



# City Council Meeting and Workshop

## April 7, 2014

### Agenda

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

- A. City Manager FY15 Budget Presentation
  - o *Public Comment*
- B. Executive Session – Economic Development

#### 7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Gerry

#### 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 26-04072014\***  
Appointing Election Clerks from May 1, 2014 through April 30, 2016.
  - 2. **Order 27-04072014\***  
Setting the date for the School Budget Validation Referendum Election for June 10, 2014.
  - 3. **Order 28-04072014\***  
Setting the date for the Special Municipal Election to fill the vacant Ward 1 School Committee seat for August 12, 2014.
  - 4. **Order 29-04072014\***  
Appointing Richard Trafton to the Lewiston Auburn Railroad Company for a term of 3 years from April 2014 through April 2017.
- II. **Minutes**
  - March 17, 2014 Regular Council Meeting.
  - March 20, 2014 Special Joint Meeting (City Council and School Committee).
- III. **Reports**
  - Mayor's Report**
  - City Manager's Report**
    - Public Services FY 14 Budget Status
    - Recreation and Special Events Advisory Board Memo
  - Committee Reports**
    - **Transportation**
      - o **Androscoggin Transportation Resource Center – Mayor LaBonte**
      - o **Lewiston Auburn Transit – Councilor Gerry**
      - o **Airport, Railroad – Councilor Hayes**

# Auburn City Council Meeting & Workshop

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- Bike-Ped Committee
- **Housing**
  - Community Development Block Grant, Neighborhood Stabilization Program, Auburn Housing Authority – Councilor Gerry
- **Economic Development**
  - L-A Economic Growth Council, Auburn Business Development Corporation
- **Education**
  - Auburn School Committee – Councilor LaFontaine
  - Auburn Public Library – Councilor LaFontaine
  - Great Falls TV – Councilor Young
- **Environmental Services**
  - Auburn Water District, Auburn Sewerage District – Councilor Crowley
  - Mid-Maine Waste Action Corp. – Councilor Walker
- **Recreation**
  - Recreation and Special Events Advisory Board – Councilor Crowley
- **Public Safety**
  - LA 911 – Councilor Walker

## City Councilors' Reports

### IV. Communications, Presentations and Recognitions

- Proclamation - National Distracted Driving Enforcement Campaign
- Proclamation – Housing

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 - None

### VII. New Business

#### 1. Order 30-03032014

Approving the liquor license for Twin Cities Group, Inc., DBA The Munroe Inn located at 123 Pleasant Street, Auburn, Maine. Public hearing.

#### 2. Public Hearing

Community Development Block Grant Budget.

#### 3. Order 31-03032014

Adopting the Citizen Participation plan as recommended by the Community Development Director.

#### 4. Resolve 05-04072014

Expressing Councils support for the Maine Emergency Management Agency (MEMA) in its advocacy for an amendment to the FEMA storm policy.

### VIII. Executive Session

# Auburn City Council Meeting & Workshop

April 7, 2014

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

## **X. Adjournment**

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

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;

(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;

(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and

(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

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. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

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 C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



## City Council Workshop Information Sheet

City of Auburn

**Council workshop Date:** April 7, 2014

**Item** A

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

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

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

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

**Subject:** Budget Workshop – City Manager FY15 Budget Presentation

**Information:** The City Manager will present the FY15 budget in full and will have answers to all questions proposed. The expectation is that there will be another review of the FY15 budget at the April 22, 2014 Council workshop.

**Financial:** Budget

**Action Requested at this Meeting:** Discussion and public comment.

**Previous Meetings and History:** Continuation of budget presentations which began at the 2/20/2014 Council Workshop.

**Attachments:** FY15 Budget notebooks will be handed out the night of the meeting.

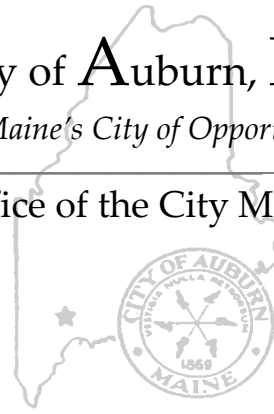
*\*Agenda items are not limited to these categories.*



# City of Auburn, Maine

*"Maine's City of Opportunity"*

Office of the City Manager



Mayor and Council,

***"It takes a lot of time to achieve instant success."***

The submission of the FY 2015 budget is one of transition. The first transition is utilizing a performance based measuring approach. The information, measures, and workshop approach were a success. Continuing to engage the community in our process and workshops will only improve with time, but the foundation is now there and it is our task to remain consistent, be patient, and build understanding and confidence in the process.

The second transition is reaffirmation of the Council's desire to follow the charter and budget by goals and programs. All City departments deconstructed their budget this year. All budgets then were built to support the programs and policies of the City. A myth must be dispelled, these are not budgets based upon "wants", but are the budget the departments recommended to support the systems, services, and programs Councils have set, while taking into consideration a realistic balance of revenues and taxes.

Now as the Council reviews the manager's recommended budget and takes votes to change policies or funding, the documents provided contain the information needed to debate and consider changes. Decisions will no longer be just a number but will be a statement of direction or policy.

In addition as I draft this message I can't help but recall what Mayor LaBonté said at the March 24<sup>th</sup> workshop, "Can't be a City and have a mill rate of a [rural town]." I share this again because of the challenges that lie within the context. Providing the services of a service center carries a burden. Our streets are built for much larger traffic, public water and sewer must be provided, storm water must be separated from waste water, police must protect our residents and our visitors, fire provides full-time service that can be depended upon in mutual aid, our enforcement of State regulations are held to a higher standard in statute, and the list could go on. As the Council ponders the decisions of what we can afford and what we provide, the challenge or policy question beneath it all is, "What type of City or community do we desire?"

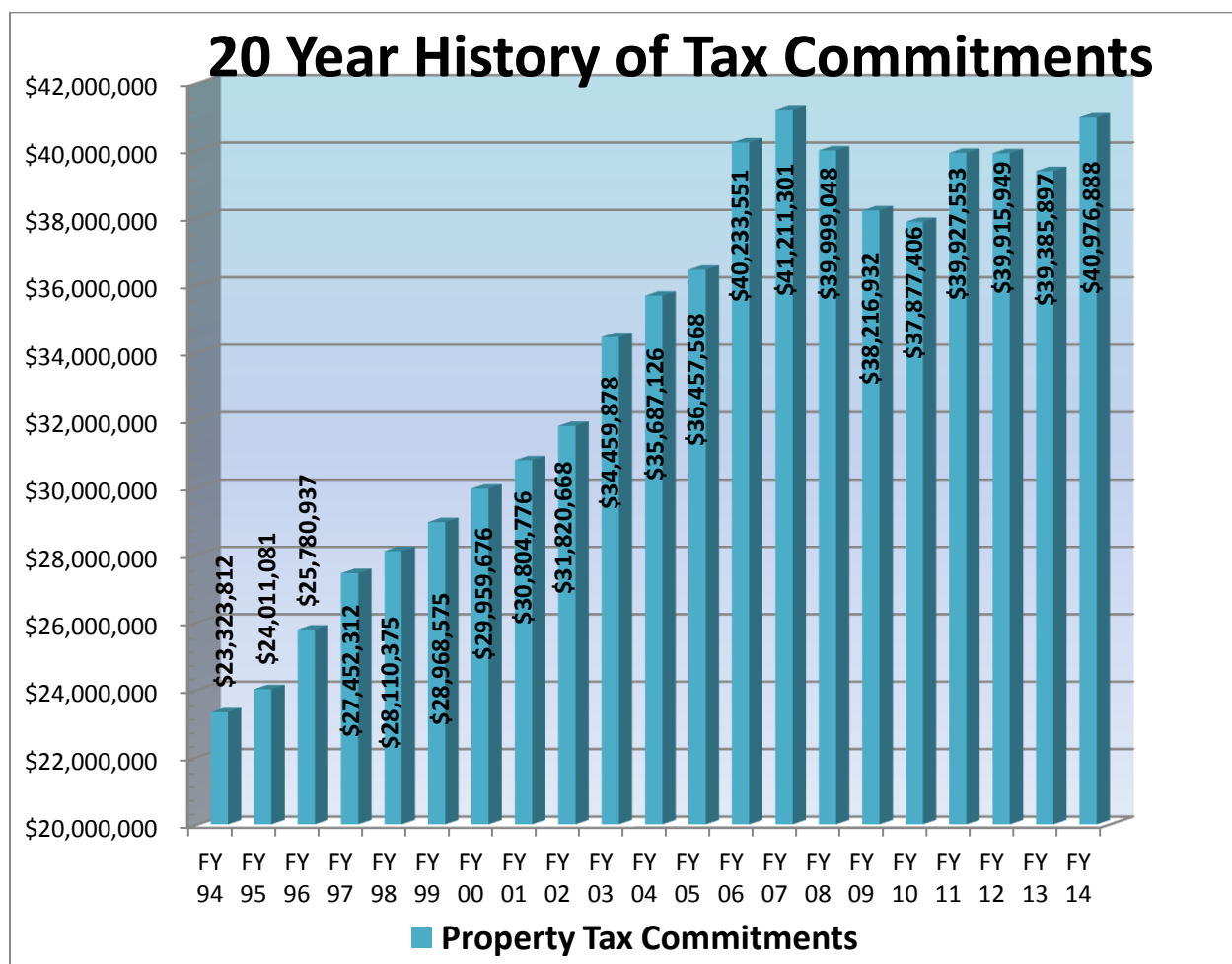
## **Tax Commitment**

The City of Auburn's history for tax commitment going back to 1994 is charted below. As City Manager I focus mostly on tax commitment. Tax commitment is the amount of money we need

60 Court Street • Auburn, ME 04210  
(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6621 Fax  
[www.auburnmaine.gov](http://www.auburnmaine.gov)

to raise from the taxpayers to balance the city's expense budget. It is this number that can show increases and decreases in spending.

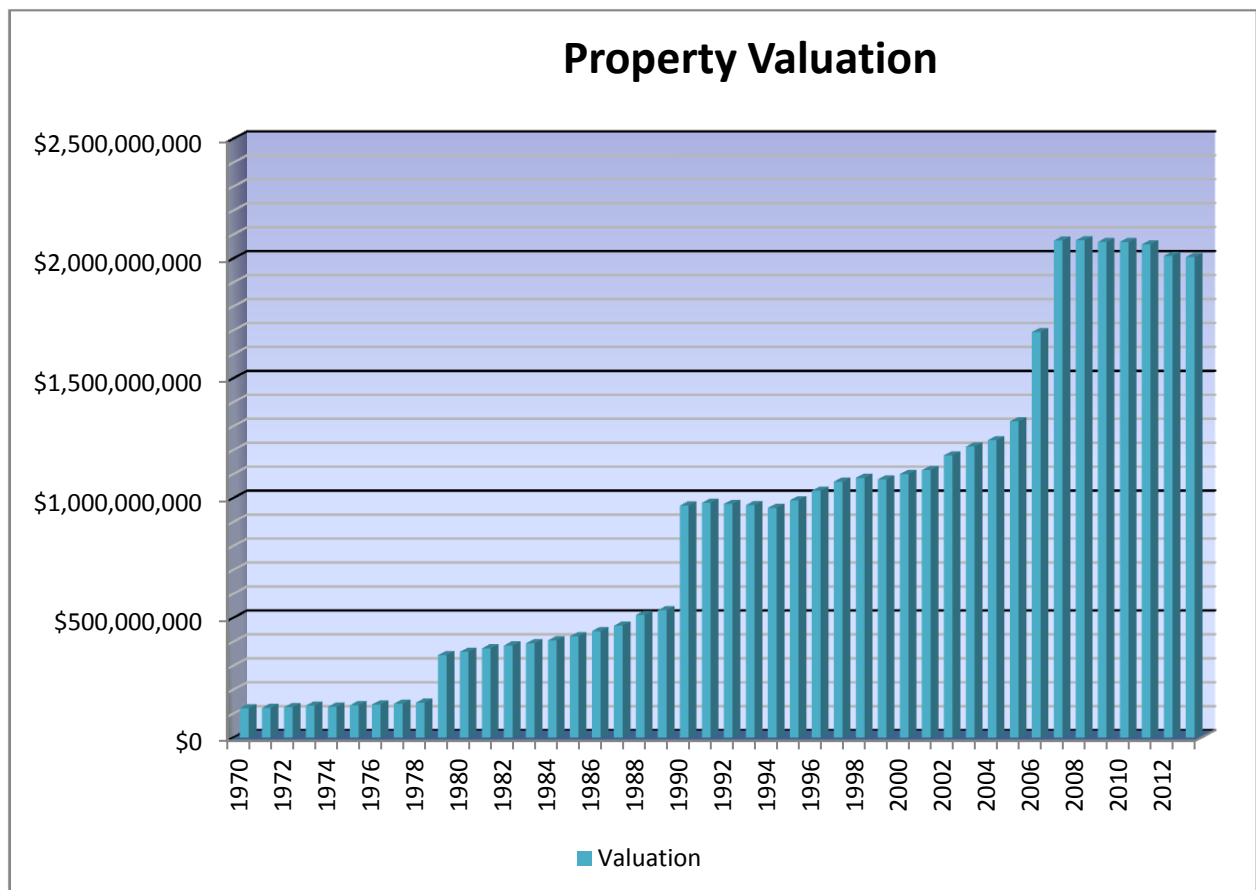
The Chart below shows that tax commitment for Auburn steadily increased from 1994 to 2007. In 1994 the Commitment was \$23,323,812 and by 2007 was \$41,211,301, a 76.6% increase. The 2014 tax commitment was \$40,976,888 which is a 0.5% decrease and sustains the 7 year trend of committing less in taxes than in 2007. My point is that property taxes increased by 5.89% per year for 14 years up to 2007 and since 2007 have never increased compared to 2007. If Auburn had sustained the 5.89% growth from 2007 the tax commitment would have been \$58,202,720; nearly \$17,000,000 more than the actual tax commitment. I don't mean to suggest that 5.89% is what we should adopt, nor do I suggest that negative .5% over 7 years is correct. As manager I would direct that Auburn needs to find a controlled and sustainable amount of tax growth.



## Assessment

The City of Auburn has had a difficult transition in updating its assessing records. Prior to 2006 minimum updates should have been occurring to values. The updates finally, fully implemented,

in 2006 were long overdue. Unfortunately the turn in the economy that coincides with the valuation changes creates many problems. It moved the focus from the valuation change being a correction of past years, to being considered incorrect compared to current market conditions. As the Chart below indicates what resulted are no increases in valuation since the implementation. This means that even new added valued couldn't compensate for the declined market. This is further aggravated by the phasing out of personal property in the State BETR (Business Equipment Tax Reimbursement) program.

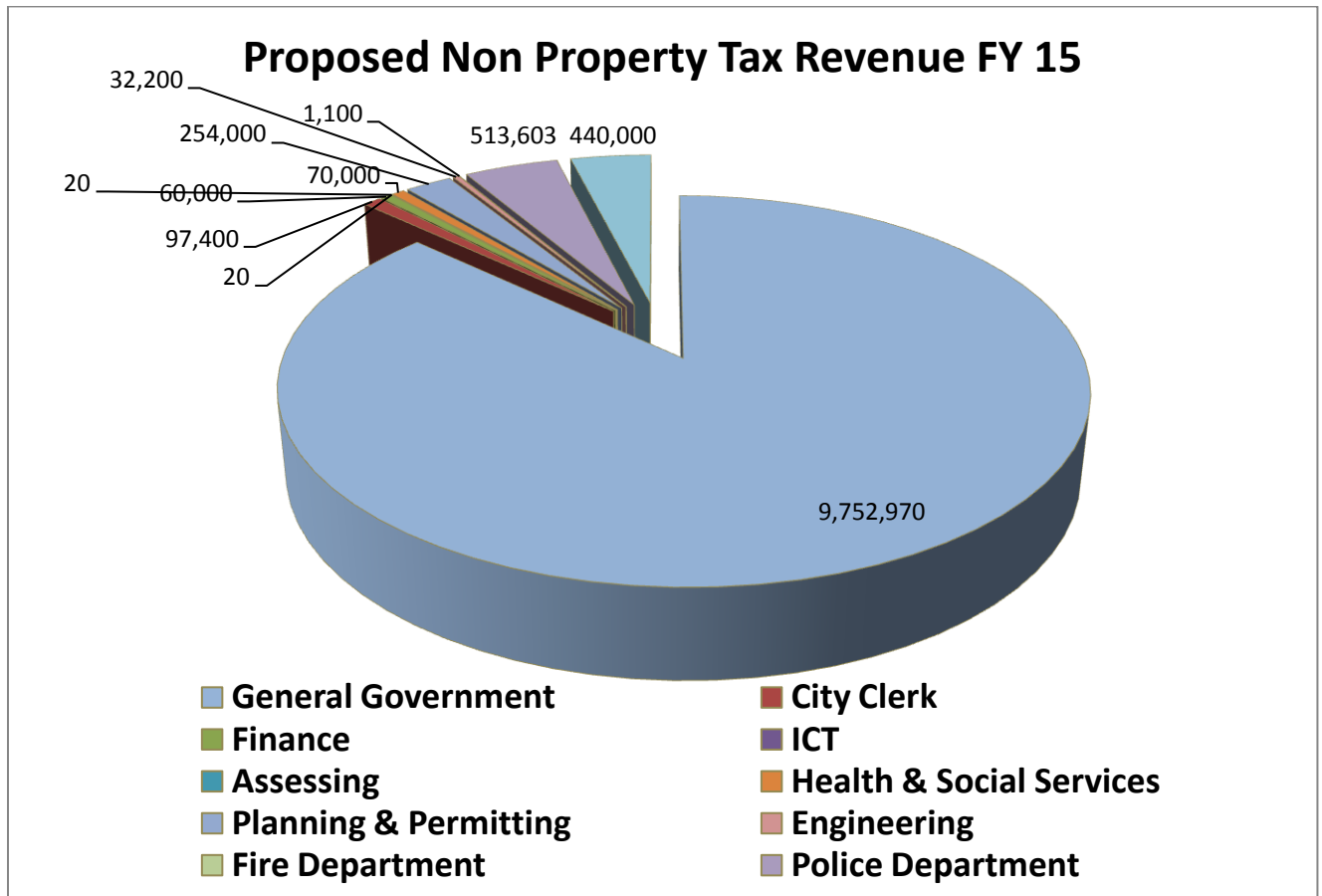


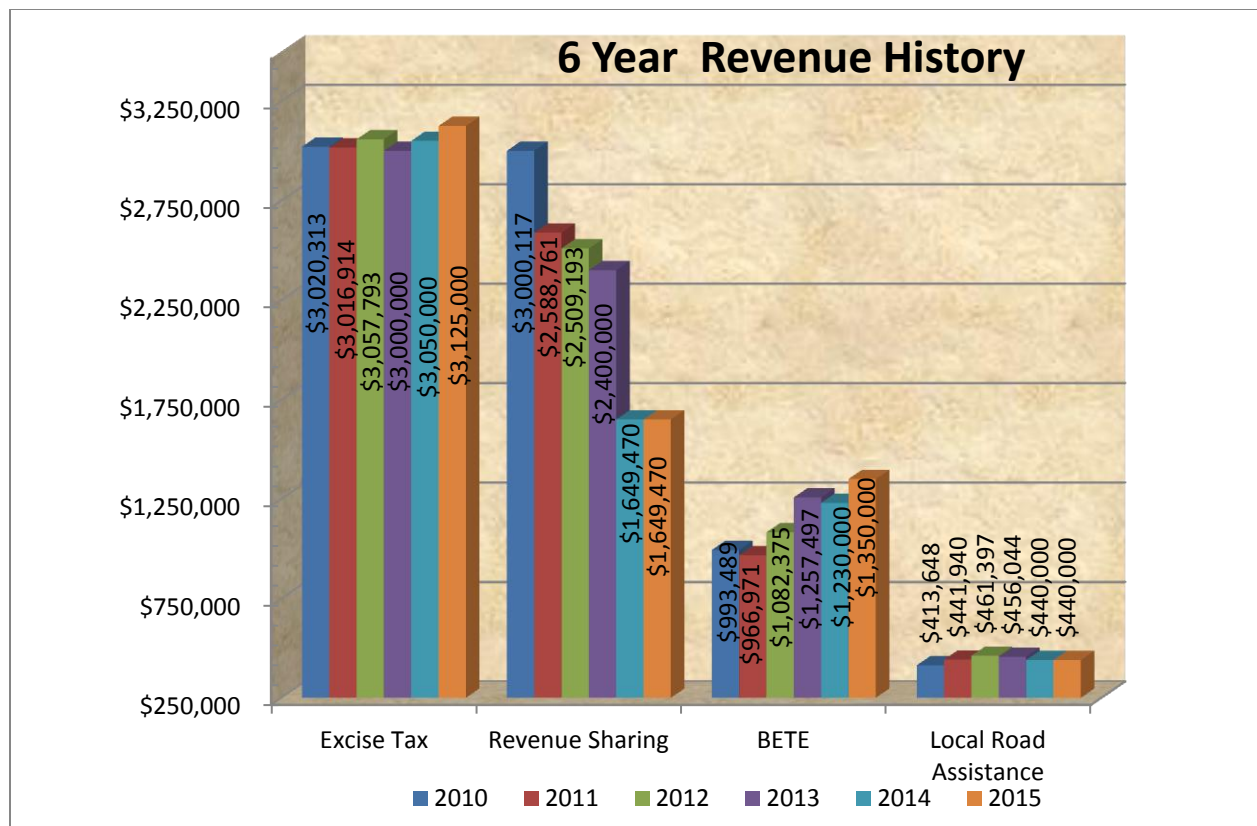
Auburn's value is still fair and equitable under the law. However, staff works diligently to sustain these while also anticipating a change in the economy. As the Manager I can report that minimal projects occurred in 2013/14 and any large projects that we do see on the horizon will not impact the City until the 2016 fiscal year. Without question the number of projects that the City is working on will show a change to values and growth. One large retail project should start construction this summer. Two small retail projects should occur on Minot Avenue. Many existing businesses are considering expansions or renovations. The new industrial park has had measurable interest since the lots became available for purchase. And plans for New Auburn and the Downtown show the potential for significant economic recovery.

The projected valuation for FY 2015 as of April 3, 2014 is \$1,973,821,083, a decrease of \$31,900,300 compared to last year.

## City Revenues

The total revenues for FY 2015 are budgeted at \$11,256,313. In comparison this is 5.10% higher than last year. Considering the reduction of revenue sharing as detailed below, the City of Auburn has been exceptional at developing the statutorily very limited options for local revenue. See revenue summary for detail of all projected revenue.



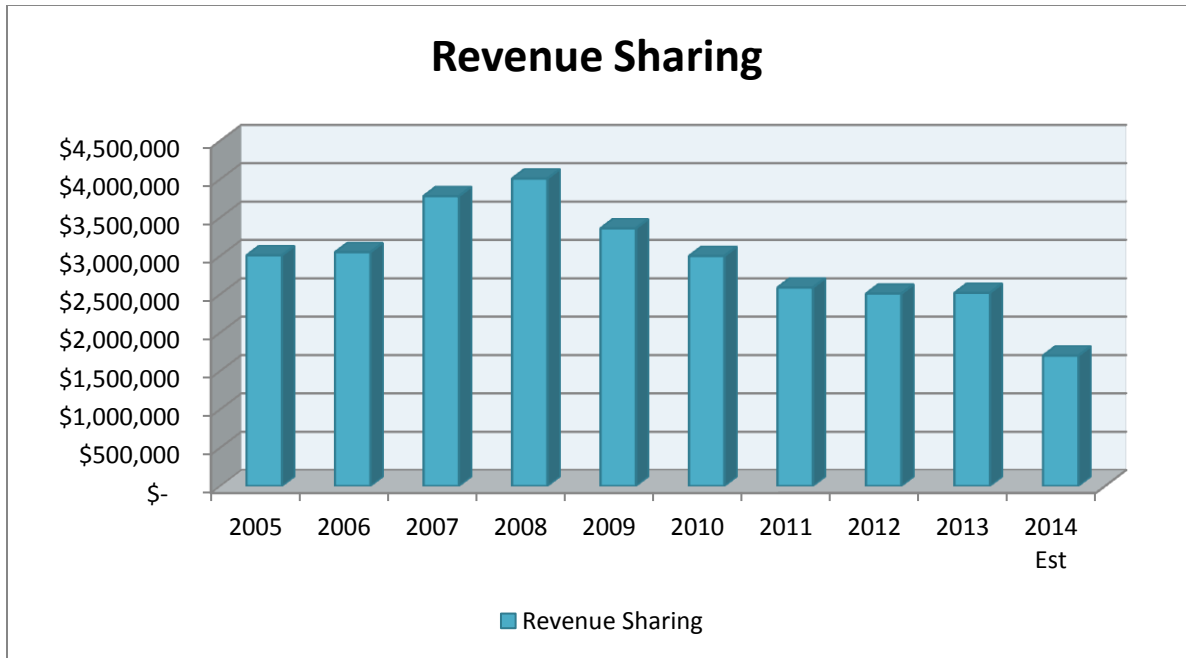


The use of fund balance at \$1.3 million continues to be a number that is monitored. Currently staff would recommend reducing this number. However, until the economy rebounds and so long as fund balance does not begin to shrink this amount should be sustainable. This will be a year to year item to monitor.

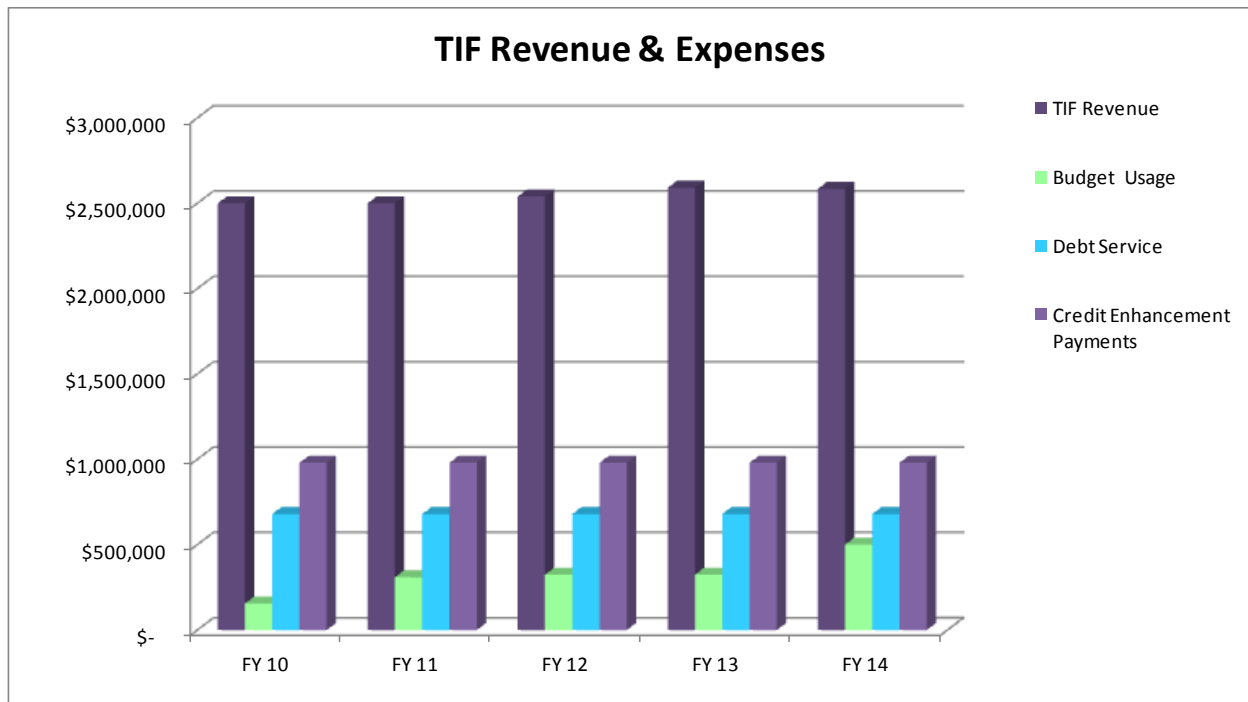
### *Revenue Sharing*

In 2007 the City of Auburn received \$3,781,007 in revenue sharing from the State of Maine. In 2014 revenue sharing was \$1,649,470. The point to make is that full funding of department requests for FY 2015 would be less than the amount of revenue sharing lost since 2007.

Even more alarming is that for FY 2015 Auburn is scheduled to receive \$1,649,470. This is the lowest since 1993 when we received \$1,728,085. As City Manager the picture this illustrates is the disregard for the demands placed on service centers to support a vibrant economy that will grow the State of Maine.



## TIF



## Capital Improvement Plan

The City's CIP has been expanded to include more information and to develop a longer-term vision. The process has undergone the most changes. The amount of bonding adopted by the Council for the Capital Plan will not impact the FY 2015 budget. Bonding is always one year

delayed in financial impact. Since the City is retiring \$8,526,863 this year, the FY 2016 budget will not increase if bonding remains under this total.

A recent policy direction that has impacted the City budget is the decision to stop bonding items that are more operational. This change shifts approximately \$650,000 from bonding to operating budgets. This goal is one that I support and commend but under the current economic climate I feel is challenging. For this fiscal year's budget finance is closing special revenue accounts. These required accounting steps create a onetime net revenue of \$275,000. The City Manager's budget funds the operational capital items with this revenue and \$60,427 dollars more of general fund taxes.

An additional goal to funding operational capital items should tie this to new, non-property tax, revenue or positive growth in valuation.<sup>1</sup>

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<sup>1</sup> Non-property revenue growth to consider is that if the State restores Revenue Sharing to the legally required levels this could be utilized to reduce bond dependence, especially operational capital.

CITY OF AUBURN					
CAPITAL IMPROVEMENT PLAN					
CITY MANAGER RECOMMENDATION					
FY 15 OPERATING CAPITAL					
		Description		Operating	Recommended
Engineering		Surface Pavement Program		\$ 100,000	
Recreation		Ingersoll Reuse (Enterprise Balance)		\$ 150,000	
Airport		Vehicle Replacement		\$ 15,000	\$ 15,000
Airport		Terminal Aircraft Parking Apron		\$ 10,000	\$ 10,000
Fire		Generator for South Main Street Station		\$ 25,000	\$ 25,000
Fire		Vehicle Replacement, FPO Vehicle (replacement)		\$ 24,000	\$ 24,000
Fire		Replace expired SCBA cylinders		\$ 10,000	\$ 10,000
LA911		Recorder replacement project		\$ 14,113	
LA911		Reverse 911 upgrade		\$ 3,750	
Library		Skylight Replacement		\$ 5,944	\$ 5,944
Library		Replace Water Heater		\$ 12,500	\$ 12,500
Planning		Inspection Vehicle-Replacement		\$ 20,000	\$ 20,000
Police		Vehicle Replacement (6) 2 delayed from last year		\$ 186,000	
Police		Mobile Radio Replacement		\$ 39,500	
Recreation		Remove underground storage tank-Hasty (mandatory)		\$ 15,000	\$ 15,000
Recreation		Renovate Kitchen-Hasty (delayed from FY14)		\$ 5,500	\$ 5,500
Fire		Vehicle Replacement, DC Vehicle (new)		\$ 24,000	\$ 24,000
Planning		Traffic Signal Upgrade -Loop-Park/Court		\$ 11,000	\$ 11,000
Planning		Traffic Signal Upgrade -Auburn Plaza		\$ 6,000	\$ 6,000
Planning		Preemption-All Signal Locations		\$ 11,000	\$ 11,000
Police		Radar Replacement		\$ 30,000	
Police		Space Need Assessment		\$ 40,000	
Library		Carpet Replacement		\$ 26,783	\$ 26,783
Public Works		Purchase message sign board		\$ 25,000	\$ 25,000
Public Works		Side Dump Body/Hydraulic Pump		\$ 38,700	\$ 38,700
Planning		Roadway Lighting Main St		\$ 30,000	\$ 30,000
Planning		Roadway Lighting Auburn Mall Area		\$ 20,000	\$ 20,000
Airport		Landside Parking Lot		\$ -	
<b>TOTAL CIP</b>				<b>\$ 898,790</b>	<b>\$ 335,427</b>



### *Debt Service (City Only)*

The City of Auburn is reducing its total annual debt service for municipal items. The chart below shows that the average debt service in Auburn at the beginning of fiscal years averages \$65 million dating back to fiscal year 2005. However the current balance of \$47,745,794, plus an additional \$6 million<sup>2</sup> for FY 2015 leaves the City over \$11 million under the average for the beginning of a year.

Debt Service Analysis				
	Outstanding			Outstanding
	Debt at Beginning	Debt	Debt	Debt at End of
	of Fiscal Year	Issued	Retirement	Fiscal Year
FY 04-05	\$58,803,625	\$23,130,000	\$18,684,957	\$63,248,668
FY 05-06	\$63,248,668	\$13,291,307	\$7,552,775	\$68,987,200
FY 06-07	\$68,987,200	\$13,000,000	\$8,612,399	\$73,374,801
FY 07-08	\$73,374,801	\$6,000,000	\$8,489,239	\$70,885,562
FY 08-09	\$70,885,562	\$6,430,000	\$8,895,484	\$68,420,078
FY 09-10	\$68,420,078	\$6,500,000	\$8,575,483	\$66,344,595
FY 10-11	\$66,344,595	\$8,344,565	\$8,535,485	\$66,153,675
FY 11-12	\$66,153,675	\$4,500,000	\$8,816,077	\$61,837,598
FY 12-13	\$61,837,598	\$5,600,000	\$8,421,077	\$59,016,521
FY 13-14	\$59,016,521	\$5,625,000	\$8,368,864	\$56,272,657
FY 14-15	\$56,272,657		\$8,526,863	\$47,745,794
Average Debt Issued FY 08 - FY 14		\$ 6,229,094		

### **LD 1 Tax Cap**

The LD 1 Tax Cap has been in effect since 2006. Per the calculation worksheet, the City of Auburn is below the Property Tax Levy Limit by \$5,806,276.

### **City Expense Ordinance**

Pursuant to City Ordinances (see below) the expenditures of the City and School are limited to the consumer price index (urban). The CPI-U for December 31, 2013 was, 1.5%. I continue to suggest that a measure against expenditures is inappropriate and this measure should be applied to the tax commitment.

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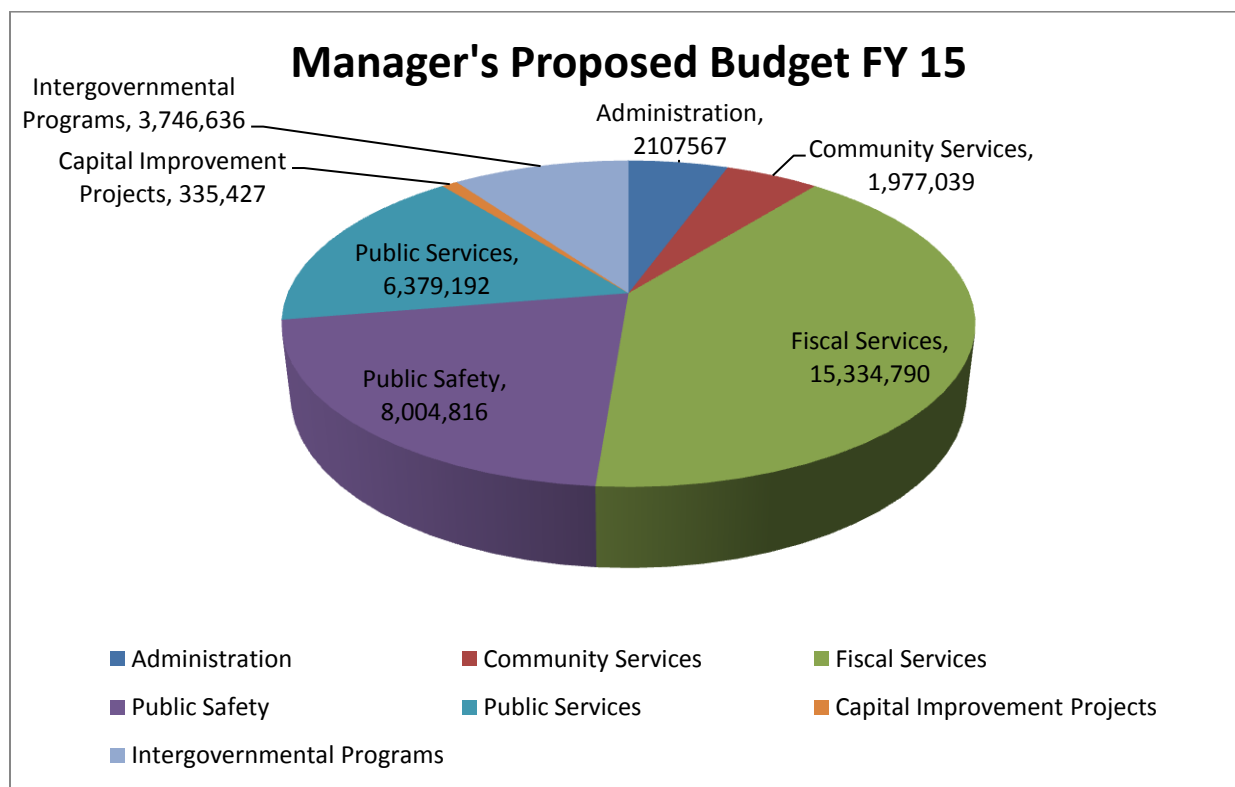
<sup>2</sup> The amount of approved debt for FY 2015, City only, is still not determined by the Council. \$6 million is a projected number that is slightly higher than in the past 3 years but well below the average back to FY 2005 of \$9 million.

Sec. 2-485. Council action on budget increase.

(a) *Budget expenditure cap.* Beginning with the fiscal year 2008 budget, the city council will not approve any increase in the budget which exceeds the consumer price index (urban) as compiled for the 12-month period ending as of December 31 prior the start of the succeeding fiscal year.

(b) *Exception.* When deemed necessary by the city council, this provision may be waived by a majority vote of the city council.

The City Manager budget proposed does exceed the cap and the final budget resolve would have to include an exception per section (b). In order to reduce the City Manager's recommended budget to satisfy the ordinance without an exception would require **\$1,105,302** in cuts to expenses.<sup>3</sup>



## School Department

The Auburn School Committee is currently reviewing the proposed FY15 Superintendent's budget in order to approve a budget that meets the needs of the department and a budget that will be approved by the taxpayers of Auburn. The budget was developed with the following questions in mind;

<sup>3</sup> The amount needed to develop a City budget with 0% impact on taxes would require a cut of \$1,592,541 from the City Manager's recommended budget.

- What do students need for instructional materials to learn and what do teachers need for instructional materials to teach?
- What are the programs that have demonstrated a strong return on investment and which programs have not?
- Do the requests support the department's work towards its Vision 2020?

The proposed budget accounts for \$38,590,084 in expenditures, which is an increase of \$1,462,056 or a 3.94% increase over last year. One of the budget drivers is Salary (\$762,078) and Benefits (\$197,444). The teachers' contract was settled, which includes their steps and a 2% increase for FY15. This year the teachers agreed to a pay freeze. Three other contracts are being negotiated that will have an impact on the budget when those contracts are settled. Other budget drivers include Building Budgets (\$100,000), Charter School Tuition (\$134,319), and Special Education Seed (\$214,552).

The current proposed budget is \$38,590,084, which is an increase of \$1,462,056 to the revenue commitment. This translates to a \$0.54 increase to the mill rate for education from last year's mill rate of \$7.66. The local tax expectation has increased by \$1,088,019. Of the \$1,088,019, the local tax allocation that is used to calculate where the school department is in regards to the Essential Programs and Services (EPS) model is \$1,320,245. *This amount brings the local tax commitment 41% closer to meeting the EPS local tax commitment, and there is still a \$1,740,571 gap between where the local tax commitment is to where it needs to be for the FY17 budget.*

Since the joint School Committee/City Council meeting on March 20, 2014, the school committee has reduced the budget. The reductions have included a \$368,200 savings in benefits due to the increase not being 9.5% as budgeted but instead will be a 2.5% over this current year. Also, the committee reduced the building budget increase by \$61,000 and increased the Fund Balance revenue by \$50,000. In addition to reductions to the budget, there have been additions totaling \$151,311. These additions are seventh grade girls' soccer team and a seventh grade boys' soccer team, contracted services for English Language Learners (ELL) to meet state and federal laws, ELL Educational Technician (grades 7-12), Instructional Coach to support teacher effectiveness (grades 7-12) and increasing the East Auburn's guidance counselor position from 3 days a week to four days a week.

The school committee is continuing to discuss the proposed budget and is scheduled to approve a budget on April 30, 2014 to be sent to the City Council for approval to be sent to the voters on June 10, 2014 for validation.

## Budget Drivers

Attached are changes made to the departmental requests that lead to the City Managers recommended budget. A separate document also included is Budget Policy Considerations. Both of these should be reviewed and consider as part of the Council's review of the budget.

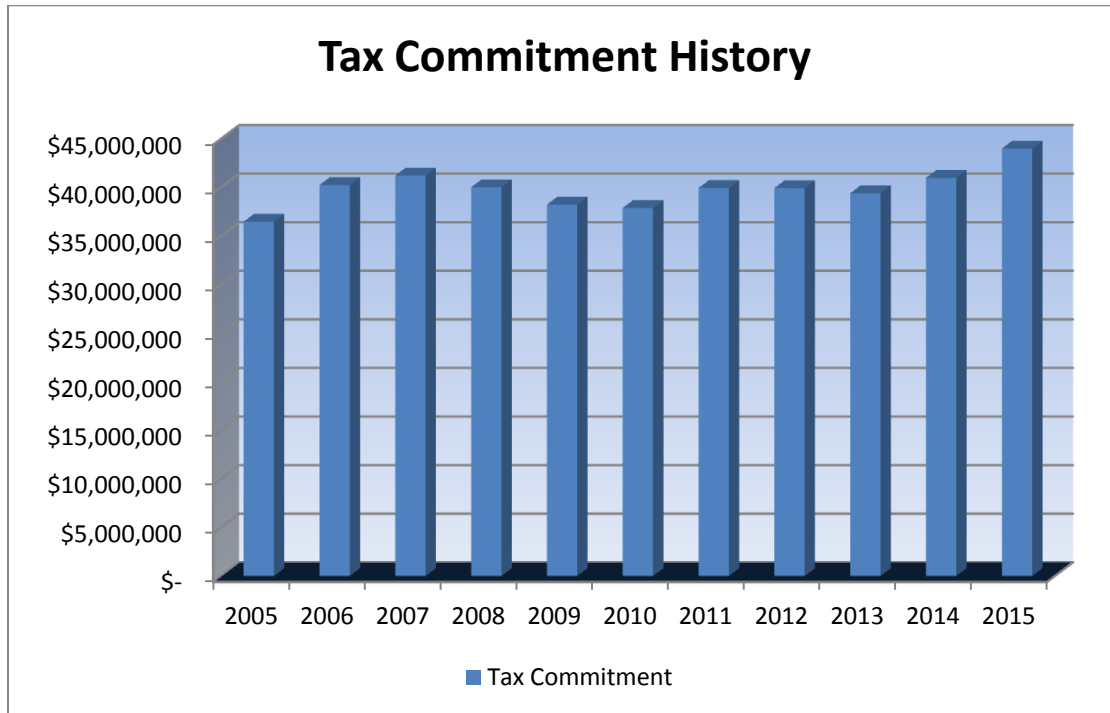
## County Tax

County Tax for FY 15 is \$2,046,880 an increase of \$17,367 or .86%.

The City still has not resolved the dispatch issues with the County. The staffs of Lewiston and Auburn are still working with the respective councils. Currently, the finances departments of both cities are reviewing an option with legal counsel for consideration. The true issue lies in a desire by the County to examine the funding models and share the formula for calculating the cost shares. Until that desire occurs it will continue to be a drain on resources and relations.

## Tax Rate Projection

The City Budget is projected as an increase of .51 cents to the mill rate, 3.97%. The School is projected at .54 cents on the mill rate, 7.0%. In total this is a \$1.05 increase which equates to 5.1%.



Impact of Proposed Budget on Tax Rate			
		<b>Proposed</b>	
	<b>FY 14</b>	<b>FY 15</b>	
	<b>Tax Rate</b>	<b>Tax Rate</b>	<b>Increase</b>
	<b>12.77</b>	<b>13.28</b>	<b>0.51</b>
<b>City Budget</b>			
\$150,000 Home	\$ 1,915.50	\$ 1,992.00	\$ 76.50
		<b>Proposed</b>	
	<b>FY 14</b>	<b>FY 15</b>	
	<b>Tax Rate</b>	<b>Tax Rate</b>	<b>Increase</b>
	<b>7.66</b>	<b>8.20</b>	<b>0.54</b>
<b>School Budget</b>			
\$150,000 Home	\$ 1,149.00	\$ 1,230.00	\$ 81.00
		<b>Proposed</b>	
	<b>FY 14</b>	<b>FY 15</b>	
	<b>Tax Rate</b>	<b>Tax Rate</b>	<b>Increase</b>
	<b>20.43</b>	<b>21.48</b>	<b>1.05</b>
<b>Combined Budget</b>			
\$150,000 Home	\$ 3,064.50	\$ 3,222.00	\$ 157.50

## Enterprise Funds and Special Revenues

The City currently operates one Enterprise fund, Norway Savings Arena. The City is also transitioning an enterprise fund, Ingersoll Arena. The direction of the arena is being presented to the City Council at a later date. Based upon staff review, consultant recommendations, and input by the Recreation Advisory Board, the apparent best direction that will generate the most revenue is a turf complex.

## Succession Planning

A budgetary item that is often overlooked is succession planning. As a City it is my goal to work with staff in the coming year to develop more specific plans for succession.

## Forecast

The future for local government continues to be one I see as extremely challenging. In recent years budgets and services have been reduced. As City Manager I will continue to deliver efficient services, but any reductions in cost or staff will not be cloaked. Reductions will impact the level of service.

The reality that must be conveyed is, lowered costs must mean lowered services and conversely, increased services will mean increased cost. Bartering of services is an option, meaning that a service can be cancelled for the addition of a new service, but these must be a clear policy decision of the Council.

The School department faces the issue of increasing local tax dollars to schools so as to remain compliant with State law. Over the next 2 to 3 years, the local contribution to schools will increase by roughly \$2 million dollars. Compared to current tax commitment levels, this is in excess of a 5% increase overall. The School Committee, City Council, and staffs all are researching creative ways to minimize the impacts.

Revenue for Municipal Revenue Sharing also continues to decline. Each year moving forward I would expect significant time of staff dedicated to sustaining only minimal losses. A recalibration or reform of the revenue sharing model is long overdue. However, the State has unbalanced representation towards rural communities, which do not see the plight of service centers and how ignoring these communities will only hurt Maine's economic growth potential. This means that funding at the State level, in my prediction, will continue to ignore financial viability of the State of Maine as a whole and continue to support sprawling of services to rural areas that are unsustainable and inefficient use of scarce resources.

Auburn however is poised to respond. The slow or no growth years that we have been enduring appear to show a change. Projects for commercial development are beginning to take form. Within one year Auburn should see multiple projects begin or take hold. This will be a benefit to our valuation and create jobs. Waiting on State Revenue or large scale reform is a fool's game, Auburn needs to depend upon itself and use local efficiencies, partnerships, and locally grown economic development measures. Leveraging is the new philosophy of creative municipal budgets.

The Council's efforts to build a downtown will result in the return of value to our neighborhoods. It will take time but this should improve development, provide better overall transportation, and set the stage for more investment and development.

## Conclusion

First and foremost I wish to thank all City Staff. They are the people working hard every day to make Auburn a better place to live, work, and play. Additionally, the efforts of staff, especially Jill Eastman, to develop the budget cannot be praised enough. The budget document grew exponentially this year to be a planning and policy resource that complies with the City Charter.

Since becoming the City Manager I have stated and will continue to state that the annual budget is the most significant policy document the Council considers. It sets the stage not only for the fiscal year budget but also furthers the decisions of years past and sets a direction for years to come.

Finally, as City Manager it is my privilege to present this budget and begin discussions. Operationally I recommend the Council review this budget and make changes by motion and vote. Propose the ideas or directions you want to consider and allow the issues to be vetted. The staff and I stand ready to work with you to finalize a budget that serves the needs of our fine City.

***I leave you with one last quote shared during the budget workshops with the public. "Don't find fault, find a remedy; anybody can complain." Henry Ford.***

**BUDGET CHANGES**  
**Department Proposed to Manager Proposed**

**Assessing**

Regular Salaries	\$	(13,500)	eliminated new part-time position
Training & Tuition	\$	(500)	reduction
Travel-Mileage	\$	550	increased, more use of personal vehicles
Leased Vehicle	\$	(1,200)	eliminated, increase mileage reimbursement

**City Clerk**

Regular Salaries	\$	(23,946)	eliminated new position
Dues & Subscriptions	\$	(25)	reduction due to position elimination

**City Manager**

Regular Salaries	\$	1,345	Increase to Executive Asst.
PS-General	\$	(50,000)	eliminated consultant for performance based budgeting
Dues & Subscriptions	\$	(100)	eliminated Maine Biz (see Economic Development Budget)

**Economic Development**

Regular Salaries	\$	(6,255)	eliminated admin asst position
PS-General	\$	(20,000)	reduced consultant for downtown

**Facilities**

Utilities-Water/Sewer	\$	3,465	increase in rates
Insurance Premiums	\$	(35,000)	reduction from MMA on Property/Casualty Insurance

**Finance**

Regular Salaries	\$	9,640	accounting assistant reduction in use of TIF
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**Fire**

OSHA Safety Costs	\$	(12,570)	see budget detail
Protective Clothing	\$	(20,480)	see budget detail
OT-Extra Assignments	\$	(12,376)	eliminated equipment repairs and storm coverage
OT-Meetings	\$	(4,000)	see budget detail
OT-Multiple Alarms	\$	(3,208)	see budget detail
Other Sup-Maintenance	\$	(7,000)	paint, furniture and linens for stations
Other Sup-Fire Training	\$	(1,362)	reduction
Other Sup-Medical	\$	(7,921)	reduction
Other Sup-Small Tools	\$	(21,545)	reduction
Other Sup-Other	\$	(10,055)	reduction
MV Sup-Tires/Tubes	\$	(6,810)	see budget detail
Comm-Telephone	\$	(200)	reduced long distance call charges
Repairs-Building	\$	(2,500)	see budget detail
Repairs-Vehicles	\$	(10,500)	see budget detail
Training & Tuition	\$	(58,965)	reduction

**ICT**

PS-General	\$	(1,150)	reduced consulting fees
Other Sup-Computer Hardware	\$	(2,000)	reduced PC replacements
Repairs-Equipment	\$	(1,500)	reduction

**BUDGET CHANGES**  
**Department Proposed to Manager Proposed**

**Legal**

Legal	\$	(20,000) reduction-carryforward model achieved savings
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**Library**

Library	\$	(1,215) reduction
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**Planning & Permitting**

Regular Salaries	\$	(30,000) eliminated new position request
Uniform Allowance	\$	(350) due to position elimination
PS-General	\$	(78,500) removed Lake Auburn assesment
Other Sup-Operating	\$	(500) reduction
MV Sup-Tires/Tubes	\$	(300) reduction
Repairs-Street Lights	\$	(1,000) reduction
Training & Tuition	\$	(400) reduction

**Police**

Educational Incentive	\$	(3,180) reduction
Reports, Printing & Binding	\$	(125) see budget detail
Other Sup-Operating	\$	(1,850) see budget detail
MV Sup-Gas & Oil	\$	(4,800) see budget detail
Repairs-Vehicles	\$	(1,480) see budget detail
Training & Tuition	\$	(500) see budget detail
Vehicle Replacements	\$	(62,000) Reduced by 2 vehicles, from 6 to 4

**Public Services**

Regular Salaries	\$	(197) reorganizing positions
OT-Winter Road Maintenance	\$	(16,772) reduction
OT-Recycling	\$	(766) eliminated recycling
PS-General	\$	(1,500) reduction in equipment rental-specialty
PS-Snow Removal	\$	(36,000) eliminated contracted removal New Auburn
PS-Tree Removal	\$	(6,000) reduced tree planting, applying for grant
Solid Waste Disposal	\$	30,150 increased MMWAC fee and added spring clean up
Other Sup-Bridge/Fence	\$	(1,000) see budget detail
Other Sup-Road Salt	\$	(21,049) reduction
Other Sup-Safety Equipment	\$	(600) reduction
Other Sup-Equip Repairs	\$	(11,035) reduction
MV Sup-Tires/Tubes/Chains	\$	(14,500) reduction
Special Events	\$	(20,000) In City Managers budget
Advertising	\$	(1,000) reduction
Guardrail Replacement	\$	(10,000) reduction

**Operating Capital**

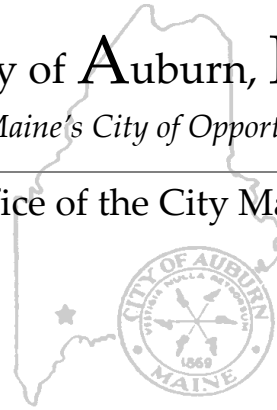
Operating Capital	\$	(465,790) eliminated operating capital except Police Department
	\$	(1,101,927)



# City of Auburn, Maine

*"Maine's City of Opportunity"*

Office of the City Manager



## Budget Policy Considerations

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The City Manager is recommending the Council consider the following items as the City Budget for fiscal year 2015 is reviewed. Each of these represent policy decisions that the Council should debate and if desired should take a vote to proceed. Some are potential cuts to costs and others are increases. In no circumstance should this be viewed as a complete list.

Staff is anxiously awaiting your direction.

1. **Assessing:** The Council has asked to consider outsourcing or contracting the service. The Assistant City Manager is still researching the information and options. As of the delivery of the budget it appears that contracted service would only result in savings if a reduction of service was implemented as well. Please understand the City would still need to appoint an assessor.
  - a. **Financial Impact:** Potential Savings undetermined.
  - b. **Pros:**
    - i. The potential savings would most likely be in benefits.
    - ii. Contracted service could focus more on inspections and personal property that is being under funded.
  - c. **Cons:**
    - i. Office hours open to public are estimated to be reduced by 2 days a week.
  - d. **Manager's Recommendation:** I would not implement and allow for more time for the Assistant Manager to recommend options.
2. **Recycling:** The solid waste committee recommended curbside, automated recycling and trash pickup. The approach in summary improves the amount of trash being recycled and has no impact on amount of trash being land filled.
  - a. **Financial Impact:** Cost to implement \$225,000
  - b. **Pros:**
    - i. Increases Recycling rates.
    - ii. Moves to a contracted model that in this instance is more cost effective.
    - iii. Consolidates waste and recycling in one vendor, which should yield better customer service.
    - iv. Transitions to a weekly recycling model that is more consistent than the current model.

- c. **Cons:**
    - i. As a service expansion it will cost \$225,000.
    - ii. Understates the value of current waste to energy model. (Fact, a high percentage recycling community will recycle 35% of its waste and send 65% to a landfill. Auburn may only recycle 8% -10% but 90% does not go to a landfill.)
  - d. **Manager's Recommendation:** I would place this as a high priority but delay implementation for this expanded service until more revenue is available or that tipping fees at MMWAC exceed \$55 per ton. Until then implement a 2 drop off model and measure rates as well as reinstate spring clean up. It is my opinion that the drop off model in Auburn will yield higher percentages than the fragmented curbside model currently in place.
3. **Fire and EMS Service:** The Council has a workshop with United on April 14<sup>th</sup>. The outcome of this meeting impacts City Service and the budget.
- a. **Financial Impact:** Status Quo is a loss of \$100,000 in revenue. Staying with United on the new proposal also is a loss of \$100,000 in revenue but gains an improvement of service with a dedicated ambulance to Auburn. Converting to a fire based EMS service is projected to increase revenues over expenses by \$137,000 but is only a projection.
  - b. **Pros:**
    - i. Staying with United strengthens commitment to hospitals.
    - ii. New United model appears to be a foundation of a better relationship foundation. It is motivated out of safety and maximizing service.
    - iii. The financial risk with United is definite.
  - c. **Cons:**
    - i. The City is losing revenue if it stays with United.
    - ii. The financial risk with Fire is well researched by is not definite like the United models.
    - iii. Staying with United does not leverage the Fire Department resources.
    - iv. Staying with United means Auburn still must provide first response or take a significant reduction in service.
  - d. **Manager's Recommendation:** This is only the introduction or summary of what will be much more thoroughly reviewed on April 14<sup>th</sup>, so I have no recommendation yet.
4. **Staffing Levels:** Many times the level of staffing is an issue that is requested to be explored. The levels of staff in the management of the City are constantly under review. No position is filled until a discussion and review of operating models that could lead to efficiency and savings. Below is a list of possible options that almost all could not be implemented fully in this fiscal year. The concept that I am pursuing as manager is "multitasking", meaning, identify the areas where positions can be combined or duties redistributed to net a savings in total staff. HR is also working on a case by case basis to consider alternate work schedules or models.
- a. **Finance:** The most likely option here would be integration with Schools. However, this will take time and cooperation. Staff is working on an MOU to outline the process of cooperation so that when opportunities present themselves a mechanism is in place to consider.
  - b. **Police:** Current cooperation on SRO's with the School, grants for a traffic division, and cooperation with outside agencies generate significant revenue to offset costs. The impact is that staff reductions in many cases could require a refunding of money. Further, all staff reductions with police in all instances are a reduction in service.

- c. **Fire:** Fire per Union contract has a staffing model that exists in apparatus staffing. Apparatus staffing is a requirement to have so many people on each fire truck. In order to reduce staff apparatus would need to be reduced or changed. This results in a reduction of service or increases to other costs (i.e. insurance costs). As new apparatus is considered for replacement the ability to consider different choices to reduce staffing costs is always being considered. It should also be noted that reductions to staff while even considering an increase to EMS service is counterintuitive.
  - d. **Public Services:** Over the past decade this department, Public Works, has had significant reductions. From 70 employees in 1990 to 59 last year while increasing road miles and responsibilities. The efficiency obtained by combining Parks and Recreation with Public Works to create Public Services has been a dramatic shift. The savings will be challenging to document but the enhancement of services is a benefit. This department needs time to see how these management decisions will impact the service.
  - e. **Planning and Development:** This includes the departments of assessing, code, planning, economic development, and electrical. The creation of this unified structure does allow for closer review of staff levels. Concepts are being reviewed. The challenge in this department is that over the past year's staff has been reduced. With the department director's I have been working with staff on how to model the staff to fit the needs.
  - f. **ICT:** This is also a department where School cooperation needs review. The plan is to put in place a process to consider. I also work closely with the director to consider ways that this department can "absorb" pieces of other departments to reduce costs.
5. **Private Sector Contracting:** During the budgets
- a. **Financial Impact:** Unknown.
  - b. **Pros:**
    - i. Could save money.
  - c. **Cons:**
    - i. Could reduce services to attain the financial savings.
  - d. **Manager's Recommendation:** If the Council desires to pursue this aggressively, it should be a goal set during this budget. The outcome is that a report would be developed for each department requested on what could be achieved. I would suggest that the Council may want to consider a consultant to assist in drafting a final report. (Cost TBD but could range from \$20,000 to in excess of \$100,000 depending upon scope and number of departments to review.)
6. **County Tax:** Council has already directed staff to explore different models for County services, including leaving the County. Staff will prepare a brief, 50,000 foot level, summary.
- a. **Financial Impact:** Potential Savings could be significant.
  - b. **Pros:**
    - i. Saves money.
    - ii. Possibly enhances County services.
    - iii. Biggest benefit is the message that current dispatch and other County service review requests by Auburn are not getting serious consideration.
  - c. **Cons:**
    - i. Cost for transport of prisoners could go up.
    - ii. Auburn is currently the County seat.
  - d. **Manager's Recommendation:** Savings if any in future years so continue with the research of options and consider next steps later.

7. **Recreation Enterprise:** Set the goal that the division of recreation should aspire to develop fees and programs to transition 100% of its expense budget to a funding model that needs not general fund (property tax) support.
  - a. **Financial Impact:** Potential Savings of \$200,000.
  - b. **Pros:**
    - i. Reduces taxes.
    - ii. Creates a measure for all recreation programs to generate a profit or self sustain.
  - c. **Cons:**
    - i. Increases fees for programs.
    - ii. Could be a reduction or cancellation of some programs.
  - d. **Manager's Recommendation:** I fully endorse this policy. It may not be achievable for a few years but is a great goal.
8. **Special Events:** Aggressively pursue special events. Use the current staff levels to leverage stronger partnerships with event organizations; even consider revenue sharing models. Make Auburn an event destination all year long. Maybe start with the summer months and races, expand to weekend farmer's market in the downtown, or a senior's weekend Auburn, but do this by working with private entities to create and operate the event.
  - a. **Financial Impact:** Zero to operating, but economic impact could be great to private sector.
  - b. **Pros:**
    - i. Sets a tone of Auburn being a place to visit.
    - ii. Image enhancer.
  - c. **Cons:**
    - i. Staff support could become a drain on available resources. Hard to predict.
  - d. **Manager's Recommendation:** I would recommend that a brief plan be put in place to try this and see how it is received publically. Measure the costs and benefits for future consideration.
9. **Road Construction and Maintenance:** The City continues to need approximately \$4,000,000 per year in capital projects for roads for 10 years. However this number cannot be achieved within current debt capacity and sustain other capital needs in other departments. Further the City is doing no surface maintenance. In order to sustain roads and deliver quality service to the City I recommend the City bond a minimum of \$300,000 per year in surface overlays.
  - a. **Financial Impact:** A cost \$300,000 in bonding.
  - b. **Pros:**
    - i. Fixes more roads.
    - ii. Roads will be in a better condition in 10 years.
    - iii. Great customer service because more miles of road fixed per year so residents see greater benefit in taxes.
  - c. **Cons:**
    - i. Costs \$300,000 in bond capacity.
  - d. **Manager's Recommendation:** I recommend we fund the \$300,000 and with growth in value or increases in revenue, aspire to no more than \$1,000,000 a year in capital surface work.

10. **Ingersoll Arena:** The Council will be reviewing this separately with the facilities needs of the City. However, I think it is important to keep this project visible because a use does need to be implemented. The ideas considered focused into two recommendations of the recreation committee: do not operate the facility as an ice arena and do repurpose the facility so long as it is a revenue producing venture.
  - a. **Financial Impact:** Risk of bonding the work and operating at profit.
  - b. **Pros:**
    - i. Sustains investments in the facility.
    - ii. Enhances the programs we can offer.
  - c. **Cons:**
    - i. Not guaranteed to be profitable no matter what use is selected.
    - ii. Too many ideas of what to do with the property. A firm commitment must be made to one use.
  - d. **Manager's Recommendation:** Again the future meetings need to occur to focus the issue. But with the data available and staff resources available it appears that an operational model could be drafted with minimal new staff costs. This increases the likelihood of success. Without a partnership with an outside agency or business the most probable use is a turf field. I would recommend bonding the needed improvements with the goal that revenues will pay the debt and operating costs.
11. **Snowmobile Clubs:** A request has been made to fund the snowmobile clubs with the revenue from the State we are reimbursed. The recreation did recommend to fund the clubs.
  - a. **Financial Impact:** A new cost of approximately \$4,000. This number fluctuates due to the number of snowmobiles registered.
  - b. **Pros:**
    - i. Supports the trails that are available to the public.
    - ii. Leverages private groups to enhance the City.
  - c. **Cons:**
    - i. Costs the city the revenue.
    - ii. No "unified plan" of what these funds will achieve.
  - d. **Manager's Recommendation:** Per Council practice I recommend that the clubs be charged to present a program that is funded in collaboration. At a minimum the clubs must present a single plan annual on how to utilize the funds for the betterment of Auburn. Although not in the City Manager budget I do support adding the cost with this objective.
12. **Councilor Administrative Assistant and FOAA Officer:** Requests for FOAA are currently processed through the Assistant City Manager or directly to Police. In addition Councilor requests for information are managed in existing staff workloads. In order to improve response time and return existing staff capacity to the core duties the Council should consider adding this full-time position.
  - a. **Financial Impact:** A full-time employee with benefits \$40,000 to \$50,000 total.
  - b. **Pros:**
    - i. Improves communication and service.
    - ii. Relieves current duties on existing staff to focus on other priorities.
  - c. **Cons:**
    - i. It is an increase to expenses.

## FY15 Budget Policy Considerations

- d. **Manager's Recommendation:** I think this is a good idea but needs to wait for better financial capacity of the city.
13. **Museum LA:** Request to fund the efforts of Museum LA. The City Manager Budget did not submit the funded request.
- a. **Financial Impact:** Cost \$37,500.
  - b. **Pros:**
    - i. Supports the operations of the Museum.
  - c. **Cons:**
    - i. This is a new expense to the City when funding existing programs is challenged.
  - d. **Manager's Recommendation:** I would recommend continued cooperation with the Museum to build a program that fits a specific Council direction and delay funding until that time.
14. **Intergovernmental Agencies:** The funding to these based upon the shared arrangement with Lewiston. My only non-financial policy recommendation is that these agencies will be requested to present budget requests moving forward with goals and performance measures for the Council to consider in the budget process.
- a. **Financial Impact:** \$0
  - b. **Pros:**
    - i. Improves communication.
  - c. **Cons:**
    - i. Slight add to documentation needing during budget.
  - d. **Manager's Recommendation:** Implement
15. **Tax Sharing:** Two ideas exist within this policy. One, Auburn should continue to look at expanded tax sharing agreements with Lewiston. (Areas I would consider are downtown and retail areas.) Two, no references is made in State Statute allowing or disallowing excise tax sharing, but I feel this component of the airport tax sharing agreement should be reviewed.
- a. **Financial Impact:** Saves \$11,000 to Lewiston and \$15,000 to Airport.
  - b. **Pros:**
    - i. Improves revenue.
    - ii. More sound policy approach.
  - c. **Cons:**
    - i. Reduces revenue to Lewiston and Airport.
  - d. **Manager's Recommendation:** I recommend that the City direct staff to review this with either the excise tax no longer being part of sharing agreement or that an area of roads that benefit transportation to the Airport be funded cooperatively. The issue is that road work for Auburn roads in this area are funded by Auburn but excise tax generated in this area is shared without a contribution to the transportation infrastructure.
16. **Storm water Fees:** Although only a concept pursuit of this new revenue model should being with a policy decision of the Council. There are many more impacts to research but we must start with a directive.
- a. **Financial Impact:** Increased Revenue of as much as \$1,000,000
  - b. **Pros:**
    - i. Improves revenue.

## FY15 Budget Policy Considerations

- ii. Places costs on properties impacting the system rather than shared across the entire tax base.
- c. **Cons:**
  - i. A new fee.
- d. **Manager's Recommendation:** I recommend we pursue with the attitude that a decision to implement would be decided after a comprehensive, citizen engaged process.



## City Council Information Sheet

City of Auburn

**Council Meeting Date:** April 4, 2014

**Subject:** Executive Session

**Information:** Discussion on Economic Development pursuant to 1 M.R.S.A. §405(6)(C).

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

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

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. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

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 C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.





## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** April 7, 2014

**Order** 26-04072014\*

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

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

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

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

**Subject:** Appointing Election Clerks for the period of May 1, 2014 through April 30, 2016.

**Information:** The municipal officers of each municipality shall appoint election clerks no later than May 1<sup>st</sup> of each general election year to serve at each voting place during the time the polls are open.

**Financial:** N/A

**Action Requested at this Meeting:** Recommend passage of Order 26-04072014 appointing Election Clerks.

**Previous Meetings and History:** 2 year appointments

**Attachments:**

- Title 21-A §503
- Order 26-04072014
- List of nominated Election Clerks

\*Agenda items are not limited to these categories.

## Maine Revised Statutes

### §502

### Title 21-A: ELECTIONS

### §504

### Chapter 7: ELECTION OFFICIALS

- [§503 PDF](#)
- [§503 MS-WORD](#)
- [STATUTE SEARCH](#)
- [CH. 7 CONTENTS](#)
- [TITLE 21-A](#)
- [CONTENTS](#)
- [LIST OF TITLES](#)
- [DISCLAIMER](#)
- [MAINE LAW](#)
- [REVISOR'S OFFICE](#)
- [MAINE LEGISLATURE](#)

#### **§503. Election clerks**

Election clerks are governed by the following provisions.  
[1995, c. 459, §33 (RPR).]

**1. Qualifications; appointment; compensation.** Election clerks must be at least 18 years of age, registered to vote and residents of the municipality, except that, if the municipal officers, after providing timely notice to state and local chairs of political parties of the lack of available election clerks, are unable to appoint a sufficient number of election clerks who are residents of the municipality, the municipal clerk may appoint election clerks who are not residents of the municipality but who are residents of the county and are otherwise qualified to fill the vacancies. The municipal officers of each municipality shall appoint election clerks no later than May 1st of each general election year to serve at each voting place during the time the polls are open and as counters after the polls close. A list of the election clerks appointed under this subsection must be posted at each voting place. Election clerks are entitled to a reasonable compensation as determined by the municipal officers.

[ 2007, c. 422, §1 (AMD) .]

#### **1-A. Student election clerks.**

[ 1995, c. 459, §33 (RP) .]

**2. Representation of parties.** The municipal officers shall consider the following for appointment as election clerks.

A. The municipal officers shall consider persons nominated by the municipal, county or state committees of the major parties to serve as election clerks. The municipal officers shall appoint at least one election clerk from each of the major parties to serve at each voting place during the time the polls are open. The municipal officers shall also appoint a sufficient number of election clerks to serve as counters after the polls close. The election clerks must be selected so that the number of election clerks from one major party does not exceed the number of election clerks from another major party by more than one.  
[2007, c. 422, §2 (AMD).]

B. The municipal officers shall appoint at least one election clerk nominated by the municipal committee of a qualified minor party represented on the last general election ballot for each

voting place at the committee's request. [1995, c. 459, §33 (RPR) .]

C. Notwithstanding subsection 1, the municipal officers may also consider persons who are 17 years of age to serve as student election clerks for a specific election. A student election clerk may perform all the functions of an election clerk as prescribed by this Title. [2003, c. 584, §4 (AMD) .]

All nominations for election clerks must be submitted to the municipal officers no later than April 1st of each general election year. If a municipal committee of a major party fails to submit a list of nominees to serve as election clerks, the municipal officers may appoint registered voters enrolled in that party to serve as election clerks.

If the municipal officers are unable to appoint a sufficient number of election clerks as set forth in paragraphs A, B and C, they may appoint any other registered voter, as long as the balance between major political parties is maintained.

[ 2013, c. 131, §14 (AMD) .]

**3. Number appointed to serve each voting place.** The municipal officers shall appoint at least 2 election clerks as provided by subsection 2, paragraph A to serve at each voting place during the time the polls are open. If required to do so by subsection 2, paragraph B, they shall also appoint one election clerk to serve at each voting place during the time the polls are open. Additional election clerks may be appointed as needed. In the event of a vacancy in the election clerks appointed under this subsection, the municipal officers shall appoint alternate election clerks who may be called into service.

[ 1995, c. 459, §33 (RPR) .]

**4. Number appointed to serve as counters.** The municipal officers shall appoint election clerks in the same manner as in subsection 3 to serve as counters after the polls close.

[ 1995, c. 459, §33 (RPR) .]

**5. Vacancies.** If a sufficient number of election clerks is not available to serve on election day, the municipal clerk or the warden may appoint the necessary number of election clerks to fill the vacancies. When filling a vacancy, the municipal clerk or the warden shall first draw from the list of alternates appointed under subsection 3 and make every attempt to appoint a person with the same enrollment status as the person who vacated the position.

[ 1995, c. 459, §33 (RPR) .]

**6. Oath of office.** Before assuming the duties of office, election clerks are sworn by the municipal clerk or the warden and the oath is recorded.

[ 1995, c. 459, §33 (RPR) .]

- [§503 PDF](#)
- [§503 MS-WORD](#)
- [STATUTE SEARCH](#)
- [CH. 7 CONTENTS](#)
- [TITLE 21-A CONTENTS](#)
- [LIST OF TITLES](#)
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- [MAINE LAW](#)
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- [CH. 7 CONTENTS](#)
- [TITLE 21-A CONTENTS](#)
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- [DISCLAIMER](#)
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**7. Term of office.** An election clerk holds office for 2 years from the date of appointment and until a successor is appointed and qualified, except that an election clerk who is appointed to represent a qualified minor party represented on the last general election ballot holds office only for 2 years from the date of appointment.

[ 1995, c. 459, §33 (RPR) .]

**8. Duties.** Election clerks shall attend the voting places for which they are appointed at each election during the time the polls are open or during the counting of the ballots after the polls close, as required by the terms of their appointment. They are under the direction of the warden and shall assist the warden as requested.

[ 1995, c. 459, §33 (RPR) .]

**9. Application of city charter.** This section does not affect a city charter that provides for the election of 2 persons to assist the warden in receiving, sorting and counting ballots. The persons elected under the authority of the charter are considered to be election clerks and each must represent a different major party.

[ 1995, c. 459, §33 (NEW) .]

#### **10. Training.**

[ 2001, c. 415, §5 (AFF); 2001, c. 415, §2 (RP) .]

#### SECTION HISTORY

1985, c. 161, §6 (NEW). 1985, c. 314, (AMD). 1991, c. 399, §2 (AMD). 1991, c. 466, §18 (AMD). 1993, c. 473, §10 (AMD). 1993, c. 473, §46 (AFF). 1995, c. 459, §33 (RPR). 1999, c. 450, §14 (AMD). 2001, c. 310, §28 (AMD). 2001, c. 415, §2 (AMD). 2001, c. 415, §5 (AFF). 2003, c. 584, §4 (AMD). 2007, c. 422, §§1, 2 (AMD). 2013, c. 131, §14 (AMD).

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**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.  
If you need legal advice, please consult a qualified attorney.**

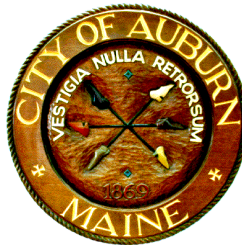
**Office of the Revisor of Statutes**

**7 State House Station**

**State House Room 108**

**Augusta, Maine 04333-0007**

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
Adam Lee, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
David Young, At Large

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 26-04072014**

ORDERED, that the following individuals be and hereby are appointed as Election Clerks for the period of May 1, 2014 through April 30, 2016. See attached list.

<b>PARTY</b>	<b>LAST NAME</b>	<b>FIRST NAME</b>
R	Amero	Claire
R	Bachand	Claire
R	Beaulieu	Paula
R	Berube	Patricia
R	Bunker	Susan
R	Bussiere	Francois
R	Campbell	Jeffrey
R	Cote	Louise
R	Croteau	Dawn
R	Crowell	Joan
R	Ferrante	Chiara
R	Galway	Bonnie
R	Gammon	Esther
R	Jarden	Lorraine
R	Labrie	Wilma
R	Langelier	Gerald
R	Martel	Gerald
R	Mathews	George
R	Mathews	Sheryl
R	Rea	Carol
R	Rossignol	Linda
R	Sevigny	Robert
R	Spear	June
R	Spiro	Danielle
R	White	Carmen
R	Wooten	Linda

PARTY	LAST NAME	FIRST NAME
D	Bate	Jacqueline
D	Bilodeau	Normand
D	Cavanaugh	Robert
D	Cooper	Louise
D	Desgrosseilliers	Edward
D	Desgrosseilliers	Sheila
D	Dufresne	Carmen
D	Gardner	Robert
D	Girouard	Jolene
D	Herrick	Eleanor
D	Kinney	Anne
D	Langelier	Pauline
D	Leavitt	Richard
D	Mailey	Joseph
D	Martelli	Stephen
D	Michaud	Sophie
D	Miller	Priscilla
D	Ouellette	Alma
D	Ouellette	Paul
D	Ross	Bonnie
D	Russell	Rhonda
D	Simpson	Kevin
D	St. Pierre	Roger
D	St. Pierre	Joyce
D	Webber	Judith

PARTY	LAST NAME	FIRST NAME
U	Bourget	Cristy
U	Galway	Warren
U	Leonard	Valerie
U	Mahon	Joan
U	Martel	Claudette
U	Pelletier	Jeannine



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** April 7, 2014

**Order** 27-04072014\*

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

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

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

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

**Subject:** Setting the date for the School Budget Validation Referendum Election

**Information:** Title M.R.S.A. 20-A, Section 2307 requires Municipalities to conduct a School Budget Validation Referendum Election each year. The proposed date for the School Budget Validation Election is June 10, 2014.

The Council must set a date for the Election so that absentee balloting may be conducted, in accordance with state law.

**Financial:** Budget

**Action Requested at this Meeting:** Recommend passage of Order 27-04072014 setting the date of the School Budget Validation Referendum Election for June 10, 2014.

**Previous Meetings and History:** N/A

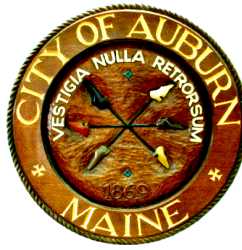
**Attachments:**

- Order 27-04072014

\*Agenda items are not limited to these categories.



Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
Adam R. Lee, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
David Young, At Large

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 27-04072014**

**ORDERED**, that the School Budget Validation Referendum Election be held on June 10, 2014.



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** April 7, 2014

**Order** 28-04072014\*

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

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

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

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

**Subject:** Setting the date for the Special Municipal Election to fill the Ward 1 School Committee seat

**Information:** In mid March, we received the resignation of Michael Farrell, Ward 1 School Committee member. When a vacancy of a School Committee member occurs more than six months prior to the next regular election, an unexpired term shall be filled by a special election, either citywide or in the ward in which the vacancy occurs. If the vacancy is within 6 months prior to the next municipal election, the School Committee shall appoint a qualified representative to serve. The charter does not permit the School Committee to appoint someone to fill the vacancy in this current situation. A special election is the only option for filling this Ward 1 vacancy.

The normal process (in accordance with our Charter) for filling this vacancy would be;

- ✓ The City Council sets the date for the election (allowing at least 120 days prior to that date to allow time for nomination papers to be taken out per our City Charter).
- ✓ Nomination papers are due back in the City Clerk's office 75 days before the election.
- ✓ At least 65 days prior to the election the City Clerk certifies and makes available to the public the names and residences of candidates who have filed nomination petitions.
- ✓ Absentee ballots are available 30-45 days prior to the election.
- ✓ The election would be open to only Ward 1 voters and only 1 polling place would be open (either Washburn School or Auburn Hall).
- ✓

The soonest we could hold this special election would be August 12, 2014. Below is the timeline:

- ✓ Council sets the date for the Special Election at the April 7, 2014 Council meeting (August 12, 2014 Election).
- ✓ April 8, 2014 nomination papers are available in the City Clerk's office.
- ✓ All nomination papers must be filed with the Clerk no later than May 29, 2014.
- ✓ June 6, 2014 the City Clerk must certify and make available to the public the names and residences of candidates who have filed nomination petitions.
- ✓ July 11, 2014 absentee ballots are available
- ✓ August 12, 2014 Election

**Financial:** N/A

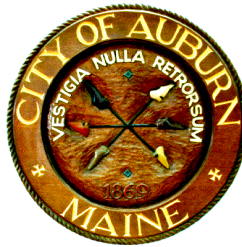
**Action Requested at this Meeting:** Recommend passage of Order 28-04072014 setting the date for the Special Municipal Election to fill the Ward 1 School Committee seat for August 12, 2014.

**Previous Meetings and History:** N/A

**Attachments:** Order 28-04072014

\*Agenda items are not limited to these categories.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
Adam Lee, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
David Young, At Large

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 28-04072014**

ORDERED, that Special Municipal Election for the Ward 1 School Committee seat be held on Tuesday, August 12, 2014.



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** April 7, 2014

**Order** 29-04072014\*

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

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

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

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

**Subject:** Appointing Richard Trafton to the Lewiston Auburn Railroad Company for a term of 3 years from April 2014 through April 2017.

**Information:** Richard Trafton has been nominated by Gerald Berube, President of the LARC for reappointment to the board for another 3 years. The Auburn City Council is empowered to make the appointment.

**Financial:** N/A

**Action Requested at this Meeting:** Recommend passage of 29-04072014 appointing Richard Trafton the the LARC for a 3 year term from April 2014 through April 2017.

**Previous Meetings and History:** N/A

**Attachments:**

- Letter from Gerald Berube, President of the LARC
- Order 29-04072014

\*Agenda items are not limited to these categories.

# LEWISTON AND AUBURN RAILROAD COMPANY



March 20, 2014

Mayor Jonathan LaBonte  
City of Auburn  
60 Court Street  
Auburn, ME 04210

Dear Mayor LaBonte:

The Nominating Committee of the Lewiston and Auburn Railroad Company is charged to recommend an Auburn Citizen as a director of the Lewiston and Auburn Railroad Company.

Article VI, Section 2 and 4 of the Bylaws of the Lewiston and Auburn Railroad Company with incorporated Shareholders Agreement read as follows:

Section 2. Classes of Directors. Notwithstanding anything to the contrary contained in the Charter or Article V of these Bylaws, the members of the Board of Directors shall be divided into two classes, one from each City, as follows: (a) the first class of Directors shall be hereafter referred to as the "Lewiston Directors" and shall be composed of six (6) Directors, all of whom shall be and shall continue to be residents of the City of Lewiston during their term of office; and (b) the second class of Directors shall be hereinafter referred to as the "Auburn Directors" and shall be composed of three (3) Directors, all of whom shall be and shall continue to be residents of the City of Auburn during their term of office.

Section 4. Election of Directors by Class. Notwithstanding anything to the contrary in the Charter or Article V of these Bylaws, the Lewiston Directors shall be elected by the Lewiston City Council and the Auburn Directors shall be elected by the Auburn City Council.

The Nominating Committee recommends the following individual to be reappointed to the Board of Directors:

Name:  
Richard Trafton, Esq.

Term:  
3-Year Term Expiring April 2017


415 Lisbon Street, Suite 400, Lewiston, Maine 04240  
Phone: (207) 784-0161 ♦♦♦ Fax: (207) 786-4412

March 20, 2014

Page | 2

Upon election of the noted individual, the Board of Directors of the Lewiston and Auburn Railroad Company will confirm the appointment. On behalf of the Board of Directors, I encourage prompt action on the nomination by the Auburn City Council.

Very truly yours,

  
Gerald Berube  
President

Cc: City Manager, Clint Deschene

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
Adam Lee, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
David Young, At Large

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 29-04072014**

ORDERED, that the Auburn City Council hereby appoints Richard Trafton to the Lewiston-Auburn Railroad Company for a term of 3 years (April 2014 through April 2017).

## **IN COUNCIL REGULAR MEETING MARCH 17, 2014 VOL. 34 PAGE 16**

Mayor LaBonté called the meeting to order at 7:10 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

Great Falls TV and Library Budget presentations carried over from the workshop followed by public comment. No one from the public spoke.

### **I. Consent Items\***

#### **1. Order 20-03172014\***

Approving the temporary sign request for Safe Voices for the Walk/Run to End Domestic Violence to be held on June 1, 2014.

#### **2. Order 21-03172014\***

Approving the temporary sign request for the Kora Shrine for the 2014 circus to be held in April.

#### **3. Order 22-03172014\***

Approving the temporary sign request for the Auburn Business Association for the Auburn Citizen of the Year signs.

#### **4. Order 23-03172014\***

Approving the new retirement plan for the Firefighters that was approved as part of the collective bargaining agreement.

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes to approve the consent items as presented. Passage 6-1 (Councilor Crowley opposed).

### **II. Minutes**

- March 3, 2014 Regular Council Meeting

Motion was made by Councilor LaFontaine and seconded by Councilor Crowley to approve the minutes of March 3, 2014.

### **III. Reports**

#### **Reports**

**Mayor's Report** – no report

**City Councilors' Reports** – Councilor Crowley reported.

#### **City Manager Report**

- EMS (Emergency Management Service) update
- Review of the costs for privatization of Assessment Services
- Transportation Center

#### **Finance Director, Jill Eastman**

- February 2014 Monthly Finance Report



**IN COUNCIL REGULAR MEETING MARCH 17, 2014 VOL. 34 PAGE 17**

Motion was made by Councilor LaFontaine and seconded by Councilor Crowley to accept and place on file the February 2014 monthly finance report as presented.  
Passage 7-0.

**IV. Communications, Presentations and Recognitions**

- Recognition – Mike Lecompte
- Proclamation – Women's History Month
- Proclamation – Boy's and Girl's Club Week in Auburn (March 23-29, 2014)

**V. Open Session – Larry Pelletier-129 Second Street, Joe Gray-Sopers Mill Road**

**VI. Unfinished Business**

**1. Ordinance 02-03172014**

Adopting the newly proposed ward maps and descriptions. Public hearing and second reading.

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

Public hearing – no one from the public spoke.

Motion was made by Councilor Lee to postpone this item until June of 2015. No one seconded the motion so the motion failed.

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine to amend by adding an effective date of July 1, 2015. Passage 6-1 (Councilor Gerry opposed).

Passage of the order as amended, adopting the newly proposed ward maps and descriptions with an effective date of July 1, 2015, 7-0. A roll call vote was taken.

**VII. New Business**

**1. Order 24-03172014**

Authorizing the City Manager to sign the lease agreement for the PAL Center building located at 24 Chestnut Street.

Motion was made by Councilor LaFontaine and seconded by Councilor Gerry to postpone to date uncertain. Passage 6-1 (Councilor Lee opposed).

**2. Resolve 04-03172014**

Supporting the hotel train service between Montreal and Boston which would pass through Auburn.

**IN COUNCIL REGULAR MEETING MARCH 17, 2014 VOL. 34 PAGE 18**

Motion was made by Councilor Hayes and seconded by Councilor LaFontaine authorizing Mayor LaBonté to draft and send a letter of support for the establishment of a Hotel Train service that would pass through Auburn. Passage 7-0.

**3. Order 25-03172014**

Appointing Renee LaChapelle as Interim Tax Assessor from 3/16/2014 to 6/30/2014.

Motion was made by Councilor Crowley and seconded by Councilor Walker. Passage 5-1-1 (Councilor Gerry opposed, Councilor Lee abstained).

**VIII. Executive Session**

- Discussion regarding a personnel matter (City Manager's review), pursuant to 1 M.R.S.A. §405(6)(A).

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes. Passage 6-1 (Councilor Walker opposed), time 8:39 P.M.

The Mayor declared Council out of executive session at 8:59 P.M.

- Discussion regarding a personnel matter (Norway Savings Bank Arena Management), pursuant to 1 M.R.S.A. §405(6)(A). This item will be discussed at the March 31, 2014 workshop.

**IX. Open Session – Joe Gray-Sopers Mill Road, Andy Titus-Lamplighter Circle**

- X. Adjournment** – Motion was made by Councilor Crowley and seconded by Councilor LaFontaine to adjourn, with Council unanimously in favor, time 9:09 P.M.

A True Copy.

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

**IN COUNCIL SPECIAL MEETING MARCH 20, 2014 VOL. 34 PAGE 19**

A workshop was held to go over budget presentations (Planning and Permitting, community Development Block Grant (CDBG) which also included an update on the Citizen Participation Plan and Curb Appeal update, Economic Development, followed by public comment.

Mayor LaBonté called the meeting to order at 7:07 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilors LaFontaine, Crowley, and Gerry had excused absences. All other Councilors were present.

**I. New Business**

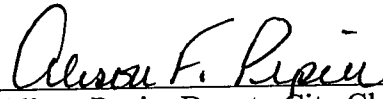
**1. Capital Improvement Plan (CIP) Presentation and Public Hearing**

No one from the Public Spoke.

Workshop discussions followed and the School Committee presented their budget to Council which was followed by public comment.

**II. Adjournment – 9:27 P.M.**

A True Copy.

ATTEST   
Alison Pepin, Deputy City Clerk

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## PUBLIC SERVICES

Date: March 19, 2104

To: Clinton Deschene, Auburn City Manager

From: Dan Goyette, PE, Deputy Director of Public Services / City Engineer

RE: Public Services FY 14 Budget Status

As you are aware, this winter has been extreme in terms of the number of storms (25) compared to the number of storms that were accounted for (17) in the FY 14 budget. This has led to overages in the winter maintenance line items within the Public Services Budget. The City Council was presented an update on the condition of the budget with projections on our winter line items during Public Services "Follow Up on Storm Maintenance" presentation at the February 3<sup>rd</sup> City Council Meeting. This Memo is an update to that presentation on the status of the Public Services budget.

There are 2 main line items within the Public Services budget that have significant overruns due to this fiscal year's winter weather. The projection values are based upon an assumption of 1 additional significant storm or 2 smaller winter storms. They are: OT-Winter Maintenance; OS – Road Salt. These two budget items appear below:

Account	FY 14 Approved	FY 14 YTD	FY 14 Projection
OT - Winter Maintenance	\$161,604	\$269,027	\$280,000
OS – Road Salt	\$233,325	\$291,509	\$320,000
	<b>\$394,929</b>	<b>\$560,536</b>	<b>\$600,000</b>

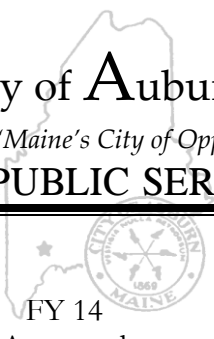
These overruns equate to approximately **\$205,000**.

We have reviewed the state of the complete Public Services budget and have identified a few line items that we anticipate being under our budgeted amount. The first account is the Regular Salaries account. There were a number of positions that were delayed in being filling until the FY 14 budget had gone into effect. This resulted in positions being vacant for a number of months; in addition, when someone leaves the department it takes time to replace them. The second is the PS – General Professional account. This account would be used to increase the size of our herbicide application program for this spring if not applied to help reduce the shortfall. The herbicide program currently only covers the River Walk area. The OS – Pre-Mix Asphalt also shows the potential of having funds available to apply to the shortfall. We currently have a large amount of asphalt that will be recycled in our hot box for application this spring which will result in not needing to purchase as much asphalt this spring.

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## PUBLIC SERVICES



Account	FY 14 Approved	FY 14 YTD	FY 14 Projection
Regular Salaries	\$2,208,346	\$1,473,640	\$2,100,000
PS – General Professional	\$49,613	\$15,918	\$20,000
OS – Pre-Mix Asphalt	\$125,067	\$65,120	\$90,000
	<b>\$2,383,026</b>	<b>\$1,554,678</b>	<b>\$2,210,000</b>

These accounts equate to approximately **\$173,000** in available funds. The remaining shortfall of \$29,000 can be made up by freezing or putting purchasing restrictions on multiple accounts within Public Services. These freezes/restrictions will result in the sweeping taking longer in the spring, delaying screening loam until July, and delaying the purchase of replacement plow edges for next winter for example.

# City of Auburn, Maine

*"Maine's City of Opportunity"*

Public Services Department  
Recreation Division



**TO:** Jonathan Labonte, Mayor  
Sue Clements-Dallaire, City Clerk  
Dave Gonyea, Chair, Recreation & Special Events Advisory Board  
**FROM:** Ravi Sharma, Recreation Operations Manager  
**DATE:** 3/21/14  
**SUBJECT:** Recreation & Special Events Advisory Board

This memo is intended to serve as notice of a vacancy on the Recreation & Special Events Advisory Board as outlined in the Code of Ordinances, Part II, Chapter 2, Article V, Division 3, Sec. 2-456.

The City Clerk informed Robert Sevigny of his appointment to the Recreation & Special Events Advisory Board by letter and email correspondence on, or about December 13, 2013. Mr. Sevigny has been absent for three consecutive meetings without excuse. This creates a vacancy in membership and the need for appointment of a replacement member.



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** April 7, 2014

**Proclamation**

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

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

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

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

**Subject:** National Distracted Driving Enforcement Campaign Proclamation.

**Information:** April 7 through April 15, 2014 has been selected as the National Distracted Driving Enforcement Campaign. The Auburn Police Department has been awarded the “**Target Zero**” – Teen Driver Safety Grant and is working with Edward Little High School and St. Dom’s Regional High School students to bring awareness to the dangers and ramifications of the various types of distracted driving.

ELHS and St. Dom’s students recently worked with our School Resource Officer to develop questions for a survey which was administered to all licensed drivers. Results of the surveys are being compiled and will be made available to school administration, law enforcement and the Maine Bureau of Highway Safety.

Other activities are being planned to impress upon students and citizens of the importance of “**Parking your Phone AND other electronic devices**” when you are behind the wheel of your car.

**Financial:** n/a

**Action Requested at this Meeting:** Mayor LaBonte and Members of the City Council proclaim and pronounce April 7-15, 2014 as the National Distracted Driving Enforcement Campaign in the City of Auburn.

**Previous Meetings and History:**

- March 3, 2014 – Presentation on Auburn Police Department “Teen Driver Safety – **Target Zero**” grant.

**Attachments:**

- National Distracted Driving Enforcement Campaign Proclamation

\*Agenda items are not limited to these categories.



## 2014 National Distracted Driving Enforcement Campaign

### *National Distracted Driving Enforcement Campaign Proclamation*

*By*  
**Mayor Jonathan LaBonte**  
*Of the*  
**City of Auburn, Maine**

- WHEREAS,** distracted driving is a serious, life-threatening practice that is preventable; and
- WHEREAS,** distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and
- WHEREAS,** distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and
- WHEREAS,** the increased health and well-being of Auburn, Maine citizens are a direct result of increased enforcement and awareness about the dangers of distracted driving; and
- WHEREAS,** in order to reduce the number of crashes as well as improve driver safety, Auburn, Maine motorists should commit to adopting and maintaining safe behavior while behind the wheel; and
- WHEREAS,** April 7 through April 15, 2014, has been selected as the *National Distracted Driving Enforcement Campaign*;
- AND WHEREAS,** increased high-visibility enforcement of distracted driving laws coupled with publicity has proven to be an effective method to reduce distracted driving and save lives;

**NOW, THEREFORE, I, Mayor Jonathan LaBonte of the City of Auburn,** do hereby proclaim and pronounce April 7-15, 2014, as the *National Distracted Driving Enforcement Campaign* in the **City of Auburn, in Androscoggin County in the State of Maine,** and urge all citizens to always put the cell phone down, focus on the road, and buckle up when driving on our roadways. Drivers are reminded that if they drive and text, they will pay.

**IN WITNESS WHEREOF,** I have hereunto set my hand on behalf of **the City of Auburn in Androscoggin County, in the state of Maine.**







## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** April 7, 2014

**Order** 30-04072014

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

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

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

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

**Subject:** Approving the liquor license application for Twin Cities Group, Inc., DBA The Munroe Inn located at 123 Pleasant Street.

**Information:** The Munroe Inn, 123 Pleasant Street in Auburn is an existing business (Bed and Breakfast) that has changed ownership. The new owners have applied for a liquor license which would allow them to serve beer and wine at the establishment. Police, Fire and Code have completed inspections and approvals have been granted.

Included in the supporting documents are 28-A sections 351 and 701 on proximity to churches and schools and proximity to schools; exception. This will address previous Council questions that have come up when reviewing previous liquor license applications as to why the State applications ask what the distance is to the nearest church or school. I also discussed this with the State Liquor inspector who confirmed that it is not the responsibility of the Municipality to determine if the proximity requirements have been met; it is the responsibility of the State inspector. If it is determined by the State inspector that the establishment was within the 300 foot restricted area, the State would then deny their license or hold a public hearing to determine whether or not to allow them to operate within that area.

**Financial:** N/A

**Action Requested at this Meeting:** Public Hearing and recommend approval of the liquor license.

**Previous Meetings and History:** N/A

### Attachments:

- Liquor License application
- Criminal background check
- Copy of Public Hearing
- Title 28-A section 351 Proximity to churches and schools
- Title 28-A section 701 Proximity to schools; exception
- Order 30-04072014

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

**Department of Public Safety  
Division**



**Liquor Licensing & Inspection**

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

**BUREAU USE ONLY**

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

**PRESENT LICENSE EXPIRES**

New

**INDICATE TYPE OF PRIVILEGE:** ☒ MALT ☐ SPIRITUOUS ☒ VINOUS

**INDICATE TYPE OF LICENSE:**

RESTAURANT (Class I,II,III,IV)

HOTEL-OPTIONAL FOOD (Class I-A)

CLASS A LOUNGE (Class X)

☒ CLUB (Class V) Bed + Breakfast

TAVERN (Class IV)

RESTAURANT/LOUNGE (Class XI)

☒ HOTEL (Class I,II,III,IV)

CLUB-ON PREMISE CATERING (Class I)

GOLF CLUB (Class I,II,III,IV)

OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> - (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Olga Dolgic</u> <b>DOB:</b> <u>10/29/62</u>		<b>2. Business Name (D/B/A)</b> <u>Twin Cities Group Inc.</u>	
<b>DOB:</b>		<u>DAA The Munroe Inn</u>	
<b>DOB:</b>		<b>Location (Street Address)</b> <u>123 Pleasant Street</u>	
<b>Address</b> <u>123 Pleasant Street</u>		<b>City/Town</b> <u>Auburn</u>	<b>State</b> <u>ME</u> <b>Zip Code</b> <u>04210</u>
		<b>Mailing Address</b> <u>123 Pleasant St.</u>	
<b>City/Town</b> <u>Auburn</u>	<b>State</b> <u>ME</u>	<b>Zip Code</b> <u>04210</u>	<b>City/Town</b> <u>Auburn</u>
<b>Telephone Number</b> <u>207-376-3266</u>	<b>Fax Number</b> <u>631-489 0122</u>	<b>Business Telephone Number</b> <u>207-376-3266</u>	<b>Fax Number</b>
<b>Federal I.D. #</b> <u>066-78-4909</u>		<b>Seller Certificate #</b>	

3. If premises are a hotel, indicate number of rooms available for transient guests: 4
4. State amount of gross income from period of last license: ROOMS \$ NA FOOD \$ NA LIQUOR \$ NA
5. Is applicant a corporation, limited liability company or limited partnership? ☒ YES ☐ NO
6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO
7. If manager is to be employed, give name: Olga Dolgic
8. If business is NEW or under new ownership, indicate starting date: 2/28/2014  
Requested inspection date: \_\_\_\_\_ Business hours: 9-5 pm
9. Business records are located at: 123 Pleasant Street, Auburn ME 04210
10. Is/are applicants(s) citizens of the United States? ☒ YES ☐ NO

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
<u>Olga Dolgier (Matvienko)</u>	<u>10/29/62</u>	<u>USSR</u>

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

N.Y., N.Y.

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

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

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

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

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) 3 Floors mansion run as Bed & breakfast, 4 Rooms

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

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? YES Which of the above is nearest? Church & Pleasant Street 1 street over

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

If YES, give details: \_\_\_\_\_

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

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

Dated at: Amherst ME on 3/17, 2014  
Town/City, State Date

[Signature]  
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)

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

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

1. Exact Corporate Name: Twin Cities Group Inc  
Business D/B/A Name: The Munroe Inn
2. Date of Incorporation: 01/09/2014
3. State in which you are incorporated: Maine
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Olga Dolgier	7 West 96th St. NYC NY 10025	10/29/62	100%	President

6. What is the amount of authorized stock? 1000 Outstanding Stock? 0
7. Is any principal officer of the corporation a law enforcement official? ( ) YES ☒ NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? ( ) YES ☒ NO.
9. If yes, please complete the following: Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_

Location: \_\_\_\_\_ Disposition: \_\_\_\_\_

Dated at: Burlington, 3/17/2014 On: \_\_\_\_\_  
City/Town Date

Signature of Duly Authorized Officer

Date: 3/17/2014

Print Name of Duly Authorized Officer  
Olga Dolgier

STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS  
City/Town (County)

On: \_\_\_\_\_  
Date

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

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

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

Print Name

*Olge Dolgier*

Print Name

### NOTICE – SPECIAL ATTENTION

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

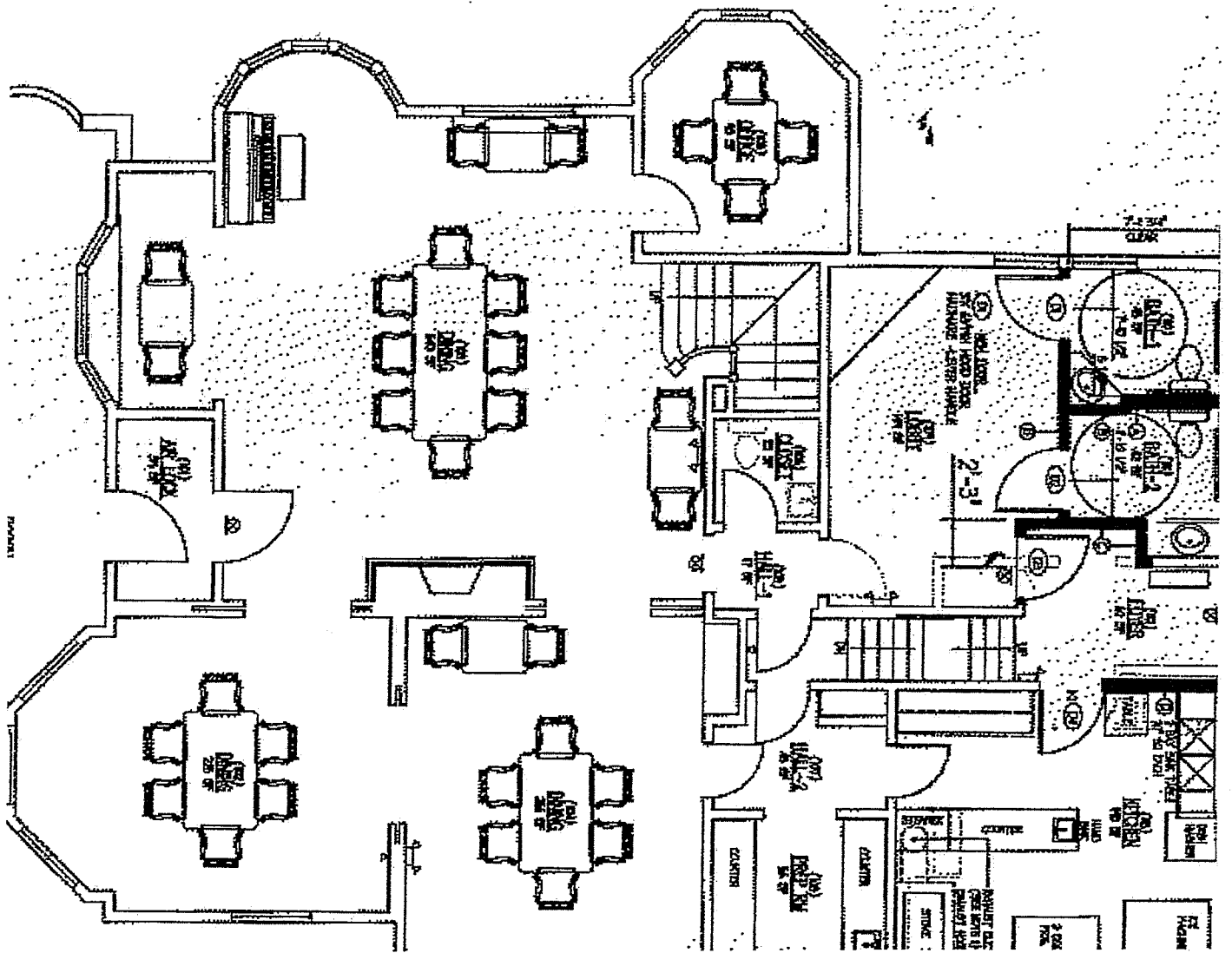
**THIS APPROVAL EXPIRES IN 60 DAYS.**

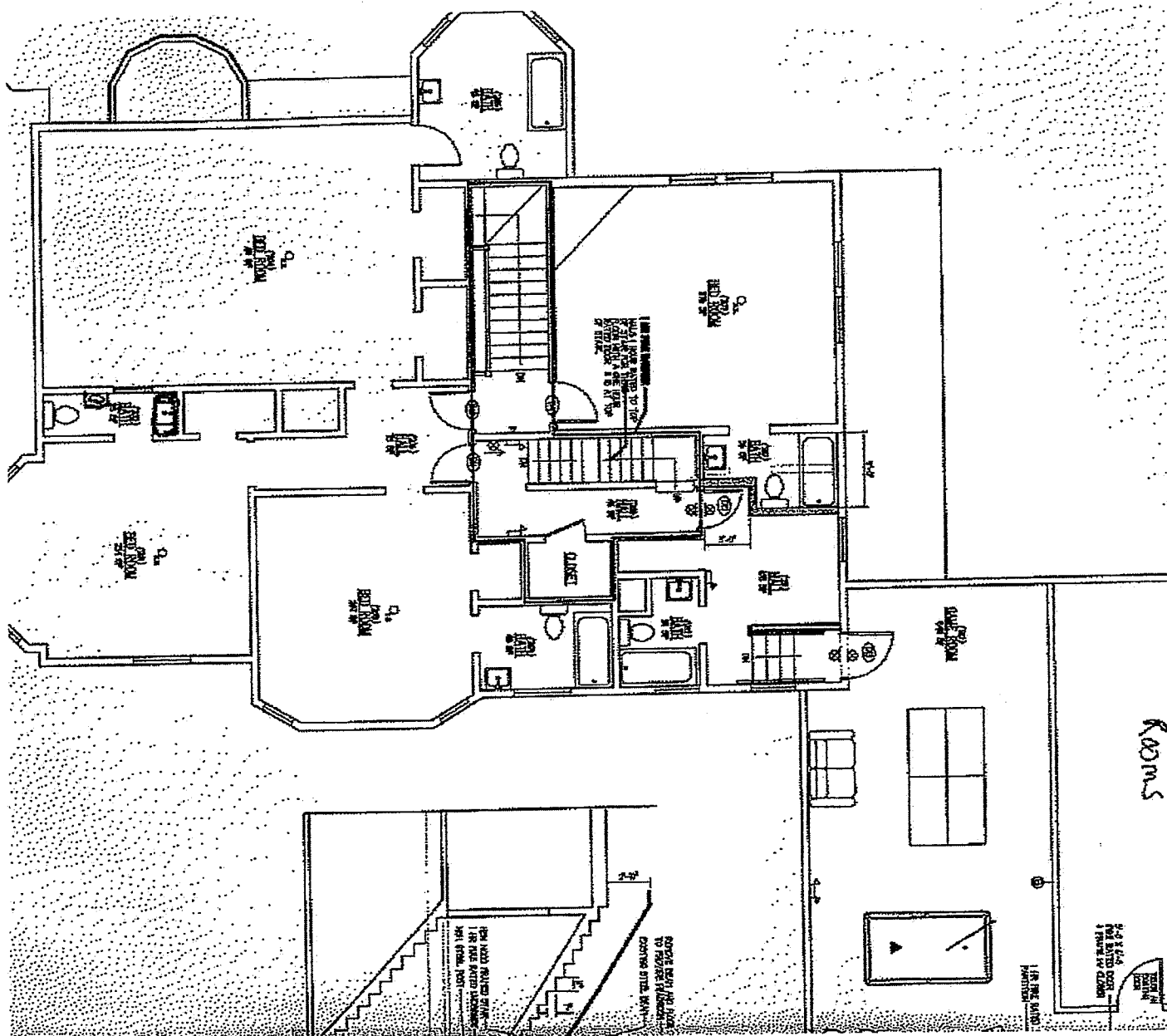
### FEE SCHEDULE

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

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

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





2nd Floor





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

OLGA DOLGICER  
123 PLEASANT STREET  
AUBURN, ME 04210

Transaction Response #: MIQ99C100010

## Criminal History Record

### Introduction

This rap sheet was produced in response to the following request ( Produced on 2014-03-25 ) :

Inquiries Name(s) OLGA DOLGICER (1962-10-29) SSN Date Finger Printed

NO MATCH WAS FOUND FOR YOUR REQUEST.



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

OLGA DOLGICER  
123 PLEASANT STREET  
AUBURN, ME 04210

Transaction Response #: MIQ99C100011

## Criminal History Record

### Introduction

This rap sheet was produced in response to the following request ( Produced on  
2014-03-25 ) :

Inquiries Name(s)      OLGA MATVIENKO (1962-10-29) SSN *Date Finger Printed*

**NO MATCH WAS FOUND FOR YOUR REQUEST.**



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

OLGA DOLGICER  
123 PLEASANT STREET  
AUBURN, ME 04210

Transaction Response #: MIQ99C100009

## Criminal History Record

### Introduction

This rap sheet was produced in response to the following request ( Produced on  
2014-03-25 ) :

Inquiries Name(s) OLGA POSTLETHWAITE (1962-10-29) SSN Date Finger Printed

NO MATCH WAS FOUND FOR YOUR REQUEST.

**CITY OF AUBURN  
PUBLIC NOTICE**

A public hearing will be held by the Auburn City Council on Monday, April 7, 2014 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License Application for:

**Twin Cities Group, Inc. DBA The Munroe Inn  
123 Pleasant Street, Auburn, Maine**

All interested persons may appear and will be given the opportunity to be heard before final action is taken.

To run April 3, 4, and 5, 2014.

## Maine Revised Statutes

<a href="#">▼ §351 PDF</a> <a href="#">▼ §351 MS-WORD</a> <a href="#">➤ STATUTE SEARCH</a> <a href="#">↩ CH. 15 CONTENTS</a> <a href="#">↩ TITLE 28-A</a> <b>CONTENTS</b> <a href="#">↩ LIST OF TITLES</a> <a href="#">➤ DISCLAIMER</a> <a href="#">↩ MAINE LAW</a> <a href="#">↩ REVISOR'S OFFICE</a> <a href="#">↩ MAINE LEGISLATURE</a>	<b>§201</b>  <b>Title 28-A:</b> <b>LIQUORS</b> <b>Part 2: AGENCY LIQUOR STORES</b> <b>Chapter 15: AGENCY LIQUOR STORES</b>  <b>§351. Proximity to churches and schools</b>	<b>§352</b>
--	---	-------------

**1. Agency liquor store may not be located within 300 feet of school or church.** The bureau may not license an agency liquor store located within 300 feet of any public or private school, church, chapel or parish house.

A. The bureau, after holding a public hearing near the proposed location, may locate an agency liquor store within 300 feet of a church, chapel, parish house or postsecondary school. [1997, c. 373, §38 (AMD).]

[ 2013, c. 368, Pt. V, §26 (AMD) .]

**2. Method of measurement.** The distance must be measured from the main entrance of the agency liquor store to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel.

[ 2013, c. 368, Pt. V, §26 (AMD) .]

SECTION HISTORY  
 1987, c. 45, §4 (NEW). 1987, c. 342, §20 (AMD). 1997, c. 373, §38 (AMD). 2013, c. 368, Pt. V, §26 (AMD).

*Data for this page extracted on 12/03/2013 12:00:19.*

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.  
 If you need legal advice, please consult a qualified attorney.**

Office of the Revisor of Statutes  
 7 State House Station  
 State House Room 108  
 Augusta, Maine 04333-0007

## Maine Revised Statutes

§654

Title 28-A:

§702

▼ §701 PDF

▼ §701 MS-WORD

▼ STATUTE SEARCH

▼ CH. 29 CONTENTS

▼ TITLE 28-A

CONTENTS

▼ LIST OF TITLES

▼ DISCLAIMER

▼ MAINE LAW

▼ REVISOR'S OFFICE

▼ MAINE LEGISLATURE

### LIQUORS

#### Part 3: LICENSES FOR SALE OF LIQUOR

##### Subpart 1: GENERAL PROVISIONS

##### Chapter 29: LICENSE RESTRICTIONS

#### §701. Proximity to schools; exception

**1. Location within 300 feet of churches and schools.** Except as provided in paragraphs B and C, the bureau may not issue a new license for the sale of liquor to be consumed on the premises to new premises within 300 feet of a public or private school, school dormitory, church, chapel or parish house in existence as such at the time the application for the new license is made.

B. The bureau may after holding a public hearing near the proposed location issue licenses to premises that are either in or within 300 feet of a church, chapel, parish house or postsecondary school. [1997, c. 373, §64 (AMD).]

C. The restriction in this subsection does not apply if a public or private school, school dormitory, church, chapel or parish house:

(1) Locates in a commercial zone that includes restaurants or bars as permitted uses and that had been established pursuant to a zoning ordinance as defined in Title 30-A, section 4301, subsection 15-A prior to the public or private school, school dormitory, church, chapel or parish house locating in the commercial zone; or

(2) Is located in a downtown as defined in Title 30-A, section 4301, subsection 5-A. [2005, c. 269, §1 (NEW).]

[ 2005, c. 269, §1 (AMD) .]

**2. Method of measurement.** The distance must be measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel.

[ 1987, c. 45, Pt. A, §4 (NEW) .]

#### SECTION HISTORY


1987, c. 45, §A4 (NEW). 1987, c. 342, §33 (AMD). 1997, c. 373, §64 (AMD). 2005, c. 269, §1 (AMD).

*Data for this page extracted on 12/03/2013 12:00:19.*

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interpretation of Maine law to the public.  
If you need legal advice, please consult a qualified attorney.**


**Office of the Revisor of Statutes**

**7 State House Station  
State House Room 108  
Augusta, Maine 04333-0007**

 [§701 PDF](#)


 [§701 MS-WORD](#)

 [STATUTE SEARCH](#)

 [CH. 29 CONTENTS](#)


 [TITLE 28-A](#)

[CONTENTS](#)

 [LIST OF TITLES](#)

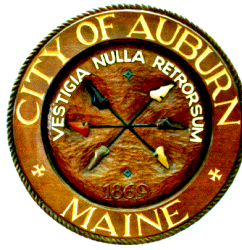
 [DISCLAIMER](#)

 [MAINE LAW](#)

 [REVISOR'S OFFICE](#)

 [MAINE LEGISLATURE](#)

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
Adam Lee, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
David Young, At Large

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 30-04072014**

ORDERED, that the Auburn City Council hereby approves the liquor license application for Twin Cities Group, Inc., DBA The Munroe Inn located at 123 Pleasant Street.





## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** April 7, 2014

**Public Hearing**

**Author:** Reine Mynahan, Community Development Director

**Subject:** Public Hearing for FY2014 Community Development Program

---

**Information:** According to the requirements of the Community Development, a public hearing should be held prior to adoption of the budget. The public hearing has been set for April 7, 2014.

---

**Financial:** N/A

---

**Action Requested at this Meeting:** Conduct public hearing. Respond to comments.

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**Previous Meetings and History:** Workshop of March 17 and March 31, 2014

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**Attachments:**

Revised budgets for Community Development Block Grant and HOME Investment Partnerships Program.



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** April 7, 2014

**Order** 31-04072014

**Author:** Reine Mynahan, Community Development Director

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

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

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

**Subject:** Citizen Participation Plan

**Information:** Revisions have been made to the Citizen Participation Plan as suggested by Mayor Labonte (see pages 3-5). The changes include revisions to the desired membership of the CAC committee, language that stipulates meetings to be held in 3 target areas, and the inclusion of performance measures.

**Financial:** Receipt of Community Development and HOME Investment Partnerships Program grant funds are contingent upon meeting certain federal regulations, one of which is compliance with citizen participation.

**Action Requested at this Meeting:** Adopt

**Previous Meetings and History:** January 6, 2014

**Attachments:**

- Draft Citizen Participation Plan with changes
- Clean version of Citizen Participation Plan
- Order 31-04072014

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

# DRAFT CITY OF AUBURN CITIZEN PARTICIPATION PLAN 2015-2019

## **1. INTRODUCTION**

The City of Auburn received an “entitlement” designation for Community Development Block Grant funds in 1974. These funds are used for a number of loan programs to promote housing and economic development. Funds are also used for public facilities and infrastructure, and for social services. In 2001, Auburn and Lewiston formed a consortium with Auburn as the lead agency to receive HOME Investment Partnerships Program funds. The consortium was formed to meet the funding threshold for HOME funds.

The Department of Housing and Urban Development (HUD) requires recipients of its grant funds to prepare formal plans as a condition of receiving federal funds. These plans are intended to encourage communities to allocate federal resources to address local needs and market conditions.

In the next few months the City will be developing a Consolidated Plan (ConPlan). The ConPlan is a fact-based analysis of local housing needs that reflects the incidence and severity of housing problems among different segments of the population. The ConPlan articulates priorities for addressing the needs that have been documented and defines strategies and activities linked to these priorities. Community representatives and housing practitioners will have opportunities to help shape the development of priorities and strategies. The process is intended to assist with coordination among relevant agencies in both planning and implementation. The City works closely with Auburn Housing Authority (AHA) on housing matters.

Section 104(a) of the Housing and Community Development Act of 1974 requires that the City of Auburn follow a Citizen Participation Plan. In order to comply with HUD regulations, the Community Development Department has prepared the following plan which outlines the process through which citizens will be informed of and involved in the Community Development Program. The Community Development Program involves funding of both the Community Development Block Grant and HOME Investment Partnerships (HOME) Program.

The Citizen’s Participation Plan is an effort to create a collaborative process whereby citizens assist in developing a vision for community development housing actions. The City Council will consider both public comments and recommendations of the Citizen’s Advisory Committee (CAC) in making decisions to allocate Community Development and HOME resources.

To affirmatively encourage citizen participation, the following plan elements shall be implemented in the execution of the Community Development Program.

## **2. GOAL**

The goal of the Citizen Participation Plan is to provide Auburn citizens with an opportunity to participate in various processes of the Community Development Program. Citizen participation shall be conducted in an open manner with appropriate and timely dissemination of information pertinent to all plans and programs. The emphasis of this Citizen Participation Plan is to involve persons who are most likely to be affected by and utilize the Community Development Program, especially persons of low income, persons with special needs, and persons living in target areas.

## **3. OBJECTIVES**

The objectives of the Citizen Participation Plan are to:

- Encourage citizen participation with particular emphasis on participation by persons who are of low income, special needs, and persons who live in or own property in a target area;
- Provide citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed and actual use of funds;
- Provide technical assistance to groups or representative of persons of low income that request such assistance in developing proposals with the level and type of assistance to be determined by the City;
- Obtain citizen views and answer questions at all stages of the Community Development process including development of needs, review of proposed activities and review of program performance;
- Provide for a timely written answer to complaints and grievances; and
- Provide for meeting the needs of non-English speaking residents and persons with special needs for accessibility or communication assistance at public meetings where a significant number of people are expected to participate.

## **4. PUBLIC PARTICIPATION**

### **A. NOTICES OF PUBLIC MEETINGS**

Public meetings are held to obtain views of citizens and public agencies with respect to the Community Development Program. Meeting notices will be published on the City's website.



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At least 15 days before submission a public notice will be placed in a local newspaper announcing the availability of the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER provides a review of program progress and performance of the Community Development Block Grant Program.

## **B. AVAILABILITY OF PUBLIC DOCUMENTS**

Documents will be available at the Community Development Department for perusal in an effort to provide readily accessible information to citizens. Historical records will be available for the previous five-year period. Documents that will be available are:

- Residential Anti-displacement;
- Relocation Assistance Plan and Affordable Rent Policy;
- Urban Conditions Study;
- Citizen Participation Plan;
- Community Development Block Grant Regulations;
- Environmental Review Records;
- Consolidated Annual Performance and Evaluation Report;
- Guidelines of various programs funded with Community Development and HOME Investment Partnerships Program funds; and
- Consolidated Plan and Annual Action Plans.

## **C. CITIZENS ADVISORY COMMITTEE**

~~A-The purpose of the~~ Citizen's Advisory Committee ~~will be created~~ is to assist in developing the Consolidated Plan and to monitor progress on achieving the goals and objectives of the plan. The committee will be made of ~~not more than~~ up to 20 Auburn residents. ~~11 persons who remain a standing committee for 5 years. It is the desire of the City Council that Committee members become more active in their role as Citizen's Advisory Committee members and remain a standing committee for 5 years. The Committee will meet on a regular basis to track progress in accomplishing the goals of the Consolidated Plan. There shall be three persons appointed by the Mayor who represent the interests of persons served by the Community Development Programs, one of which is a City Councilor. From the City's website~~ Community Development staff shall solicit members ~~members~~ who will be representative ~~of one of more~~ of the following categories: -;

- ~~a renter;~~
- ~~special needs population a person who has a disability or understands the special needs population; ; ;~~
- ~~a representative from Lewiston Auburn Alliance for Services to the Homeless~~

- ~~a representative of Auburn Housing Authority;~~
- ~~a realtor or landlord;~~
- ~~a non profit or for profit housing developer;~~
- ~~a person of minority race or ethnic background, community or faith based organization;~~
- ~~A person who has participated in a housing program; and~~
- ~~A person living in a target area.~~
- A person of minority race or ethnic background;
- 3 representatives of community or faith-based organizations, one of which represents the interests of homeless persons;
- A City Councilor; and
- 12-15 persons from target areas including residents, landlords and small business owners. There will be a minimum of 4 each from the Downtown, Union Street and New Auburn Target Areas.

~~At the first meeting, The CAC membership shall elect a chairperson-person amongst them to serve as facilitator of meetings, to serve as spokesperson, and to act as liaison with Community Development staff. and to serve as spokesperson for the CAC to the City Council.~~

The CAC shall assist with identifying measuring components associated with the Consolidated Plan that will evaluate the strength of and changes to three neighborhoods, Downtown, New Auburn and Union Street. The topics of measurement that are shall be associated with the goals and objectives of the Consolidated Plan.

## 1) CAC Meetings:

### a) Consolidated Plan

In year 20~~14~~14-15, the CAC will be involved in assisting with development of the 5-year Consolidated Plan by considering needs and resources, and prioritizing goals and objectives.

### b) Annual Action Plan

In the subsequent four years, the CAC will review the annual Consolidated Annual Action Plan for conformance with the Consolidated Plan.

### c) Consolidated Annual Performance and Evaluation Report (CAPER)

At the end of each program year, a performance report will be prepared. The CAC will meet after completion of the CAPER to consider progress in meeting the stated goals and objectives of the Consolidated Plan. The CAC will also review program performance, effectiveness, and evaluation.



d) The CAC may determine that other meetings are necessary to promote the goals of the Consolidated Plan. Establishing extra meetings will require a majority vote of the CAC.

## **2) Consolidated Plan Considerations:**

During the study process, the CAC will consider data on housing needs to establish priorities. The CAC will consider the needs of extremely low-income, low-income, moderate-income, and middle income families; renters and owners; persons who are elderly, disabled, persons with HIV/AIDS and their families; single persons, large families, public housing residents, families on the public housing or section 8 tenant-based waiting list, and homeless; consider specific problems such as cost-burden, severe cost-burden, substandard housing and overcrowding.

Three hearings shall be held in each target area of Downtown, New Auburn and Union Street to gather information about the concerns and needs of these neighborhoods. The comments from these hearings will be taken into consideration by the CAC when selecting priorities for the Consolidated Plan.

## **D. COMMUNITY DEVELOPMENT LOAN COMMITTEE**

Review of loans by the Community Development Loan Committee shall be another means of obtaining citizen participation, particularly by persons who are low income and persons who live in target areas. There shall be nine persons residing in Auburn appointed by the City Council to the Community Development Loan Committee, two of which are low-income persons and two who own property in target areas. Names of persons wishing to serve may be submitted to the City Council by soliciting involvement from a) clients who have participated in one of the Community Development Programs, b) persons living in federally subsidized housing, or c) persons who live in one of the target areas.

## **E. OTHER PUBLIC PARTICIPATION**

Community Development staff shall solicit input from citizens who may be affected by Community Development projects to give them an opportunity to express their views concerning problems, suggestions and alternatives to the proposed projects. A public notice will announce the availability of City documents and may include:

- amount of Community Development Block Grant funding to be received;
- eligible activities;
- general program requirements;
- previous years' use of funds;
- projected use of funds;

- time schedule for submitting the Consolidated Plan;
- amount of funds that will benefit very low, low, and low-moderate income persons; and plans to minimize displacement of persons and to assist persons.

#### F. CITY WEBSITE AND SOCIAL MEDIA NETWORKING

The City of Auburn's website will provide up-to-date information on the Community Development and HOME Investment Partnerships Programs. Meeting notices, ~~the~~ draft and adopted Consolidated Plan, Annual Action Plans, Consolidated Annual Performance and Evaluation Reports, various adopted guidelines and policies, and the Citizen Participation Plan will be available.

In order to reach a broader and younger audience, during the 5-year planning process the Community Development Department will also utilize an internet social networking site to provide important information on the Consolidated Plan and funding resources.

#### G. PUBLIC HEARINGS

Public hearings shall be held by the City Council and shall serve as additional forums for citizens to convey their views on community development and housing needs, and to respond to proposed budget. At least 10 days prior to public hearings, a notice shall be placed in the newspaper announcing the public hearing. The City Council will consider comments or views of citizens received in writing or orally at the public hearing. Public hearing will be held at Auburn Hall, a location that accommodates persons with disabilities. Public hearing shall be held as follows:

**1) Consolidated Plan** - A public hearing will be held prior to adoption of the Consolidated Plan. A draft Consolidated Plan will be available to the public 30 days prior to adoption. Copies will be available free of charge.

**2) Consolidated Annual Action Plan** - A public hearing will be held prior to adoption of each Consolidated Annual Action Plan. A draft Annual Action Plan will be available 30 days prior to adoption. Copies will be available free of charge.

**3) Amendments** - A public hearing will be held prior to adoption of any substantial amendments to the Consolidated Plan and Annual Action Plans. A substantial program amendment description will be available 14 days prior to adoption. Copies will be available free of charge.

**4) Consolidated Annual Performance and Evaluation Report** - A public hearing will be held prior to submission of the Consolidated Annual Performance and Evaluation



Report. The report will be available 30 days prior to submission. Copies will be available free of charge.

## **H. CONSIDERATION OF COMMENTS**

A summary of comments will be attached to the appropriate document and submitted to the City Council before an action is taken. The City Council shall consider comments of the CAC or others prior to final adoption of the Consolidated Plan, -Annual Action Plan, or Consolidated Annual Performance and Evaluation Report.

## **I. RESPONSE TO PROPOSALS/COMMENTS**

A staff member of the Community Development Department will respond to citizen comments or proposals. For every written proposal or comment, there will be a written response with reasons stated for whatever action the City has taken on the proposal. Oral proposals will receive oral responses, though they may be in writing.

## **5. SPECIAL CONSIDERATIONS**

### **A. ACCOMMODATIONS**

Where French is the primary language of a significant number of persons living in Auburn, a French-speaking person will be available at Auburn Hall who will provide assistance to translate basic program information. If non-English speaking persons are expected to attend a meeting, arrangements will be made to have a translator present.

Persons with special needs for mobility, hearing and visual impairments, or the homebound will be required to contact the Community Development Department in advance so that arrangements can be made to provide adequate communication assistance.

### **B. TECHNICAL ASSISTANCE**

Staff will provide direct assistance to low-income persons or their representative when forming proposals for Community Development activities. The level and type of assistance will be determined by Community Development staff and may not necessarily include the provision of funds to any person, group, or agency.

Staff will provide direct assistance to low income persons in their effort to progress through the various program processes. For the Rehabilitation Program, assistance will include preparing a loan application, submitting financial information, providing advice for soliciting bids, or upon request securing bids for a property owner, comparing and evaluating bids for conformance to required work, assisting to schedule rehabilitation work, managing the escrow

account, performing inspections to ensure quality work, acting as liaison between the contractor and property owner for complaints and resolving a variety of other problems. For the homebuyer programs, assistance will include preparing a loan application, submitting financial information, providing pre-qualification for housing affordability, credit counseling, and guiding the home purchase.

Staff will provide counseling to tenants who are in jeopardy of being displaced because of a federally funded project and provide relocation assistance to those who are being displaced. Tenants will be assisted when required to file relocation claim forms and to secure comparable housing that is decent, safe and sanitary.

Staff will make a credit counseling referral to low-income households to assist them become homeowners.

## **6. COMPLAINTS AND GRIEVANCES**

Citizens who have objections or complaints about the Community Development or HOME Programs may submit a written complaint to:

Community Development Block Grant Program  
City of Auburn  
60 Court Street  
Auburn, ME 04210  
Attention: Community Development ~~Administrator~~ Director

The complaint should include the date, name, address, telephone number of the complainant, convenient hour to reach that person by telephone, nature of the complaint and location. The complaint may also be given orally. The person initiating the complaint will schedule a meeting with the Community Development Director and a formal complaint will be formulated from the interview that will be signed by the complainant.

There will be a written response, within 15 days of receipt, to the complainant. The response will indicate the ultimate disposition of the complaint.

## **7. AMENDMENTS TO CONSOLIDATED PLAN**

Auburn will amend its Consolidated Plan whenever it makes one of the following decisions

- to change a goal, priority, or activity of the Consolidated Plan;
- to carry out an activity using funds from any program covered by the Consolidated Plan (including program income) not previously covered in the Consolidated Annual Action Plan; or

- to change the purpose, scope, location, or beneficiaries of an activity included in the Consolidated Annual Action Plan.

**a) Minor Amendment**

A minor amendment will be approved by the City Manager.

**b) Substantial Amendment**

A substantial amendment must be authorized by the City Council and submitted to the U. S. Department of Housing and Urban Development. A substantial amendment is defined as a change that exceeds 10% of the amount of annual Community Development or HOME Program budget (which includes the annual allocation, reprogrammed funds and program income) for the year in which the amendment is being considered. A public notice of the change will be published 30 days before adoption of an amendment by the City Council. An additional public hearing for a program amendment will be held in advance of a City Council vote.

# FINAL CITY OF AUBURN CITIZEN PARTICIPATION PLAN 2015-2019

## **1. INTRODUCTION**

The City of Auburn received an “entitlement” designation for Community Development Block Grant funds in 1974. These funds are used for a number of loan programs to promote housing and economic development. Funds are also used for public facilities and infrastructure, and for social services. In 2001, Auburn and Lewiston formed a consortium with Auburn as the lead agency to receive HOME Investment Partnerships Program funds. The consortium was formed to meet the funding threshold for HOME funds.

The Department of Housing and Urban Development (HUD) requires recipients of its grant funds to prepare formal plans as a condition of receiving federal funds. These plans are intended to encourage communities to allocate federal resources to address local needs and market conditions.

In the next few months the City will be developing a Consolidated Plan (ConPlan). The ConPlan is a fact-based analysis of local housing needs that reflects the incidence and severity of housing problems among different segments of the population. The ConPlan articulates priorities for addressing the needs that have been documented and defines strategies and activities linked to these priorities. Community representatives and housing practitioners will have opportunities to help shape the development of priorities and strategies. The process is intended to assist with coordination among relevant agencies in both planning and implementation. The City works closely with Auburn Housing Authority (AHA) on housing matters.

Section 104(a) of the Housing and Community Development Act of 1974 requires that the City of Auburn follow a Citizen Participation Plan. In order to comply with HUD regulations, the Community Development Department has prepared the following plan which outlines the process through which citizens will be informed of and involved in the Community Development Program. The Community Development Program involves funding of both the Community Development Block Grant and HOME Investment Partnerships (HOME) Program.

The Citizen’s Participation Plan is an effort to create a collaborative process whereby citizens assist in developing a vision for community development housing actions. The City Council will consider both public comments and recommendations of the Citizen’s Advisory Committee (CAC) in making decisions to allocate Community Development and HOME resources.

To affirmatively encourage citizen participation, the following plan elements shall be implemented in the execution of the Community Development Program.

## **2. GOAL**

The goal of the Citizen Participation Plan is to provide Auburn citizens with an opportunity to participate in various processes of the Community Development Program. Citizen participation shall be conducted in an open manner with appropriate and timely dissemination of information pertinent to all plans and programs. The emphasis of this Citizen Participation Plan is to involve persons who are most likely to be affected by and utilize the Community Development Program, especially persons of low income, persons with special needs, and persons living in target areas.

## **3. OBJECTIVES**

The objectives of the Citizen Participation Plan are to:

- Encourage citizen participation with particular emphasis on participation by persons who are of low income, special needs, and persons who live in or own property in a target area;
- Provide citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed and actual use of funds;
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- Obtain citizen views and answer questions at all stages of the Community Development process including development of needs, review of proposed activities and review of program performance;
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- A person of minority race or ethnic background;
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- 12-15 persons from target areas including residents, landlords and small business owners. There will be a minimum of 4 each from the Downtown, Union Street and New Auburn Target Areas.

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## **6. COMPLAINTS AND GRIEVANCES**

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Community Development Block Grant Program  
City of Auburn  
60 Court Street  
Auburn, ME 04210  
Attention: Community Development Director

The complaint should include the date, name, address, telephone number of the complainant, convenient hour to reach that person by telephone, nature of the complaint and location. The complaint may also be given orally. The person initiating the complaint will schedule a meeting with the Community Development Director and a formal complaint will be formulated from the interview that will be signed by the complainant.

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Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
Adam R. Lee, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
David Young, At Large

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 31-04072014**

ORDERED, that the City Council adopt the Citizen Participation Plan as recommended by the Community Development Director.



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** April 7, 2014

**Resolve** 05-04072014

**Author:** Clinton Deschene

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

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

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

**Subject:** FEMA ICE STORM POLICY

### Information:

The City of Auburn as well as all other communities in the County of Androscoggin and State of Maine experienced extraordinary costly ice storm impacts to its road infrastructure as the result of the unabated winter storms that occurred during the period of December 21<sup>st</sup>, 2013 thru January 1st 2014. To address this issue and seek federal assistance the County requested each community to report back all eligible costs associated with the event. The City of Auburn complied as did others. By doing so Androscoggin County was deemed eligible to seek federal assistance. After months of waiting and high expectations that the federal government would reimburse each municipality as they have faithfully done since the Ice Storm of 1998 and all other major natural events since. Now the federal government is claiming that the rules do not indicate a reimbursement of overtime and materials used. This is a direct hit against our claim and the State would be ineligible for reimbursement if that is the case.

Enclosed you will find a resolution to address our concern and disappointment with this decision. Each community in Androscoggin County is considering doing the same resolution and forwarding to County EMA so that it can be sent as a package to MEMA.

I will keep you apprised of the status if it changes.

**Financial:** \$100,000+ in eligible reimbursement costs were requested for processing.

**Action Requested at this Meeting:** Discussion/action

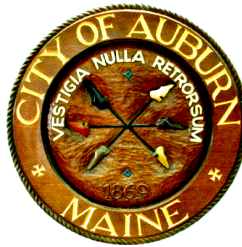
**Previous Meetings and History:** NONE

### Attachments:

- Resolve 05-04072014

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

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
Adam R. Lee, Ward Four



Jonathan P. LaBonte, Mayor

Leroy Walker, Ward Five  
Belinda Gerry, At Large  
David Young, At Large

## IN CITY COUNCIL

### RESOLVE 05-04072014

WHEREAS, The City of Auburn in the County of Androscoggin and State of Maine has been recognized by representatives of the Androscoggin Emergency Management Agency and Maine Emergency Management Agency MEMA as having experienced extraordinary costly ice storm impacts to its road infrastructure as the result of the unabated winter storms that occurred during the period of December 21<sup>st</sup>, 2013 thru January 1st 2014

AND WHEREAS Governor LePage of the State of Maine submitted a request for disaster assistance to the Federal Emergency Management Agency FEMA that would serve to support municipal and state depleted winter maintenance funding for emergency winter road maintenance and repair

AND WHEREAS The Federal Emergency Management Agency FEMA denied said request after designating road treatment costs as ineligible based on FEMA Snow Assistance and Severe Winter Storm Policy 9523.1 that excludes sand, salt and snow and ice road treatment expenditures, unless there is record or near-record snowfall

AND WHEREAS The FEMA definition of a severe winter storm means an event that occurs during the winter season and includes one or more of the following conditions: snow, ice, high winds, blizzard conditions and other wintry conditions and that causes substantial physical damages or loss to property where Municipal and State governments demonstrate that the capabilities to effectively respond to the event are or will be exceeded

AND WHEREAS the City disagrees with FEMA's interpretation of this policy application of Policy 9523.1 to ice storms and advocates for an "ice storm" policy addendum, and that this policy is to be effective for the requested dates December 21, 2103 thru January 1, 2014

AND WHEREAS the original, understandable, intent of FEMA Policy 9523.1 is that northern States such as Maine which are equipped for and budget for winter snowstorms should have to meet a very high standard to have a snowstorm qualify as a disaster. However, an ice storm with prolonged power outages in freezing conditions poses a more extreme threat to public safety in a northern than in a southern state where temperatures are likely to quickly moderate. Therefore the application of Policy 9523.1 to ice storms has unintended negative consequences for northern states

AND WHEREAS FEMA policy in other types of disasters, such as floods or hurricanes, is that maintenance of all roads during and after the event for the purpose of emergency vehicle access is eligible for disaster assistance. In freezing temperatures, roads must be treated with sand and salt in order to carry out the emergency function of power restoration. Therefore Policy 9523.1 is actually in conflict with other FEMA policies

BE IT THEREFORE RESOLVED that the Auburn City Council expresses its great support for the Maine Emergency Management Agency, MEMA in its advocacy for an amendment to the FEMA storm policy.

BE IT FURTHER RESOLVED That the Auburn City Council will exercise its appointed authority to engage other Maine municipalities in a united effort to bring national attention to the extent necessary and put on notice, our Congressional representatives that the ice storm damage experienced in these communities are very real and are worthy of their support and attention.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of the City of Auburn, Maine to be affixed at Auburn, Maine this 7<sup>th</sup> day of April, 2014.

Auburn City Council of the City of Auburn, Maine:

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Jonathon LaBonte, Mayor

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Tizz Crowley

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Mary Lafontaine

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Robert Hayes

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David Young

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Leroy Walker

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Adam Lee

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Belinda Gerry