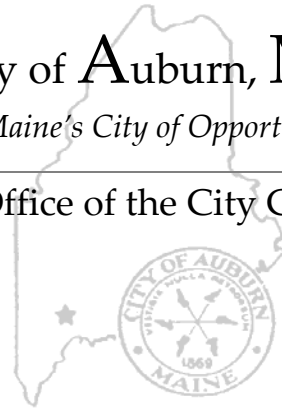


# City of Auburn, Maine

*"Maine's City of Opportunity"*

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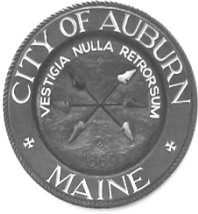
Office of the City Clerk



## Council Meeting Agenda Packet

January 26, 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](http://www.adobe.com).



# City Council Meeting and Workshop January 26, 2009

*"While your responsibility may  
be individual, your authority is  
collective" <sup>1</sup>*

## Agenda

**5:00 p.m. Dinner**

**5:30 p.m. Workshop**

- A. Discussion: Joint Services Resolution (See Item #3)
- B. Discussion: Amendment to Zoning Map – Lane Rd/South Main St (See Item #4)
- C. Discussion: 133 Hampshire Street
- D. Open

**If necessary Workshop will continue following adjournment**

**7:00 p.m. City 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

\*012609-00 Minutes of January 5, 2009

## Reports

### Mayor

Appointments

### City Councilors

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

### City Manager

Finance Report – Month of December

## Communications, Presentations and Recognitions

\*012609-00 Communication from Community Concepts Re: Great Falls School Property (This item will be Discussed at the Council Workshop Feb. 2 or 9)

**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

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

## Unfinished Business

012609-01 Resolve – (Tabled 1/5/09) Conveyance of 133 Hampshire Street

012609-02 Resolve – (Tabled 1/5/09) Authorize Treasurer to Write Off a 2006 Real Estate Tax

## New Business

012609-03 Resolve – Joint Services Resolution

012609-04 Ordinance – Amendment to the Zoning Map in the Vicinity of Lane Road and South Main St  
(First Reading)

012609-05 Resolve – Accepting Certain Forfeited Funds

012609-06 Resolve – Accepting Certain Forfeited Funds

012609-07 Resolve – Accepting Certain Forfeited Funds

012609-08 Resolve – Authorize Treasurer to Sell and Dispose of Real Estate Acquired by the City for  
Non-Payment of Taxes

012609-09 Public Hearing and action on Liquor License and Special Amusement Permit applications for  
Babylon, Inc. d/b/a Babylon, 34 Court Street, Auburn

012609-10 Resolve – Authorize City Manager to Execute Lease Agreement with Mr. Normand Vallee

012609-11 Appointment to the Public Health Committee

012609-12 Appointment to the Zoning Board of Appeals

**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

## Future Agenda/Workshop Items

## ADJOURNMENT

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**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.

**CITY OF AUBURN  
JANUARY 5, 2009  
CITY COUNCIL MEETING**

**PRESENT**

Mayor John T. Jenkins, Councilors Michael J. Farrell, Robert P. Hayes, Daniel R. Herrick, Raymond C. Berube, Ronald W. Potvin and Robert C. Mennealy, City Manager Glenn Aho, Assistant City Manager Laurie Smith and City Clerk Mary Lou Magno. There were 20 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: 6 Yeas, No Nays.

**\*MINUTES OF DECEMBER 15, 2008**

Approved under consent agenda.

**REPORTS OF THE MAYOR**

Mayor Jenkins requested a moment of silence for Peter Wallingford, a member of the Zoning Board of Appeals. Councilor Herrick suggested that a scholarship be established in memory of Mr. Wallingford and that fund should be awarded to a student who will be studying agriculture.

Mayor Jenkins reminded Ward 4 residents of the special election that will take place on Tuesday, January 13<sup>th</sup> at Fairview School from 7 am until 8 pm. The Mayor indicated that all three candidates are present at the meeting and he allowed each of them one minute to introduce themselves, they are: Kenneth Bellefleur, John Morin and David Young.

Mayor Jenkins reminded residents that Winter Festival will take place January 30 thru February 8.

**REPORTS OF CITY COUNCILORS**

Councilors reported on their respective Council Committee Assignments.

**REPORTS OF THE CITY MANAGER**

City Manager Aho requested that the Council leave item #1 on the table and that they take action regarding the conveyance of 133 Hampshire Street during item #3.

**COMMUNICATIONS, PRESENTATIONS, AND RECOGNITIONS**

**\*COMMUNICATION FROM JOSEPH H. MAILEY RE: SALE OF PROPERTY AT  
133 HAMPSHIRE STREET**

Approved under consent agenda.

**\*COMMUNICATION FROM NOELLA POTVIN RE: RESIGNATION FROM ZONING BOARD OF APPEALS**

Approved under consent agenda.

**\*COMMUNICATION FROM NORMAND LAMIE, WATER DISTRICT SUPERINTENDENT RE: AMENDMENT TO SPRINKLER SYSTEM ORDINANCE**

Approved under consent agenda.

**\*COMMUNICATION FROM HABITAT FOR HUMANITY RE: 133 HAMPSHIRE STREET**

Approved under consent agenda.

**OPEN SESSION**

David Young, 1167 Old Danville Road; Larry Morrisette, PO Box 3036; and Dan Bilodeau, 207 North Auburn Road.

**CLOSED OPEN SESSION**

**UNFINISHED BUSINESS**

**1. RESOLVE – (TABLED 11/17/2008) 133 HAMPSHIRE STREET – HABITAT FOR HUMANITY**

No motion.

**2. ORDINANCE – AMENDMENT TO CHAPTER 21, SECTIONS 1.15 AND 1.9 – SPRINKLER SYSTEMS (2<sup>ND</sup> Reading)**

Councilor Potvin moved for acceptance of second reading and final passage. Seconded by Councilor Mennealy.

Comments were made by the following: Francois Bussiere, 9 Winter Street; Wayne Werts, Fire Chief; Norm Lamie, Superintendent Water and Sewer District.

Vote: 5 Yeas with Councilor Hayes voting Nay.

**NEW BUSINESS**

**3. RESOLVE – CONVEYANCE OF 133 HAMPSHIRE STREET**

Councilor Potvin moved that the deed be conveyed to Patrick and Joanne Luizzo for \$5,000 and that the parcel be locked in a deed that prevents any house building on that property, that it remain open space and that the deed be unlimited and the deed be passed on perpetually. Seconded by Councilor Hayes.

Comments were made by the following: Anne Parker, 69 Summit Street; Patrick Luizzo, 131 Hampshire Street; Joseph Mailey, 82 Webster Street; and Michael Carey, representing Habitat for Humanity.

Councilor Farrell moved to table. Seconded by Councilor Herrick. Vote: 5 Yeas with Councilor Potvin voting Nay.

**4. RESOLVE – AUTHORIZE TREASURER TO WRITE OFF A 2006 REAL ESTATE TAX**

Councilor Hayes moved for passage of the resolve. Seconded by Councilor Herrick.  
Glenn Aho, City Manager, explained the above resolve and answered Councilors questions.

Councilor Hayes moved to table. Seconded by Councilor Potvin. Vote: 4 Yeas with Councilors Herrick and Berube voting Nay.

**5. RESOLVE – AUTHORIZE TREASURER TO SELL AND DISPOSE OF REAL ESTATE ACQUIRED BY THE CITY FOR NON-PAYMENT OF TAXES**

Councilor Potvin moved for passage of the resolve. Seconded by Councilor Farrell.  
Glenn Aho, City Manager, explained the above resolve and answered Councilors question.  
Vote: 6 Yeas, No Nays.

**6. RESOLVE – APPOINTMENT OF REGISTRAR AND DEPUTY REGISTRAR OF VOTERS**

Councilor Berube moved for passage of the resolve. Seconded by Councilor Farrell.  
Vote: 6 Yeas, No Nays.

**DISCUSSION REGARDING REQUEST FOR JANUARY 31<sup>ST</sup> MEETING WITH CITY OF LEWISTON TO DISCUSS JOINT SERVICES**

Several Auburn Councilors will not be available on January 31<sup>st</sup>.

The Councilors suggested that the Auburn Council have a workshop to discuss the recommendations of the Commission before a meeting is held with the Lewiston City Council.

**OPEN SESSION**

Tina Stevens, 712 Park Avenue; Dan Bilodeau, 207 North Auburn Road; and Larry Morrisette, PO Box 3036.

**CLOSED OPEN SESSION**

**FUTURE AGENDA/WORKSHOP ITEMS**

Discussion regarding LD 135 – Tax Abatement for Senior Citizens

**ADJOURNMENT – 9:20 P.M.**

Councilor Berube moved to adjourn. Seconded by Councilor Farrell. Vote: 6 Yeas, No Nays.

**A TRUE RECORD**

**ATTEST:** \_\_\_\_\_  
**CITY CLERK**

# *City of Auburn, Maine*

## FINANCIAL MANAGEMENT REPORT DECEMBER 2008



PREPARED BY THE FINANCE DEPARTMENT  
BETTY GRIEBEL, INTERIM FINANCE DIRECTOR

**CITY OF AUBURN, MAINE**  
**BALANCE SHEET - GENERAL FUND**  
**DECEMBER 31, 2008**

	<b>Dec. 31 2008</b>	<b>Nov. 30 2008</b>	<b>Increase (Decrease)</b>
<b><u>ASSETS</u></b>			
CASH	16,013,068	18,189,986	(2,176,918)
RECEIVABLES			-
ACCOUNTS RECEIVABLES	506,397	592,811	(86,414)
TAXES RECEIVABLE-CURRENT	17,092,192	17,522,283	(430,091)
DELINQUENT TAXES	477,904	484,257	(6,353)
TAX LIENS	765,016	985,006	(219,990)
NET DUE TO/FROM OTHER FUNDS	(2,345,162)	(3,781,729)	1,436,566
			-
<b>TOTAL ASSETS</b>	<b>32,509,414</b>	<b>33,992,614</b>	<b>(1,483,200)</b>
			-
<b><u>LIABILITIES &amp; FUND BALANCES</u></b>			
			-
ACCOUNTS PAYABLE	198,947	72,323	126,623
WAGES & TAXES PAYABLE	(15,254)	(24,539)	9,286
ACCRUED PAYROLL	3	3	-
STATE FEES PAYABLE	40,974	22,600	18,374
PREPAID TAXES			-
IN LIEU OF BONDS	63,765	63,709	56
DEFERRED REVENUE	17,912,326	18,568,652	(656,326)
			-
<b>TOTAL LIABILITIES</b>	<b>18,200,761</b>	<b>18,702,748</b>	<b>(501,987)</b>
			-
FUND BALANCE - NOT DESIGNATED	10,210,530	10,210,530	-
FUND BALANCE - DESIGNATED FOR WORKERS COMP & UNEMPLOYMENT			-
FUND BALANCE - DESIGNATED	1,134,224	1,134,224	-
NET CHANGE IN FUND BALANCE	2,963,899	3,945,112	(981,213)
			-
<b>TOTAL FUND BALANCES</b>	<b>14,308,653</b>	<b>15,289,866</b>	<b>(981,213)</b>
			-
<b>TOTAL LIABILITIES AND FUND BALANCES</b>	<b>32,509,414</b>	<b>33,992,614</b>	<b>(1,483,200)</b>

- (0)



**CITY OF AUBURN, MAINE**  
**REVENUES - GENERAL FUND COMPARATIVE**  
**AS OF DEC. 31, 2008 vs. DEC. 31, 2007**

REVENUE SOURCE	FY 2009 BUDGET	ACTUAL REVENUES THROUGH DEC. 31	% OF TOTAL BUDGET	FY 2008 BUDGET	ACTUAL REVENUES THROUGH DEC. 31	% OF TOTAL BUDGET
<b><u>TAXES</u></b>						
PROPERTY TAX REVENUE-	\$ 38,606,328	\$ 21,733,377	56.29%	\$ 40,042,391	\$ 22,344,124	55.80%
PRIOR YEAR REVENUE		603,180		\$ -	\$ 848,414	
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 648,980	\$ 649,520	100.08%	\$ 650,917	\$ 651,221	100.05%
ALLOWANCE FOR ABATEMENT	\$ -	\$ -		\$ -	\$ -	
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ -	\$ -	
EXCISE	\$ 3,200,000	\$ 1,575,847	49.25%	\$ 3,200,000	\$ 1,642,718	51.33%
PENALTIES & INTEREST	\$ 125,000	\$ 112,823	90.26%	\$ 90,000	\$ 87,045	96.72%
<b>TOTAL TAXES</b>	<b>\$ 42,580,308</b>	<b>\$ 24,674,747</b>	<b>57.95%</b>	<b>\$ 43,983,308</b>	<b>\$ 25,573,522</b>	<b>58.14%</b>
<b><u>LICENSES AND PERMITS</u></b>						
BUSINESS	\$ 49,900	\$ 23,195	46.48%	\$ 49,600	\$ 24,935	50.27%
NON-BUSINESS	\$ 309,200	\$ 178,746	57.81%	\$ 325,700	\$ 156,860	48.16%
<b>TOTAL LICENSES</b>	<b>\$ 359,100</b>	<b>\$ 201,941</b>	<b>56.24%</b>	<b>\$ 375,300</b>	<b>\$ 181,795</b>	<b>48.44%</b>
<b><u>INTERGOVERNMENTAL ASSISTANCE</u></b>						
STATE-LOCAL ROAD ASSISTANCE	\$ 450,000	\$ 235,342	52.30%	\$ 460,000	\$ 247,257	53.75%
STATE REVENUE SHARING	\$ 3,775,000	\$ 2,024,782	53.64%	\$ 3,775,000	\$ 2,099,316	55.61%
WELFARE REIMBURSEMENT	\$ 22,500	\$ 21,173	94.10%	\$ 22,500	\$ 8,178	36.35%
OTHER STATE AID	\$ 30,000	\$ 11,470	38.23%	\$ 25,000	\$ 10,180	40.72%
FEMA REIMBURSEMENT	\$ -	\$ -		\$ -	\$ 32,824	
CITY OF LEWISTON	\$ 154,000	\$ -	0.00%	\$ 150,000	\$ 13,063	8.71%
EDUCATION SUBSIDY	\$ 16,418,792	\$ 8,238,053	50.17%	\$ 16,118,582	\$ 6,743,152	41.83%
<b>TOTAL INTERGOVERNMENTAL ASSISTANCE</b>	<b>\$ 20,850,292</b>	<b>\$ 10,530,821</b>	<b>50.51%</b>	<b>\$ 20,551,082</b>	<b>\$ 9,153,970</b>	<b>44.54%</b>
<b><u>CHARGE FOR SERVICES</u></b>						
GENERAL GOVERNMENT	\$ 145,525	\$ 83,032	57.06%	\$ 163,950	\$ 96,323	58.75%
PUBLIC SAFETY	\$ 80,000	\$ 54,091	67.61%	\$ 71,000	\$ 31,240	44.00%
EMS TRANSPORT	\$ 310,000	\$ 2,966	0.96%	\$ 20,000	\$ 6,456	32.28%
EDUCATION	\$ 2,212,514	\$ 1,658,945	74.98%	\$ 2,132,980	\$ 1,781,403	83.52%
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 2,748,039</b>	<b>\$ 1,799,033</b>	<b>65.47%</b>	<b>\$ 2,387,930</b>	<b>\$ 1,915,422</b>	<b>80.21%</b>
<b><u>FINES</u></b>						
PARKING TICKETS & MISC FINES	\$ 65,000	\$ 14,009	21.55%	\$ 50,000	\$ 17,029	34.06%
<b><u>MISCELLANEOUS</u></b>						
INVESTMENT INCOME	\$ 400,000	\$ 179,946	44.99%	\$ 385,000	\$ 257,673	66.93%
INTEREST-BOND PROCEEDS	\$ 125,000	\$ -	0.00%	\$ 125,000	\$ -	0.00%
RENTS	\$ 132,500	\$ 129,732	97.91%	\$ 132,500	\$ 124,277	93.79%
UNCLASSIFIED	\$ 40,000	\$ 336,188	840.47%	\$ 75,000	\$ 10,176	13.57%
SALE OF RECYCLABLES	\$ 85,000	\$ 45,569	53.61%	\$ 60,000	\$ 20,138	33.56%
COMMERCIAL SOLID WASTE FEES	\$ 57,500	\$ 49,637	86.33%	\$ 56,000	\$ 28,138	50.25%
SALE OF PROPERTY	\$ 490,000	\$ 17,917	3.66%	\$ 30,000	\$ 6,200	20.67%
RECREATION PROGRAMS	\$ 20,000	\$ -	0.00%	\$ 20,000	\$ -	0.00%
MMWAC HOST FEES	\$ 190,400	\$ 98,752	51.87%	\$ 190,400	\$ 93,120	48.91%
9-1-1 DEBT SERVICE REIMBURSEMENT	\$ -	\$ -		\$ -	\$ -	0.00%
TRANSFER IN: TIF	\$ -	\$ -		\$ -	\$ -	
TRANSFER OUT: TIF	\$ (2,500,000)	\$ -	0.00%	\$ (3,500,000)	\$ -	0.00%
FUND BALANCE CONTRIBUTION	\$ 575,534	\$ -				0.00%
<b>TOTAL MISCELLANEOUS</b>	<b>\$ (384,066)</b>	<b>\$ 857,742</b>	<b>-223.33%</b>	<b>\$ (2,426,100)</b>	<b>\$ 539,722</b>	<b>-22.25%</b>
<b>TOTAL GENERAL FUND REVENUES</b>	<b>\$ 66,218,673</b>	<b>\$ 38,078,293</b>	<b>57.50%</b>	<b>\$ 64,921,520</b>	<b>\$ 37,381,459</b>	<b>57.58%</b>

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - GENERAL FUND COMPARATIVE**  
**AS OF DEC. 31, 2008 vs. DEC. 31, 2007**

DEPARTMENT	FY 2009 BUDGET	ACTUAL EXPENDITURES THROUGH DEC. 31	% OF TOTAL BUDGET	FY 2008 BUDGET	ACTUAL EXPENDITURES THROUGH DEC. 31	% OF TOTAL BUDGET
<b>ADMINISTRATION</b>						
MAYOR AND COUNCIL	\$ 103,500	\$ 57,685	55.73%	\$ 102,275	\$ 71,289	69.70%
LEGAL SERVICES	\$ 55,000	\$ 40,229	73.14%	\$ 55,000	\$ 23,482	42.70%
CITY CLERK	\$ 140,367	\$ 89,304	63.62%	\$ 133,399	\$ 73,392	55.02%
CITY MANAGER	\$ 227,703	\$ 122,374	53.74%	\$ 214,776	\$ 89,672	41.75%
HUMAN RESOURCES	\$ 125,797	\$ 67,126	53.36%	\$ 110,878	\$ 55,850	50.37%
ASSESSING SERVICES	\$ 270,103	\$ 127,746	47.30%	\$ 267,575	\$ 137,703	57.60%
FINANCIAL SERVICES	\$ 374,058	\$ 170,844	45.67%	\$ 364,296	\$ 188,963	37.80%
CUSTOMER SERVICE	\$ 16,000	\$ 7,454	46.59%	\$ 16,000	\$ 8,703	54.40%
<b>TOTAL ADMINISTRATION</b>	\$ 1,312,528	\$ 682,762	52.02%	\$ 1,264,199	\$ 649,054	51.34%
<b>COMMUNITY SERVICES</b>						
HEALTH & SOCIAL SERVICES						
ADMINISTRATION	\$ 49,240	\$ 24,384	49.52%	\$ 47,798	\$ 22,523	47.12%
ASSISTANCE	\$ 48,450	\$ 44,505	91.86%	\$ 48,750	\$ 15,026	30.82%
INFORMATION SYSTEMS				\$ 196,562	\$ 154,116	78.41%
ICT	\$ 258,809	\$ 162,523	62.80%			
ENGINEERING	\$ 435,626	\$ 178,058	40.87%			
PLANNING & PERMITTING	\$ 829,982	\$ 404,845	48.78%	\$ 768,591	\$ 397,031	51.66%
PARKS AND RECREATION	\$ 613,361	\$ 291,635	47.55%	\$ 552,261	\$ 239,235	43.32%
PUBLIC LIBRARY	\$ 919,407	\$ 459,704	50.00%	\$ 919,407	\$ 459,704	50.00%
COMMUNITY PROGRAMS	\$ 13,650	\$ 11,150	81.68%	\$ 13,550	\$ 11,150	82.29%
<b>TOTAL COMMUNITY SERVICES</b>	\$ 3,168,525	\$ 1,576,803	49.76%	\$ 2,546,919	\$ 1,298,785	50.99%
<b>FISCAL SERVICES</b>						
DEBT SERVICE	\$ 7,026,199	\$ 6,734,365	95.85%	\$ 7,176,622	\$ 6,433,086	89.64%
PROPERTY	\$ 553,307	\$ 412,299	74.52%	\$ 543,614	\$ 441,296	81.18%
WORKERS COMPENSATION	\$ 200,000	\$ 200,000	100.00%	\$ 200,000	\$ 200,000	100.00%
WAGES & BENEFITS	\$ 4,120,408	\$ 2,034,011	49.36%	\$ 4,130,343	\$ 1,837,859	44.50%
EMERGENCY RESERVE	\$ 329,500	\$ -	0.00%	\$ 326,900	\$ -	0.00%
<b>TOTAL FISCAL SERVICES</b>	\$ 12,229,414	\$ 9,380,675	76.71%	\$ 12,377,479	\$ 8,912,241	72.00%
<b>PUBLIC SAFETY</b>						
EMERGENCY MGMT AGENCY	\$ 7,120	\$ 5,941	83.44%	\$ 6,678	\$ 7,298	109.28%
FIRE DEPARTMENT	\$ 3,642,524	\$ 1,777,684	48.80%	\$ 3,643,879	\$ 1,738,392	47.71%
POLICE DEPARTMENT	\$ 2,995,571	\$ 1,479,310	49.38%	\$ 2,712,013	\$ 1,429,771	52.72%
<b>TOTAL PUBLIC SAFETY</b>	\$ 6,645,215	\$ 3,262,935	49.10%	\$ 6,362,570	\$ 3,175,461	49.91%
<b>PUBLIC WORKS</b>						
PUBLIC WORKS DEPARTMENT	\$ 4,548,651	\$ 2,070,835	45.53%	\$ 4,667,059	\$ 2,081,344	44.60%
WATER AND SEWER	\$ 504,700	\$ 258,313	51.18%	\$ 472,500	\$ 238,220	50.42%
<b>TOTAL PUBLIC WORKS</b>	\$ 5,053,351	\$ 2,329,148	46.09%	\$ 5,139,559	\$ 2,319,564	45.13%
<b>INTERGOVERNMENTAL PROGRAMS</b>						
AUBURN-LEWISTON AIRPORT	\$ 96,750	\$ 48,375	50.00%	\$ 98,000	\$ 73,500	75.00%
E911 COMMUNICATION CENTER	\$ 950,589	\$ 475,295	50.00%	\$ 930,934	\$ 465,556	50.01%
LATC-PUBLIC TRANSIT	\$ 130,000	\$ 65,000	50.00%	\$ 117,994	\$ 58,997	50.00%
LAEGC-ECONOMIC COUNCIL	\$ 106,429	\$ 26,607	25.00%	\$ 106,429	\$ 53,215	50.00%
L-A ARTS	\$ 24,267	\$ 12,134	50.00%	\$ 22,680	\$ 11,340	50.00%
COUNTY TAX	\$ 1,969,765	\$ 1,969,765	100.00%	\$ 1,877,972	\$ 1,877,972	100.00%
TAX SHARING	\$ 325,000	\$ 47,174	14.52%	\$ 350,000	\$ -	0.00%
<b>TOTAL INTERGOVERNMENTAL</b>	\$ 3,602,800	\$ 2,644,349	73.40%	\$ 3,504,009	\$ 2,540,580	72.50%
<b>EDUCATION DEPARTMENT</b>	\$ 34,206,840	\$ 15,261,559	44.62%	\$ 33,726,785	\$ 15,218,487	45.12%
<b>TOTAL GENERAL FUND EXPENDITURES</b>	\$ 66,218,673	\$ 35,138,230	53.06%	\$ 64,921,520	\$ 34,114,171	52.55%

**CITY OF AUBURN, MAINE  
INVESTMENT SCHEDULE  
AS OF DEC. 31, 2008**

INVESTMENT	FUND	ACCOUNT BALANCE	INTEREST RATE	VALUE		WEIGHTED AVG YIELD
				BOOK	MARKET	
BANKNORTH MNY MKT	GENERAL FUND	5,024,365.08	<b>0.74%</b>	5,024,365.08	5,024,365.08	
BANKNORTH MNY MKT	GF-WORKERS COMP	49,017.54	<b>0.31%</b>	49,017.54	49,017.54	
BANKNORTH MNY MKT	GF-UNEMPLOYMENT	66,044.67	<b>0.74%</b>	66,044.67	66,044.67	
BANKNORTH CD	GF-UNEMPLOYMENT	99,852.01	<b>2.64%</b>	99,852.01	99,852.01	
BANKNORTH MNY MKT	SPECIAL REVENUE	1,746,794.74	<b>0.74%</b>	1,746,794.74	1,746,794.74	
BANKNORTH MNY MKT	SR-PERMIT PARKING	195,456.92	<b>0.74%</b>	195,456.92	195,456.92	
BANKNORTH MNY MKT	SR-TIF	2,798,931.18	<b>0.74%</b>	2,798,931.18	2,798,931.18	
BANKNORTH MNY MKT	CAPITAL PROJECTS	6,009,489.28	<b>0.74%</b>	6,009,489.28	6,009,489.28	
BANKNORTH MNY MKT	CAPITAL PROJECTS	270,849.97	<b>0.74%</b>	270,849.97	270,849.97	
BANKNORTH CD	CAPITAL PROJECTS	32,201.29	<b>2.96%</b>	32,001.19	32,001.19	
BANKNORTH MNY MKT	ICE ARENA	46,941.54	<b>0.31%</b>	46,941.54	46,941.54	
<b>GRAND TOTAL</b>		<b>16,339,944.22</b>		<b>16,339,744.12</b>	<b>16,339,744.12</b>	<b>0.75%</b>

**CITY OF AUBURN, MAINE  
INVESTMENT SCHEDULE  
COMPARISON OF DEC. 31, 2008  
AND NOV. 30, 2008**

FUND	NOV. 30, 2008		DEC. 31, 2008		INCREASE (DECREASE)	
	VALUE		VALUE		VALUE	
	BOOK	MARKET	BOOK	MARKET	BOOK	MARKET
GENERAL FUND	5,021,230.24	5,021,230.24	5,024,365.08	5,024,365.08	3,134.84	3,134.84
WORKERS COMP	49,004.82	49,004.82	49,017.54	49,017.54	12.72	12.72
UNEMPLOYMENT	66,003.46	66,003.46	66,044.67	66,044.67	41.21	41.21
UNEMPLOYMENT	99,628.62	99,628.62	99,852.01	99,852.01	223.39	223.39
SPECIAL REVENUE	1,745,704.87	1,745,704.87	1,746,794.74	1,746,794.74	1,089.87	1,089.87
PERMIT PARKING	195,334.97	195,334.97	195,456.92	195,456.92	121.95	121.95
TIF	2,797,184.85	2,797,184.85	2,798,931.18	2,798,931.18	1,746.33	1,746.33
CAPITAL PROJECTS	6,005,739.79	6,005,739.79	6,009,489.28	6,009,489.28	3,749.49	3,749.49
CAPITAL PROJECTS	270,680.98	270,680.98	270,849.97	270,849.97	168.99	168.99
CAPITAL PROJECTS	32,120.54	32,120.54	32,201.29	32,201.29	80.75	80.75
ICE ARENA	46,929.36	46,929.36	46,941.54	46,941.54	12.18	12.18
	<b>16,329,562.50</b>	<b>16,329,562.50</b>	<b>16,339,944.22</b>	<b>16,339,944.22</b>	<b>\$10,381.72</b>	<b>\$10,381.72</b>

# CommunityConcepts

helping people manage life

January 12, 2009

Mr. Glenn E. Aho

City Manager

City of Auburn

60 Court Street, Suite 250

Auburn, Maine 04210

Re: Great Falls School

Dear Glenn,

We are pleased to submit our proposal to acquire and rehabilitate the former Great Falls School property located on Academy Street in Auburn. Our understanding at this point is that a portion of the property that is used by the Community Little Theatre may remain in its current use and will likely be owned by the City or transferred to the theater organization.

Our plans are to develop the remaining building for affordable rental housing that would serve either family or senior households earning up to 60 percent of the area median income. We have reviewed the property with our architect and have considered a possible financing plan. We have determined that the project is feasible and we would like to proceed.

As part of this proposal, we request that we put together an option agreement with the City to acquire the property. It is important that we are able to conclude an option agreement soon in order to meet various financing deadlines this year.

The existing two-story building would be completely rehabilitated and we would add a third floor. The project appears to support approximately 21 apartment units plus additional tenant space for services and storage. I've attached our architect's rendering showing how the building may look once we've completed the rehab. The property would need to provide at least 21 on-site parking spaces for tenants.

We would likely finance the project utilizing Federal Housing Tax Credits that are available on a competitive basis through the Maine State Housing Authority (MSHA). We have worked successfully with this program over the years and more recently used the program to finance the Bates Street Senior Housing project in Lewiston that we completed last year. The tax credits are used to raise private equity through a limited partnership that we will form. We typically raise nearly 70% of the project cost through private investment. The remaining cost is raised from other public and private sources

with the goal to reduce or eliminate debt service payments to a level that allow the rents to be affordable. The project would have long term rent and affordability restrictions. In order for the project to remain affordable and meet these requirements, it is important that there is no conventional debt.

Only about one-third of applications have been successful in recent funding rounds with MSHA. Local financial support is critical for an application to be successful. Support from the City of Lewiston played a major role in putting the Bates Street project together.

There are several pieces of financial support that the City of Auburn can provide that would be important to make the application successful:

- Donate the property to Community Concepts for nominal consideration;
- Set up an affordable housing tax increment financing district (TIF) that would return a portion of the real estate taxes to the project to reduce operating costs;
- Allocate HOME funds to the project on a deferred soft loan basis.

In return, Community Concepts will arrange for a significant capital investment in the project that will sustain the property for the long term with a permanent affordable housing covenant that runs with the property. The property will pay real estate taxes.

Community Concepts, Inc. will be the developer and would form a limited partnership to raise the required equity. Community Concepts (or its affiliate) will be the managing general partner. The limited partner investor will likely be Enterprise Community Investments, Inc. who was the equity investor in our Bates Street project. Enterprise is a major investor in projects of this type and have provided equity financing for over 1,400 projects over the past 20-years.

The timing is critical. The application deadline for MSHA is in November. If our application is approved, we would be able to acquire the property and begin construction in 2010. In order for the application to be competitive, we need to have several important pieces in place including site plan approval by the planning board, approval of any TIF districts that may be formed, and commitment of any local funding (i.e. HOME). We are prepared to move ahead with our development team and invest any required funds that are necessary for pre-development, but we need the City's support and understanding of this important timeline.

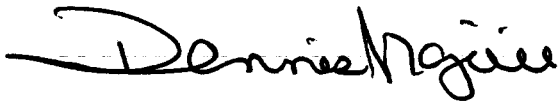
Community Concepts, Inc. is a non-profit corporation that has been serving the social service, education, and affordable housing needs of families and elderly in this area since 1965. The organization is the designated "community action agency" for Oxford and Androscoggin counties including Lewiston and Auburn. We have a wide range of programming including transportation, children's services, family assistance, and housing. Our governing board includes community members representing private sector entities, public officials, and low-income individuals. We employ a staff of 425 people.

In recent years, we have become increasingly active housing developers and managers. Our developments include both multi-family rentals and single family. We have successfully developed six tax credit projects and manage over 200 apartment units

We feel this is an important project for the City and will help address long term housing needs for our low-income seniors.

Thank you for your consideration. Please don't hesitate to call Tom Lewis or me if you have any questions or if you need further information.

Sincerely,

A handwritten signature in black ink, reading "Dennis Lajoie". The signature is fluid and cursive, with a long horizontal line extending from the start of the name.

Dennis J. Lajoie  
Director of Real Estate Development & Subsidiary Operations

DJL;tl  
CC: Mike Burke, Executive Director, Community Concepts, Inc.  
Tom Lewis, Community Development Services, Inc.

# **City Council**

## **Agenda Information Sheet**

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**Council Meeting Date:** Jan 26, 2009

**Agenda Item No. 1**

---

**SUBJECT:**

**RESOLVE - (Tabled 1/5/09) CONVEYANCE OF 133 HAMPSHIRE STREET**

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**INFORMATION:**

At the November 3<sup>rd</sup> City Council Workshop Mike Carey on behalf of Habitat for Humanity expressed an interest in the 133 Hampshire Street lot. The City Council requested that staff prepare an action item for the November 17<sup>th</sup> meeting to convey this property to Habitat for Humanity. During the public portion of the November 17<sup>th</sup> meeting, an abutter to the property expressed an interest in purchasing this lot. The City Council tabled the item for 30 days and requested staff to notify abutters of this conveyance. Staff contacted the four abutters and received one response from Patrick and Joanne Luizzo.

---

**STAFF COMMENTS/RECOMMENDATION:**

The City Manager originally recommended that the Council convey the property to Habitat for Humanity in order to meet the Council's goals of affordable housing and increased tax revenue for the community. Due to the new information provided by abutters the Council may pursue alternate goals including open space in downtown neighborhoods.

---

**REQUESTED ACTION:**

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**VOTE:**

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# City of Auburn

---

City Council, Auburn, Maine

Date: January 5, 2009

TITLE: RESOLVE – (TABLED 1/5/2009) CONVEYANCE OF 133 HAMPSHIRE STREET

Be It Resolved by the Auburn City Council , that the City Manager is authorized to sell land at 133 Hampshire Street through a Quit Claim Deed to Patrick and Joanne Luizzo for \$5,000 and that the parcel be locked in a deed that prevents any house building on that property, that it remain open space and that the deed be unlimited and the deed be passed on perpetually.

Councilor Farrell moved to table. Seconded by Councilor Herrick. Vote: 5 Yeas with Councilor Potvin voting Nay.

Motion for acceptance: Ronald Potvin

Seconded by: Robert Hayes

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

December 22, 2008

Dennis L. Roderick  
Purchasing/Risk Manager  
City of Auburn  
60 Court Street, Suite 411  
Auburn, ME 04210

RE: For Sale – 133 Hampshire Street Letter of Interest

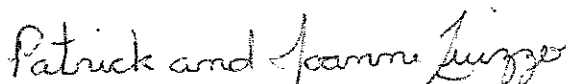
Dear Mr. Roderick,

We are writing to inform you that we are interested in submitting an offer on the land located at 133 Hampshire Street. As abutting property owners, we would like to submit a bid on the parcel of land as non-conforming and non-buildable. The Assessor's Office provided us with an assessed value of \$9,200 if the .11 acres was added to our .11 acres as a non-buildable parcel of land. We have attached the DRAFT document they provided to us along with this letter. That being said we would like to bid \$5,000 to add this parcel of non-conforming non-buildable land to our current piece of land at 131 Hampshire Street giving us a total of .22 acres of land. We would be willing to put a restriction in the deed stating that we will not build or make profit on the parcel of land. We would just like to add to our own property and keep this wonderful green space for our children and the neighboring children to play and grow.

As stated in the Auburn Comprehensive Plan Committee document dated December 4, 2007 we are in an *"Urban Residential district and this comprises only 5% of Auburn's land but incorporates 3,245 lots, the majority of which are single-family homes on ¼ acre or less of land."* Also stated in this document is the purpose of Urban Residential districts, which we whole-heartedly agree with, *"to provide for, protect and stabilize medium density urban residential areas of single and two-family detached dwellings and their adjunct public and institutional uses. It is designed to assure a family living environment in an urban setting that provide adequate yard space for family outdoor activity and play space for children."*

In closing, we feel that this land would add more value to the community and our family if left as a small piece of nature as it sits today. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Patrick and Joanne Luizzo".

Patrick and Joanne Luizzo



December 30, 2008

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

Dear Mr. Aho:

Habitat for Humanity is hopeful about the opportunity to again partner with the City of Auburn. As you know, we are a volunteer-run, local non-profit. Our mission is to partner with volunteers and low-income families to build housing in Androscoggin County for families in need of decent and affordable housing.

This City Council has joined previous Auburn City Councils in strong support for the aims of our organization. We thank them.

In anticipation of next week's decision regarding 133 Hampshire, we would like to present a basic comparison of property tax revenues. The below table compares 133 Hampshire (with no improvements) to the Lewiston home Habitat completed in 2008.

	<b>Assessed Value</b>	<b>Est 2008-2009 Taxes</b>
<b>133 Hampshire</b>	20,100	\$370
<b>2008 Habitat Home in Lewiston</b>	124,800	\$3,108

Please feel free to contact either of us with questions regarding this proposal, or to follow-up.

Sincerely,

Allen Sterling  
President, Androscoggin Habitat for Humanity  
President & CEO of Auburn Savings Bank

Michael Carey  
Member of Board of Directors

# City Council

## Agenda Information Sheet

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**Council Meeting Date** Jan 26, 2009

**Agenda Item No.** 2

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**SUBJECT:**

**RESOLVE – (TABLED 1/5/2009) AUTHORIZE TREASURER TO WRITE OFF A  
2006 REAL ESTATE TAX**

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**INFORMATION:**

The City Council is being requested to take this action because this older mobile home was removed from the City of Auburn sometime after April 2006. Staff is unable to locate the owner of the mobile home, and therefore is requesting that the City Council authorize the Treasurer to take this action.

---

**STAFF COMMENTS/RECOMMENDATION:**

The City Manager recommends passage of this order.

---

**REQUESTED ACTION:**

Motion for passage of the resolve.

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**VOTE:**

# City of Auburn

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City Council, Auburn, Maine

Date: Jan 5, 2009

TITLE: RESOLVE – (TABLED 1/5/2009) AUTHORIZE TREASURER TO  
WRITE OFF A 2006 REAL ESTATE TAX

Be It Resolved by the Auburn City Council that the Treasurer is hereby  
authorized to write off the following 2006 real estate tax:

Property ID #312-002-000-360      \$153.30

Councilor Hayes moved to table. Seconded by Councilor Potvin. Vote: 4 Yeas with Councilors  
Herrick and Berube voting Nay.

Motion for acceptance: Robert Hayes

Seconded by: Daniel Herrick

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

## **Joint Resolution Regarding Citizens Commission on Lewiston and Auburn Cooperation**

**Whereas**, the cities of Lewiston and Auburn (*hereinafter the Cities*) have a history of cooperation and collaboration that spans 137 years and those efforts have resulted in nearly 25 inter-local, joint services agreements that have led to better efficiencies and service to the residents of Lewiston and Auburn; and,

**Whereas**, the Cities endeavor to continue finding means of cooperation or collaboration for the purposes of identifying governmental efficiencies that lead to reducing the property tax burden now and into the future; and,

**Whereas**, the Cities recognize and commend the time and effort invested by the current and former members of the Citizens Commission on Lewiston and Auburn Cooperation; and,

**Whereas**, the 2006 Citizens Commission has submitted its final recommendation for its proposal on assessing and information technology services; and,

**Whereas**, the 2006 Citizens Commission and previous commissions have compiled and organized several proposals and recommendations that may be used as a guide and template for future administrative and legislative consideration and implementation, where practical; and,

**Whereas**, the Cities recognize and value the workmanship of all its Citizens Commissions and acknowledges that future citizens commissions will periodically be necessary to assist the Cities with fostering the cooperation and collaboration; and,

**Now therefore, let it be resolved** that the Cities take time to honor the work of both current and past Citizen Commissions by conducting, in earnest, an administrative review of all work to ascertain what information may be used now to assist with our daily operational decisions in our endeavor toward operational efficiencies and property tax relief; and,

**Let it further be resolved**, that the Cities hereby enact Section 8(b) ("Termination & Modification") of the November 20, 2006 Inter-local Agreement Establishing the Citizens Commission on Lewiston –Auburn Cooperation, to be effective January \_\_\_\_, 2009.

# **City Council**

## **Agenda Information Sheet**

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**Council Meeting Date: 1/26/09**

**Agenda Item No. 4**

---

**SUBJECT:**

**ORDINANCE – AMENDMENT TO THE ZONING MAP IN THE VICINITY OF LANE ROAD AND SOUTH MAIN STREET FROM LOW DENSITY COUNTRY RESIDENTIAL TO RURAL RESIDENTIAL (FIRST READING)**

---

**INFORMATION:**

This is a request from the property owner by petition from at least 25 registered voters. The Planning Board considered this item at their December 9, 2008 meeting and voted unanimously to forward a positive recommendation to the City Council on this matter. At the request of the property owner, Wayne Gendreau, the petition was not scheduled for the December Council meeting due to his work schedule. A copy of the Planning Board Report is attached for further information.

---

**STAFF COMMENTS/RECOMMENDATION:**

At the Planning Board meeting there were no citizens present in favor of nor opposed to the proposed rezoning and the applicant spoke in favor of the petition. The Planning Board based their recommendation on the following findings:

- A. The City's Future Land Use Map shows the area as "Residential – Low Density". The Rural Residential zoning designation is consistent with the future land use map.
- B. The surrounding area has been changing from LDCR to RR and this continues that trend towards conformance with the Comprehensive Plan.

The Planning Board reviewed the application, Staff's report and the testimony and voted 6-0-0 in favor of sending a recommendation to the City Council to approve the proposed rezoning request.

---

**REQUESTED ACTION:**

Motion for acceptance of first reading.

---

**VOTE:**

# City of Auburn

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City Council, Auburn, Maine

Date: January 26, 2009

TITLE: ORDINANCE – AMENDMENT TO THE ZONING MAP IN THE  
VICINITY OF LANE ROAD AND SOUTH MAIN  
STREET FROM LOW DENSITY COUNTRY  
RESIDENTIAL TO RURAL RESIDENTIAL  
(FIRST READING)

Be It Ordained by the Auburn City Council that the zoning map is hereby amended in the vicinity of Lane Road and South Main Street from Low Density Country Residential to Rural Residential as shown on the attached map.

Motion for acceptance:

Seconded by:

Vote:

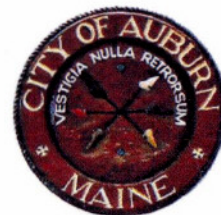
Action by the City Council:

Date:

Attest:

City Clerk



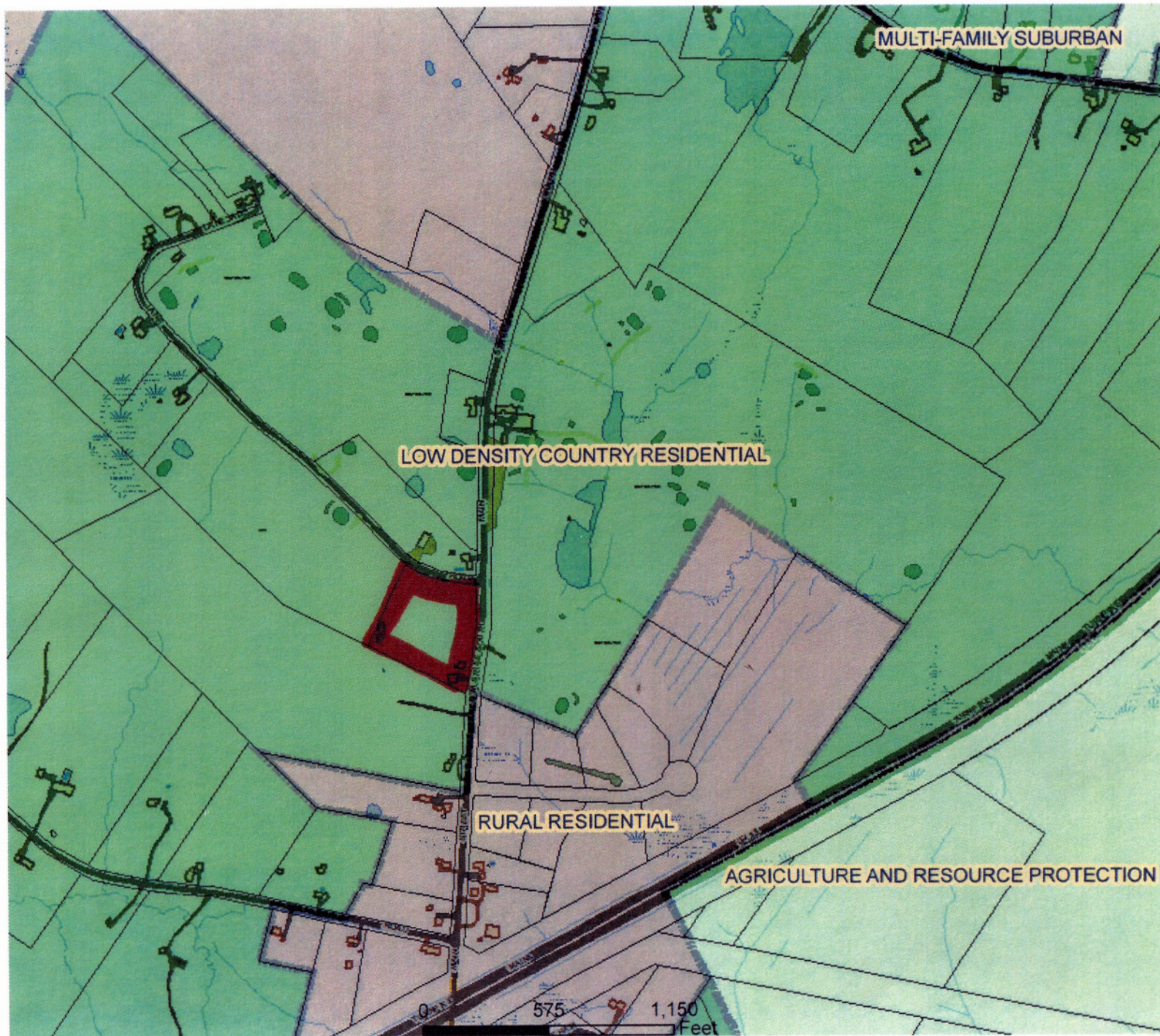


Gendreau Property Rezoning  
787 S. Main Street (PID 127-002)

Subject Property is outlined  
in red and located at the South  
side of Lane Rd., West of S. Main  
Street.

#### DISCLAIMER

The City of Auburn  
offers no warranties or  
gaurantees as to the  
accuracy or fitness of  
purpose of this data.  
Use at your own risk.





# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting

### Planning Board Report

To: Auburn Planning Board

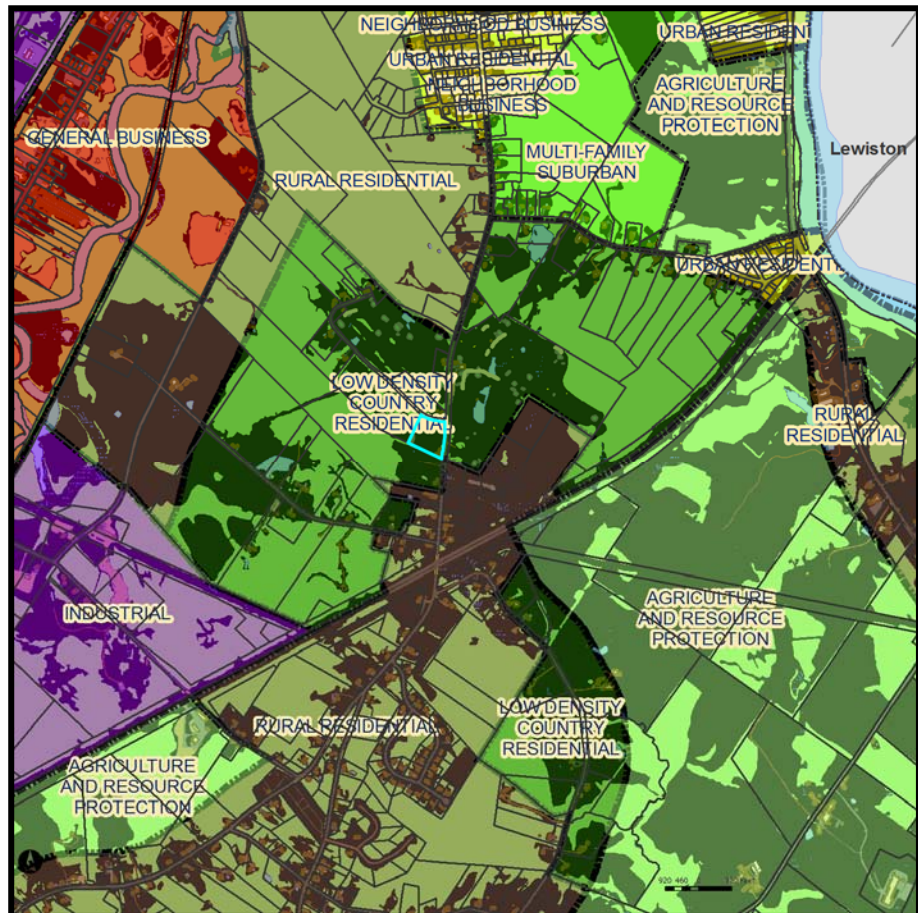
From: Eric J. Cousens, City Planner

Re: Petition to rezone the property at 787 South Main Street (PID #172-002) as illustrated on the attached map from Low Density Country Residential (LDCR) to Rural Residential (RR). The subject area is generally located on the south side of Lane Road, west of South Main Street. The Comprehensive Plan, Auburn Tomorrow, supports this proposal.

Date: December 4, 2008

### I. PROPOSAL

The City of Auburn has received a petition from at least twenty-five (25) registered voters to rezone the property at 787 South Main Street (PID #172-002), as illustrated on the zoning map to the right, from Low Density Country Residential (LDCR) to Rural Residential (RR). The subject area is generally located on the south side of Lane Road, west of South Main Street and is shown with a blue outline at the center of the map. As the petition indicates, the lot is currently zoned LDCR, it is 4.2 +/- acres in area and there is an existing single-family home on the lot. The minimum lot size for the parcel would



change from the 3 acre LDCR minimum to a 1 acre RR minimum. This would allow the parcel to be split into as many as 2 or 3 lots at some point in the future. The City's Comprehensive Plan illustrates the subject area as "Residential – Low Density" as shown on the future land use map. The RR zoning district conforms to the "Residential – Low Density" classification. The lots immediately abutting this parcel are currently zoned Low Density Country Residential (LDCR), however, much of the surrounding area has been changed to RR in the past 5-10 years. Based on the Comprehensive Plan - Auburn Tomorrow, the proximity to downtown New Auburn and the changes that have been happening in this area, staff is supportive of the proposal.

## II. PLANNING FINDINGS / CONSIDERATIONS:

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

- A. The City's Future Land Use Map shows the area as "Residential – Low Density". The Rural Residential zoning designation is consistent with the future land use map.
- B. The surrounding area has been changing from LDCR to RR and this continues that trend towards conformance with the Comprehensive Plan.

## III. RECOMMENDATION:

Staff recommends that the Planning Board forward a favorable recommendation to the City Council to rezone the property at 787 South Main Street (PID #172-002) as illustrated on the above map from Low Density Country Residential (LDCR) to Rural Residential (RR) based on the above findings.

Eric Cousens  
City Planner

# City Council

## Agenda Information Sheet

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**Council Meeting Date** 1/26/2009      **Agenda Item No.** 5, 6 and 7

---

**SUBJECT:**

**RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS**

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**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:    Resolve #5 - \$800  
                                                      Resolve #6 - \$1,550  
                                                      Resolve #7 - \$800

---

**STAFF COMMENTS/RECOMMENDATION:**

The City Manager recommends approval of all three resolves.

---

**REQUESTED ACTION:**

Motion for passage of the resolve.  
Note: Each resolve should be acted on individually.

---

**VOTE:**

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# CITY OF AUBURN

CITY COUNCIL, AUBURN, MAINE

DATE: January 26, 2009

## **TITLE: RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS**

Be It Resolved by the Auburn City Council, that the City of Auburn agrees to accept \$800 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 OF AUBURN

#6

CITY COUNCIL, AUBURN, MAINE

DATE: January 26, 2009

## **TITLE: RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS**

Be It Resolved by the Auburn City Council, that the City of Auburn agrees to accept \$1,550 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 OF AUBURN

#7

CITY COUNCIL, AUBURN, MAINE

DATE: January 26, 2009

## **TITLE: RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS**

Be It Resolved by the Auburn City Council, that the City of Auburn agrees to accept \$800 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**

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**Council Meeting Date** Jan 26, 2009

**Agenda Item No. 8**

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**SUBJECT:**

**RESOLVE – AUTHORIZE TREASURER TO SELL AND DISPOSE OF REAL ESTATE ACQUIRED BY THE CITY FOR NON-PAYMENT OF TAXES**

---

**INFORMATION:**

The City Council is being requested to authorize the Treasurer to sell and dispose of real estate acquired by the City for non-payment of taxes for the following properties:

1. ID #161-006-000-000, 2. ID #231-044-000-000, 3. ID #211-125-000-000,
  4. ID #156-028-000-000, 5. ID #325-018-000-000, 6. ID #221-244-000-000,
  7. ID #201-093-000-000, 8. ID #229-011-000-000(accept payment made in full)
- 

**STAFF COMMENTS/RECOMMENDATION:**

The City Manager recommends passage of the resolve.  
(These properties should have been included with similar action taken on January 5<sup>th</sup>)

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**REQUESTED ACTION:**

Motion for passage of the resolve

---

**VOTE:**



# City of Auburn

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City Council, Auburn, Maine

Date: Jan 26, 2009

## TITLE: RESOLVE – AUTHORIZE TREASURER TO SELL AND DISPOSE OF REAL ESTATE ACQUIRED BY THE CITY FOR NON-PAYMENT OF TAXES

Be It Resolved by the Auburn City Council that the Treasurer is authorized to sell and dispose of real estate acquired by the City for non-payment of taxes in the following manner (Title 36 MRSA Sections 943 and 946):

1. Send letters to the previous owners of record for tax acquired property offering the opportunity to redeem his/her/their property for a cash payment of at least equal to back taxed owed, all interest, legal fees and lien charges for the conveyance of said transaction to be completed within 30 days from the mailing of the letter and to include the issuance of a release deed.
2. At the discretion of the City Council when the case warrants, there shall be an opportunity for the City Council to enter into a land purchase installment contract with a prior owner that may request and meets the criteria as determined by the City Council. The contact may vary depending on each case at the discretion of the City Council.
3. If the property is not transacted in accordance with the above, the Treasurer is to initiate the bid process to the public using the City's existing bid procedures with the City Council making the final decision.

1. ID#161-006-000-000
2. ID#231-044-000-000
3. ID#211-125-000-000
4. ID#156-028-000-000
5. ID#325-018-000-000
6. ID#221-244-000-000
7. ID#201-093-000-000
8. ID#229-011-000-000 (accept payment made in full)

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

# City Council

## Agenda Information Sheet

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**Council Meeting Date** 1/16/2009

**Agenda Item No.** 9

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**SUBJECT:**

**PUBLIC HEARING AND ACTION ON LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT APPLICATIONS FOR BABYLON, INC. D/B/A BABYLON, 34 COURT STREET, AUBURN**

---

**INFORMATION:**

Babylon, Inc. d/b/a Babylon will be located at 34 Court Street (former location of Down Under). Police Department has approved these applications; Planning and Permitting and Fire Departments will be making final inspections on Tuesday, January 27<sup>th</sup>. Mary Katende, owner of Babylon will be present at the Council Meeting to answer questions of the Council.

---

**STAFF COMMENTS/RECOMMENDATION:**

As with all new applicants, staff recommends that the Special Amusement Permit be issued for six months.

---

**REQUESTED ACTION:**

Motion to approve the liquor license; and that the Special Amusement Permit be issued for six months; contingent upon Planning and Permitting and Fire Departments giving their approval.

---

**VOTE:**

# City Council

## Agenda Information Sheet

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**Council Meeting Date** 1/26/2009

**Agenda Item No.** 10

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**SUBJECT:**

**RESOLVE – AUTHORIZE CITY MANAGER TO EXECUTE LEASE  
AGREEMENT WITH MR. NORMAND VALLEE**

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**INFORMATION:**

The City Council is requested to approve the execution of a lease agreement between the City and Mr. Normand Vallee. The lease for this parcel of city-owned property will allow Mr. Vallee to maintain a storage building that is currently located on the site. The term of the lease is for two years and Mr. Vallee agrees to pay \$250 annually.

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**STAFF COMMENTS/RECOMMENDATION:**

The City Manager recommends approval of the resolve.

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**REQUESTED ACTION:**

Motion for passage of the resolve.

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**VOTE:**

# City of Auburn

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City Council, Auburn, Maine

Date: January 26, 2009

TITLE: RESOLVE – AUTHORIZE CITY MANAGER TO EXECUTE LEASE  
AGREEMENT WITH MR. NORMAND VALLEE

Be It Resolved by the Auburn City Council, that the City Manager is hereby  
authorized to execute the attached Lease Agreement with Mr. Normand  
Vallee.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

**CITY OF AUBURN LEASE AGREEMENT**

between  
City of Auburn  
And

Vallees for Mr. Normand Vallee

This indenture, made the \_\_\_\_\_ day of ~~December~~ January in the year of our Lord two thousand and ~~seventeen~~ nine

**Witness,** That The City of Auburn, a municipal corporation, situated in the County of Androscoggin and State of Maine, does hereby lease, demise and let unto Normand Vallee of Lewiston, County of Androscoggin and State of Maine,

A certain lot or parcel of land situated in Auburn, bounded and described as follow: Beginning on the southeast side of High Street at its intersection with the easterly line of Hutchins Street; thence northeasterly by the southeasterly line of High Street one hundred feet; thence southeasterly at right angles twenty-two (22) feet; thence southwesterly following parallel with High Street and maintaining a distance of twenty-two (22) feet therefrom to the easterly line of Hutchins Street; thence northerly by the easterly line of Hutchins Street to the southeasterly line of High Street to the point of beginning.

Being part of Geo. M. Roak Co., land deeded to the City of Auburn, April 1947, and recorded in Book 616, Page 457, Androscoggin Registry of Deeds.

**Term of lease:**

The term of this lease shall be for a two year period, commencing on the date shown above, and the Lessee agrees to pay \$250.00 annually. The Lessee agrees to pay said rent in advance to the City of Auburn, payable upon the signing of this lease and due thereafter on the anniversary date of this lease.

**Purpose:**

Said parcel shall be used solely to maintain a storage building currently located on this site by the Vallee's and for no other use. Lessee agrees that any other use other than for storage that the Lessee shall request, in writing, for approval by the City stating the purpose of the change in use. The City retains the right to either approve or disapprove any such request. The Lessee agrees that it shall not store or have stored any material that may be deemed hazardous whether in the building or on site. The Lessee further agrees that it shall be solely responsible for any unlawful storage of materials and agrees to pay all cost incurred in the removal of such material. The building located on this site shall not be used for residential purposes.

**Liability Insurance:**

The Lessee agrees to pay for and to provide to the City a Certificate of Insurance for liability insurance for the benefit of themselves and the City, insuring both against liability to third persons for bodily injury and property damage occurring on the interior or exterior of the premises as the result of faulty maintenance of the premises and other similar risks. The Lessee further agrees to carry sufficient renters insurance for all personnel items located within the property. Such insurance shall provide liability limits in the following amounts:

**Bodily Injury**

Each Person	\$ 500,000
Each Accident	\$ 500,000

**Property Damage**

Each Accident	\$ 500,000
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**Umbrella Coverage**

Aggregate	\$1,000,000
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with the City of Auburn named as an additional insured under such policies and shall further provide that a thirty -(30)- day notice of cancellation of such insurance at any time during the term of this lease shall be sent by the Insurance Company to the City. The Tenant agrees, in any event, to indemnify the City for liability of any kind rising out of their use or neglect of the leased premises and to assume or reimburse any costs incurred by the City defending any such claim even though such claim should eventually be abandoned or defeated. The Lessee shall furnish the City, **annually**, with a Certificate of Insurance for said premises. If the Lessee does not provide sufficient proof of insurance, this lease shall terminate immediately.

**Maintenance of Premises:**

The Lessee agrees to maintain the premises in a safe and presentable condition and in code compliance at all times.

The Lessee agrees to cause all ordinary repairs necessary to maintain the premises in a reasonable safe and presentable condition and all other repairs necessitated by their own fault or that of other persons using the premises with their permission.

The Lessee further agrees that it will improve the appearance of the building by September 1, 2009 by completing projects such as new paint and roof shingles, so as to make the property presentable.

**Assignment of Lease:**

The Lessee agrees that they will not sublet the premises, assign this lease, or grant any license to use the premises in any way.

**Delivery of Premises:**

The Lessee agrees that, at the expiration or earlier termination of this lease, they will yield up the premises in a neat and habitable condition. The Lessee further agrees that they will be liable for rent during any period, which they hold over beyond the termination of the lease at the same rental rate.

**Termination of Lease:**

The Lessee may terminate this lease by giving a thirty -(30)- day written notice to the other party. Said notice shall be sent by certified mail to:

In case of the Tenant:

Normand Vallee  
6 Hill View Lane  
Lewiston Maine 04240

In case of the City:

City of Auburn  
Purchasing/Risk Manager  
60 Court Street, Suite 410  
Auburn, Maine 04210

The City may terminate this lease within thirty -(30)- days written notice to the other party. However, The City has the right to terminate this lease sooner if beyond its control and has been ordered by other Governmental Agencies to cease operation at this facility.

**Default:**

In the event of default in the payment of the rent continued for 15 days, or for any other breach of covenant in this lease continued for more than 10 days after notice in writing thereof given by the City, or if the Lessee makes an assignment for the benefit of creditors or if one of them is declared bankrupt or legally insolvent or if their interest in this lease is taken in execution or other process of law, then the City may immediately or any time thereafter and without demand or further notice, enter the premises and repossess the same without any liability for so doing and without prejudice to any other remedies and this lease shall thereupon terminate. Upon such termination, the rental

for the remainder of the term shall immediately become due and payable and the City may collect from the Lessee their lost for the period of the remainder of the base lease, plus any costs including reasonable attorney fees, incurred in reacquiring possession of the premises and restoring them to a habitable condition. Unless otherwise provided herein, any notice to the Lessee required by this lease, shall be sufficiently given in writing and delivered, by certified mail, to them at the leased premises.

**Lease Renewal:**

At the option of the City, this lease may be extended for as many times as deemed appropriate and in the best interest of the City.

Dated: \_\_\_\_\_

\_\_\_\_\_  
City of Auburn

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Authorized Signature

Dated: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Authorized Signature



# City Council

## Agenda Information Sheet

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**Council Meeting Date**    1/26/2009                      **Agenda Item No.** 11

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**SUBJECT:**

**APPOINTMENT TO THE PUBLIC HEALTH COMMITTEE**

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**INFORMATION:**

The appointments sub-committee recommends that Larry Marcoux, 37 Northern Avenue Heights be appointed to the Public Health Committee.

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**STAFF COMMENTS/RECOMMENDATION:**

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**REQUESTED ACTION:**

Motion to appoint Larry Marcoux to the Public Health Committee.

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**VOTE:**

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# **City Council**

## **Agenda Information Sheet**

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**Council Meeting Date**    1/26/2009                      **Agenda Item No. 12**

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**SUBJECT:**

**APPOINTMENT TO THE ZONING BOARD OF APPEALS UNTIL JAN. 2012**

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**INFORMATION:**

The appointments sub-committee (Councilors Hayes and Berube) recommend that Kenneth Sonagere, 483 West Auburn Road, be appointed to the Zoning Board of Appeals until January 2012.

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**STAFF COMMENTS/RECOMMENDATION:**

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**REQUESTED ACTION:**

Motion to appoint Kenneth Sonagere to the Zoning Board of Appeals until January 2012.

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**VOTE:**

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