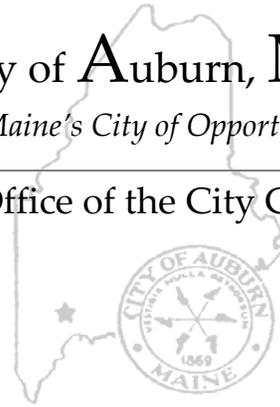


City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

February 6, 2006

This packet contains the City Council Agenda and supporting documents. The items in this packet are bookmarked in Adobe Acrobat .pdf format. You may need to click on the Bookmark tab on the left to open the Bookmark window. If you do not see a Bookmark tab on the left, you may need to select the Show/Hide Navigation Pane button in your icon toolbar above or update your version of the Adobe Reader. You can download the free Adobe Reader application at www.adobe.com.



City Council Meeting

February 6, 2006

7:00 P.M.

Agenda

5:30 p.m. Workshop

-Police Department Budget

7:00 p.m. Council Meeting

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.

Minutes

*020606-00 Minutes of January 23, 2006 Council Meeting

Reports

- Mayor
- City Councilors
- City Manager

-Police Department Budget (continued)

Communications and Recognitions

* 020606-00 Request from Councilor Bob Hayes to be excused from the Feb 6 Council Meeting

▪ Administration of Oath of Office – new Police Officers:

James Phillips
Michael Chaine
Jason Croft

Open Session - Members of the public are invited to speak to the Council about any issue which does *not* appear on the agenda

Old Business

020606-01 RESOLVE - Consent to Transfer of Industrial Revenue Bond Obligations from Morse Brothers, Incorporated to JWA Holdings, LLC

- more -

New Business

020606-2 Set date for second meeting in February (Feb 20th – President's Day)
Suggested date: Feb 27

ADJOURNMENT

Workshop

- Social Service Agency Funding requests
- Appointments to Boards & Committees (Executive Session)
- Economic Development Awards (Executive Session)

Executives Sessions: 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. Those applicable to municipal government are:

1. Discussion of personnel issues
2. Discussion or consideration of the condition, acquisition, or the use of real or personal property or economic development if premature disclosure of the information would prejudice the competitive or bargaining position of the body or agency.
3. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators.
4. Consultations between a body or agency and its attorney
5. Discussion 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.
6. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes
7. Consultations between municipal officers and a code enforcement officer relating to an enforcement matter pending in District Court.

**CITY OF AUBURN
JANUARY 23, 2006
CITY COUNCIL MEETING**

PRESENT

Mayor Normand W. Guay, Councilors Bethel B. Shields, Robert P. Hayes, Eric G. Samson, Donna L. Rowell, Belinda A. Gerry, Robert C. Mennealy, and M. Kelly Matzen, City Manager Pat Finnigan, and City Clerk Mary Lou Magno. There were 55 people in the audience.

Mayor Guay called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn Hall with a salute to the flag.

CONSENT AGENDA

Councilor Mennealy moved to accept, approve and place on file the following items listed with an asterisk. Seconded by Councilor Rowell. Vote: 7 Yeas.

ADD TO AGENDA

Councilor Gerry moved to add item #6 – Resolve – HOME Funding for Handicap Accessible Units at Stevens Mills Condominium Project. Seconded by Councilor Rowell. Vote: 6 Yeas with Councilor Matzen abstaining.

***MINUTES OF JANUARY 9, 2006**

Approved under consent agenda.

REPORTS OF THE MAYOR

Mayor Guay noted that he will appoint the Citizens Budget Committee.

Councilor Gerry noted that the City Charter does not allow the Mayor to make such appointments.

Councilor Gerry moved to go into Executive Session to discuss appointments. Seconded by Councilor Rowell. Vote: 4 Yeas with Councilor Shields, Hayes and Matzen voting Nay.

Councilor Gerry noted that there is a good cross section of residents and she feels comfortable with the fact that this committee will receive the same budget information as City Councilors.

Mayor Guay named the following people to serve on the Citizens Budget Committee: Jim Berube, Ronald Potvin, Randy Bolduc, Paul Raymond, Anna Camire, Robert Bernier, Larry Comeau, Robert Lussier, Jonathan Labonte, David Burke, Brian Demers, Kathy Leonard, Bill Leighton and Tammy Grieshaber.

Councilor Hayes moved to approve this committee. Seconded by Councilor Shields. Vote: 7 Yeas.

Councilor Mennealy moved to appoint Ed Desgrosseilliers to this committee. Seconded by Councilor Rowell. Vote: 4 Yeas with Councilor Shields, Hayes and Matzen voting Nay.

Mayor Guay noted that he recently gave a key to the City to Emily Beaulieu, a little girl from Litchfield who gave up her birthday gifts so that less fortunate children could have more.

REPORTS OF CITY COUNCILORS

Councilor Shields noted she recently attended a meeting at East Auburn where Pat Finnigan, Laurie Smith and Cheryl Dubois were available to answer questions and concerns expressed by residents.

Councilor Gerry requested that the City Manager, at the workshop on January 30th, report on the use of public buildings as it relates to our public policy and compare it to the cities of Lewiston and Portland.

REPORTS OF THE CITY MANAGER

FINANCE REPORT – MONTH OF DECEMBER

Councilor Hayes moved to accept and place on file the Finance Report for the month of December as presented by Pat Finnigan, City Manager. Seconded by Councilor Samson. Vote: 7 Yeas.

GENERAL ASSISTANCE QUARTERLY REPORT

Councilor Gerry moved to accept and place on file the General Assistance Quarterly Report as prepared and presented by Dot Meagher, Director of Health and Social Services. Seconded by Councilor Rowell. Vote: 7 Yeas.

COMMUNICATIONS AND RECOGNITIONS

***COMMUNICATION FROM POLICE CHIEF SMALL RE: CONSTABLE**

Approved under consent agenda.

OPEN SESSION

The following people made comments during the Open Session: Ed Desgrosseilliers, 121 Hatch Road noted that he would have to decline the nomination to the Citizen Budget Committee due to other personal commitments; Ron Potvin, 82 Northern Avenue; Leo Camire, 9 Eastman Lane; Paul Raymond, 104 Second Street; Cheryl Banyen, 120 Third Street; Dick Bussiere, 9 Winter Street; Brian Demers, 1085 Riverside Drive; Larry Pelletier, 129 Second Street; Gabe Couture, 440 Hatch Road; a gentleman from Carson Street; Dan Herrick, 470 Hatch Road; Deana Chapman, 224 South Main Street; David Rowell, 95 Monroe Street; and Walter Reed, 173 Third Street.

OPEN SESSION CLOSED

Mayor Guay called for a five minute recess. Mayor Guay called the meeting back to order.

OLD BUSINESS

None

NEW BUSINESS

1. ORDER – APPOINTMENT OF THE CITY FINANCE DIRECTOR - CHRISTOPHER TRENHOLM

Councilor Matzen moved for passage of the order. Seconded by Councilor Gerry. Pat Finnigan, City Manager, introduced Chris Trenholm to the Council and members of the audience. Vote: 7 Yeas.

2. ORDER – APPOINTMENT OF CITY TREASURER

Councilor Shields moved for passage of the order. Seconded by Councilor Mennealy. Vote: 7 Yeas.

3. RESOLVE – AMENDMENT OF THE CITIZEN PARTICIPATION PLAN OF THE COMMUNITY DEVELOPMENT PROGRAM (PUBLIC HEARING AND ACTION THEREON)

Councilor Samson moved for passage of the resolve. Seconded by Councilor Shields.

Mayor Guay opened the public hearing.

Fern Lake, 612 South Main Street, questioned on page 7 Section 7a. the deletion of the publication requirement.

Mayor Guay closed the public hearing.

Councilor Samson moved to amend the motion by reinstating the following sentence in Section 7a – A public notice of the change will be published 30 days prior to implementation. Seconded by Councilor Gerry. Vote on the amendment: 6 Yeas with Councilor Matzen abstaining.

Vote on passage of the resolve as amended: 6 Yeas with Councilor Matzen abstaining.

4. RESOLVE – AMENDMENT OF THE 2005-09 CONSOLIDATED PLAN AND 2005 ACTION PLAN OF THE COMMUNITY DEVELOPMENT PROGRAM (PUBLIC HEARING AND ACTION THEREON)

Councilor Samson moved for passage of the resolve. Seconded by Councilor Gerry. Mayor Guay opened and closed the public hearing with no public comment.

Vote: 6 Yeas with Councilor Matzen abstaining.

5. ORDER – AUTHORIZING THE CITY MANAGER TO ENTER INTO EASEMENT AGREEMENTS WITH PUBLIC UTILITY COMPANIES

Councilor Rowell moved for passage of the order. Seconded by Councilor Mennealy. Vote: 7 Yeas.

6. RESOLVE – HOME FUNDING FOR HANDICAP ACCESSIBLE UNITS AT STEVENS MILLS CONDOMINIUM PROJECT

Councilor Shields moved for passage of the resolve. Seconded by Councilor Hayes. Vote: 6 Yeas with Councilor Matzen abstaining.

ADD TO AGENDA

Councilor Gerry moved to add an item to the agenda – Acknowledgement of Receipt of Petitions. Seconded by Councilor Rowell. Vote: 7 Yeas.

ACKNOWLEDGMENT OF RECEIPT OF PETITIONS

Councilor Gerry moved to acknowledge receipt of the petitions submitted by Deana Chapman, Vice-Chair of the United Citizens of Auburn entitled “We, the taxpayers of the City of Auburn object to the last property evaluation and the anticipated mill rate”. Seconded by Councilor Rowell. Vote: 7 Yeas.

Councilor Rowell questioned the status of the City Manager’s performance evaluation. Mayor Guay indicated he is still waiting for two Councilors to complete the evaluation.

Councilor Mennealy requested that the City Manager research the cost of a random sampling of the revaluation and report back to the Council.

ADJOURNMENT – 10:10 p.m.

Councilor Mennealy moved to adjourn. Seconded by Councilor Samson. Vote: 7 Yeas.

A TRUE RECORD

ATTEST: _____
City Clerk

MEMO

TO: Mayor Guay and City Councilors

FROM: Councilor Hayes

SUBJ: Excused from Council Meeting

DATE: February 2, 2006

Respectfully request that the City Council excuse me from the February 6th City Council Meeting.

Thank you for this consideration.

City Council

Agenda Information Sheet

Council Meeting Date: Feb 6, 2006 **Agenda Item No.** 1

SUBJECT: RESOLVE – Consent to Transfer Industrial Revenue Bond Obligations from Morse Brothers, Incorporated to JWA Holdings, LLC

INFORMATION:

Companies which are involved in certain types of businesses are eligible for Industrial Revenue Bond financing. These bonds are issued through the Finance Authority of Maine (FAME). They are not the financial obligation of the City or the taxpayers. However, the City where the business is located must give its consent before a business may apply for and receive such financing.

In 1997, the City Council was approached by Morse Brothers, Inc., a bark mulch production company, for approval to apply for Industrial Revenue Bond (IRB) financing through the Finance Authority of Maine (FAME). Morse Brothers, which was located in Southern Maine, needed to expand; they selected Auburn as the site for its expansion. The City Council determined that Morse Brothers, Inc was eligible for IRB financing.

In May 2001, the City Council approved issuance of a \$5.3 million Industrial Revenue Bond for Morse Brothers. The company built its plant on Lewiston Junction Road. The company wishes to sell the business to a new owner: JWA Holdings, LLC. As part of the sales transaction, the Industrial Revenue Bond would be transferred to the new owner. Before such transfer can take place, the City Council must give its consent.

The purpose of this Resolve is for the City Council to allow the transfer of the Industrial Revenue Bond, thus making repayment of the bond the responsibility of the new owner of the company.

STAFF COMMENTS/RECOMMENDATION:

Staff recommends approval of the transfer of the Industrial revenue Bond

REQUESTED ACTION:

Motion for passage of the Resolve and approval.

VOTE:

City of Auburn

City Council, Auburn, Maine
Date: February 6, 2006

TITLE: RESOLVE - Consent to Transfer of Industrial Revenue Bond Obligations from Morse Brothers, Incorporated to JWA Holdings, LLC

Be It Resolved by the Auburn City Council that:

WHEREAS, pursuant to a Findings of Fact and a Resolution adopted by the Auburn City Council on May 7, 2001, the City of Auburn issued its Revenue Obligation Securities (2001 Morse Brothers Project) dated July 5, 2001 in the principal amount of \$5,350,000 (the "Bonds"); and

WHEREAS, the Bonds were issued pursuant to a Loan and Trust Agreement dated as of June 1, 2001 as amended on March 30, 2002 among the City, Morse Brothers, Incorporated, MB Bagging Corp., and No. 224 LLC (the "Borrowers") and the Chase Manhattan Bank as Trustee (the "Loan Agreement"); and

WHEREAS, the Borrowers now desire to convey the Project (as defined in the Loan Agreement) and related obligations with respect to the Bonds to JWA Holdings, LLC (together with any affiliate or designee, the "New Borrower"); and

WHEREAS, pursuant to Section 408 of the Loan Agreement, the Borrowers may not convey the Project to the New Borrower unless they obtain the consent of the Issuer, which consent shall not be unreasonably withheld; and

WHEREAS, the City desires to consent to such conveyance.

NOW, THEREFORE, the City Council of the City of Auburn hereby resolves:

1. That the City hereby consents to the conveyance of the Project and related obligations with respect to the Bonds from the Borrowers to the New Borrower.
2. The City Manager, Acting Finance Director and other proper officials and representatives of the City be and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such other acts and things, and to execute and deliver any agreements, certificates or other documents as may be necessary or desirable in order to effect the transaction described in the foregoing paragraph.

Motion for passage

By: _____

Seconded by _____

Vote:

Action by the City Council:

Date:

Attest:

City Clerk