen by the Androscoggin Transportation Resource Center and our Metropolitan Planning Organization.

The results of those discussions, and the work of Councilor Saddemire have produced a resolution which articulates the LATC's support for enhancing its local fixed transit system with a fixed commuter service to connect people with communities outside of L-A. The resolution also makes clear that any proposal for services outside of L-A will involve its transportation planning agencies and must, in the end, be supported by both city councils. The resolution was approved by the LATC.

2. RECOMMENDATION

To support the LATC resolution.



**City of Lewiston Maine
City Council Resolve
August 14, 2012**



Resolve, Supporting the Lewiston-Auburn Transit Committee's (LATC) Intercity Transit.

Whereas, an interlocal agreement between the cities of Lewiston and Auburn has designated the LATC to oversee and manage fixed public transit in the Lewiston-Auburn area; and

Whereas, the LATC believes that this vital intercity service could be enhanced with an affordable fixed public commuter service that would connect residents with more opportunities to work and travel to communities outside of Lewiston and Auburn; and

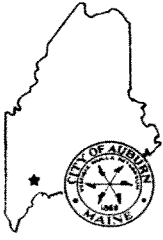
Whereas, the LATC also recognizes that any short or long term planning for extending fixed commuter service must involve the transportation planning organizations of the Androscoggin Transportation Resource Center and the Metropolitan Planning Organization; and

Whereas, the LATC understands that any proposal to extend fixed transit operations beyond Lewiston-Auburn must be supported by the City Councils of Lewiston and Auburn;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

The City supports the resolution approved by the Lewiston-Auburn Transit Committee which reads as follows:

The Lewiston-Auburn Transit Committee hereby supports transit planning efforts conducted by the Androscoggin Transportation Resource Center and other such planning agencies, to improve transit services into and out of the Lewiston-Auburn area, and will incorporate new services that are feasible and financially viable into the Lewiston-Auburn Transit Committee's public transit system.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: September 17, 2012

Item E

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.

Previous Meetings and History: N/A

Attachments:

- Applications
- 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 trainee 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: Ken Sonagere Date: 2-26-12

*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 [X]
Re-appointment []
Mailing Address: 75 Western Ave.
Physical Address:
Telephone #: 7863855 Home 2909260 Work Cell
E-Mail Address: busee1120@aol.com Years as Auburn Resident: 37

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

APR 09 2012 @ 2:10

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: Brian Whitley Ward: 5 Years as an Auburn Resident: 19

Mailing Address: 257 South Main St. Auburn

Physical Address: Same as above

Phone: 831-1028 Email: bdlawhitley@gmail.com

Describe your education and/or experience: BSBA - USM 1992

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: Brian Whitley Date: 4/9/12

*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 #: 7863855 Home 298260 Work _____ Cell _____
E-Mail Address: bugbee1120@aol.com Years as Auburn Resident: 37

Describe your education and/or experience (check here if using reverse side for extra space):
Presumably 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 [Signature] Date 1/5/12

"Providing superior services at an affordable cost"

60 Court Street • Suite 243 • Auburn, ME 04210
(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-5621 Fax

www.auburnmaine.org

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 Griggs Ward: 5 Years as an Auburn Resident: 50

Mailing Address: 69 LORING AVE

Physical Address: SAME

Phone: 207 782-1622 Email: WALTER@GRIGGS.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. Griggs Date: 8/13/12

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

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 J 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.

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. Lauze 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: daniel.lauze@gmail.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: Daniel Lauze 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)

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, expiration 1/1/2016
- Fill alternate position that is vacant, 5 year term, expiration 9/1/2017

911 Committee (1)

3 year term – expiration of 9-1-2015

Zoning Board of Appeals

9/12/2012

Board Name	First	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:

Name	Position	Term Expiration
	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: September 17, 2012

Order 66-09172012*consent item

Author: Phillip L. Crowell, Jr., Chief of Police

Subject: Confirm Chief Crowell's appointment of John D. Chamberlain as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests City Council appointment of John D. Chamberlain as a Constable with firearm for the City of Auburn.

Financial: n/a

Action Requested at this Meeting: Motion to confirm Chief Crowell's appointment of John D. Chamberlain as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: n/a

Attachments:

- Memo from Chief
- Order 66-09172012



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Office Manager

To: Honorable Mayor Jonathan Labonte and Members of the City Council
From: Phillip L. Crowell, Jr., Chief of Police
Date: August 30, 2012
Re: CONSTABLES

We request that the following named person be named a Constable for the Auburn Police Department:

John D. Chamberlainwith Firearm New Hire Police Officer

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 66-09172012

ORDERED, that John D. Chamberlain be and hereby is appointed a Constable with a firearm for the Auburn Police Department.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 17, 2012

Order 67-09172012* consent item

Author: Phillip L. Crowell, Jr., Chief of Police

Subject: Transfer of Forfeiture Asset – Fausto Abreau

Information: In April 2012, Auburn police officers responded to Americas Best Value Inn to assist MDEA agents with a drug investigation. Subsequently, a search warrant was executed in a room rented by two male subjects. One of which was from New York State and the other from Waterville Maine. A search of the men, their room and immediate area yielded \$3,280 in U.S. Currency; 30.9 grams of cocaine HCL (TBW); digital scale and related drug paraphernalia associated with drug trafficking. All evidence of drug trafficking was seized.

Both subjects were arrested and charged with Aggravated Trafficking in Schedule W Drugs; Cocaine HCL; Class A; Title 17-A Section 1105-A(1)(E)(E). The charges were elevated to aggravated due to the close proximity of the offense in relation to a school zone (Washburn School).

Financial: The State of Maine, Office of the Attorney General, seeks to transfer \$656.00 U.S. Currency, to the Auburn Police Department.

Action Requested at this Meeting: Vote to accept transfer of \$656.00 in U.S. Currency.

Previous Meetings and History: n/a

Attachments:

- Memo
- City Council Order 67-09172012
- Acceptance document to be signed by City Clerk



Auburn Police Department



Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Office Manager

To: Lt. Tim Cogle
From: Sgt. Eric C. Audette
Date: 08-21-2012
Re: City Council Transfer of Forfeiture Asset

In April 2012, Auburn police officers responded to Americas Best Value Inn to assist MDEA agents with a drug investigation. Subsequently, a search warrant was executed in a room rented by two male subjects. One of which was from New York State and the other from Waterville Maine. A search of the men, their room and immediate area yielded \$3,280 in U.S. Currency; 30.9 grams of cocaine HCL (TBW); digital scale and related drug paraphernalia associated with drug trafficking. All evidence of drug trafficking was seized.

Both subjects were arrested and charged with Aggravated Trafficking in Schedule W Drugs; Cocaine HCL; Class A; Title 17-A Section 1105-A(1)(E)(E). The charges were elevated to aggravated due to the close proximity of the offense in relation to a school zone (Washburn School).

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 67-09172012

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, does hereby grant approval pursuant to 15 M.R.S.A. 5826(6) to the transfer of Defendant(s) in Rem (Fausto Abreau), or any portion thereof (\$656.00 U.S. Currency) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Fausto Abreau), or any portion thereof (\$656.00 U.S. Currency), pursuant to 15 M.R.S.A. by vote of the Auburn municipal legislative body on or about September 17, 2012.

STATE OF MAINE
Androscoggin, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-12-470

State of Maine	}	
	}	Municipality of Auburn
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Fausto Abreau	}	
Defendant;	}	
	}	
And	}	
	}	
\$3,280.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem (\$656.00 in U.S. Currency), or any portion thereof, on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about

Dated: _____

Municipal Officer
Auburn, Maine
(Impress municipal legislative body seal here)



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 17, 2012

Order 68-09172012

Author: Phillip L. Crowell, Jr., Chief of Police

Subject: Transfer of Forfeiture Asset – Glenn Stoodley

Information: In May 2012, Auburn police officers responded to an Auburn residence to investigate a complaint of a domestic in progress. During the investigation, a male and female were identified and they acknowledged that they had in fact had a domestic. While in the residence, officers observed drugs and drug paraphernalia including but not limited to baggies of crack cocaine, hypodermic needles and digital scales. In addition, a Hi-Point 45 caliber semi-automatic handgun and \$525.00 cash were located in the residence. A search of the resident's vehicle yielded a New England Firearms 12 gauge single shot shotgun.

Based on the drugs, drug paraphernalia, firearms and US Currency it is reasonable to believe that drugs were being actively sold from the residence and they were not just for personal consumption. Therefore, the firearms as well as the US currency were seized along with the illegal drugs and paraphernalia.

Subsequently, the male resident was arrested for the offense of Aggravated Trafficking in Schedule W Drugs; Class A; Title 17-A Sec. 1105-A.C-1.1. The offense was aggravated due to the close proximity of the residence to area "Safe Zones" and "School Zones".

Financial: The State of Maine, Office of the Attorney General, seeks to transfer \$525.00 U.S. Currency; one .45 high point pistol serial # X4173571; and one 12 gauge NEF shot gun serial # NA241124, to the Auburn Police Department.

Action Requested at this Meeting: Vote to accept transfer of \$525.00 U.S. Currency; one .45 high point pistol serial # X4173571; and one 12 gauge NEF shot gun serial # NA241124 in U.S. Currency.

Previous Meetings and History: n/a

Attachments:

- Memo
- City Council Order 68-09172012
- Acceptance document to be signed by City Clerk



Auburn Police Department



Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Office Manager

To: Lt. Tim Cogle
From: Sgt. Eric C. Audette
Date: 08-21-2012
Re: City Council Transfer of Forfeiture Asset

In May 2012, Auburn police officers responded to an Auburn residence to investigate a complaint of a domestic in progress. During the investigation, a male and female were identified and they acknowledged that they had in fact had a domestic. While in the residence, officers observed drugs and drug paraphernalia including but not limited to baggies of crack cocaine, hypodermic needles and digital scales. In addition, a Hi-Point 45 caliber semi-automatic handgun and \$525.00 cash were located in the residence. A search of the resident's vehicle yielded a New England Firearms 12 gauge single shot shotgun.

Based on the drugs, drug paraphernalia, firearms and US Currency it is reasonable to believe that drugs were being actively sold from the residence and they were not just for personal consumption. Therefore, the firearms as well as the US currency were seized along with the illegal drugs and paraphernalia.

Subsequently, the male resident was arrested for the offense of Aggravated Trafficking in Schedule W Drugs; Class A; Title 17-A Sec. 1105-A.C-1.1. The offense was aggravated due to the close proximity of the residence to area "Safe Zones" and "School Zones".

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 68-09172012

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, does hereby grant approval pursuant to 15 M.R.S.A. 5826(6) to the transfer of Defendant(s) in Rem (Glenn Stoodley), or any portion thereof \$525.00 U.S. Currency; one .45 high point pistol serial # X4173571; and one 12 gauge NEF shot gun serial # NA241124) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (NAME), or any portion thereof \$525.00 U.S. Currency; one .45 high point pistol serial # X4173571; and one 12 gauge NEF shot gun serial # NA241124), pursuant to 15 M.R.S.A. by vote of the Auburn municipal legislative body on or about September 17, 2012.

STATE OF MAINE
Androscoggin, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-12-483

State of Maine	}	
	}	
v.	}	Municipality of Auburn
	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Glenn Stoodley	}	
Defendant;	}	
	}	
And	}	
	}	
\$525.00 U.S. Currency	}	
Defendant(s) In Rem #1	}	
One .45 High Point Pistol,	}	
Serial # X4173571	}	
One 12 gauge NEF shot gun,	}	
Serial # NA241124	}	
Defendant(s) In Rem #2	}	

NOW COMES the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem #1 and #2, or any portion thereof, on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) In Rem #1 and #2, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about

Dated: _____

Municipal Officer
Auburn, Maine
(Impress municipal legislative body seal here)

IN COUNCIL REGULAR MEETING SEPTEMBER 4, 2012 VOL.33 PAGE 59

Mayor LaBonte called the meeting to order at 7:09 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag.

I. Consent Items - none

II. Minutes

Motion was made by Councilor Crowley and seconded by Councilor Walker to accept the minutes of 8/20/2012 with two changes, 1) under the Boards and Committee appointments, note if it was a reappointment, 2) add Mike Gotto's address.

Passage 7-0

III. Reports

Mayor's Report – Mayor LaBonté reported.

Committee Reports

- Transportation
 - Androscoggin Transportation Resource Center – Mayor LaBonté reported.
 - Lewiston Auburn Transit – Councilor Gerry reported.
 - Airport, Railroad – Councilor Hayes reported.
 - Bike-Ped Committee – Councilor Shea reported.
- 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.
- 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 reported.
- Public Safety
 - LA 911 – Councilor Walker reported.

IN COUNCIL REGULAR MEETING SEPTEMBER 4, 2012 VOL.33 PAGE 60

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

City Manager's Report

- Auburn Municipal Beach improvements
- CDBG (Community Development Block Grant)

IV. Communications, Presentations and Recognitions - none

V. Open Session

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

VI. Unfinished Business - none

VII. New Business

1. Order 64-09042012 Approving the agreement to share health officer services with Lisbon.

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

Public Comment – Dan Herrick, 470 Hatch Road, Auburn

Passage 5-2 (Councilors Walker and Gerry).

Open Session – The Mayor invited the public to speak during Open Session prior to entering into Executive Session to discuss the next agenda item. No one from the public spoke.

2. Order 65-09042012 Approving the pro forma and draft lease on the double surface ice arena.

Motion was made by Councilor Walker and seconded by Councilor LaFontaine to enter into Executive Session, pursuant to 1 M.R.S.A. §405(6)(C).

Passage 7-0, 8:45 P.M.

The Mayor declared executive session over at 10:18.

IN COUNCIL REGULAR MEETING SEPTEMBER 4, 2012 VOL.33 PAGE 61

No action was taken. This item will be postponed and discussed at the 9/17/2012 City Council Meeting.

VIII. Executive Session

IX. Future Agenda/Workshop Items

X. Adjournment

Motion was made by Councilor LaFontaine and seconded by Councilor Gerry to adjourn. Passage 6-0 (Councilor Young was not present for this vote – excused absence), 8:45 P.M.

A True Copy.

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



TO: Clint Deschene, City Manager
FROM: Jill Eastman, Finance Director
RE: August 2012 Financials
DATE: September 11, 2012

The City has completed its second month of the fiscal year 2013. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 16.66% 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 taxes receivable and deferred revenue are the result of the 2012/2013 tax commitment of \$39,385,903.

Revenues

Revenues collected through August 31st were \$5.6 million or 7.79% of budget. This is lower than last year by \$2.9 million. Notable revenues include:

- A. Property tax collections of \$2,074,728 - \$632,688 less than last year. The current tax bills were mailed later this year than last year.
- B. \$576,447 was collected in excise tax - up from \$516,265 in August 2011.
- C. Revenue sharing collected is \$531,341 down slightly from last year.

CITY OF AUBURN
August 2012 Financials

D. Education subsidy of \$1,469,854 – \$1,937,601 less than last year due to timing of posting to City accounts.

Expenditures

Expenditures for the City were \$6.5 million through August 31st or 9.12% of the budget. This was \$854,796 more than last year. The major variance is that the check for County Taxes was processed in August this year and not until September 1st last year.

Investments

Investments as of August 31st totaled \$12,766,067. The average interest rate was .22% compared to .26% 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 August and July 2012, and June 2012

	UNAUDITED Aug 31 2012	UNAUDITED July 31 2012	Increase (Decrease)	UNAUDITED JUNE 30 2012
ASSETS				
CASH	\$ 13,846,874	\$ 14,380,064	\$ (533,190)	\$ 13,294,906
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	743,126	93,672	649,454	1,059,806
TAXES RECEIVABLE-CURRENT	37,322,606	107,929	37,214,677	114,898
DELINQUENT TAXES	536,866	486,160	50,706	440,748
TAX LIENS	1,247,610	1,415,461	(167,851)	1,264,200
NET DUE TO/FROM OTHER FUNDS	14,228,552	14,601,584	(373,032)	1,508,634
	<hr/>	<hr/>		<hr/>
TOTAL ASSETS	\$ 67,925,633	\$ 31,084,870	\$ 36,840,763	\$ 17,683,192
 LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	\$ (3,106,689)	\$ (1,321,316)	\$ (1,785,373)	\$ (1,314,860)
PAYROLL LIABILITIES	106,954	89,880	17,074	1,365
ACCRUED PAYROLL	9,914	(260,243)	270,157	(166,818)
STATE FEES PAYABLE	(48,675)	(3,844)	(44,831)	11,446
ESCROWED AMOUNTS	(43,365)	(41,865)	(1,500)	(64,250)
DEFERRED REVENUE	(38,956,425)	(1,906,136)	(37,050,289)	(1,598,154)
	<hr/>	<hr/>		<hr/>
TOTAL LIABILITIES	\$ (42,038,287)	\$ (3,443,524)	\$ (38,594,763)	\$ (3,131,271)
FUND BALANCE - UNASSIGNED	\$ (25,529,139)	\$ (27,283,139)	1,754,000	\$ (14,102,463)
FUND BALANCE - RESTRICTED FOR WORKERS COMP & UNEMPLOYMENT	776,017	776,017	-	684,766
FUND BALANCE - RESTRICTED	(1,134,224)	(1,134,224)	-	(1,134,224)
	<hr/>	<hr/>		<hr/>
TOTAL FUND BALANCE	\$ (25,887,346)	\$ (27,641,346)	\$ 1,754,000	\$ (14,551,921)
	<hr/>	<hr/>		<hr/>
TOTAL LIABILITIES AND FUND BALANCE	\$ (67,925,633)	\$ (31,084,870)	\$ (36,840,763)	\$ (17,683,192)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH August 31, 2012 VS August 31, 2011

REVENUE SOURCE	FY 2013 BUDGET	ACTUAL REVENUES THRU AUG 2012	% OF BUDGET	FY 2012 BUDGET	ACTUAL REVENUES THRU AUG 2011	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	\$ 42,121,141	\$ 2,074,728	4.93%	\$ 41,053,952	\$ 2,707,416	6.59%	\$ (632,688)
PRIOR YEAR REVENUE	\$ -	\$ 183,081		\$ -	\$ 221,915		\$ (38,834)
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 514,584	\$ 377,161	73.29%	\$ 488,573	\$ 487,909	99.86%	\$ (110,748)
ALLOWANCE FOR ABATEMENT	\$ -	\$ -		\$ -	\$ -		\$ -
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ -	\$ -		\$ -
EXCISE	\$ 3,018,500	\$ 576,447	19.10%	\$ 2,719,000	\$ 516,265	18.99%	\$ 60,182
PENALTIES & INTEREST	\$ 140,000	\$ 11,145	7.96%	\$ 140,000	\$ 12,864	9.19%	\$ (1,719)
TOTAL TAXES	\$ 45,794,225	\$ 3,222,562	7.04%	\$ 44,401,525	\$ 3,946,369	8.89%	\$ (723,807)
LICENSES AND PERMITS							
BUSINESS	\$ 39,900	\$ 3,970	9.95%	\$ 30,000	\$ 11,560	38.53%	\$ (7,590)
NON-BUSINESS	\$ 260,700	\$ 99,150	38.03%	\$ 268,400	\$ 74,269	27.67%	\$ 24,881
TOTAL LICENSES	\$ 300,600	\$ 103,120	34.30%	\$ 298,400	\$ 85,829	28.76%	\$ 17,291
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	\$ 378,000	\$ 114,011	30.16%	\$ 378,000	\$ 115,349	30.52%	\$ (1,338)
STATE REVENUE SHARING	\$ 2,400,000	\$ 531,341	22.14%	\$ 2,400,000	\$ 545,445	22.73%	\$ (14,104)
WELFARE REIMBURSEMENT	\$ 53,083	\$ 11,131	20.97%	\$ 44,955	\$ 8,102	18.02%	\$ 3,029
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%	\$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 3,010,445	\$ 674,537	22.41%	\$ 3,001,317	\$ 687,347	22.90%	\$ (12,810)
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	\$ 130,955	\$ 21,223	16.21%	\$ 135,090	\$ 13,789	10.21%	\$ 7,434
PUBLIC SAFETY	\$ 263,102	\$ 7,944	3.02%	\$ 206,545	\$ 8,844	4.28%	\$ (900)
EMS TRANSPORT	\$ -	\$ -		\$ -	\$ -		\$ -
EMS AGREEMENT	\$ 100,000	\$ -	0.00%	\$ 100,000	\$ 10,900	10.90%	\$ (10,900)
TOTAL CHARGE FOR SERVICES	\$ 494,057	\$ 29,167	5.90%	\$ 441,635	\$ 33,533	7.59%	\$ (4,366)
FINES							
PARKING TICKETS & MISC FINES	\$ 45,000	\$ 4,089	9.09%	\$ 55,000	\$ 4,618	8.40%	\$ (529)
MISCELLANEOUS							
INVESTMENT INCOME	\$ 30,000	\$ 5,565	18.55%	\$ 60,000	\$ 4,659	7.77%	\$ 906
INTEREST-BOND PROCEEDS	\$ 2,000	\$ -	0.00%	\$ 2,000	\$ -	0.00%	\$ -
RENTS	\$ 122,000	\$ -	0.00%	\$ 122,000	\$ -	0.00%	\$ -
UNCLASSIFIED	\$ 5,150	\$ 2,196	42.64%	\$ 7,340	\$ 790	10.76%	\$ 1,406
SALE OF RECYCLABLES	\$ -	\$ -		\$ -	\$ 15,097		\$ (15,097)
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 10,682		\$ -	\$ 11,050		\$ (368)
SALE OF PROPERTY	\$ 20,000	\$ 15,391	76.95%	\$ 20,000	\$ -	0.00%	\$ 15,391
RECREATION PROGRAMS/ARENA	\$ 43,275	\$ -	0.00%	\$ 33,275	\$ 1,565	4.70%	\$ (1,565)
MMWAC HOST FEES	\$ 197,400	\$ 33,378	16.91%	\$ 197,400	\$ 32,916	16.67%	\$ 462
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	\$ 667	8.34%	\$ 8,000	\$ 1,334	16.68%	\$ (667)
UTILITY REIMBURSEMENT	\$ 37,500	\$ 3,033	8.09%	\$ 37,500	\$ 749	2.00%	\$ 2,284
CITY FUND BALANCE CONTRIBUTION	\$ 1,350,000	\$ -	0.00%	\$ 1,050,000	\$ -	0.00%	\$ -
TOTAL MISCELLANEOUS	\$ 2,141,537	\$ 71,369	3.33%	\$ 1,962,645	\$ 68,160	3.47%	\$ 3,209
TOTAL GENERAL FUND REVENUES	\$ 51,785,864	\$ 4,104,844	7.93%	\$ 50,160,522	\$ 4,825,856	9.62%	\$ (721,012)
SCHOOL REVENUES							
EDUCATION SUBSIDY	\$ 17,942,071	\$ 1,469,854	8.19%	\$ 17,942,071	\$ 3,407,455	18.99%	\$ (1,937,601)
EDUCATION	\$ 1,358,724	\$ 32,390	2.38%	\$ 1,358,724	\$ 286,038	21.05%	\$ (253,648)
SCHOOL FUND BALANCE CONTRIBUTION	\$ 855,251	\$ -	0.00%	\$ 855,251	\$ -	0.00%	\$ -
TOTAL SCHOOL	\$ 20,156,046	\$ 1,502,244	7.45%	\$ 20,156,046	\$ 3,693,493	18.32%	\$ (2,191,249)
GRAND TOTAL REVENUES	\$ 71,941,910	\$ 5,607,088	7.79%	\$ 70,316,568	\$ 8,519,349	12.12%	\$ (2,912,261)

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH August 31, 2012 VS August 31, 2011

DEPARTMENT	Unaudited			Unaudited			VARIANCE
	FY 2012 REVISED BUDGET	EXP THRU AUG 2012	% OF BUDGET	FY 2012 BUDGET	EXP THRU AUG 2011	% OF BUDGET	
ADMINISTRATION							
MAYOR AND COUNCIL	\$ 99,690	\$ 27,165	27.25%	\$ 99,690	\$ 35,850	35.96%	\$ (8,685)
CITY MANAGER	\$ 343,296	\$ 40,889	11.91%	\$ 280,915	\$ 38,900	13.85%	\$ 1,989
ASSESSING SERVICES	\$ 183,801	\$ 25,149	13.68%	\$ 188,906	\$ 22,240	11.77%	\$ 2,909
CITY CLERK	\$ 150,676	\$ 17,775	11.80%	\$ 137,422	\$ 14,089	10.25%	\$ 3,686
FINANCIAL SERVICES	\$ 419,539	\$ 53,827	12.83%	\$ 365,023	\$ 62,912	17.24%	\$ (9,085)
HUMAN RESOURCES	\$ 137,836	\$ 19,421	14.09%	\$ 137,363	\$ 17,995	13.10%	\$ 1,426
INFORMATION COMMUNICATION TECHNOLOGY	\$ 386,632	\$ 23,679	6.12%	\$ 361,058	\$ 74,190	20.55%	\$ (50,511)
LEGAL SERVICES	\$ 85,000	\$ 1,631	1.92%	\$ 84,284	\$ 15,599	18.51%	\$ (13,968)
CUSTOMER SERVICE	\$ -	\$ -	-	\$ 2,428	\$ 451	18.57%	\$ (451)
TOTAL ADMINISTRATION	\$ 1,806,470	\$ 209,536	11.60%	\$ 1,657,089	\$ 282,226	17.03%	\$ (72,690)
COMMUNITY SERVICES							
ENGINEERING	\$ 320,370	\$ 47,717	14.89%	\$ 293,612	\$ 41,692	14.20%	\$ 6,025
COMMUNITY PROGRAMS	\$ 14,050	\$ 9,450	67.26%	\$ 12,650	\$ 12,650	100.00%	\$ (3,200)
PLANNING & PERMITTING	\$ 776,532	\$ 108,389	13.96%	\$ 727,756	\$ 96,993	13.33%	\$ 11,396
PARKS AND RECREATION	\$ 602,191	\$ 89,325	14.83%	\$ 615,858	\$ 70,489	11.45%	\$ 18,836
HEALTH & SOCIAL SERVICES	\$ 176,567	\$ 34,222	19.38%	\$ 153,811	\$ 23,259	15.12%	\$ 10,963
PUBLIC LIBRARY	\$ 968,292	\$ 163,761	16.91%	\$ 929,407	\$ 154,901	16.67%	\$ 8,860
TOTAL COMMUNITY SERVICES	\$ 2,858,002	\$ 452,864	15.85%	\$ 2,733,094	\$ 399,984	14.63%	\$ 52,880
FISCAL SERVICES							
DEBT SERVICE	\$ 6,682,797	\$ -	0.00%	\$ 6,810,550	\$ -	0.00%	\$ -
PROPERTY	\$ 699,114	\$ 183,382	26.23%	\$ 680,137	\$ 189,737	27.90%	\$ (6,355)
WORKERS COMPENSATION	\$ 415,000	\$ -	0.00%	\$ 451,890	\$ 49,242	10.90%	\$ (49,242)
WAGES & BENEFITS	\$ 4,602,545	\$ 703,982	15.30%	\$ 4,209,929	\$ 741,639	17.62%	\$ (37,657)
EMERGENCY RESERVE (10108062-670000)	\$ 333,818	\$ -	0.00%	\$ 328,608	\$ -	0.00%	\$ -
TOTAL FISCAL SERVICES	\$ 12,733,274	\$ 887,364	6.97%	\$ 12,481,114	\$ 980,618	7.86%	\$ (93,254)
PUBLIC SAFETY							
EMERGENCY MGMT AGENCY	\$ -	\$ -	-	\$ 2,903	\$ -	0.00%	\$ -
FIRE DEPARTMENT	\$ 3,904,344	\$ 581,240	14.89%	\$ 3,716,161	\$ 523,207	14.08%	\$ 58,033
POLICE DEPARTMENT	\$ 3,439,583	\$ 447,086	13.00%	\$ 3,315,380	\$ 472,987	14.27%	\$ (25,901)
TOTAL PUBLIC SAFETY	\$ 7,343,927	\$ 1,028,326	14.00%	\$ 7,034,444	\$ 996,194	14.16%	\$ 32,132
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	\$ 4,617,744	\$ 507,440	10.99%	\$ 4,682,884	\$ 451,839	9.65%	\$ 55,601
WATER AND SEWER	\$ 558,835	\$ 135,251	24.20%	\$ 558,835	\$ 135,231	24.20%	\$ 20
TOTAL PUBLIC WORKS	\$ 5,176,579	\$ 642,691	12.42%	\$ 5,241,719	\$ 587,070	11.20%	\$ 55,621
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	\$ 105,000	\$ 26,250	25.00%	\$ 106,750	\$ 26,688	25.00%	\$ (438)
E911 COMMUNICATION CENTER	\$ 1,035,381	\$ 258,733	24.99%	\$ 968,347	\$ 242,087	25.00%	\$ 16,646
LATC-PUBLIC TRANSIT	\$ 235,548	\$ -	0.00%	\$ 207,779	\$ -	0.00%	\$ -
LAEGC-ECONOMIC COUNCIL	\$ 160,687	\$ -	0.00%	\$ 160,687	\$ -	0.00%	\$ -
COMMUNITY LITTLE THEATER	\$ 20,160	\$ -	0.00%	\$ 20,160	\$ 5,040	25.00%	\$ (5,040)
TAX SHARING	\$ 289,000	\$ 39,156	13.55%	\$ 288,593	\$ -	0.00%	\$ 39,156
TOTAL INTERGOVERNMENTAL	\$ 1,845,776	\$ 324,139	17.56%	\$ 1,752,316	\$ 273,815	15.63%	\$ 50,324
COUNTY TAX							
TIF (10108058-580000)	\$ 2,006,244	\$ 2,006,244	100.00%	\$ 1,925,561	\$ -	0.00%	\$ 2,006,244
OVERLAY	\$ 2,619,142	\$ -	0.00%	\$ 2,619,142	\$ -	0.00%	\$ -
	\$ -	\$ -	-	\$ 301,604	\$ -	0.00%	\$ -
TOTAL CITY DEPARTMENTS	\$ 36,389,414	\$ 5,551,164	15.25%	\$ 35,746,083	\$ 3,519,907	9.85%	\$ 2,031,257
EDUCATION DEPARTMENT							
	\$ 34,705,246	\$ 934,403	2.69%	\$ 34,705,246	\$ 2,110,864	6.08%	\$ (1,176,461)
TOTAL GENERAL FUND EXPENDITURES	\$ 71,094,660	\$ 6,485,567	9.12%	\$ 70,451,329	\$ 5,630,771	7.99%	\$ 854,796

CITY OF AUBURN, MAINE
 INVESTMENT SCHEDULE
 AS OF August 31, 2012

INVESTMENT	FUND	BALANCE	BALANCE August 31, 2012	INTEREST RATE	WEIGHTED AVG YIELD
BANKNORTH MNY MKT	24-1242924	\$ 55,226.67	\$ 55,226.67	0.20%	
BANKNORTH MNY MKT	24-1745910	\$ 49,197.59	\$ 49,197.59	0.10%	
BANKNORTH MNY MKT	24-1745944	\$ 66,772.71	\$ 66,772.71	0.20%	
BANKNORTH CD	7033	\$ 102,404.84	\$ 102,404.84	2.64%	
BANKNORTH MNY MKT	24-1809302	\$ 52,456.49	\$ 52,456.49	0.20%	
BANKNORTH MNY MKT	24-1745902	\$ 197,611.59	\$ 197,611.59	0.20%	
BANKNORTH MNY MKT	24-1745895	\$ 1,115,672.92	\$ 1,115,672.92	0.20%	
BANKNORTH MNY MKT	24-1746819	\$ 10,877,905.64	\$ 10,877,905.64	0.20%	
BANKNORTH MNY MKT	24-1745928	\$ 248,818.13	\$ 248,818.13	0.10%	
GRAND TOTAL		\$ 12,766,066.58	\$ 12,766,066.58		0.22%

Auburn Police Department Data Driven Policing Approaches



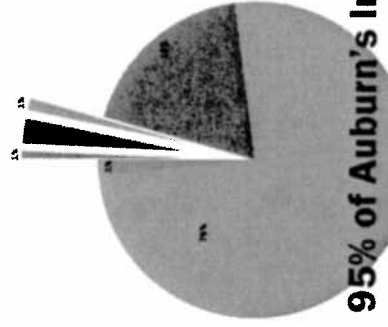
Random Patrol Yields Random Results!

Maine Crime Rate Info

- Compiled and Published by Maine DPS UCR/NIBRS
- Annual Counts of 7 Index Crimes (excludes Arson)
 - Murder and Manslaughter
 - Forcible Rape
 - Robbery
 - Aggravated Assault
 - Burglary
 - Larceny
 - Motor Vehicle Theft
- The sum of these 7 Index Crimes normalized by the population equals Crime Rate
- Read as "X Crimes Per 1,000 Residents"

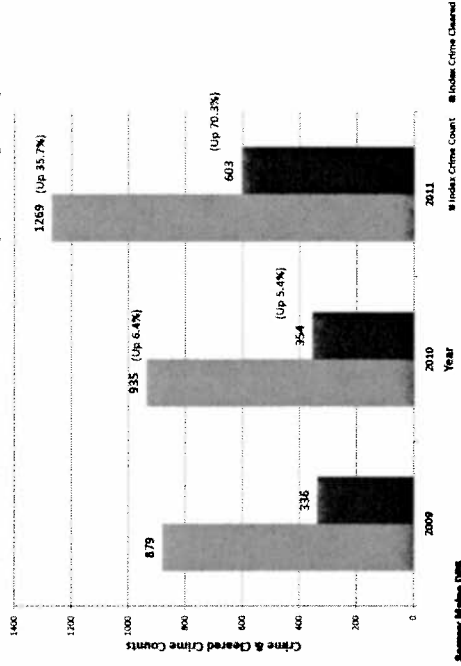
2011 AUBURN INDEX CRIMES

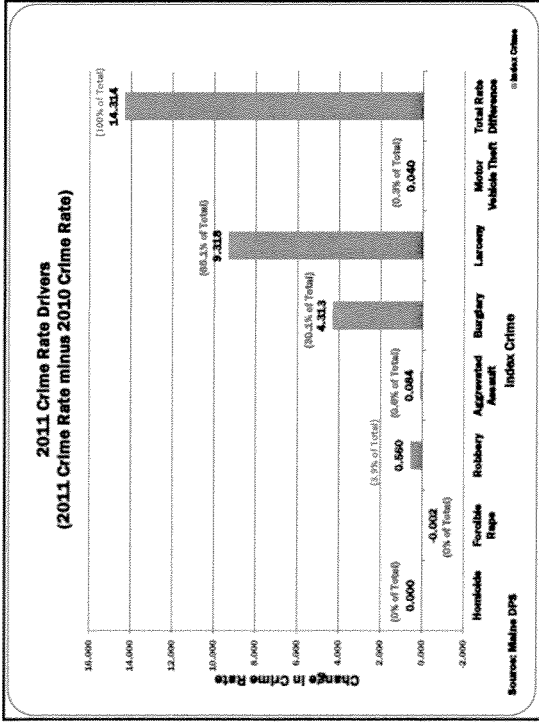
- Forcible Rape (9)
- Robbery (32)
- Aggravated Assault (15)
- Burglary (234)
- Larceny (960)
- Motor Vehicle Theft (19)



95% of Auburn's Index Crimes are
PROPERTY CRIMES

Index Crime & Cleared Index Crime Counts (2009 through 2011)





- ## Burglary/Larceny
- 29 OFs w/Stolen Prescription Drugs in 2010
 - 45 OFs w/Stolen Prescription Drugs in 2011
 - 12 records of Stolen Copper in 2010
 - 64 Records of Stolen Copper in 2011
 - 5 Stolen Firearms in 2010
 - 14 Stolen Firearms in 2011

Androscoggin County 2010 Crime Stats

January-December 2010

Contributing Agency	Estimated Population	Crime Rate	Murder	Rape	Robbery	Aggravated Assault	Burglary	Larceny	MV Theft	Total Index Crimes
Androscoggin SO	22,953	41.00	—	6	1	3	52	153	5	222
Auburn	35,153	33.06	2	17	42	33	134	742	18	941
LeWiscan	3,134	28.08	—	—	—	—	178	639	15	1,162
Evermore Falls	9,355	12.06	—	—	—	—	23	56	3	88
Libon	3,254	8.91	—	—	—	—	24	80	—	113
Stechette Falls	4,744	19.18	—	—	—	—	36	58	—	91
Androscoggin SP	—	—	—	—	—	—	10	42	62	128
Androscoggin County Totals	107,282	25.86	3	41	64	64	484	2,032	58	2,774
Total Urban Areas	78,593	30.84	2	35	62	51	390	1,817	43	2,424
Total Rural Areas	28,689	12.20	1	6	2	13	94	215	15	350

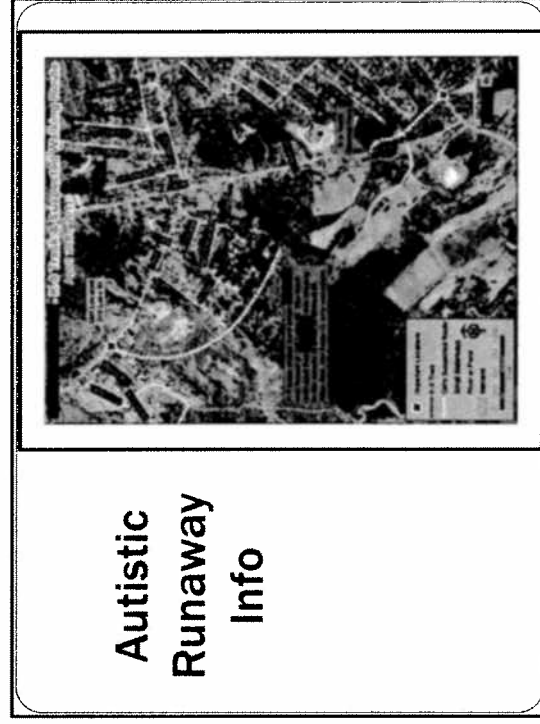
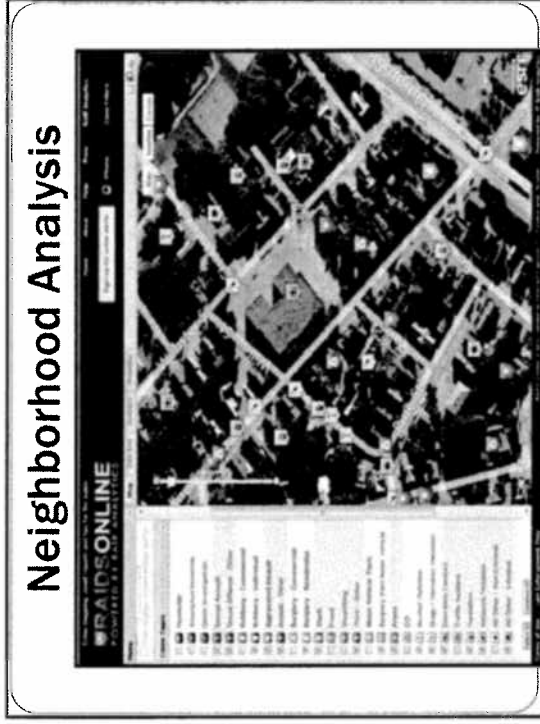
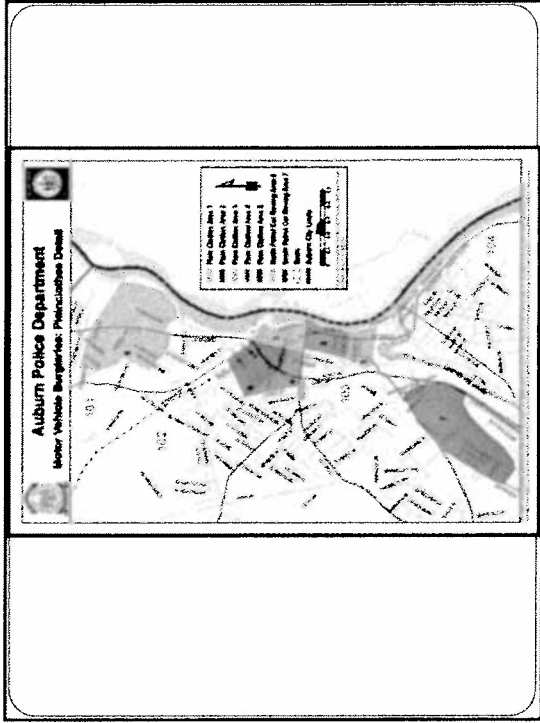
- ## Auburn's Data Driven Approach
- ✓ Strategic Operations – Hot Spot Analysis to deploy resources efficiently
 - ✓ Information Sharing & Outreach – Deploying software to place analytical information at the public's & staff's fingertips
 - ✓ Monitoring, evaluating and adjusting operations
 - ✓ PROACTIVE not REACTIVE

Weekly Crime Reports

Monthly NIBRS Review

Auburn Police Department - Beat 103 Part 1 and 2 Crimes: 7/1/12 - 7/31/12

Hot Spot Analysis



**Information Sharing -
The next Level: Dashboards**

- Efficient deployment of resources is everyone's responsibility, not just Command Staff.
- Equip officers with the information they need to establish a proactive, efficient patrol pattern for their shift.

Crash Reporting Dashboards

getcrashreports.com

The dashboard displays several key metrics: 18 (likely incidents), 2.82% (percentage), 45 (count), and 7.05% (percentage). It includes a bar chart, a pie chart, and a line graph showing trends over time.

Teen Driving Summary

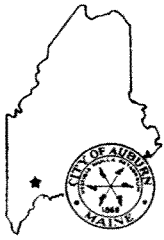
The dashboard features a table with columns for Age Group, Sex, and Age. It also includes a bar chart, a pie chart, and a line graph. A prominent metric shows 131 (97.76%) with a 3 (2.24%) indicator.

Age Group	Sex	Age
13-14	M	13.5
15-16	F	15.5
17-18	M	17.5
19-20	F	19.5
21-22	M	21.5
23-24	F	23.5
25-26	M	25.5
27-28	F	27.5
29-30	M	29.5
31-32	F	31.5
33-34	M	33.5
35-36	F	35.5
37-38	M	37.5
39-40	F	39.5
41-42	M	41.5
43-44	F	43.5
45-46	M	45.5
47-48	F	47.5
49-50	M	49.5
51-52	F	51.5
53-54	M	53.5
55-56	F	55.5
57-58	M	57.5
59-60	F	59.5

Elderly Driving Summary

The dashboard includes a table with columns for Age Group, Sex, and Age. It also features a bar chart, a pie chart, and a line graph. A key metric is 131 (97.76%) with 3 (2.24%).

Age Group	Sex	Age
65-69	M	67
70-74	F	72
75-79	M	77
80-84	F	82
85-89	M	87
90-94	F	92
95-99	M	97



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 17, 2012

Order 65-09042012

Author: Sue Clements-Dallaire, City Clerk

Subject: Lease agreement on the double surface ice arena

Information: See Double Surface Ice Arena Supplemental Documentation under unfinished business in notebooks.

Financial:

Action Requested at this Meeting: City Council may go into Executive Session, pursuant to 1 M.R.S.A. §405(6)(C) with possible action to follow.

Previous Meetings and History: City Council passed an order authorizing the City Manager to execute the Memorandum of Understanding which details the duties and responsibilities of the City of Auburn and George Schott related to the design, permitting and construction of a double-sheet ice arena at 985 Turner Street in Auburn on 7/2/2012. A lease agreement was presented at the 9/4/2012 Council Meeting for consideration. The item was postponed until 9/17/2012 meeting to allow time to present more information.

Attachments:

- An outline scope of work for consulting on the operations and marketing of the new ice rink
- Order 65-09042012

The documents below that were provided at the 9/4/2012 meeting were not included in this packet. If you did not keep those documents from the 9/4/2012 meeting and would like to have copies, please contact the City Clerk.

- Double Surface Ice Arena Supplemental Documentation
- Auburn Mall Twin Ice Skating Arena Document
- Marketing Strategy

Auburn Ice Rink Marketing/Operational Consulting

Consulting Firm Qualifications:

Minimum of 5 years experience in ice rink management and ice rink consulting in New England.

Scope of Consulting Services:

Pre- Opening-

- Review facility layout and advise on potential improvement in facility functionality
- Assist in the development of an ice skating schedule
- Develop ice rink operational budget
- Assist in developing an ice rink marketing plan
- Assist in business development
- Create an ice rink organizational chart with job descriptions
- Assist in negotiations with corporate sponsors and advertisers
- Advise on facility equipment fit-up and pricing
- Assist in establishing employment policy and procedures
- Develop risk management program
- Train operational staff
- Research and recommend facility software
- Develop rink run ice skating programs
- Recommend facility concession fit-up, pricing, menu

Post Opening:

- On going staff training
- On going business development
- Provide financial oversight
- Assist in overall ice rink management
- Assist in maximizing ice rink revenues and decreasing expenses

Three Year Consulting Service

Cost:

Year 1:	\$65,000
Year 2:	\$37,500
Year 3:	\$20,000

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 65-09042012

ORDERED that the City Council authorizes the City Manager to execute the lease agreement by and between George Schott or his assignee and the City of Auburn for a double-sheet ice arena to be constructed at 985 Turner Street.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 17, 2012

Ordinance 06-09172012

Author: Eric Cousens, City Planner/Director of Planning and Permitting

Subject: Public hearing on a proposal to amend the City Of Auburn Zoning Map in the area of South Witham Road from Low Density Country Residential District (LDCR) to Low Density Rural Residence District. The proposed changes include a strip of land 450' deep from the centerline of and parallel to South Witham Road on the east side of the road and the full depth of the existing LDCR zoning district and parcels on the west side of the road on the parcels at 96 S. Witham Rd (PID 137-019), 126 S. Witham Rd (PID 137-020), 224 S. Witham Rd (PID 137-022), 272 S. Witham Rd (PID 137-023), 336 S. Witham Road (PID 137-024), 384 S. Witham Rd (PID 137-025), 386 S. Witham Rd (PID 137-025-001), 349 S. Witham Rd (PID 137-014-001), 275 S. Witham Rd (PID 137-014 / 137-014-002) and 177 S. Witham Rd (PID 137-015) pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

Information: At the August 14, 2012 Planning Board meeting, the Board voted 7/0 to forward a favorable recommendation on this proposal with an amendment that the larger area as shown in the Comprehensive Plan and Future Land Use Map be changed from LDCR to LDRR, continuing all the way to the Turnpike as shown on the Future Land Use Map. The Board found that the proposal meets the requirements of the City's Comprehensive Plan with the amendment.

See the attached use list for a permitted and special exception use comparison between the two districts. A large scale map including the surrounding area will be available at the hearing.

Staff recommends approval and will be available to answer any questions.

Financial: None

Action Requested at this Meeting: Public hearing and passage of first reading.

Previous Meetings and History: Planning Board Public Hearing August 14, 2012, Council Workshop September 4, 2012.

Attachments:

- Planning Board Staff Report
- Zoning Map
- LDCR to LDRR allowed use comparison
- Legal notice
- Ordinance 06-09172012 – two possible options

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

Planning Board Report

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Map in the area of South Witham Road from Low Density Country Residential District to Low Density Rural Residence District. The proposed changes include a strip of land 450' deep from the centerline of and parallel to South Witham Road on the parcels at 336 South Witham Road (PID # 137-024), 386 South Witham Road (PID137-025-001), 349 South Witham Road (PID# 137-014-001) and 275 South Witham Road (PID 137-014 / 137-014-002) pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

Date: August 14, 2012 Planning Board Meeting

I. PROPOSAL

The City of Auburn has received a petition from at least twenty-five (25) registered voters to rezone the property in the area of South Witham Road from Low Density Country Residential (LDCR) District to Low Density Rural Residence District (LDRR). The proposed changes include a strip of land 450' deep from the centerline of and parallel to South Witham Road on the parcels at 336 South Witham Road (PID # 137-024), 386 South Witham Road (PID137-025-001), 349 South Witham Road (PID# 137-014-001) and 275 South Witham Road (PID 137-014 / 137-014-002) pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn. The area is shown in the attached map with red cross hatching. As the petition indicates, the lots are currently zoned LDCR and would be changed to LDRR if approved. The minimum lot size for the parcels would change from the 3 acre LDCR minimum to a 1 acre LDRR minimum. This would allow some of the parcels to be split with potential for as many as 5 or 6 lots at some point in the future. The City's Comprehensive Plan illustrates the subject area as "Residential – Low Density" as shown on the future land use map.

Page 102, Auburn Comprehensive Plan: 2. CATEGORY: LIMITED GROWTH AREAS, TYPE A: DEVELOPMENT AREAS, DESIGNATION: RESIDENTIAL

Low Density Residential Development District (LDRD)

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

Allowed Uses – The allowed uses in the Low Density Residential Development District should

be similar to the uses currently allowed in the existing Rural Residential District, including single and two-family homes and town-house style units.

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

The LDRR zoning district conforms to the “Residential – Low Density” classification. Some of the lots immediately abutting this parcel are currently zoned Low Density Country Residential (LDCR), however, much of the surrounding area has been changed to LDRR.

Staff recommends that the Board consider expanding the zone on the west side of South Witham to the property lines to make a more consistent map and accomplish the future land use plans from the Comprehensive Plan. The plan also suggests that we should limit the depth on the east side of South Witham Road to 450’ as petitioned.

Based on the Comprehensive Plan and Future Land Use Map, staff is supportive of the proposal.

II. PLANNING FINDINGS / CONSIDERATIONS:

Staff has evaluated the proposed rezoning and suggests the following findings:

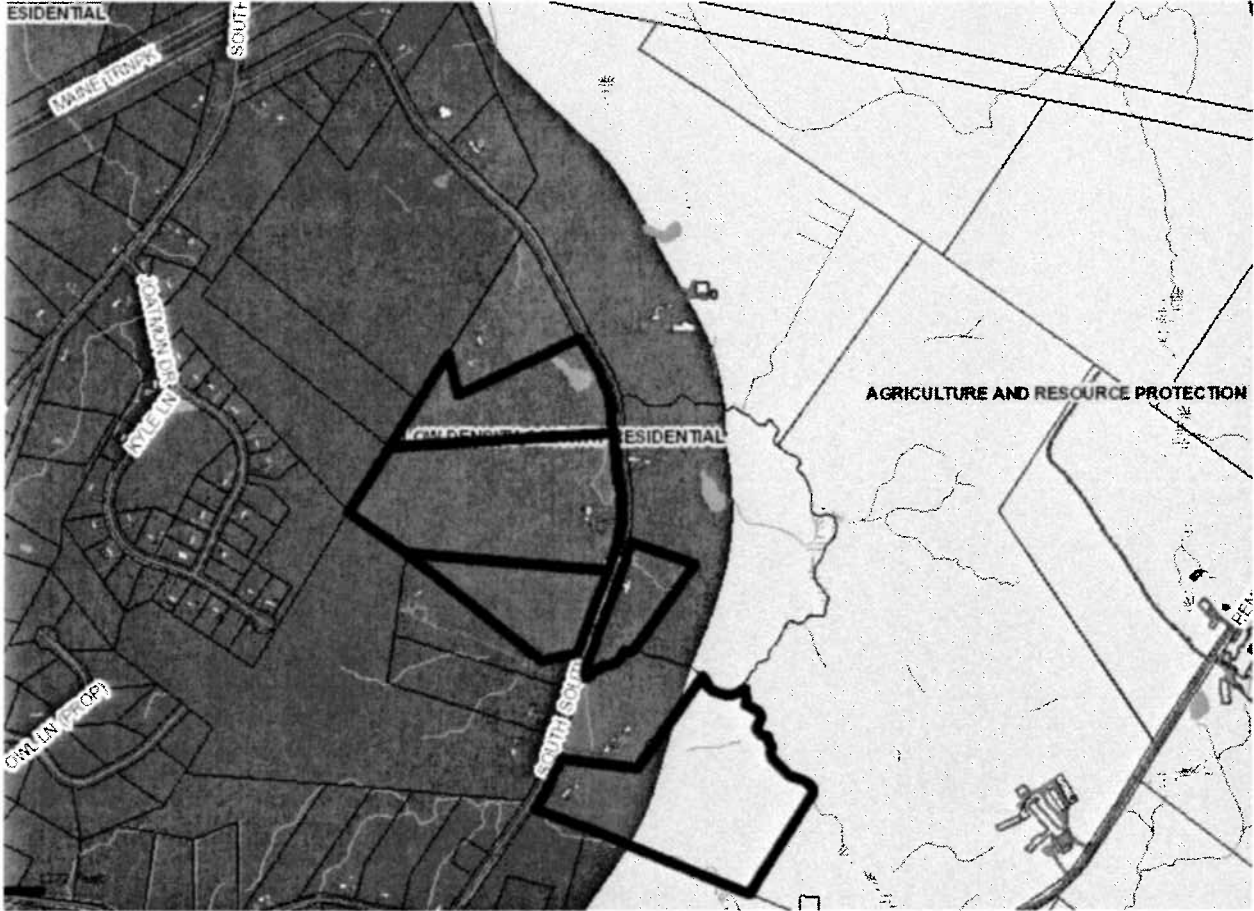
A. The City’s Future Land Use Map shows the area as “Residential – Low Density”. The Low Density Rural Residential zoning designation is consistent with the future land use map.

III. RECOMMENDATION:

Staff recommends that the Planning Board forward a favorable recommendation to the City Council to rezone the property in the area of South Witham Road from Low Density Country Residential District to Low Density Rural Residence District. The proposed changes include a strip of land 450’ deep from the centerline of and parallel to South Witham Road on the east side of the road on the parcels at 336 South Witham Road (PID # 137-024), 386 South Witham Road (PID137-025-001) and the full lot depths on the west side of South Witham Road at 349 South Witham Road (PID# 137-014-001) and 275 South Witham Road (PID 137-014 / 137-014-002) pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn, based on the above findings.

Eric Cousens
Director of Planning and Permitting

South Witham Road Zoning Map – Blue highlighted parcels were included in the petition



Current Zoning Designation
Low Density Rural Residential
Low Density Country Residential
Agriculture and Resource Protection

The current petition proposes changing the zoning on the parcels outlined in blue from Low Density Country Residential (3 acre minimum lot size) to Low Density Rural Residential (1 acre minimum lot size). The change as proposed would only affect those areas that are currently in the Low Density Country Residential zoning district and the boundary of the Agriculture and Resource Protection district would remain where it currently exists. The Planning Board recommends that the larger area, including the additional parcels within the Low Density Country Residential zone along South Witham Road be changed to Low Density Rural Residential. That recommendation is based on the Comprehensive Plan and Future Land Use Map which suggests that the area should be

changed to the 1 residential unit per acre that would be allowed if the change is approved. The proposal is consistent with the Comprehensive Plan and, therefore, staff recommends approval of the petition as recommended by the Planning Board.

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

Municipal uses and buildings.		X
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The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:		
Special Exception Use Designation	Allowed in LDCR	Allowed in LDRR
Bed and breakfast.	X	
Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions: a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse. b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed. c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.	X	
Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.	X	
Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.	X	X
Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.	X	

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

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

defined in the Auburn Tomorrow Comprehensive Plan. b. They shall not be located closer than 1,000 feet from other established day care centers. c. These standards shall not apply to section 60-52		
Community-based residential facilities, provided that: a. The minimum distance between any two such facilities shall be 1,500 feet. b. Any such facility shall house no more than eight persons.		X
Licensed kennels provided that there shall be available land area of at least three acres.		X
Training schools.		X
Adult day centers.		X
Landscape services.		X
Schools.		X
Churches or temples.		X
Libraries.		X
Museums.		X

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

A farm, farm operation or agricultural composting operation may not be considered a public or private nuisance under Title 17, chapter 91 if the farm, farm operation or agricultural composting operation alleged to be a nuisance is in compliance with applicable state and federal laws, rules and regulations and: [2007, c. 649, §3 (NEW).]

1. Farm; farm operation; agricultural composting operation. The farm, farm operation or agricultural composting operation conforms to best management practices, as determined by the commissioner in accordance with Title 5, chapter 375; [2007, c. 649, §3 (NEW).]

2. Storage or use of farm nutrients; complaints. For complaints regarding the storage or use of farm nutrients as defined in section 4201, subsection 4, the farm, farm operation or agricultural composting operation has implemented a nutrient management plan developed in accordance with section 4204 and operation of the farm, farm operation or agricultural composting operation is consistent with the nutrient management plan; or [2007, c. 649, §3 (NEW).]

3. Change in land use; occupancy of land. The farm, farm operation or agricultural composting operation existed before a change in the land use or occupancy of land within one mile of the boundaries of

the farm, farm operation or agricultural composting operation as long as, before the change in land use or occupancy, the farm, farm operation or agricultural composting operation would not have been considered a nuisance. This subsection does not apply to a farm, farm operation or agricultural composting operation that materially changes the conditions or nature of the farm, farm operation or agricultural composting operation after a change in the land use or occupancy of land within one mile of the boundaries of the farm, farm operation or agricultural composting operation. Nothing in this subsection affects the applicability of any of the other provisions of this chapter.

[2007, c. 649, §3 (NEW) .]

LEGAL NOTICE

City of Auburn

The City Council will hold a Public Hearing on **Monday, September 17, 2012 at 7:00 p.m.** in the Council Chambers at Auburn Hall, 60 Court Street, Auburn, Maine to consider the following:

Public hearing on a proposal to amend the City Of Auburn Zoning Map in the area of South Witham Road from Low Density Country Residential District (LDCR) to Low Density Rural Residence District. The proposed changes include a strip of land 450' deep from the centerline of and parallel to South Witham Road on the east side of the road and the full depth of the existing LDCR zoning district and parcels on the west side of the road on the parcels at 96 S. Witham Rd (PID 137-019), 126 S. Witham Rd (PID 137-020), 224 S. Witham Rd (PID 137-022), 272 S. Witham Rd (PID 137-023), 336 S. Witham Road (PID 137-024), 384 S. Witham Rd (PID 137-025), 386 S. Witham Rd (PID 137-025-001), 349 S. Witham Rd (PID 137-014-001), 275 S. Witham Rd (PID 137-014 / 137-014-002) and 177 S. Witham Rd (PID 137-015) pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

For maps or more information contact Eric Cousens @ 333-6601 ext. 1154 or ecousens@auburnmaine.gov.

To be placed in the Lewiston Sun Journal on Friday, September 7, 2012 and Monday, September 10, 2012.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 06-09172012 (option 1 of 2)

ORDERED, that the City of Auburn amend the Official Zoning Map in the area of South Witham Road from Low Density Country Residential District (LDCR) to Low Density Rural Residence District, including a strip of land 450' deep from the centerline of and parallel to South Witham Road on the east side of the road and the full depth of the existing LDCR zoning district and parcels on the west side of the road on the parcels at 96 S. Witham Rd (Parcel Identification - PID 137-019), 126 S. Witham Rd (Parcel Identification-PID 137-020), 224 S. Witham Rd (Parcel Identification - PID 137-022), 272 S. Witham Rd (Parcel Identification - PID 137-023), 336 S. Witham Road (Parcel Identification - PID 137-024), 384 S. Witham Rd (Parcel Identification - PID 137-025), 386 S. Witham Rd (Parcel Identification - PID 137-025-001), 349 S. Witham Rd (Parcel Identification - PID 137-014-001), 275 S. Witham Rd (Parcel Identification - PID 137-014 / 137-014-002) and 177 S. Witham Rd (Parcel Identification - PID 137-015) pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

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



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

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 06-09172012 (option 2 of 2)

ORDERED, that the City of Auburn amend the Official Zoning Map in the area of South Witham Road from Low Density Country Residential District to Low Density Rural Residence District, including a strip of land 450' deep from the centerline of and parallel to South Witham Road on the east side of the road and the full depth of the existing LDCR zoning district and parcels on the west side of the road on the parcels at 336 South Witham Road (Parcel Identification - PID # 137-024), 386 South Witham Road (Parcel Identification - PID 137-025-001), 349 South Witham Road (Parcel Identification - PID # 137-014-001) and 275 South Witham Road (Parcel Identification - PID 137-014 / 137-014-002) pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 17, 2012

Order 69-09172012

Author: Sue Clements-Dallaire, City Clerk

Subject: Auburn-Lewiston Airport sale of Lot 9 to Paul Cutter (Cutter, LLC)

Information: See attached letter from Edouard Plourde, Interim Airport Manager

Financial:

Action Requested at this Meeting: Possible action - to authorize the sale and to authorize the Chairman of the Board of Directors of the Auburn-Lewiston Municipal Airport to sign on behalf of the City of Auburn the necessary documents for completion of this transaction.

Previous Meetings and History: This item went before the Lewiston City Council on 9/4/2012 for approval. Council approved the request on behalf of Veterinary Support Services to construct a 9,441 square foot building and operate an animal cremation service at this location (it also went before Council during a workshop on 8/6/2012). Due to these two meetings creates the basis for the request of action on the same night of presentation.

Attachments:

- Letter From Edouard Plourde
- Short Form Quitclaim Deed
- Settlement Statement
- Maine Commercial Mechanics Liens and Persons in Possession Affidavit
- Amendment to Agreement for the Purchase and Sale of Real Estate
- Foreign Investment in Real Property Tax Act Certification – Transferor
- Residency Affidavit of Entity Transferor
- Notice Pursuant to 38 M.R.S.A. §563 (6)



Auburn-Lewiston Municipal Airport
80 Airport Drive ♦ Auburn, Maine 04210

August 24, 2012

Lewiston City Mayor Macdonald
Lewiston City Councilors

Auburn City Mayor LaBonte
Auburn City Councilors

Dear Mayor Macdonald, Mayor LaBonte and Councilors:

The Airport Board of Directors voted on August 20, 2012, to authorize the sale and purchase agreement to Paul Cutter for Lot 9 in the Auburn-Lewiston Industrial Airpark.

The Auburn-Lewiston Airport Board of Directors is recommending the Cities of Lewiston and Auburn to authorize the sale of lot 9 and to authorize the Chairman of the Board of Directors of the Auburn-Lewiston Municipal Airport to sign the necessary documents on behalf of the City of Lewiston and the City of Auburn.

Respectfully Submitted,

Edouard Plourde
Interim Airport Manager

SHORT FORM QUITCLAIM DEED

The **CITY OF AUBURN** and the **CITY OF LEWISTON**, each a Maine municipal corporation, with a mailing address c/o Auburn-Lewiston Municipal Airport, 80 Airport Drive, Auburn, Maine 04210 (collectively, "Grantor") FOR CONSIDERATION PAID, grant to **CUTTER LLC**, a Maine limited liability company with a mailing address of PO Box 128, Turner, Maine 04282 ("Grantee"), with **QUITCLAIM COVENANT**, certain real property with the buildings and improvements thereon, situated in Auburn, County of Androscoggin, and State of Maine, and more particularly described on Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, each of the CITY OF AUBURN and the CITY OF LEWISTON has caused this deed to be executed in its name and on its behalf under seal by Edouard Plourde, the Chairman of the Board of Directors of the Auburn-Lewiston Municipal Airport, thereunto duly authorized as of this ____ day of September, 2012.

CITY OF AUBURN and CITY OF LEWISTON
By: Auburn-Lewiston Municipal Airport, a
Maine non-profit corporation
Its duly Authorized Representative

By: _____
Edouard Plourde
Chairman of the Board of Directors
of the Auburn-Lewiston Municipal
Airport

Witness

STATE OF MAINE
COUNTY OF ANDROSCOGGIN, ss.

September ____, 2012

Personally appeared the above-named Edouard Plourde, the Chairman of the Board of Directors of the Auburn-Lewiston Municipal Airport, the duly Authorized Representative of the City of Auburn and the City of Lewiston, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said City of Auburn and City of Lewiston.

Before me,

Notary Public/Attorney at Law
Print Name:
My Commission Expires:

EXHIBIT A

A certain lot or parcel of land situated on the westerly side of Kittyhawk Avenue in the City of Auburn, County of Androscoggin, State of Maine, being Lot 9 as depicted on a plan entitled "Revision 2 of Lots 7, 8, 9, 10, 11, & 12, Auburn-Lewiston Airpark", prepared by Technical Services, Inc., dated August 5, 1988, and recorded at the Androscoggin County Registry of Deeds in Plan Book 34, Page 49.

There is specifically excepted from this conveyance and reserved to the Cities of Auburn and Lewiston, their successors and assigns the following easements and rights:

1. An aviation easement and right of way over the land herein conveyed for the use and benefit of the public and for the unobstructed flight of aircraft, at and above an imaginary plane at 389' mean sea level (MSL).
2. Rights of entry, ingress and egress, with respect to the land herein conveyed; to remove or demolish structures and to cut or top trees or other vegetation which might, at any time, project above such plane; and
3. The right for the use and benefit of the public, to cause in the air space above the surface of the land herein conveyed such noise as may be inherent in the operation of aircraft, now known or hereafter used for navigation of or flight in the air, using said air space for landing at, taking off from, or operating on the Auburn-Lewiston Municipal Airport (the "Airport").

The Grantee herein expressly agrees for itself, its successors and assigns:

1. That no structures or objects of natural growth, which project or might project above the imaginary plane described above, shall be erected, maintained or allowed on the land herein conveyed; and
2. That no use shall be made of the land herein conveyed for any purpose which may interfere with the use, operation, maintenance and further development of the Airport, and in addition, no use shall be made of such land and of structures thereon for purposes which shall create or result in a hazard to flight such as, but not limited to, any purpose which will: (i) produce electrical interference with radio communications; (ii) make it difficult for pilots to distinguish between airport lights and other lights; (iii) project glare in the eyes of pilots; (iv) impair visibility in the vicinity of the Airport; or (v) otherwise endanger the landing, taking off and maneuvering of aircraft; and
3. That the reservations and restrictions set forth in this instrument of conveyance shall run with the land herein conveyed which shall be the servient tenement, it being intended that the lands now and hereafter comprising the Airport shall be the dominant tenement; excepting, however, that such reservations and restriction shall become void and of no force and effect on such date as the lands comprised in the aforesaid Airport shall cease to be used as an airport.

This conveyance is also made subject to and with the benefit of the following:

1. Protective Covenants for The Auburn-Lewiston Municipal Airport Industrial Airpark with an effective date of May 12, 1987 and recorded at said Registry of Deeds in Book 2111, Page 254, as the same have been or may be further amended or revised;

2. Maine Department of Environmental Protection Order dated June 25, 1980 and recorded at said Registry of Deeds in Book 1475, Page 85;

3. Deed of Release from the Administrator of the Federal Aviation Administration to the Cities of Auburn and Lewiston dated July 25, 1988 and recorded at said Registry of Deeds in Book 2329, Page 271; and

4. All utility easements which serve the premises herein conveyed, zoning and building restrictions, other easements, covenants, conditions and restrictions of record affecting the premises herein conveyed, and real estate taxes assessed but not yet due, which Grantee by acceptance hereof assumes and agrees to pay.

Meaning and intending to convey a portion of the premises conveyed to City of Auburn and City of Lewiston by deed from Levinson Steel Company dated September 26, 1989 and recorded at said Registry of Deeds in Book 2468, Page 151.

SETTLEMENT STATEMENT

SELLER: The Cities of Auburn and Lewiston acting by and through Auburn-
Lewiston Municipal Airport
PURCHASER: Cutter LLC
PROPERTY: Land located on Kittyhawk Avenue, Auburn, Maine
CLOSING DATE: September ____, 2012

SELLER'S SUMMARY

Purchase Price:		\$100,570.00
Less:		
Earnest money deposit:	\$2,400.00	
Escrow agent fee:	\$125.00	
Attorney's fees & costs:	<u> POC</u>	- \$2,525.00
Seller's net proceeds:		\$98,045.00

PURCHASER'S SUMMARY

Purchase Price:		\$100,570.00
Less:		
Earnest money deposit:	\$2,400.00	- \$2,400.00
Plus:		
Escrow agent fee:	\$125.00	
Title insurance premium:	\$303.00	
Transfer taxes:	\$222.20	
Recording fees:	\$20.00	
Attorney's fees & costs:	<u> POC</u>	+ \$670.20
Amount due from Purchaser at closing:		\$98,840.20

SETTLEMENT STATEMENT

SOURCE OF FUNDS

Cash at closing: \$98,840.20

USE OF FUNDS

Monument Title Company, Escrow agent fee:	\$250.00
Gosselin & Dubord, P.A., title insurance premium:	\$303.00
Androscoggin County Registry of Deeds, recording fees/transfer taxes:	\$242.20
The Cities of Auburn and Lewiston, proceeds:	\$98,045.00
	<hr/>
	\$98,840.20

The undersigned acknowledge receipt of this Settlement Statement, agree to the correctness thereof, and authorize and ratify the disbursement of the funds as stated herein.

CUTTER LLC, Purchaser

By: _____
Paul A. Cutter, Member

CITY OF AUBURN and CITY OF LEWISTON, Seller
By: Auburn-Lewiston Municipal Airport, Its duly Authorized Representative

By: _____
Edouard Plourde, Chairman of the Board of Directors

Gosselin & Dubord, P.A., Closing Agent

By: _____
Paul R. Gosselin

FIRST AMERICAN TITLE INSURANCE COMPANY

**MAINE COMMERCIAL
MECHANICS' LIENS AND PERSONS IN POSSESSION AFFIDAVIT**

Property Address: Kittyhawk Avenue, Auburn, Maine 04210

First American Title Insurance Company (hereinafter the Company) has been asked to issue a Loan Policy of Title Insurance which will not take exception to: (a). unrecorded matters which could be ascertained by an inspection of said property or by making inquiry of persons in possession thereof, and (b). mechanics' liens. In consideration of such insurance, and in order to induce the Company to provide such insurance, the undersigned (hereinafter the Indemnitor) agrees to and undertakes the following obligations:

1. Indemnitor agrees to indemnify the Company for any loss, cost or damage, including attorneys' fees, resulting from any mechanics' liens encumbering the property, or from any rights of tenants or parties in possession.
2. Indemnitor represents that he/she/it has no knowledge of any real estate licensee who may assert a lien against the property based on non-payment of professional services rendered by the licensee to facilitate the sale of the property.
3. In the event any lien, claim or action arises as indemnified against herein, is filed, recorded, made or commenced with respect to the property, Indemnitor shall upon written demand cause such lien, claim or action to be removed, terminated, satisfied, released or otherwise disposed of in a form and manner satisfactory to the Company.
4. If within ten (10) days after written demand Indemnitor has unreasonably failed to cause any lien, claim or action to be removed, terminated, satisfied, released or discharged, Indemnitor agrees to reimburse and repay in full any reasonable costs and expenses incurred by the Company as a result of any reasonable action taken by the Company to extinguish such lien, claim or action.
5. Indemnitor further represents that there are no tenants or persons in possession other than the following:

Dated: September, 2012

CITY OF AUBURN and CITY OF LEWISTON
By: Auburn-Lewiston Municipal Airport
Its duly Authorized Representative

Witness

By: _____
Name: Edouard Plourde
Title: Chairman of the Board of Directors

STATE: MAINE
COUNTY: Androscoggin

Subscribed and sworn to before me on this _____ day of September, 2012

Notary Public/Attorney at Law
Name:

**AMENDMENT TO
AGREEMENT FOR THE PURCHASE AND SALE OF REAL ESTATE**

That certain Agreement (the "Agreement") dated as of June 18, 2012 by and between **THE CITIES OF AUBURN** and **LEWISTON**, by and through their duly authorized representative, **AUBURN-LEWISTON MUNICIPAL AIRPORT**, a Maine nonprofit corporation, as Seller, and **CUTTER LLC**, a Maine limited liability company, as Buyer, is hereby modified and amended as follows:

1. **PURCHASE AND SALE.** The description of the Premises described in Section 1 of the Agreement and Exhibit A attached to the Agreement are hereby deleted and replaced with the following:

"the approximately 2.64 acre parcel of vacant land located on Kittyhawk Avenue, Auburn, Androscoggin County, Maine, shown as Lot 9 on the plan entitled "Revision 2 of Lots 7, 8, 9, 10, 11 & 12 Auburn-Lewiston Airpark" prepared for Auburn-Lewiston Airport by Technical Services, Inc. dated August 15, 1988 and recorded at the Androscoggin County Registry of Deeds in Plan Book 34, Page 49, and which is a portion of the property described in that certain deed to Seller dated September 26, 1989, and recorded at said Registry of Deeds in Book 2468 Page 151 (the "Seller's Deed") (the "Premises")."

2. **PURCHASE PRICE.** The Purchase Price referenced in Section 2 of the Agreement is hereby revised from "One Hundred Twenty Thousand Dollars (\$120,000.00)" to "**One Hundred Thousand Five Hundred Seventy Dollars (\$100,570.00)**" and the balance of the Purchase Price to be paid at closing referenced in Section 2(a) of the Agreement is hereby revised from "One Hundred Seventeen Thousand Six Hundred Dollars (\$117,600.00)" to "Ninety Eight Thousand One Hundred Seventy Dollars (\$98,170.00)"

3. **TITLE.** Buyer's right to object to title matters under Section 3 of the Agreement is hereby limited to new matters appearing of record after the date hereof. Buyer acknowledges that the Premises will be conveyed subject to those certain Protective Covenants for the Auburn-Lewiston Municipal Airport Industrial Airpark, with an effective date of May 5, 1987 and recorded in the Androscoggin County Registry of Deeds in Book 2111, Page 254, as the same have been or may be amended from time to time (the "Airpark Covenants"). Notwithstanding the foregoing, Seller agrees that in the event it exercises its option to re-purchase the Premises from Buyer under the Speculation Covenant for Sales provision contained in the Airpark Covenants ("Seller's Re-purchase Right"), it shall pay the Buyer an amount equal to the Purchase Price described herein, plus Buyer's actual and verifiable out of pocket due diligence costs associated with its purchase and attempted development of the Premises up to a capped amount of Ten Thousand Dollars (\$10,000.00). Seller further agrees that notwithstanding the language of the Airpark Covenants, its Re-purchase Right with respect to the Premises shall not become exercisable until six (6) months from the date of this Amendment and shall automatically expire if not exercised within ninety (90) days thereafter.

4. **CLOSING.** The closing date referenced in Section 4 of the Agreement is hereby extended to **November 30, 2012**;

5. INSPECTION. The Due Diligence Deadline referenced in Section 5 of the Agreement is hereby extended until 5:00pm EDT on **November 20, 2012**. Notwithstanding the foregoing, Buyer is satisfied with its inspections and hereby waives its right to terminate the Agreement under Section 5 of the Agreement. Buyer's right to terminate the Agreement under Sections 8, 9 and 10 of the Agreement remains in effect.

This Amendment is intended to supersede all prior amendments and addenda to the Agreement. Except as otherwise specifically provided herein, the Agreement shall remain undisturbed and in full force and effect. In the event that any provision in this Amendment conflicts in whole or in part with any of the terms contained in the Agreement, the provisions of this Amendment shall control.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed under seal by their respective duly authorized representatives as of this 20th day of August, 2012.

WITNESS:

Hebbie Baube

Angelo J. M. Blais

CITIES OF AUBURN and LEWISTON
By: **Auburn-Lewiston Municipal Airport**
Their Duly authorized representative

By: Edward M. Plouffe
Name: Edward Plouffe
Title: Chair - Airport Board

CUTTER LLC

By: Paul A. Cutter
Paul A. Cutter
Its Principal

FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

CERTIFICATION - TRANSFEROR

RE: Transfer from The City of Auburn and The City of Lewiston (collectively, the "Transferor") to Cutter LLC (the "Transferee")

Legal: land located on Kittyhawk Avenue, Auburn, Maine (the "Property")

Section 1445 of the Internal Revenue Code provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. To inform the Transferee that withholding of tax is not required upon the disposition of a U.S. real property interest by Transferor, the undersigned hereby certifies that:

1. Transferor is not a foreign person, foreign corporation, foreign partnership, foreign trust or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations):
2. Transferors' Federal ID Nos.: City of Auburn -- 01-6000018
City of Lewiston -- 01-6000030
3. Transferor's mailing address is: c/o Auburn-Lewiston Municipal Airport
80 Airport Drive
Auburn, ME 04210

The undersigned understand that this certification may be disclosed to the Internal Revenue Service by Transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct and complete.

Date: _____, 2012

CITY OF AUBURN and CITY OF LEWISTON
By: Auburn-Lewiston Municipal Airport, a
Maine non-profit corporation
Its duly Authorized Representative

By: _____
Edouard Plourde
Chairman of the Board of Directors
Of the Auburn-Lewiston Municipal
Airport

NOTE: The Transferee must retain this certification until the end of the fifth taxable year following the taxable year in which the transfer takes place. The Internal Revenue Service may require this certificate to be filed with it. This certificate is furnished for the information of the

Transferee; the Transferee should seek legal advice as to the effect of same.



FORM REW-3
MAINE REVENUE SERVICES
Income/Estate Tax Division - REW
P.O. Box 1064
Augusta, ME 04332-1064
Tel. 207-626-8473
Fax 207-624-5062

RESIDENCY AFFIDAVIT OF ENTITY TRANSFEROR

36 MRSA § 5250-A provides that a buyer (transferee) of real property located in Maine must withhold tax if the seller (transferor) is not, as of the date of transfer, a resident of the State of Maine. To inform the buyer that withholding of tax is not required upon the disposition of State of Maine property interest, the undersigned hereby certifies the following on behalf of City of Auburn and City of Lewiston :
(name of transferor)

Check only the box(es) that apply:

- The above named entity is a resident corporation that is incorporated in the State of Maine or maintains a permanent place of business in Maine as of the date of transfer.
- The above named entity is a resident estate or trust which has not established domicile outside of Maine as of the date of transfer.
- The above named entity is a resident partnership of which at least 75% of ownership interest is held by residents of the State of Maine. Limited Liability Companies ("LLCs") are considered partnerships unless otherwise classified for federal income tax purposes, in which case the LLC is classified in the same manner for real estate withholding as it is classified for federal income tax purposes.

Complete the following lines:

1. Seller's employer identification number: City of Auburn: 01-6000018; City of Lewiston: 01-6000030
2. Seller's Maine office address:
c/o Auburn-Lewiston Municipal Airport, 80 Airport Drive, Auburn, ME 04210
3. Seller's mailing address:
c/o Auburn-Lewiston Municipal Airport, 80 Airport Drive, Auburn, ME 04210

The above named entity understands that this certification may be disclosed to the State Tax Assessor, by the buyer and that any false statement contained herein is punishable by fine, imprisonment or both.

Authorized signature	Title	Date	Contact person phone number
----------------------	-------	------	-----------------------------

State of Maine , County of Androscoggin , SS

Personally appeared before me the above named _____ , and acknowledged the above
(Seller)

instrument to be his free act and deed in his said capacity. _____
Notary Public Date

NOTE: The buyer, or real estate escrow person, must retain a signed original affidavit.
Closing Agents/Title Companies must attach a copy of the completed/signed/notarized Form REW-3 to the Maine Real Estate Transfer Tax Declaration indicating residency status on all transfers. These forms are then submitted to Maine Revenue Services' Property Tax Division for further processing by the Registry of Deeds.

NOTICE PURSUANT TO 38 M.R.S.A. § 563 (6)

City of Auburn and **City of Lewiston**, collectively as seller of the real property located at Kittyhawk, Auburn, Maine (the "Premises"), hereby files this written notice with **Cutter LLC**, as buyer of the Premises, in accordance with 38 M.R.S.A. § 563 (6). (Check A or B, as appropriate, and if B is checked, complete the information in B(1) and B(2))

X A. To the best of the undersigned's knowledge, no underground storage facility for the storage of oil or petroleum products exists on the Premises.

___ B. An underground oil storage facility exists on the Premises.

B1. The State of Maine Registration numbers for all oil storage facilities on the Premises are as follows:

No. _____

No. _____

No. _____

(use additional space at bottom of this page if necessary)

B2. (check one) The oil storage facilities have___ have not___ been abandoned in place (taken out of service for more than 12 months), pursuant to 38 M.R.S.A. Section 566-A.

B3. The facility is subject to regulation, including registration requirements, by the Maine Department of Environmental Protection under 38 M.R.S.A. §§ 561 et seq.

Date: _____, 2012

CITY OF AUBURN and CITY OF LEWISTON

By: Auburn-Lewiston Municipal Airport, a
Maine non-profit corporation
Its duly Authorized Representative

By: _____

Edouard Plourde
Chairman of the Board of Directors
of the Auburn-Lewiston Municipal
Airport



City Council Agenda Information Sheet

City of Auburn

Council Workshop Date: September 17, 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.

Previous Meetings and History: N/A

Attachments: Under workshop item E

- Applications
- Current member information
- Order 70-09172012



City Council Information Sheet

City of Auburn

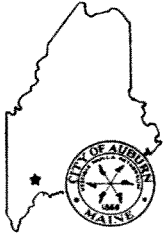
Council Meeting Date: September 17, 2012

Subject: Executive Session

Information: Discussion about a personnel issue, pursuant to 1 M.R.S.A. §405(6)(A).

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

- A. Discussion of personnel issues
 - B. Discussion or consideration by a school board of suspension 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 Information Sheet

City of Auburn

Council Meeting Date: September 17, 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.
-



City Council Information Sheet

City of Auburn

Council Meeting Date: September 17, 2012

Subject: Executive Session

Information: Discussion about a real estate matter, pursuant to 1 M.R.S.A. §405(6)(C).

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

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 - 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.
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