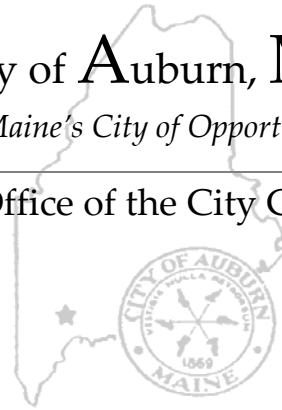


# City of Auburn, Maine

*"Maine's City of Opportunity"*

Office of the City Clerk



## Council Meeting Agenda Packet

March 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](http://www.adobe.com).



# City Council Meeting

## March 6, 2006

### 7:00 P.M.

## Agenda

### 5:30 p.m. Workshop

Land Acquisition (Executive Session)  
Discussion: Council Agenda Items

### 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

\*030606-00 Minutes of February 27, 2006 Council Meeting

### Reports

- Mayor
  - City Councilors
  - City Manager
- Planning & Permitting Department Budget  
- Updates

### Communications and Recognitions

\*030606-00 Communication from Auburn School Department Re: Waive License Fees

**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

### New Business

030606-01 Resolve – To Authorize Retroactive State of Maine School Revolving Renovation Fund Loan Forgiveness Grant for Edward Little High School Renovations

030606-02 Resolve – To Authorize a Supplemental Appropriation of State Funds for School Construction Debt Service

030606-03 Order – Designating Certain Areas as “Safe Zones”

- 030606-04 Appointments
- Community Forest Board
  - Water District
  - Sewer District

030606-05 Resolve – Adopting the National Incident Management System(NIMS)

## ADJOURNMENT

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**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  
FEBRUARY 27, 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, Assistant City Manager Laurie Smith and City Clerk Mary Lou Magno. There were 37 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 Shields moved to accept, approve and place on file the following items listed with an asterisk. Seconded by Councilor Mennealy. Vote: 7 Yeas.

**\*MINUTES OF FEBRUARY 6<sup>TH</sup> AND 13<sup>TH</sup>, 2006**

Approved under consent agenda.

**TAKE ITEM OUT OF ORDER**

Councilor Matzen moved that item #2 be taken out of order. Seconded by Councilor Shields. Vote: 7 Yeas.

**2. PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS FOR  
LONGHORN STEAKHOUSE AND THE FISHERY.**

Mayor Guay opened the public hearing: Barry Gerstein, representing Longhorn Steakhouse and William Hathaway, owner of The Fishery both spoke in favor of the above request. Mayor Guay closed the public hearing.

Councilor Gerry moved that both applications be approved. Seconded by Councilor Hayes. Vote: 7 Yeas.

**REPORTS OF THE MAYOR**

None

**REPORTS OF CITY COUNCILORS**

None

**REPORTS OF THE CITY MANAGER**

**FINANCE REPORT – MONTH OF JANUARY**

Councilor Samson moved to accept and place on file the Finance Report for the month of January as prepared and presented by Chris Trenholm, Finance Director. Seconded by Councilor Mennealy. Vote: 7 Yeas.

**FIRE DEPARTMENT BUDGET**

Chief Wayne Werts, Deputy Chief Raymond Lussier and Fire Prevention Officer Gary Simard presented the Fire Department Budget for fiscal year 2006-07.

**UPDATES**

Pat Finnigan, City Manager, noted that the Assessing Staff is now conducting site visits; going to homes that were not visited during the revaluation.

She also noted that a request was recently made to have staff receive quotes for a quality review of the revaluation; staff is pursuing this request, trying to find an appraisal firm that has an interest and the capability of performing this task.

**COMMUNICATIONS AND RECOGNITIONS**

None

**OPEN SESSION**

The following people made comments during the Open Session: Edward Desgrosseilliers, 121 Hatch Road; Jonathan Labonte, 40 Reginald Street; Brian Demers, 1085 Riverside Drive; Deana Chapman, 224 South Main Street (Ms Chapman submitted petitions to be made a part of the record); Ron Potvin; 82 Northern Avenue; Andy Titus, 45 Carson Street; and Dan Herrick, 470 Hatch Road (Mr. Herrick read a letter from Reginald Emery Sr. that has been made a part of the record).

**CLOSED OPEN SESSION**

**OLD BUSINESS**

None

**NEW BUSINESS**

**1. RESOLVE – RESOLUTION OF RECOGNITION (Recognizing Auburn Businesses and Auburn residents that received awards by the Androscoggin Chamber of Commerce)**

Councilor Gerry moved for passage of the resolve. Seconded by Councilor Hayes. Vote: 7 Yeas.

**2. (This item was taken out of order and acted on earlier in the meeting.)**

**3. APPOINTMENTS**

**ZONING BOARD OF APPEALS**

Councilor Shields moved to appoint Ralph Stetson as an Associate Member to the Zoning Board of Appeals until February 2009. Seconded by Councilor Matzen.

Vote: 7 Yeas.

**ETHICS COMMITTEE**

Councilor Matzen moved to appoint Robert L. McArthur to the Ethics Committee. Seconded by Councilor Shields. Vote: 7 Yeas.

**TRANSIT COMMITTEE**

Councilor Shields moved to appoint Maureen Aube to the Transit Committee until February 2009. Seconded by Councilor Matzen. Vote: 7 Yeas.

**RECREATION ADVISORY BOARD**

Councilor Matzen moved to reappoint Roger Laroche, Daniel Poisson, Philip Savignano, Paul Douglass, Steve Myers, Dennis Cormier and Steve Milks until February 2008. Seconded by Councilor Shields. Vote: 7 Yeas.

**PLANNING BOARD**

Councilor Shields moved to appoint William K. Skelton as an Associate Member to the Planning Board until Feb. 2009. Seconded by Councilor Matzen. Vote: 7 Yeas.

**ADJOURNMENT – 10:00 p.m.**

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

**A TRUE RECORD**

**ATTEST:** \_\_\_\_\_  
City Clerk

SUPERINTENDENT  
Barbara J. Eretzian  
ASST. SUPERINTENDENT  
Thomas W. Morrill  
BUSINESS MANAGER  
Jude G. Cyr

CITY OF AUBURN  
**Department of Education**  
AUBURN, MAINE 04210

60 Court Street, Suite 227  
Post Office Box 800  
Auburn, Maine 04212-0800  
207-753-9300  
FAX: 207-784-2969

[www.auburnschl.edu](http://www.auburnschl.edu)

February 27, 2006

Dear Mayor and Members of the City Council,

I respectfully request a waiver for the child care licensing fees for the following three sites that house Auburn's Before and After School Child Care Program: Fairview, Sherwood Heights, and Washburn and for Merrill Hill Childcare.

Thank you!

Sincerely,



Andi Locke Mears  
Director, Before/After School Child Care Program

Pam Murray  
Acting Director for Merrill Hill

# City Council

## Agenda Information Sheet

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**Council Meeting Date: 3/6/06**

**Agenda Item No. 1**

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**SUBJECT:**

**Resolve – TO AUTHORIZE RETROACTIVE STATE OF MAINE SCHOOL REVOLVING RENOVATION FUND LOAN FORGIVENESS GRANT FOR EDWARD LITTLE HIGH SCHOOL RENOVATIONS**

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**INFORMATION:**

The Maine Department of Education has approved the school department for a retroactive grant in the amount of \$40,236 for a portion of the costs of wireless infrastructure project completed at Edward Little High School. This grant is provided under the State's school revolving renovation fund program and is administered by the Maine Municipal Bond Bank. The Bond Bank documentation is in the form of a bond transaction, although no funds are actually borrowed and no debt is incurred by the City.

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**STAFF COMMENTS /RECOMMENDATION:**

Staff recommends passage of the Resolve.

---

**REQUESTED ACTION:**

Motion for passage of the Resolve

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**VOTE:**



# City of Auburn

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

## **TITLE: RESOLVE TO AUTHORIZE RETROACTIVE STATE OF MAINE SCHOOL REVOLVING RENOVATION FUND LOAN FORGIVENESS GRANT FOR EDWARD LITTLE HIGH SCHOOL RENOVATIONS**

Be It Resolved by the Auburn City Council that:

WHEREAS, The City of Auburn School Department has completed wireless infrastructure renovations at Edward Little High School (the "Project") using funds from its Capital Renewal; and

WHEREAS, the Maine Department of Education has qualified the School Department for a retroactive grant for a portion of the Project costs through its School Revolving Renovation Fund Program (the "Program"); and

WHEREAS, the Maine Municipal Bond Bank (the "Bond Bank") administers the Program funds, including the disbursement of funds retroactively as grants without any borrowing; and

WHEREAS, the amount of the grant that the Bond Bank has approved for the Project is \$40,236, representing 56.54% of the total qualifying Project costs; and

WHEREAS, it is the intention of the School Department to decline a \$30,928 loan for the balance of the qualifying Project costs, and to only accept the grant offer under the Program; and

WHEREAS, as a requirement of grant funding without any borrowing, the Bond Bank nonetheless requires that the City enter into a loan agreement with the Bond Bank in the aggregate amount of \$71,164, of which 55.54%, or \$40,236, is forgiven, and further requires that the City deliver a prepaid bond instrument in the principal amount of \$30,928; and

WHEREAS, THE Bond Bank agrees that the said bond instrument (hereinafter, the "Bond") may be marked "PAID" and "CANCELLED" upon signature and delivery by the City, and acknowledges that the Bond is prepaid in full satisfaction thereof so that no debt is created; and

WHEREAS, likewise the Bond Bank agrees that said loan agreement (hereinafter, the "Loan Agreement") shall provide that the Bond may be deemed to be paid and satisfied, and agrees that it shall not actually lend, and that the City shall not actually borrow, the amount evidenced by the Bond, and that the City shall not incur any debt by virtue of the Bond; and

WHEREAS, the transaction with the Bond Bank is not a "bond" within the meaning of the City Charter because no funds are borrowed and no debt is incurred; and

WHEREAS, this transaction will enable the School Department to receive a State grant of \$40,236 for the Project, subject to the terms and conditions of the Loan Agreement;

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

1. That in connection with the Project, the City of Auburn (the "City") be authorized to enter into a Loan Agreement with the Maine Municipal Bond Bank (the "Bond Bank") in the aggregate principal amount of \$71,164 of which amount 56.54% (up to \$40,236) of principal is forgiven by the Bond Bank, and shall be received by the City as a grant, **provided, however**, that the Loan Agreement shall provide for the City to prepay, without interest, the remaining unforgiven balance of up to \$30,928, so that the City does not incur that debt; and
2. That the Finance Director be authorized to execute and deliver a Loan Agreement on behalf of the City in such form and on such terms concerning delivery, payment and other details not inconsistent herewith as the Finance Director may approve, said Loan Agreement to be attested by the City Clerk.
3. That the Treasurer and Finance Director in the name of the City be authorized to execute and deliver to the Bond Bank a prepaid Bond in the principal amount of up to \$30,928, being the unforgiven portion of said Loan Agreement, which Bond shall bear no interest, said Bond to bear the corporate seal of the City of Auburn, Maine and to be attested by the City Clerk; **provided, however**, that the Bond shall be marked "PAID" and "CANCELLED" at closing in full payment and satisfaction thereof so that no further payment under the Bond shall be due.
4. That the appropriate officials of the City be authorized to execute and deliver on behalf of the City such other documents and certificates as may be required in connection with said Loan Agreement and Bond.
5. That no taxes be levied in payment of the Bond, there being no payments due thereunder.

Motion for passage

By: \_\_\_\_\_

Seconded by \_\_\_\_\_

Vote:

Action by the City Council:

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

Attest:

\_\_\_\_\_  
City Clerk

# City Council

## Agenda Information Sheet

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Council Meeting Date: 3/6/06

Agenda Item No. 2

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**SUBJECT:**

**Resolve – TO AUTHORIZE A SUPPLEMENTAL APPROPRIATION OF STATE FUNDS FOR SCHOOL CONSTRUCTION DEBT SERVICE.**

---

**INFORMATION:**

The 2005-06 School Budget approved by the City Council did not include funding for any debt service for the Park Avenue Elementary School project. After the project received its final approval for funding purposes, the Department of Education revised the City's state subsidy support to include an additional \$132,500.50 for the first interest payment on the bonds issued for this project. This resolve will add this amount to the 2005-06 school budget and authorize the school superintendent to expend that revenue on project debt service due in this fiscal year.

---

**STAFF COMMENTS /RECOMMENDATION:**

Staff recommends passage of the Resolve.

---

**REQUESTED ACTION:**

Motion for passage of the Resolve

---

**VOTE:**

# City of Auburn

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

**TITLE: RESOLVE - TO AUTHORIZE A SUPPLEMENTAL  
APPROPRIATION OF STATE FUNDS FOR SCHOOL CONSTRUCTION  
DEBT SERVICE.**

Be It Resolved by the Auburn City Council that:

**WHEREAS**, this Council approved a total school budget of \$31,401,781 for fiscal year 2005-2006; and

**WHEREAS**, the 2005-2006 school budget was based in part on the receipt of State funding for essential programs and services in the amount of \$14,364,120, including state subsidized school construction debt service; and

Whereas, subsequently, the City received state funding approval and issued bonds for the construction of a new elementary school; and

Whereas the State Department of Education has increased its funding for the school department's essential programs and services by \$132,500.50 to cover the interest payment on the bonds for the school project that comes due in fiscal year 2005-2006;

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

That the sum previously appropriated for the total school budget from the essential programs and services allocation for fiscal year 2005-2006 be increased by \$132,500.50, and that the total school budget for fiscal year 2005-2006 be increased by a like amount; and

That the Superintendent of Schools be authorized to expend \$132,500.50 from such additional state subsidies for debt service on the new elementary school project, in addition to amounts previously authorized for the 2005-2006 school budget.

Motion for passage

By: \_\_\_\_\_

Seconded by \_\_\_\_\_

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

# City Council

## Agenda Information Sheet

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**Council Meeting Date:** March 6, 2006      **Agenda Item No.**    3

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**SUBJECT:**

**ORDER – Designating Certain Areas as “Safe Zones”**

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**INFORMATION:**

The Maine Legislature passed “An Act to Protect Children Using Maine’s Athletic Fields and Parks from Drug Dealers” which allows municipalities to designate athletic fields, parks, playgrounds or recreational facilities as a “safe zone”. Safe zones are treated similar to schools: drug dealing within 1000 feet of them subjects the dealer to a more severe penalty. In order for a municipality to designate an area a “safe zone,” it must be an area frequented by minors and it must have a sign using wording provided by the Commissioner of Public Safety.

The Auburn Police Department is requesting that the Auburn City Council adopt the following locations as “safe zones”:

Festival Plaza	Bonney Park	Raymond Park
Union Street Gully	Mount Apatite Park	Municipal Beach
West Pitch Park	Riverwalk	Garfield Road Park
Moulton Park	Boy’s & Girls Club	Drummond Street Park
Cleveland Field	Pulsifer Field	YMCA Teen Center
Tot Lot	Auburn Land Lab	Crescent Beach
Tabers	Roy’s Golf Center	Lake View Fields
Lost Valley	Pettengill Park	Drummond Street Park
Chestnut Street Park		

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**STAFF COMMENTS /RECOMMENDATION:**

Staff recommends passage of the Order.

---

**REQUESTED ACTION:**

Motion for passage of the Resolve

---

**VOTE:**

# City of Auburn

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CITY COUNCIL, AUBURN MAINE  
Date: March 6, 2006

**TITLE: ORDER – DESIGNATING CERTAIN AREAS AS “SAFE ZONES”**

**WHEREAS,** The 122<sup>nd</sup> Maine Legislature passed Chapter 415 – L.D. 670 An Act to Protect Children Using Maine’s Athletic Fields and Parks from Drug Dealers (Maine Revised Statutes, Title 30-A, section 3253; and

**WHEREAS,** This law allows a municipality to designate athletic fields, parks, playgrounds or recreational facilities as a “safe zone” for the protection of our children against the influence of drug dealers; and

**WHEREAS,** The Safe Zone law is intended to treat athletic fields, parks, and similar areas which attract children similar to schools in order to make drug dealing within 1000 feet of a school or safe zone area subject to more severe penalties; and

**WHEREAS,** In order for a municipality to designate an area a safe zone, it must be designated by the Municipal Officer, and posted with a sign that contain wording specified by the Commissioner of Public Safety.

Now Therefore Be It Ordered by the Auburn City Council, that based on recommendations of the Auburn Chief of Police that the following locations be designated as “safe zones”:

Festival Plaza  
Raymond Park  
West Pitch Park  
Moulton Park  
Cleveland Field  
Tot Lot  
Tabers  
Lost Valley  
YMCA Teen Center

Bonney Park  
Union Street Gully  
Riverwalk  
Boy’s & Girls Club  
Pulsifer Field  
Auburn Land Lab  
Roy’s Golf Center  
Pettengill Park  
Chestnut Street Park

Municipal Beach  
Mount Apatite Park  
Garfield Road Park  
Drummond Street Park  
YMCA Teen Center  
Crescent Beach  
Lake View Fields  
Drummond Street Park

And be it further Ordered that the Public Works Department post signs in these areas with the required wording:

**DRUG-FREE  
SAFE ZONE**

INCREASED PENALTIES FOR  
DRUG CRIMES COMMITTED  
WITHIN THIS ZONE  
(17-A M.R.S.A. CHAPTER 45)

**Motion for passage of the Order**

**Seconded by:**

**Vote:**

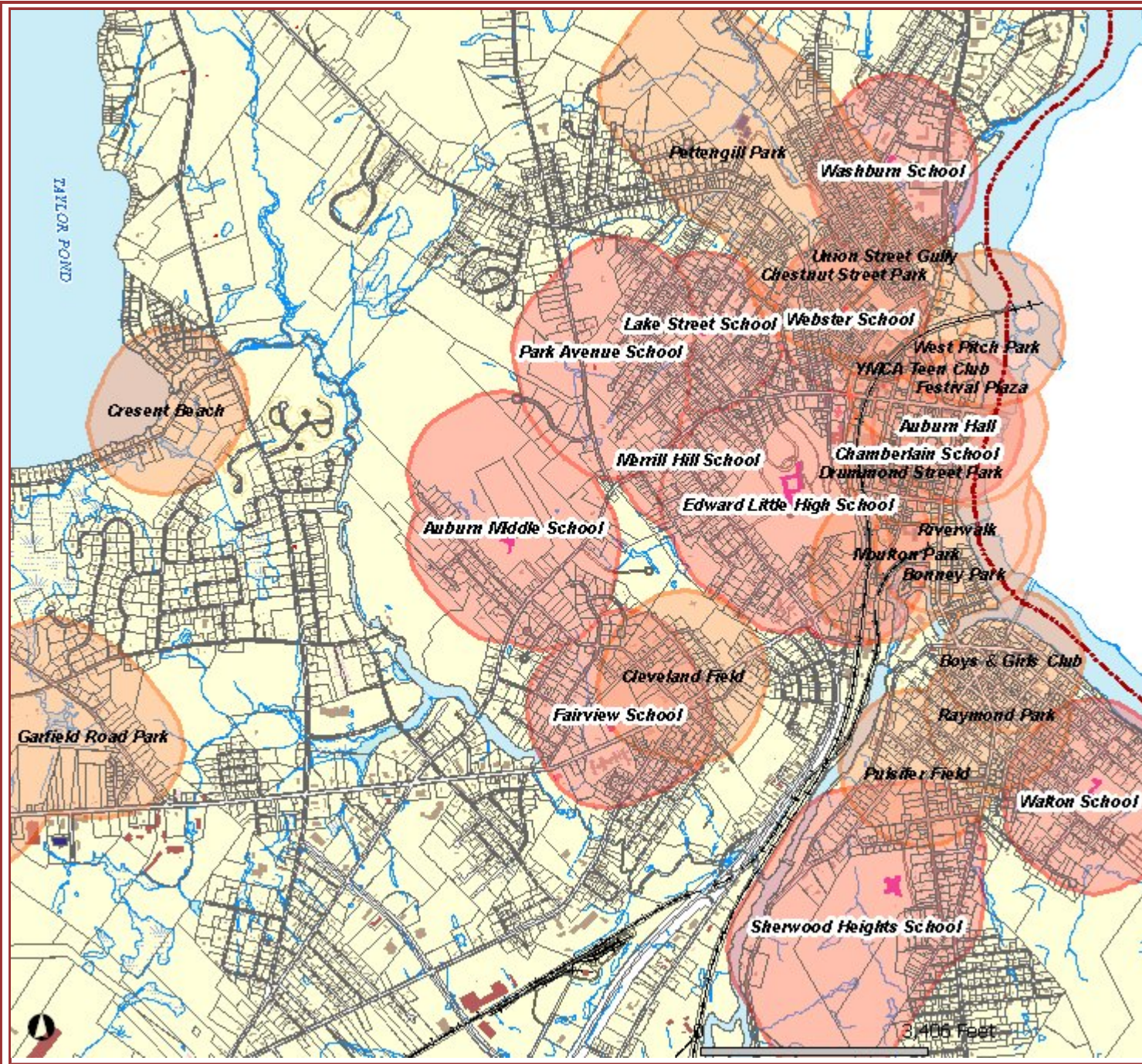
**ACTION BY COUNCIL**

**DATE**

**ATTEST:**

**CITY CLERK**





**City of Auburn  
Maine**  
Geographic Information System

**Safe Zones w/  
School Zones**

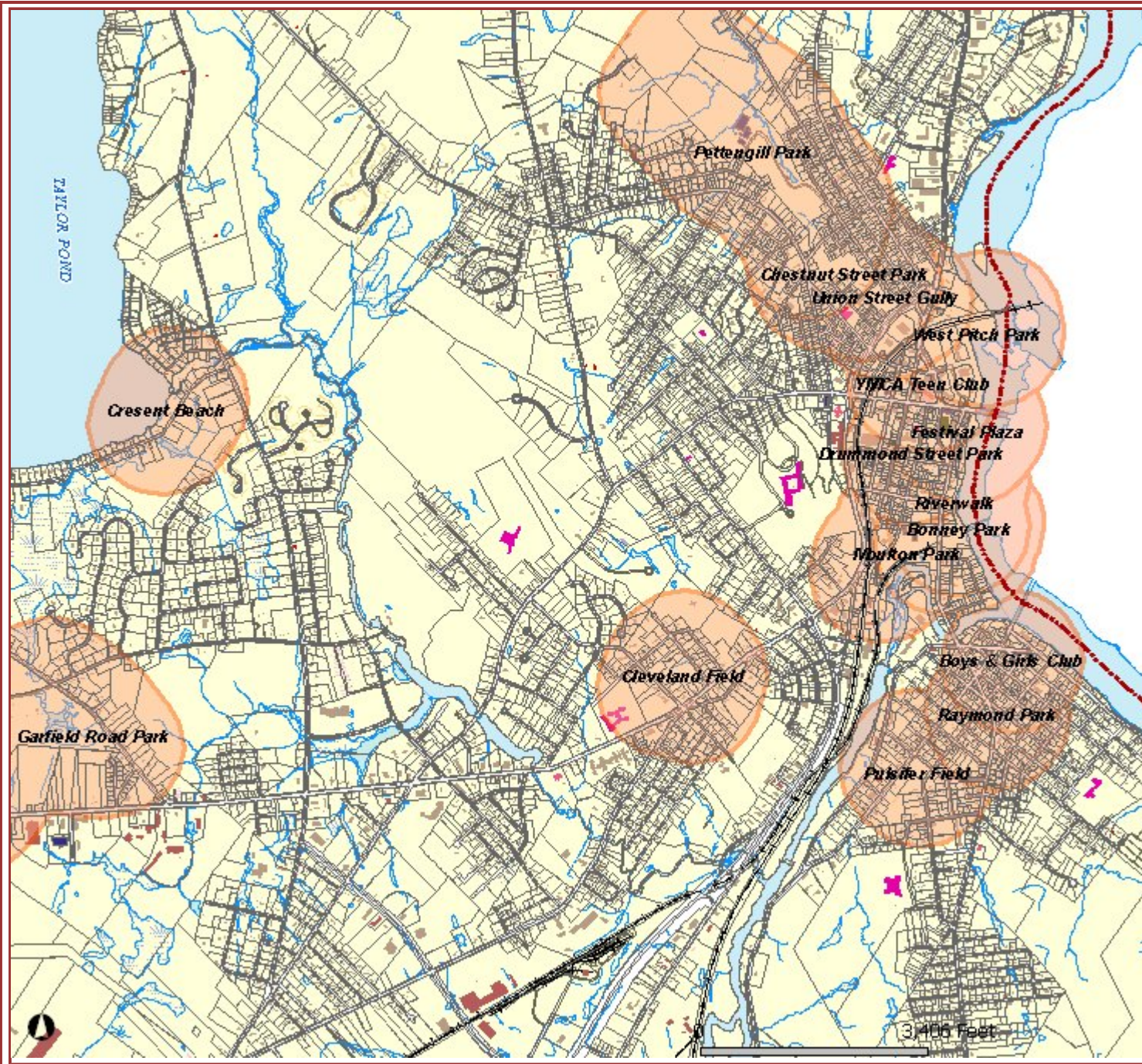
Locus Map



**Disclaimer**

The City of Auburn makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The City of Auburn shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.





**City of Auburn  
Maine**  
Geographic Information System

**Safe Zones**

**Locus Map**



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# MEMO

Item # 4

TO: Mayor Guay and City Councilors  
FROM: Councilors Shields and Matzen  
SUBJ: Appointments  
DATE: March 2, 2006

It is requested that the following appointments be approved at the March 6<sup>th</sup> Council Meeting:

**COMMUNITY FOREST BOARD**

Appoint Judy Webber to the Community Forest Board until March 2009.

**SEWER DISTRICT**

Re-appoint Stephen Ness and Joseph DeFilipp to the Sewer District until March 2010.

**WATER DISTRICT**

Re-appoint Roy Farnsworth and K.C. Geiger to the Water District until March 2010

# City Council

## Agenda Information Sheet

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**Council Meeting Date:** March 6, 2005      **Agenda Item No.**      **5**

---

**SUBJECT :**

**Resolve** – Adopting the National Incident Management System (NIMS)

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**INFORMATION:**

In 2004 the Department of Homeland Security published the National Incident Management System or NIMS. This was a result of a Presidential directive to create a consistent nationwide approach that would help federal, state, local and tribal governments to work effectively and efficiently together to prevent, prepare for, respond to, and recover from domestic incidents which are a threat to our homeland security.

Locally, the County Emergency Management Agency, the Police Fire and other City departments are being trained to be in conformance with the NIMS program.

Before being eligible for homeland security grants, federal disaster grants, homeland security grants, etc., each community must adopt a adopt the National Incident Management System. This Resolve is needed to demonstrate that the City has adopted the NIMS approach.

---

**STAFF COMMENTS /RECOMMENDATION:**

Staff recommends passage of the Resolve.

---

**REQUESTED ACTION:**

Motion for passage of the Resolve

---

**VOTE:**



# City of Auburn

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

## **TITLE: RESOLVE - Adopting The National Incident Management System (NIMS)**

WHEREAS, the President of the United States issued the Homeland Security Presidential Directive (HSPD-5), *Management of Domestic Incidents*, on February 28, 2003, directing the Secretary of Homeland Security to develop, submit for review to the Homeland Security Council, and administer a National Incident Management System (NIMS); and

WHEREAS, NIMS will provide a consistent nationwide approach allowing federal, state, local and tribal governments to work effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents; and

WHEREAS, the Department of Homeland Security has sought extensive input on NIMS from state, local and tribal officials, the emergency response community, and the private sector and has incorporated the best practices currently in use by incident managers; and

WHEREAS, effective homeland security incident management involves new concepts, processes, and protocols that will require refinement over time. The collective input and guidance from all homeland security partners has been, and will continue to be, vital to the further development of an effective and comprehensive national incident management system; and

WHEREAS, NIMS was published by the Department of Homeland Security on March 1, 2004; and

WHEREAS, NIMS requires all federal departments and agencies to accept NIMS and use it in domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation programs and activities, as well as to assist state, local, or tribal entities; and

WHEREAS, NIMS requires federal departments and agencies to require state, tribal and local organizations to adopt NIMS as a condition for federal preparedness assistance beginning in federal FY 2005.

**NOW, THEREFORE**, BE IT RESOLVED by the City Council of the City of Auburn, Maine, as follows:

That all departments of the City of Auburn shall utilize the National Incident Management System (NIMS) prescribed by the Department of Homeland Security.

That the Auburn City Council directs all departments to train their personnel on the NIMS and to update the Auburn Integrated Emergency Management Plan.

That the Auburn City Council hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council were taken in a meeting open to the public, in full compliance with applicable legal requirements.

**Effective date:** This Resolve shall take effect upon passage.

Motion for passage

By: \_\_\_\_\_

Seconded by \_\_\_\_\_

Vote:

Action by the City Council:

Date:

Attest:

City Clerk