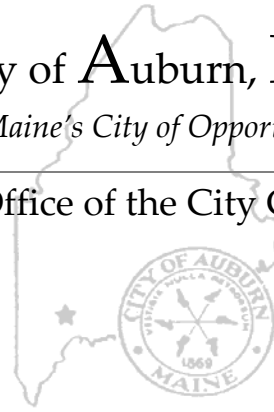


City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

April 6, 2009

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 and Workshop April 6, 2009

"While your responsibility may be individual, your authority is collective" ¹

Agenda

5:00 p.m. Dinner

5:30 p.m. Workshop

- A. Discussion: Water Bonds – Norm Lamie (10 min)
- B. Discussion: Deleting Ch. 24 Sec. 2.22 Children's Day Care Licenses – David Galbraith (10 min)
- C. Discussion: Mayor Pro Tempore (10 min)
- D. Discussion: Energy Projects – Eric Labelle (15 min)
- E. Budget Workshop
- F. Open

7:00 p.m. City Council Meeting

1. 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.

2. Minutes

*031609-00 Minutes of March 16, 2009

3. Reports

Mayor

- Presentation of Colors – Auburn Fire Department Honor Guard
- Swearing in of Firefighters
- State of the City Address
- Presentation by John & Bunny O'Leary - "Wreaths Across America"

City Councilors

- **Michael Farrell:** Water Dist., L/A Jt. City Council Planning, Audit and Procurement, Neighborhood Stabilization Program Advisory Committee
- **Bob Hayes:** Railroad, Library, Audit and Procurement
- **Dan Herrick:** MMWAC, Auburn Housing
- **David Young:** A-L Airport, L/A Joint City Council Planning, Cable TV Adv Board
- **Ray Berube:** LAEGC, Planning Board, L/A Joint City/School, ABDC, AVCOG
- **Bob Mennealy:** Sewer District, University of Maine L-A,
- **Ron Potvin:** School Committee, 9-1-1, LATC, L/A Joint City/School

City Manager

4. Communications, Presentations and Recognitions

*040609-00 Communication from Advocates for Children Re: Child Abuse Prevention Month

*040609-00 Communication from New Auburn Little League Re: Waive fee for Victualer Licenses

¹ Denis Culley, Attorney/Planning Board Member, Town of Mercer

5. 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

6. Unfinished Business

7. New Business

- 040609-00 Public Hearing – Proposed Municipal/Education Budget FY 2009-2010 (Brief comments by City Manager and School Superintendent)
- 040609-01 Public Hearing and action on Liquor License application for Gravity LA LLC d/b/a The Falls, 2 Great Falls Plaza, Auburn
- 040609-02 Public Hearing and action on Liquor License Application for Prospect Hill Golf Course LLC, d/b/a Prospect Hill Golf Course, 694 South Main Street, Auburn
- 040609-03 Public Hearing and action on Liquor License Application for Trimen Enterprises Inc. d/b/a Heidi's Brooklyn Deli, 624 Turner Street, Auburn
- 040609-04 Ordinance – Amendment to Chapter 31 – General Assistance (1st Reading)
- 040609-05 Resolve – Authorize City Manager to Execute Agreement with Auburn Sewerage District for Completing the Perryville Neighborhood Separation Project Using American Recovery and Rehabilitation Act of 2009
- 040609-06 Resolve – Accepting Certain Forfeited Funds (\$650.51)
- 040609-07 Resolve – Accepting Certain Forfeited Funds (\$2,070.00)
- 040609-08 Resolve – Authorize Police Chief to Submit Grant for COPS Hiring – Department of Justice
- 040609-09 Public Hearing – BYRNE/JAG Funding (Public Hearing Only – No Action Required)
- 040609-10 Resolve – Disposition of Tax Acquired Property
- 040609-11 Resolve – Community Link Project
- 040609-12 Set date for second meeting in April (April 20th – Patriots Day - Suggested date: April 27th) and Set date for Special Meeting April 15th – School Budget Validation Referendum Warrant

8. 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

9. Future Agenda/Workshop Items

10. 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. 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 enforcement matter pending in District Court.

AUBURN WATER DISTRICT

MEMBER MAINE WATER UTILITIES ASSOCIATION

268 COURT ST. - P.O. BOX 414

AUBURN, MAINE 04212-0414

March 30, 2009

Glenn Aho, City Manager
City of Auburn
Auburn Hall
60 Court Street
Auburn, Maine 04210

RE: **Proposed 2009 ARRA- SRLF Bond Issue**

Dear Glenn:

The Auburn Water District submitted applications for funding of four water system improvements totally \$4.6M from the American Recovery & Reinvestment Act (ARRA):

- \$250,000 for final design of UV Phase 2 Water Disinfection Facility
- \$967,725 for construction of UV Phase 1 Water Disinfection Facility
- \$500,000 for rehabilitation of 16" water transmission main
- \$2,903,175 for construction UV Phase 2 Water Disinfection Facility

Two of the above applications reflect Auburn's share of joint applications with the City of Lewiston for construction of an Ultra-Violet Water Disinfection Facility at Lake Auburn. The US EPA LT2 Enhanced Surface Water Treatment Rule will mandate dual water disinfection by 2014.

All applications for ARRA funding were processed through the Maine Drinking Water Program. 134 separate project requests were submitted totaling over \$111M. All four of Auburn's funding requests were approved. The funding will consist of a 30% Principal Forgiveness Loan with the balance being 0% interest loans with a term of 20 years. Therefore, the Auburn ratepayers will receive a "grant" in the amount of \$1,386,270 and a 0% loan for 20 years for the balance of the project costs in the amount of \$3,234,630.

The Water District's Charter requires a vote of the Auburn City Council to issue permanent bonds. More specifically, Section 13 states "*The Auburn Water District is hereby authorized, with permission of the City Council of the City of Auburn first obtained, and under the further permission and direction of the Public Utilities Commission, to issue bonds for the purposes of paying or refunding the indebtedness....*".

Page 2
Glenn Aho
March 24, 2009

The Trustees of the Auburn Water District respectfully request from the City of Auburn Council authorization in accordance with Section 13 of Chapter 60 of the Private and Special Laws of Maine (1923), as amended and supplemented, for the issuance of bonds by the Auburn Water District in an aggregate principal amount **not to exceed \$3,234,630** for the water system improvements in and for the Auburn Water District.

The City of Auburn has no obligation towards this loan. All expenses will be paid by the water ratepayers of the Auburn Water District. The vote of the council is required by the Charter of the Auburn Water District.

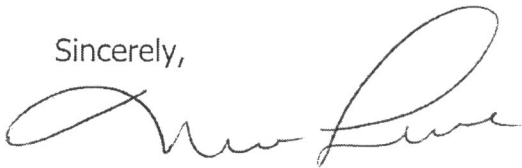
Please find enclosed the following items:

1. Approval dated March 23, 2009 by the Maine Public Utilities Commission for Issuance of Securities.
2. Current Long Term Debt Schedule. This document outlines all current District debt as of 12/31/2009.
3. Estimated Annual Debt Service for the new bond issue. The summary outlines the debt impact with a 20-year debt service period with an estimated interest rate of 0.0%.
4. Water Utility Rate Comparison. This summary provides a comparison of quarterly water utility rates in the State of Maine. Auburn's water user rate remains near the lowest in the State.
5. Section 13 of the Auburn Water District Charter

We have projected this additional debt service will not require a water rate increase. The last rate increase of 9% had an effective date of January 1, 2008. The reasons no rate increase is expected with this additional debt service include 1) grant amount of nearly \$1.4M, 2) 0% interest rate on balance of borrowing, and 3) payoff of existing bond issue next year. The District's 1990 Bond Issue will be paid off in 2010 freeing up annual debt service payments of \$166,315 towards the new debt payments projected at \$184,530.

As always, please feel free to call me if you have any questions regarding this request.

Sincerely,



Normand R. Lamie, P.E.
General Manager

Workshop Item B

Chapter 24 -

Section 2.22 Children's Day Care Centers and Nursery Schools

No person shall operate a children's day care center, or nursery school for children, without first having obtained a municipal license to do so. No such license shall be issued except upon certification by the Fire Chief that the premises to be licensed to not constitute a fire hazard and by the Health Officer that they do not constitute a hazard to health. For purposes of this section, a "children's day care center" shall be defined as a building or portion of a building or other facility which is maintained for the purpose of providing care and protection for a fee to 3 or more children under sixteen years of age who are unrelated to the proprietor by blood, marriage, or adoption, and who are not attended by parents or guardians, for more than two hours a day for one or more days per week.

For purposes of this section, a "nursery school" shall be defined as a house or other building or part of a building which is maintained for the purpose of providing educational training and the development of learning skills for at least ten hours a week over a period of not less than ten weeks to three or more pre-school children who are unrelated to the proprietor by blood, marriage, or adoption and who are unattended by parents or guardians.

The license fee for a children's day care center, or nursery school shall be \$35.00 per year. The license shall be renewed and re-certified annually.

Fee amended to \$100.00 July 2004

Chapter 1, Article 3

Section 3.4 Mayor, Absence of

In the temporary absence or disability of the Mayor, any member of the City Council may call the Council to order at any duly called meeting to elect a chairman pro tempore from among its number and he shall exercise all the powers of the Mayor during such temporary absence or disability of the Mayor.

**CITY OF AUBURN
MARCH 16, 2009
CITY COUNCIL MEETING**

PRESENT

Mayor John T. Jenkins, Councilors Michael J. Farrell, Robert P. Hayes, Daniel R. Herrick, David C. Young, Raymond C. Berube, Ronald W. Potvin and Robert C. Mennealy, City Manager Glenn Aho, Assistant City Manager Laurie Smith, Finance Director Tracy Roy and City Clerk Mary Lou Magno. There were 13 people in the audience.

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

CONSENT AGENDA

Councilor Berube moved to accept, approve and place on file the items marked with an asterisk. Seconded by Councilor Hayes. Vote: 7 Yeas.

***MINUTES OF MARCH 5, 2009**

Approved under consent agenda.

REPORTS OF THE MAYOR

Mayor Jenkins made note of the following announcements: Emma Nadeau (Councilor Herrick's granddaughter) was "Mayor for a Day" last week; an Honorary Citizen Award was issued to Tijjani Abacha, who recently visited from Nigeria(Police Chief Crowell will forward this award to Mr. Abacha); Auburn Fire Department hosted a Firefighters' Ball last Saturday evening; April 2nd and 4th "Auburn to Arlington" will be featured in one of the theaters at the Flagship Cinema; and a Ward Meeting (for all wards) will be held on Monday, March 23rd at 7:00 p.m.

REPORTS OF CITY COUNCILORS

Councilors reported on their respective Council Committee Assignments.

REPORTS OF THE CITY MANAGER

FINANCE REPORT – MONTH OF FEBRUARY

Councilor Hayes moved to accept and place on file the Finance Report for the month of February as presented by Glenn Aho, City Manager. Seconded by Councilor Berube. Vote: 7 Yeas.

COMMUNICATIONS, PRESENTATIONS, AND RECOGNITIONS

COMMUNICATION FROM KORA SHRINE CIRCUS RE: TEMPORARY SIGNS

Approved under consent agenda.

OPEN SESSION

Joseph Mailey, 82 Webster Street; and Larry Morrissette.

CLOSED OPEN SESSION

UNFINISHED BUSINESS

1. ORDINANCE – ZONING AMENDMENT – CHAPTER 29, SECTION 3.51 PLANNED UNIT DEVELOPMENT AND SECTION 7.3 SUBDIVISIONS

Councilor Berube moved for acceptance of second reading and final passage. Seconded by Councilor Herrick.

Eric Cousens, City Planner, explained the above ordinance, spoke about a suggested amendment and answered Councilors questions.

Councilor Farrell moved to table. Seconded by Councilor Young. Vote: 6 Nays with Councilor Potvin voting Yea. NOT PASSED

Councilor Berube moved to amend by deleting the following language from 3.51.C “and the location of the overall development plan approved by the Planning Board.” Seconded by Councilor Hayes.

Vote on the amendment: 6 Yeas with Councilor Potvin voting Nay.

Vote on acceptance of second reading and final passage as amended: 6 Yeas with Councilor Potvin voting Nay.

2. RESOLVE – NEIGHBORHOOD STABILIZATION PROGRAM GRANT (PUBLIC HEARING)

Councilor Potvin moved for passage of the resolve. Seconded by Councilor Berube.

Mayor Jenkins opened and closed the public hearing with no public comment.

Reine Mynahan, Community Development Block Grant Administrator, explained the above resolve and answered Councilors questions.

Vote: 7 Yeas.

3. RESOLVE – TRANSFER OF PINE TREE ZONE DESIGNATION (PUBLIC HEARING)

Councilor Berube moved for passage of the resolve. Seconded by Councilor Hayes.

Mayor Jenkins opened and closed the public hearing with no public comment.

Roland Miller, Director of Economic and Community Development, explained the above resolve and answered Councilors questions.

Vote: 7 Yeas.

4. AUTHORIZE ISSUANCE OF 2009 DOG WARRANT

Councilor Berube moved to authorize the issuance of the 2009 Dog Warrant. Seconded by Councilor Potvin. Vote: 7 Yeas.

5. APPOINTMENT OF THE LEWISTON/AUBURN RAILROAD BOARD

Councilor Berube moved to reappoint Councilor Robert Hayes to the Lewiston/Auburn Railroad Board until April 2012. Seconded by Councilor Mennealy. Vote: 7 Yeas.

OPEN SESSION

Larry Morrissette.

CLOSED OPEN SESSION

FUTURE AGENDA/WORKSHOP ITEMS

None

ADJOURNMENT – 8:35 P.M.

Councilor Berube moved to adjourn. Seconded by Councilor Young. Vote: 6 Yeas, No Nays.
(Councilor Mennealy out of the room)

A TRUE RECORD

ATTEST: _____
CITY CLERK

March 3, 2009

Mayor John Jenkins
City of Auburn
45 Spring Street
Auburn, ME 04210

Dear Mayor Jenkins:

I am writing to again request approval from the City of Auburn to tie blue ribbons to trees in downtown Auburn along Court and Main Streets during April. The month of April is Child Abuse Prevention Month and as Androscoggin County's Child Abuse Prevention Agency, Advocates for Children works to raise awareness about abuse prevention services. For the last seven years our awareness activities have included tying blue ribbons to trees beginning on Court Street in Auburn and proceeding across the Gov. Longley Bridge and up Main Street in Lewiston to Central Maine Medical Center. We hope with your approval to do so again. The ribbons will be tied on the trees the week of April 1st and will be removed the first week in May. The ribbons will not be nailed, tacked or pinned in anyway to the trees. The goal of the ribbons being tied to the trees is to create a visual awareness and remind our community of the importance of keeping kids safe.

Thank you very much taking the time to consider this request. It is important that we work together as a community in our efforts to keep children safe. I look forward to hearing from you regarding this matter, if you have any questions please contact me at 783-3990.

Sincerely,

Betsy Norcross Plourde, LMSW
Executive Director

New Auburn Little League



P.O. Box 775 Auburn, ME 04212

March 20, 2009

City of Auburn
Attn: Mary Lou Magno
60 Court St.
Auburn, ME 04210

Dear Mayor Jenkins & City Council Members;

In the past New Auburn Little League has requested a waiver for the victualers license for both of the fields that we use – Sherwood Heights and Pulsifer Park. I am writing this letter to you today to request a waiver again for the 2009 season.

Thank you in advance for your consideration.

Sincerely,



Dori-Anne Tarr
President
New Auburn Little League

City Council

Agenda Information Sheet

Council Meeting Date: 4/6/2009 Agenda Item No. 1

SUBJECT:

**PUBLIC HEARING – LIQUOR LICENSE APPLICATION FOR GRAVITY LA
LLC D/B/A THE FALLS, 2 GREAT FALLS PLAZA,
AUBURN**

INFORMATION:

The Falls is a new restaurant that will be located at 2 Great Falls Plaza (the former TJ's Restaurant location). All appropriate departments (Treasurer, Fire, Police and Planning & Permitting) have approved this license application. The Falls plans to open by the middle of April.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval of the license application.

REQUESTED ACTION:

Motion to approve the license application.

VOTE:

City Council

Agenda Information Sheet

Council Meeting Date: 4/6/2009 Agenda Item No. 2

SUBJECT:

PUBLIC HEARING – LIQUOR LICENSE APPLICATION FOR PROSPECT HILL GOLF COURSE LLC, D/B/A PROSPECT HILL GOLF COURSE, 694 SOUTH MAIN STREET, AUBURN

INFORMATION:

Prospect Hill Golf Course, 694 South Main Street, has filed application for a liquor license. All appropriate departments (Treasurer, Fire, Police and Planning & Permitting) have approved this license application.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval of the license application.

REQUESTED ACTION:

Motion to approve the license application.

VOTE:

City Council

Agenda Information Sheet

Council Meeting Date: 4/6/2009 Agenda Item No. 3

SUBJECT:

**PUBLIC HEARING – LIQUOR LICENSE APPLICATION FOR TRIMEN
ENTERPRISES INC. D/B/A HEIDI'S BROOKLYN DELI,
624 TURNER STREET, AUBURN**

INFORMATION:

Heidi's Brooklyn Deli, 624 Turner Street, has filed application for a liquor license. All appropriate departments (Treasurer, Fire, Police, Planning & Permitting) have approved this license application.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval of the application.

REQUESTED ACTION:

Motion to approve the liquor license application.

VOTE:

City Council

Agenda Information Sheet

Council Meeting Date: 4/6/2009

Agenda Item No. 4

SUBJECT:

ORDINANCE – Amendment to Chapter 31 – General Assistance - Update the Food Maximums (1st Reading)

INFORMATION:

By State law, municipalities are required to administer a General Assistance program which is intended to assist low income people with basic necessities such as food. The General Assistance Administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. *Thrifty Food Plan* for the appropriate household size. For this purpose the City hereby incorporates by reference the U.S.D.A *Thrifty Food Plan*. Please see Appendix B attached.

Dot Meagher, Director of Health and Social Services informed the City Council of the amendment at the March 30th City Council Workshop.

See Weekly Review, March 27, 2009, Item 13.

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of first reading of the ordinance.

REQUESTED ACTION

Motion for acceptance of first reading.

VOTE:

CITY OF AUBURN

CITY COUNCIL, AUBURN, MAINE

DATE: April 6, 2009

**TITLE: ORDINANCE – AMENDMENT TO CHAPTER 31 – GENERAL
ASSISTANCE - UPDATE THE FOOD MAXIMUMS -
APPENDIX B (1ST READING)**

Be It Ordained by the Auburn City Council, That Chapter 31, General Assistance Ordinance, be amended by adopting Appendix B as explained in the attached agenda information form and memorandum. A copy of the appendix is attached to this ordinance.

Motion for acceptance of first reading
Vote:

Seconded by:

Motion for second reading and final passage:
Vote:

Seconded by:

Action by Council:

Date:

ATTEST:

CITY CLERK

Appendix B

Effective: 04/01/09 to 09/30/09

Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through October 1, 2009, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	46.51	200
2	85.35	367
3	122.33	526
4	155.35	668
5	184.42	793
6	221.40	952
7	244.65	1,052
8	279.53	1,202

Note: For each additional person add \$150 per month.

City Council

Agenda Information Sheet

Council Meeting Date 4/6/2009

Agenda Item No. 5

SUBJECT:

RESOLVE – AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH AUBURN SEWERAGE DISTRICT FOR COMPLETING THE PERRYVILLE NEIGHBORHOOD SEPARATION PROJECT USING AMERICAN RECOVERY AND REHABILITATION ACT OF 2009 FUNDING

INFORMATION:

The Auburn Sewerage District and City of Auburn have been notified that the Perryville Neighborhood Separation Project has been approved for funding of \$2,345,000 from the American Recovery and Rehabilitation Act (ARRA) of 2009. The funding will provide \$689,293 of principal forgiveness and \$1,655,707 as a 0% interest 20-year term loan. The execution of this agreement between the City and the District to proceed with the Perryville Neighborhood Separation project with ARRA funding will save Auburn taxpayers and sewer ratepayers an estimated \$1,663,000 when compared with traditional municipal financing (*\$2,345,000 at 4% interest with a 20-year term*).

Through joint efforts of the City of Auburn and the Auburn Sewerage District eight (8) of eleven (11) Combined Sewer Overflow discharge points to the Androscoggin River have been eliminated since 1999. The three (3) remaining CSO discharge points must be eliminated by 2014. The estimated cost of the improvements to eliminate the three CSO's is \$4.6 Million. (*total initial cost of the entire CSO Master Plan was \$19.4M*)

Completing the Perryville Neighborhood Separation Project will reduce the number of CSO discharge points to two (2). Another CSO discharge point is scheduled for elimination by the end of 2010 with proposed improvements in the Drummond, High and Pleasant Street neighborhood. Completion of the CSO improvements in the Perryville Neighborhood will also allow the MDOT Project to re-surface Turner Street to proceed in early 2010.

Note: Total annual bond payment is \$86,925. – City of Auburn share is \$43,463.

Mr. Lamie presented the Council with this information at the March 23rd City Council Workshop. See Weekly review, March 20, 2009, Item 1.

STAFF COMMENTS AND RECOMMENDATION

City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

City of Auburn

City Council, Auburn, Maine

Date: April 6, 2009

TITLE: RESOLVE – AUTHORIZE CITY MANAGER TO EXECUTE AN AGREEMENT WITH AUBURN SEWERAGE DISTRICT FOR COMPLETING THE PERRYVILLE NEIGHBORHOOD SEPARATION PROJECT USING AMERICAN RECOVERY AND REHABILITATION ACT OF 2009

Be It Resolved by the Auburn City Council, that the City Manager is hereby authorized to execute an agreement with the Auburn Sewerage District for completing the Perryville Neighborhood Separation Project using American Recovery and Rehabilitation Act of 2009. A copy of the agreement is attached to and hereby made a part of this resolve.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

MEMORANDUM OF AGREEMENT

Between the
CITY OF AUBURN and the AUBURN SEWERAGE DISTRICT
to complete the
Perryville Neighborhood Sewer Separation Project

THIS AGREEMENT IS ENTERED INTO as of _____, 2009, between the municipal officers of the City of Auburn ("City"), AND the Trustees of the Auburn Sewerage District ("District"), for the purpose of completing sanitary sewer and storm drainage improvements as reflected on construction plans titled "Perryville Neighborhood Sewer Separation - Contracts 1, 2 and 3", dated March 5, 2009, prepared by Taylor Engineering Associates.

WHEREAS, the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et seq. and Maine Law 38 M.R.S.A., Section 414-A, and applicable regulations, the Maine Department of Environmental Protection has granted Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME010005 and WDL License # W000685-5T-D-R for remaining Combined Sewer Overflow (CSO) discharge locations in Auburn, Maine, and

WHEREAS the Clean Water Act Master Plan Report dated October 2000, completed by Metcalf & Eddy identified eleven (11) Combined Sewer Overflow (CSO) discharge points to the Androscoggin River and Little Androscoggin River, and estimated the total cost of elimination all CSO discharge points at \$19.4 Million, and

WHEREAS, the City of Auburn and Auburn Sewerage District have shared the cost of implementing the CSO Master Plan and has resulted in the elimination of eight (8) of the CSO discharge points, and

WHEREAS the remaining cost of sanitary sewer and storm water separation to eliminate the remaining three (3) CSO discharge points is estimated to be \$4,593,000, and

WHEREAS the Auburn Sewerage District has applied for funding assistance in the sum of \$2,345,000 from the American Recovery and Rehabilitation Act of 2009 for completion the Perryville Neighborhood Separation Project, and

WHEREAS the District and the City was notified on March 13, 2009 the Perryville Neighborhood Separation Project has been listed for funding that will provide \$689,293 of principal forgiveness in addition to a \$1,655,707 loan with 0% interest and a 20 year term through the Maine Municipal Bond Bank, for a total of \$2,345,000, and

WHEREAS execution of this agreement and proceeding with the Perryville Neighborhood Separation Project with the ARRA funding will save Auburn taxpayers and sewer ratepayers an estimated \$1,663,000 when compared to traditional municipal funding methods (*\$2,345,000 at 4% interest with a 20 year term*).

NOW THEREFORE, pursuant to the authority granted by 30 – A, M.R.S.A., Chapter 115, and every other legal authority, and in consideration of their mutual undertakings set forth herein, the parties hereby agree to jointly complete the Perryville Neighborhood Separation Project and share the cost and benefits to taxpayers and sewer ratepayers on a proportional 50:50 basis in accordance with the following description and provisions:

a) The Auburn Sewerage District and City of Auburn agree to each pay 50% of the Perryville Neighborhood Separation Project, to a total cost not to exceed \$2,345,000.

b) The Auburn Sewerage District and City of Auburn agree to share on a 50:50 proportional basis the estimated \$689,293 principal forgiveness from the American Recovery and Rehabilitation Act.

c) The Auburn Sewerage District agrees to finance the entire sum of \$1,655,707 (*or project cost of \$2,345,000 less principal forgiveness of \$689,293*) via the State Revolving Loan Fund – American Recovery and Rehabilitation Act program with the Maine Municipal Bond Bank. This loan shall be a 20 year term loan with a 0% rate of interest. The sum shall include all bonding expense.

d) The City of Auburn agrees to reimburse the Auburn Sewerage District its 50% share of the bonding expenses on an annual basis. The amounts paid by the City to the District shall be on a timely basis needed to permit it to make timely payments as required under the terms of the Bond(s). The estimated annual cost is to be approximately \$43,462 per year as delineated on attached Exhibit “A”. This amount shall be revised to reflect the 50% of the actual total Annual Debt Service Payment from the Bond Closing Documents.

e) Notwithstanding the foregoing agreement to pay for the foregoing facilities, the parties understand and agree that the Auburn Sewerage District shall own and retain maintenance responsibilities for all sanitary sewers and the City of Auburn shall own and retain maintenance responsibilities for all storm drainage facilities completed with the Project.

f) This Agreement shall not be effective until approved and executed by the parties hereto.

g) This Agreement is binding on the parties and their respective successors and assigns.

h) This Agreement may not be amended except by a written instrument validly entered into and executed as provided herein for the execution of this Agreement initially.

h) It is intended that this Agreement be enforced fully and in accordance with its terms. If and to the extent that any term or provision of this Agreement is found to be void or unenforceable by a court of competent jurisdiction, then it is the intent of the parties that the Agreement be reformed if possible in order to carry out its purposes and that any other provisions remain in full force and effect as severed from the void or unenforceable provisions hereof. This Agreement shall be interpreted and construed so as to achieve its purposes.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives pursuant to due legal authorization and authority as of the day and year first above written.

Signed,

Signed,

Glenn E. Aho
City Manager
City of Auburn

Normand R. Lamie
General Manager
Auburn Water District

City Council

Agenda Information Sheet

Council Meeting Date 4/6/2009 **Agenda Item No.** 6

SUBJECT:

RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS

INFORMATION:

Federal Forfeiture Law permits the forfeiture of currency/property used to facilitate drug trafficking or which exists as the result of being the proceeds of drug trafficking. The law further permits the United States to distribute up to 90% of the value of forfeited property to State and local law enforcement agencies who participate in the underlying investigation. Justice Department policy dictates that local law enforcement agencies must use the monies for “law enforcement purposes”. The funds being forfeited are \$650.51. Chief Crowell discussed this at the March 19th City Council Workshop

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends passage of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

CITY OF AUBURN

CITY COUNCIL, AUBURN, MAINE

DATE: April 6, 2009

TITLE: RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS

Be It Resolved by the Auburn City Council, that the City of Auburn agrees to accept \$650.51 in connection with drug enforcement matters. The funds in question shall be made available to the Auburn Police Department for use in their law enforcement purposes.

Motion for passage:

Seconded by:

Vote:

ACTION BY COUNCIL:

DATE:

ATTEST:

CITY CLERK

City Council

Agenda Information Sheet

Council Meeting Date 4/6/2009 **Agenda Item No.** 7

SUBJECT:

RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS

INFORMATION:

Federal Forfeiture Law permits the forfeiture of currency/property used to facilitate drug trafficking or which exists as the result of being the proceeds of drug trafficking. The law further permits the United States to distribute up to 90% of the value of forfeited property to State and local law enforcement agencies who participate in the underlying investigation. Justice Department policy dictates that local law enforcement agencies must use the monies for “law enforcement purposes”.

The funds being forfeited are \$2,070.00.

Chief Crowell discussed this at the March 19th City Council Workshop.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends passage of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

CITY OF AUBURN

CITY COUNCIL, AUBURN, MAINE

DATE: April 6, 2009

TITLE: RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS

Be It Resolved by the Auburn City Council, that the City of Auburn agrees to accept \$2,070.00 in connection with drug enforcement matters. The funds in question shall be made available to the Auburn Police Department for use in their law enforcement purposes.

Motion for passage:

Seconded by:

Vote:

ACTION BY COUNCIL:

DATE:

ATTEST:

CITY CLERK

City Council

Agenda Information Sheet

Council Meeting Date: 4/6/2009 Agenda Item No. 8

SUBJECT:

**RESOLVE – AUTHORIZE POLICE CHIEF TO SUBMIT GRANT FOR COPS
HIRING RECOVERY PROGRAM**

INFORMATION:

The Police Department seeks to apply for the 2009 COPS Hiring Recovery Program. The Department will hire a police officer to fill the vacancy which will not be funded in the FY2009-2010 budget as well as hire two additional officers (for a total of 3 officers). The hiring of these three additional officers will allow the Police Department to implement community policing strategies that will strengthen partnerships for a safer community and enhance the department's capacity to prevent, solve and control crime.

The total cost of hiring three officers at the entry level for three years will be \$568,380.

This amount will be totally reimbursed by the Department of Justice. The City of Auburn's commitment to this project will be the salaries associated with the retention of these three officers for the fourth year. The anticipated commitment will be \$68,300 (including benefits) per officer for a total of \$204,900.

Police Chief Crowell reviewed this item with the City Council at the March 19th Workshop.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval of this resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: April 6, 2009

**TITLE: RESOLVE – AUTHORIZING POLICE CHIEF TO SUBMIT GRANT
FOR COPS HIRING – DEPARTMENT OF JUSTICE**

Be It Resolved by the Auburn City Council that the Police Chief is hereby authorized to apply for the 2009 COPS Hiring Recovery Program (CFDA 16.710) through the U. S. Department of Justice Office of Community Oriented Policing Services as explained in the attached memo from Police Chief Crowell.

Motion for passage: Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Office Manager

To: Glenn Aho, City Manager
From: Phillip L. Crowell, Jr.
Date: March 31, 2009
Re: COPS Hiring Recovery Program (CHRP)

The Auburn Police Department seeks to apply for the 2009 COPS Hiring Recovery Program (CFDA 16.710) through the U.S. Department of Justice Office of Community Oriented Policing Services.

The mission of Office of Community Oriented Policing is to:

- Create innovative programs that respond directly to the emerging needs of state, local and tribal law enforcement, to shift law enforcement's focus to preventing, rather than reacting to, crime and disorder within their communities
- Develop state-of-the-art training and technical assistance to enhance law enforcement officers' problem-solving and community interaction skills
- Promote collaboration between law enforcement and community members to develop innovative initiatives to prevent crime
- Provide responsive, cost effective service delivery to our grantees to ensure success in advancing community policing strategies within their communities.

The Auburn Police Department will hire a police officer to fill the vacancy which will not be funded in the FY 2009-2010 budget as well as hire two additional officers (for a total of 3 officers) who will become part of our "Community Action Team" (C.A.T.). The hiring of these three additional officers will allow us to implement community policing strategies that will strengthen partnerships for a safer community and enhance the police department's capacity to prevent, solve, and control crime.

The total cost of hiring three officers at the entry level for three years will be **\$568,380.00**. **This amount will be totally reimbursed by the Department of Justice.** The City of Auburn's commitment to this project will be the salaries associated with the retention of these three officers for the fourth year. The anticipated commitment will be \$68,300 (including benefits) per officer for a total of \$204,900.

We ask that on April 6th, 2009, the members of the City Council resolve to apply for this funding opportunity as well as make the commitment to retain the three officers in the fourth year at a total cost of \$204,900. The grant deadline is April 14, 2009.

City Council

Agenda Information Sheet

Council Meeting Date: 4/6/2009 **Agenda Item No.** 9

SUBJECT:

PUBLIC HEARING – ACCEPTANCE OF BYRNE/JAB FUNDING

INFORMATION:

The Auburn Police Department seeks to accept \$61,930 in appropriated Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Funds. The Byrne/JAG funding is a partnership among federal, state, and local governments to create safer communities. BJA is authorized to award grant to states and units of local governments to improve the functioning of the criminal justice system with emphasis on violent crime and serious offenders.

In order to be eligible for these funds, it is a requirement that local government officials be made aware that these funds will be granted through the State of Maine. A public hearing is required to ensure community participation.

Chief Crowell discussed this with the City Council at the March 19th Workshop.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval of this motion.

REQUESTED ACTION:

Motion to approve acceptance of \$61,930 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Funds.

VOTE:



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Office Manager

To: Glenn Aho, City Manager
From: Phillip L. Crowell, Jr.
Date: March 31, 2009
Re: Byrne-JAG Funding

The Auburn Police Department seeks to accept \$61,930 in appropriated Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation funds through the Bureau of Justice.

The Byrne/JAG funding is a partnership among federal, state, and local governments to create safer communities. BJA is authorized to award grants to states for use by states and units of local government to improve the functioning of the criminal justice system—with emphasis on violent crime and serious offenders—and enforce state and local laws that establish offenses similar to those in the federal Controlled Substances Act (21 U.S.C. 802(6) et seq.).

In order to be eligible for these funds, it is a requirement that local government officials be made aware that these funds will be granted through the State of Maine. Please include this information as part of your City Council packet for the April 6, 2009 City Council Meeting. A public hearing is required to ensure community participation.

City Council

Agenda Information Sheet

Council Meeting Date 04/06/2009

Agenda Item No. 10

SUBJECT:

RESOLVE – DISPOSTION OF TAX ACQURIED PROPERTY

INFORMATION:

Four properties were deemed to be marketable properties and were advertised for sale in the Sun Journal and on the City website since January. City staff also sent letters to the abutters to determine any interest in the four properties.

One property (Trapp Road) was originally part of the Community Cords program but was redesignated by the Council as a marketable property. Notice was sent to the three abutters requesting bids on the Trapp Road parcel.

The City Manager's office is seeking direction from the Council on the disposition of the attached list of parcels. The resolve asks the Council to authorize the City Manager to sell the properties to the highest bidder, however the Council may amend the resolve if they wish to keep some properties on the market.

STAFF COMMENTS/RECOMMENDATION:

REQUESTED ACTION:

Motion for passage or amendment of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: April 6, 2009

TITLE: RESOLVE – DISPOSITION OF TAX ACQUIRED PROPERTY

Be It Resolved by the Auburn City Council that the City Manager is authorized to sell the Tax Acquired properties listed below to the highest bidder.

Address & Parcel ID	Assessed Value	Bids
0 Brann Avenue (187-034-001)	\$100	\$ 110 (Roxann Reetz Fryer) – Abutter \$ 265 (Michael Bigos) – Public \$ 306 (Jonathan Turgeon) - Public \$ 400 (Scott Richard) – Public \$1,600 (J.T. Mill LLC) – Public \$5,000 (Habitat for Humanity) - Public
1565 Hotel Road (207-069)	\$39,200	\$ 201 (Roy Tassinari) – Abutter \$3,000 (Habitat for Humanity) – Public \$3,000 (William Humphrey) – Abutter \$4,250 (Jerome Millett) – Public
1971 Trailer (181-015-000-013)	\$4,300	\$ 100 (Susan Cotnoir)
0 Trapp Road	\$36,800	\$12,000 (Peter Moore) \$15,000 (Michelle Melaragno) *

Motion for passage:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Manager

To: Glenn E. Aho, City Manager

From: Laurie Smith, Assistant City Manager and Dennis Roderick, Purchasing Agent

Re: Sale of Tax Acquired Properties

Date: April 1, 2009

The following properties were considered to be marketable by the City and were advertised for sale in the Sun Journal and have been advertised on the city's website since the beginning of January. City staff also sent letters to the abutters and requested a response by March 31st. The advertisements and letters included the assessed value price sought by the City. The following table reports the results of these efforts.

Address & Parcel ID	Assessed Value	Bids
0 Brann Avenue (187-034-001)	\$100	\$ 110 (Roxann Reetz Fryer) – Abutter \$ 265 (Michael Bigos) – Public \$ 306 (Jonathan Turgeon) - Public \$ 400 (Scott Richard) – Public \$1,600 (J.T. Mill LLC) – Public \$5,000 (Habitat for Humanity) - Public
18 Western Promenade (250-382 & 250-383)	\$44,000	No Bids
1565 Hotel Road (207-069)	\$39,200	\$ 201 (Roy Tassinari) – Abutter \$3,000 (Habitat for Humanity) – Public \$3,000 (William Humphrey) – Abutter \$4,250 (Jerome Millett) – Public
43 Washington Park Rd. (181-015-000-013)	\$4,300	\$ 100 (Susan Cotnoir)

The following property was originally part of the Community Cords program but was redirected for sale by the Council and letters were sent to the three abutters requesting interest at the assessed value. Below are the results.

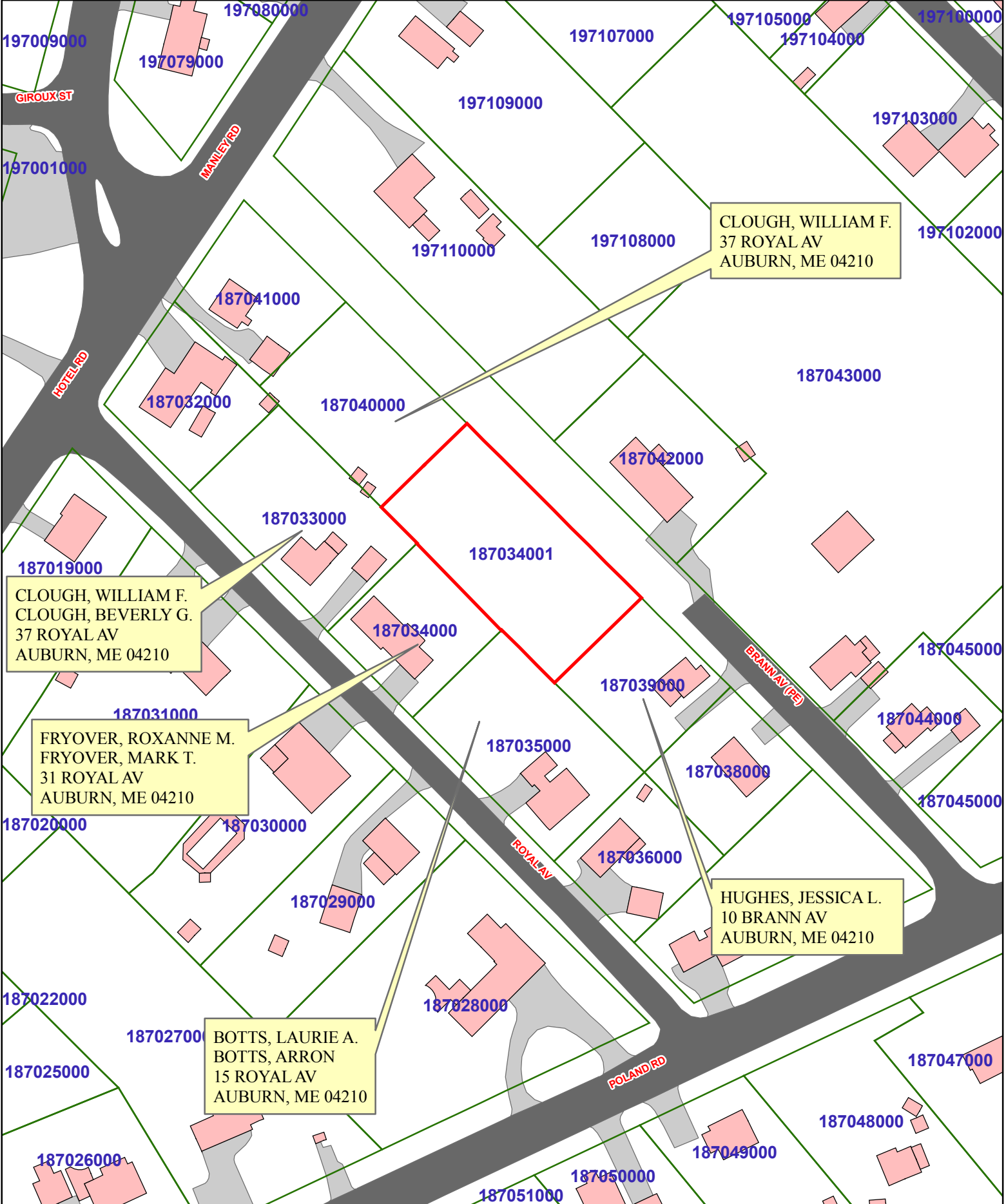
Address & Parcel ID	Assessed Value	Bids
0 Trapp Road	\$36,800	\$12,000 (Peter Moore) \$15,000 (Michelle Melaragno) *

*Michelle Melaragno's bid includes a provision to allow the city to retain access to the 46 acres for the benefit of the Cords Program and construct a turnaround for use by City vehicles.



Parcel ID: 187-034
Address: 0 Brann Avenue
Total Acres: 0.46

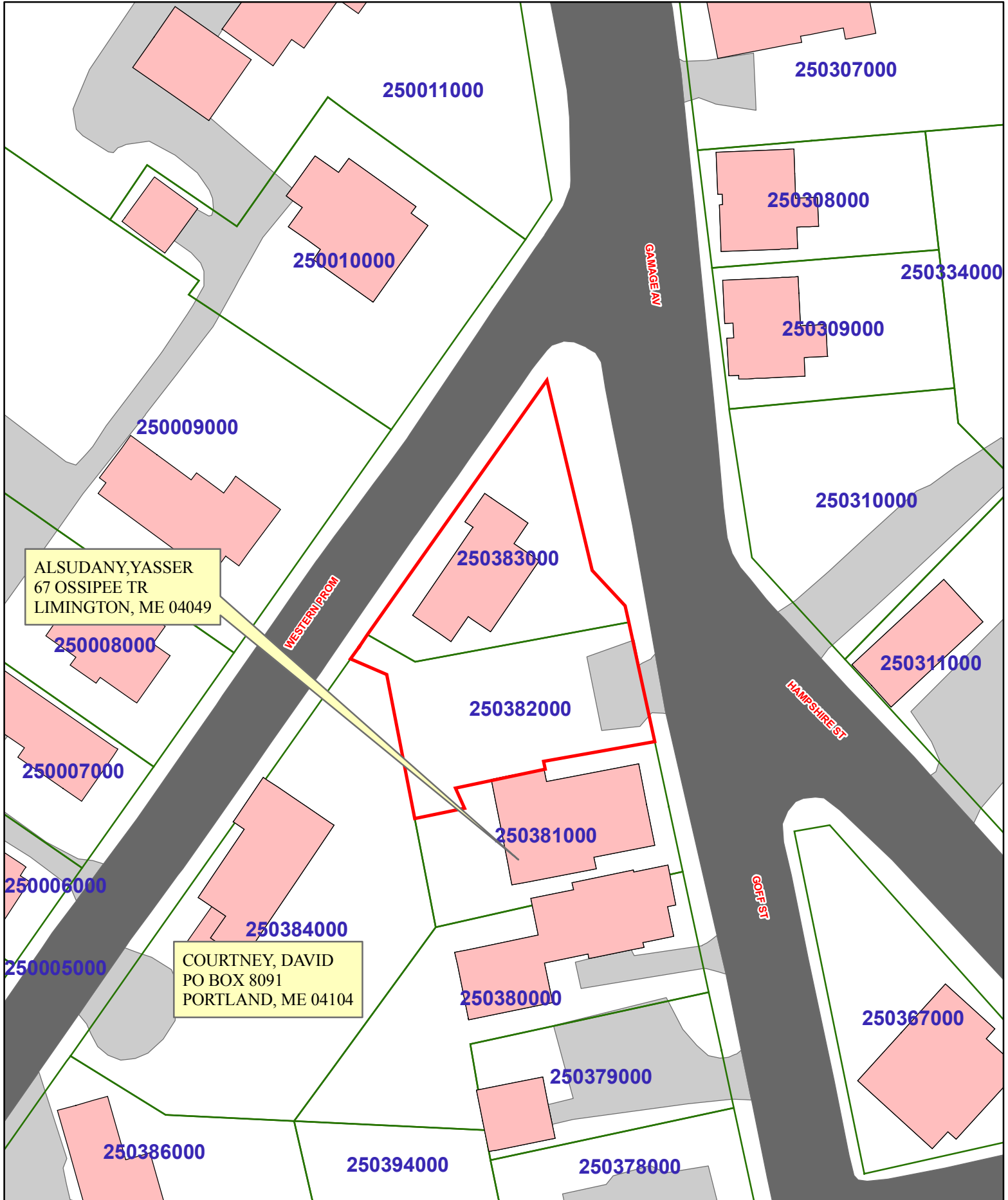
1 inch = 100 feet





Parcel ID: 250-382
Address: 126 Goff Street
Total Acres: 0.02

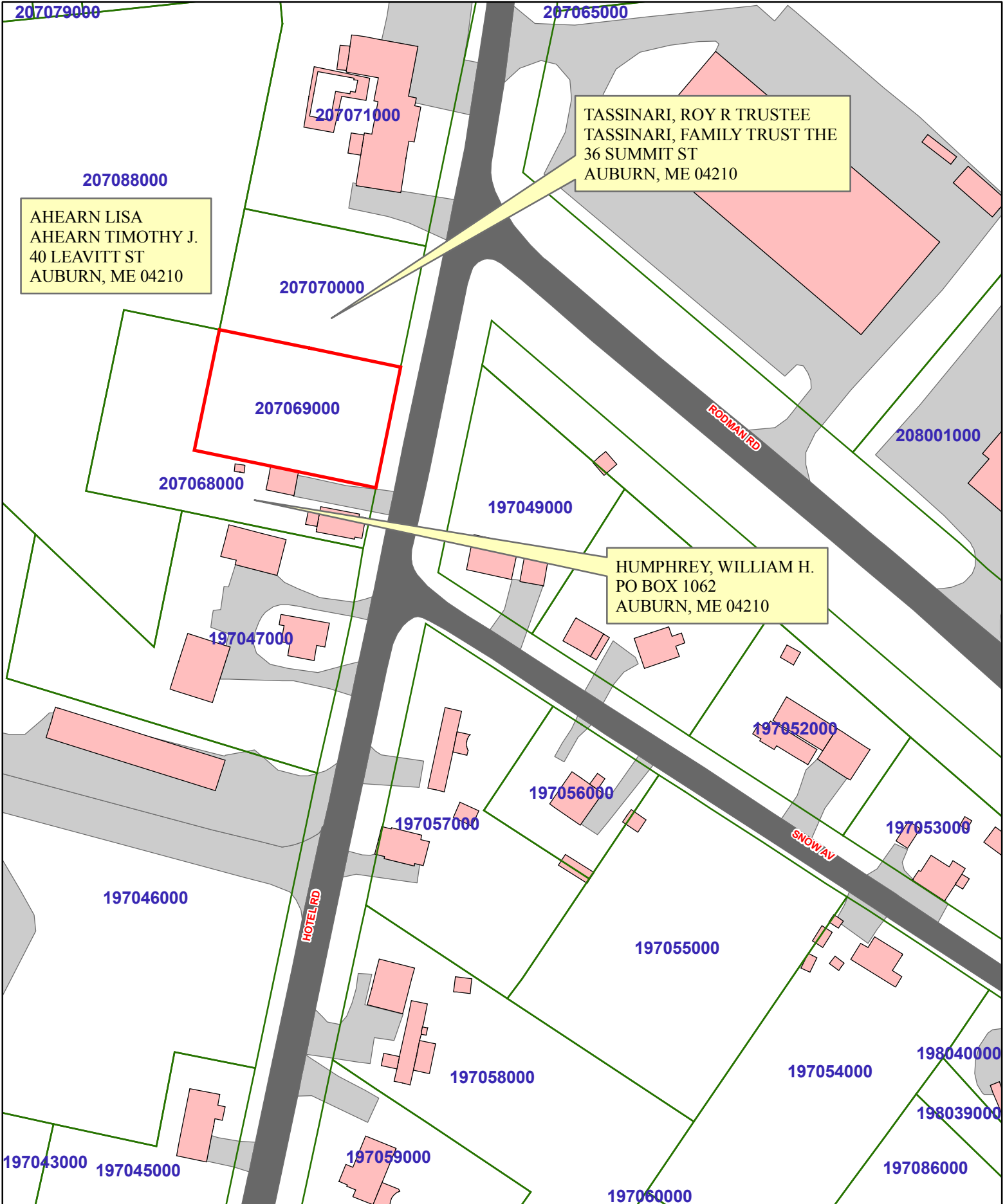
Parcel ID: 250-383
Address: 18 Western Prom
Total Acres: 0.12





Parcel ID: 207-069
Address: 1565 Hotel Road
Total Acres: 0.34

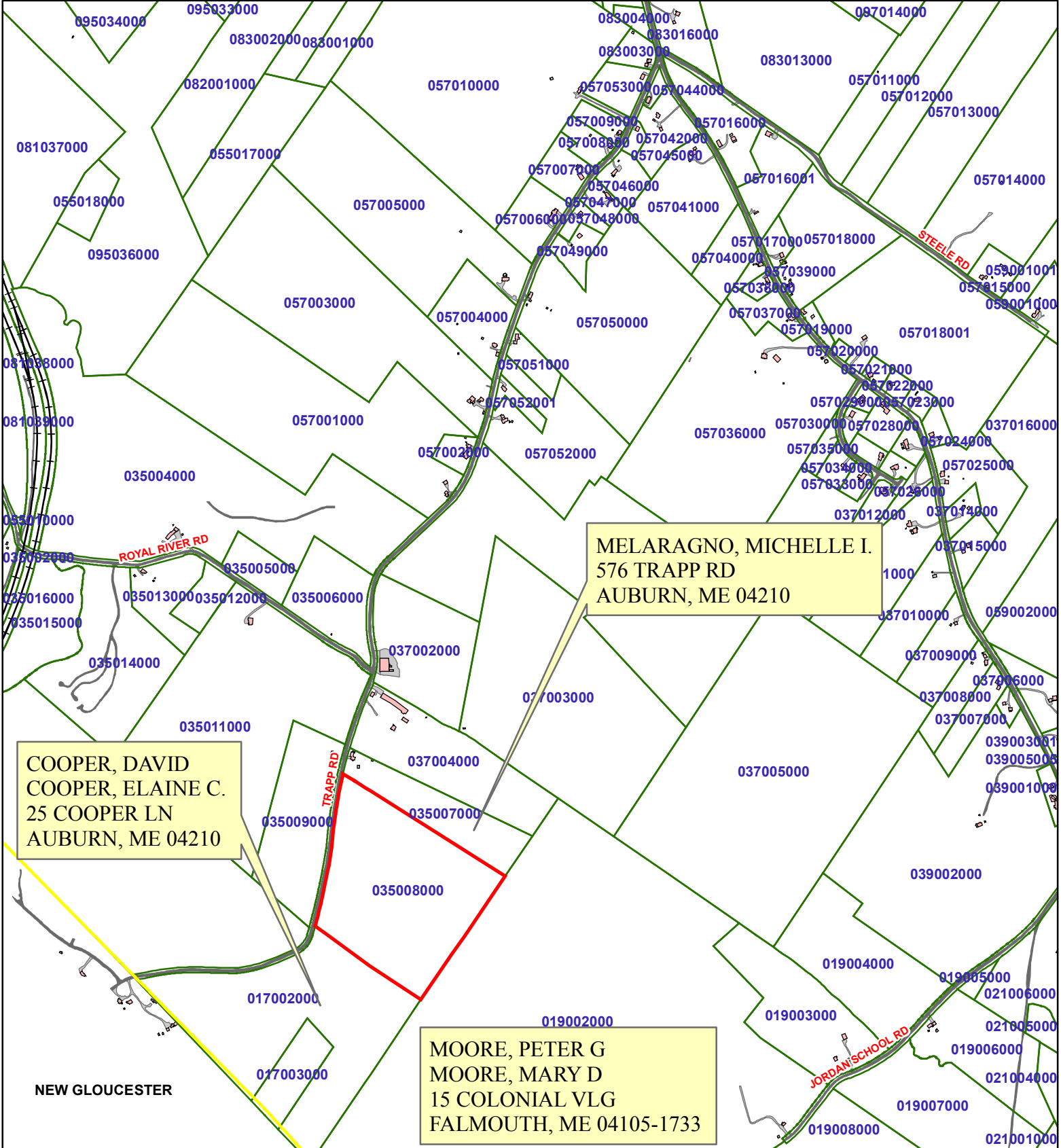
1 inch = 100 feet





Parcel ID: 035-008
Address: 0 Trapp Road
Assessed Value: \$ 36,800 Total Acres: 46

1 inch = 1,200 feet

Reason to retain property:
Wooded 46 acre lot in the AG zone. Retain for use for the Cords Program.

City Council

Agenda Information Sheet

Council Meeting Date: 4/6/2009 Agenda Item No. 11

SUBJECT:

RESOLVE – COMMUNITY LINK PROJECT

INFORMATION:

Mayor Jenkins has requested that the City Council discuss and act on the attached resolve entitled “Community Link Project”. This project is dedicated to providing quality and affordable government services; and is committed to innovation and working with regional municipalities to achieve the following:

- Coordinate and collaborate on mutually beneficial initiatives;
 - Offer enhanced municipal services to regional partners; and
 - Share community and economic development opportunities.
-

STAFF COMMENTS/RECOMMENDATION:

REQUESTED ACTION:

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: April 6, 2009

TITLE: RESOLVE – COMMUNITY LINK PROJECT

Be It Resolved by the Auburn City Council that the attached “Community Link Project” is hereby endorsed and adopted.

Motion for passage: Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the Mayor & City Council

Community Link Project

The Project:

The City of Auburn is dedicated to providing quality and affordable government services. To achieve this goal, we are committed to innovation and working with regional municipalities to (where applicable):

- Coordinate and collaborate on mutually beneficial initiatives,
- Offer enhanced municipal services to regional partners,
- Share community and economic development opportunities

The Process:

- Each partner municipality will officially appoint a representative Community Link Liaison,
- Based on the likely municipal partner, the Community Link Liaison will visit and present the officially sanctioned goals and interests outlining their community initiative,
- All discussions and agreements are non-binding until official legislative action (majority council vote) is taken to indicate otherwise,
- Liaisons can include (but are not limited to): elected and appointed municipal officials,
- Liaisons discussing any non sanctioned agenda initiatives may lose their privilege of being a representative

The Partnership:

At your earliest convenience, we look forward meeting with your community leaders to explore how we (as municipal partners) can work together in offering our citizens quality and affordable government services. Please contact the office of City Manager Mr. Glenn Aho: 207-333-6600.

Thank you for considering this project to better serve our citizens.

John Jenkins – Mayor of the Great City of Auburn!

"Never doubt that a small group of thoughtful committed people can change the world. Indeed, it is the only thing that ever has" –Margaret Mead

Vestigia Nulla Retrorsum – No Steps Backward

60 Court Street • Suite 243 • Auburn, ME 04210

• Voice (207) 333-6601 xt. 1216 • (207) 333-6621 Fax

www.auburnmaine.org • e-mail: MayorJenkins@auburnmaine.gov • peptalk@peptalk.com

City Council

Agenda Information Sheet

Council Meeting Date: 4/6/2009 Agenda Item No. 12

SUBJECT:

SET DATES FOR COUNCIL MEETINGS

INFORMATION:

The next regularly scheduled meeting date, April 20th, is Patriots Day. The suggested date to re-schedule would be April 27th.

Special City Council Meeting should be scheduled for April 15th in order for the City Council to sign the School Budget Validation Referendum Warrant.

Note: The School Budget Validation Referendum Election will be held on May 5th and the only voting place will be Auburn Hall.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends the above request.

REQUESTED ACTION:

Motion to set the above two dates.

VOTE: