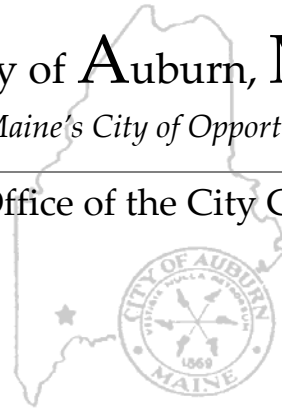


City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

March 15, 2010

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 March 15, 2010

Agenda

5:00 p.m. Dinner

5:30 p.m. Workshop

- A. Discussion: Planning & Fee Ordinance Amendments pursuant to EnerGov (Laurie Smith) (20min)
- B. Discussion: Budget Review for the Community Development Block Grant and Home Investment Partnership Programs (Reine Mynahan) (30 min)
- C. Presentation: FY 2010-11 Municipal Budget (Glenn Aho) (40 min)

7:00 p.m. City Council Meeting

I. Consent Items—All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda. **Consent item is as follows: Minutes of March 1, 2010**

II. Minutes

* Minutes of March 1, 2010

III. Reports

Mayor

City Councilors

- Michael Farrell: Recreation Adv Bd, Airport, Audit, Lake Auburn Watershed Protection Comm
- Robert Hayes: Planning Bd, Water, Library, and Railroad
- Daniel Herrick: MMWAC, Auburn Housing
- David Young: School Committee, Cable TV Adv Board
- Raymond Berube: Lewiston-Auburn Economic Growth Council, Sewer, Audit, USM-L/A
- Belinda Gerry: LA Transit, Neighborhood Stabilization Program
- Eric Samson: 9-1-1, Auburn Business Development Corp, Andros Valley Council of Gov

City Manager

Finance Report – Month of February
Presentation of FY2010-11 Budget

IV. Communications, Presentations and Recognitions

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

VI. Unfinished Business

None

VII. New Business

- 031510-01 – Ordinance – Amendment to Chapter 29, Section 3.62 Establishing Setbacks and Height Allowances for Accessory Structures Including Windmills pursuant to Section 8.1 of Chapter 29 (First Reading)
- 031510-02 - Resolve – Authorize Community Development Director to Execute a Loan Guarantee for the Lease/Buy Program
- 031510-03 - Resolve – Appointment of Tax Assessor
- 031510-04 - Resolve – Appointment of Election Clerks
- 031510-05 - Appointments to the Auburn Housing Authority
- 031510-06 - Set date for Special City Council Meeting (March 22nd 5:30 pm – for the purpose of acting on second reading and final passage of the Windmill Ordinance)
- 031510-07- Executive Session (Title 1, MRSA, Section 405D) Contemplated Litigation – Oxford Networks

VIII. 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 the agenda.

IX. Future Agenda/Workshop Items

X. ADJOURNMENT

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

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- C. Labor contracts
- D. Contemplated litigation
- E. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- F. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- G. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

**CITY OF AUBURN
MARCH 1, 2010
CITY COUNCIL MEETING**

PRESENT

Mayor Richard D. Gleason, Councilors Robert P. Hayes, Daniel R. Herrick, David C. Young, Raymond C. Berube, Eric G. Samson and Belinda A. Gerry, City Manager Glenn Aho, Assistant City Manager Laurie Smith, Finance Director Tracy Roy, and City Clerk Mary Lou Magno. Councilor Michael J. Farrell was absent. There were 9 people in the audience.

Mayor Gleason 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 item marked with an asterisk. Seconded by Councilor Hayes. Vote: 6 Yeas, No Nays.

***MINUTES OF FEBRUARY 16, 2010**

Approved under consent agenda.

REPORTS OF THE MAYOR

Mayor Gleason read a prepared written report noting events from February 17 thru February 25. (A copy of the report is on file in the City Clerk's Office.)

REPORTS OF CITY COUNCILORS

Councilors reported on their Council Committee Assignments

REPORTS OF THE CITY MANAGER

COMPREHENSIVE ANNUAL FINANCE REPORT

Tracy Roy, Finance Director introduced Hank Farrar, Runyon, Kersteen, Ouellette, auditor for the City of Auburn. He presented an overview of the report and answered Councilors questions. Councilor Young moved to accept the report and place it on file. Seconded by Councilor Samson. Vote: 6 Yeas, No Nays.

COMMUNICATIONS, PRESENTATIONS, AND RECOGNITIONS

None

OPEN SESSION

Larry Morrisette, PO Box 3036.

OPEN SESSION CLOSED

UNFINISHED BUSINESS

None

NEW BUSINESS

UPDATE: NATIONAL ENDOWMENT FOR THE ARTS

Tracey Steuber updated the Council regarding Auburns' interest in partnering with the City of Lewiston, L/A Arts and others in this initiative. The project that has been chosen is "Bridging Communities Together Through Arts & Culture." Their vision is to emphasize all the projects that have been done in the downtown areas and compliment all future projects to come by illuminating the Riverwalk Railroad Pedestrian Bridge.

The Councilors added ideas such as signage and banners along the Riverwalk and possibly incorporating the Knight House into this project.

DISCUSSION: LEASE BUY PROGRAM (CDBG)

Reine Mynahan, Community Development Block Grant Administrator, explained the Loan Guarantee for the Lease/Buy Program. This item will appear on the March 15th City Council Agenda for action.

DISCUSSION: APPOINTMENTS

Appointments to the Auburn Housing Authority will appear on the March 15th City Council agenda for action.

OPEN SESSION

No one spoke.

CLOSED OPEN SESSION

FUTURE AGENDA ITEMS

None

ADJOURNMENT – 8:25 PM

Councilor Samson moved to adjourn. Seconded by Councilor Young. Vote: 6 Yeas, No Nays.

A TRUE RECORD

ATTEST:_____CITY CLERK

City of Auburn, Maine

FINANCIAL MANAGEMENT REPORT

FEBRUARY 2010



PREPARED BY THE FINANCE DEPARTMENT
TRACY ROY, FINANCE DIRECTOR

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services



TO: Glenn E. Aho, City Manager
FROM: Tracy Roy, Finance Director
REF: February 2010 Financials
DATE: March 10, 2010

Attached please find the financial report for the month of February 2010. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 66.7% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through February 28th were \$44,062,261, or 64.27%, of the budget. The accounts listed below are noteworthy.

- A. Excise tax collected for the month of February is \$217,989. Excise tax collected through February is at 60.37%. This is a \$121,187 decrease from last February and a \$221,095 decrease from fiscal year 2008.
- B. State Revenue Sharing for the month of February is \$312,077 which is 12% more than February 2009. The total percent of budget is 62.36% which is 4.34% less than projected.
- C. Penalties & Interest are above anticipation due to collection of prior year's real estate and personal property taxes in the month of February, whereby \$10,181 was collected.
- D. Property Taxes are at 63.09%. In the month of February the City collected \$2,130,462 of which \$80,987 was past years taxes.
- E. Police Charges for Services is above projections due to the City receiving the reimbursement for the MDEA officer from the State of Maine on February 2nd.

CITY OF AUBURN
FINANCIALS –FEBRUARY 2010

- F. Business Licenses are below budget due to Daycare providers no longer having to have a license. When the budget was put together they were entered into the amount for budgeting purpose.

Expenditures

Expenditures through January 31st were \$43,146,200 or 65.89%, of the budget. Noteworthy variances are:

- A. ICT: Munis annual maintenance of \$36,456 and ESRI (for GIS server) maintenance of \$13,473 were paid in February.
- B. Property: HVAC Annual maintenance \$11,338 was paid on February 8th.
- C. Debt: The wire for bond interest payments was sent on February 25th.

Investments

This section contains an investment schedule as of February 28th as well as a comparison of the investments between February 28th and the prior month. Currently the City's funds are earning an average interest rate of .36%, compared to approximately .37% last year at this time.

Respectfully submitted,

Tracy Roy
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - GENERAL FUND
February 28, 2010

	February 28 2010	January 31 2010	Increase (Decrease)
<u>ASSETS</u>			
CASH	17,592,185	17,584,488	7,696
RECEIVABLES			-
ACCOUNTS RECEIVABLES	825,836	742,283	83,553
TAXES RECEIVABLE-CURRENT	14,514,904	16,566,507	(2,051,602)
DELINQUENT TAXES	411,175	415,075	(3,900)
TAX LIENS	409,569	484,293	(74,724)
NET DUE TO/FROM OTHER FUNDS	(6,339,080)	(6,822,424)	483,344
TOTAL ASSETS	27,414,589	28,970,222	(1,555,632)
<u>LIABILITIES & FUND BALANCES</u>			
ACCOUNTS PAYABLE	87,518	216,877	(129,360)
WAGES & TAXES PAYABLE	(145,879)	(135,219)	(10,660)
ACCRUED PAYROLL	462,815	462,815	-
STATE FEES PAYABLE	13,332	25,934	(12,602)
PREPAID TAXES			-
IN LIEU OF BONDS	64,250	64,250	-
DEFERRED REVENUE	14,809,945	16,940,174	(2,130,230)
TOTAL LIABILITIES	15,291,979	17,574,830	(2,282,851)
FUND BALANCE - NOT DESIGNATED	9,698,914	9,698,914	-
FUND BALANCE - DESIGNATED FOR WORKERS COMP & UNEMPLOYMENT			-
FUND BALANCE - DESIGNATED	1,134,224	1,134,224	-
NET CHANGE IN FUND BALANCE	1,289,472	562,254	727,219
TOTAL FUND BALANCES	12,122,610	11,395,391	727,219
TOTAL LIABILITIES AND FUND BALANCES	27,414,589	28,970,222	(1,555,632)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
AS OF February 28, 2010 vs. February 28, 2009

REVENUE SOURCE	FY 2010 BUDGET	ACTUAL REVENUES THROUGH FEBRUARY 28, 2010	% OF TOTAL BUDGET	FY 2009 BUDGET	ACTUAL REVENUES THROUGH FEBRUARY 28, 2009	% OF TOTAL BUDGET
<u>TAXES</u>						
PROPERTY TAX REVENUE- PRIOR YEAR REVENUE	\$ 38,616,214	\$ 24,363,467	63.09%	\$ 38,606,328	\$ 24,086,195	62.39%
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 0	\$ 1,240,440		\$ -	\$ 674,465	
ALLOWANCE FOR ABATEMENT	\$ 648,980	\$ 626,815	96.58%	\$ 648,980	\$ 649,520	100.08%
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ -	\$ -	
EXCISE	\$ -	\$ -		\$ -	\$ -	
PENALTIES & INTEREST	\$ 3,100,000	\$ 1,871,512	60.37%	\$ 3,200,000	\$ 1,992,699	62.27%
	\$ 180,000	\$ 176,273	97.93%	\$ 125,000	\$ 131,861	105.49%
TOTAL TAXES	\$ 42,545,194	\$ 28,278,508	66.47%	\$ 42,580,308	\$ 27,534,740	64.67%
<u>LICENSES AND PERMITS</u>						
BUSINESS	\$ 49,600	\$ 24,837	50.07%	\$ 49,900	\$ 26,550	53.21%
NON-BUSINESS	\$ 297,600	\$ 185,906	62.47%	\$ 309,200	\$ 204,599	66.17%
TOTAL LICENSES	\$ 347,200	\$ 210,743	60.70%	\$ 359,100	\$ 231,149	64.37%
<u>INTERGOVERNMENTAL ASSISTANCE</u>						
STATE-LOCAL ROAD ASSISTANCE	\$ 446,000	\$ 272,183	61.03%	\$ 450,000	\$ 353,013	78.45%
STATE REVENUE SHARING	\$ 3,510,000	\$ 2,188,999	62.36%	\$ 3,775,000	\$ 2,565,205	67.95%
WELFARE REIMBURSEMENT	\$ 42,000	\$ 28,375	67.56%	\$ 22,500	\$ 28,156	125.14%
OTHER STATE AID	\$ 25,000	\$ 23,475	93.90%	\$ 30,000	\$ 15,866	52.89%
FEMA REIMBURSEMENT	\$ -	\$ -		\$ -	\$ -	
CITY OF LEWISTON	\$ 154,000	\$ -	0.00%	\$ 154,000	\$ -	0.00%
EDUCATION SUBSIDY	\$ 16,331,017	\$ 10,258,858	62.82%	\$ 16,418,792	\$ 10,915,663	66.48%
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 20,508,017	\$ 12,771,890	62.28%	\$ 20,850,292	\$ 13,877,902	66.56%
<u>CHARGE FOR SERVICES</u>						
GENERAL GOVERNMENT	\$ 132,675	\$ 91,506	68.97%	\$ 145,525	\$ 97,664	67.11%
PUBLIC SAFETY	\$ 103,400	\$ 78,010	75.44%	\$ 80,000	\$ 69,153	86.44%
EMS TRANSPORT	\$ -	\$ 3,307		\$ 310,000	\$ 4,282	1.38%
EMS AGREEMENT & EMS SPECIAL REVENUE	\$ 70,000	\$ 17,600	25.14%	\$ -	\$ -	
EDUCATION	\$ 2,294,836	\$ 2,136,425	93.10%	\$ 2,212,514	\$ 1,865,913	84.33%
TOTAL CHARGE FOR SERVICES	\$ 2,600,911	\$ 2,326,849	89.46%	\$ 2,748,039	\$ 2,037,012	74.13%
<u>FINES</u>						
PARKING TICKETS & MISC FINES	\$ 75,000	\$ 18,320	24.43%	\$ 65,000	\$ 21,168	32.57%
<u>MISCELLANEOUS</u>						
INVESTMENT INCOME	\$ 300,000	\$ 52,976	17.66%	\$ 400,000	\$ 185,591	46.40%
INTEREST-BOND PROCEEDS	\$ 125,000	\$ 1,830	1.46%	\$ 125,000	\$ 93,000	74.40%
RENTS	\$ 129,000	\$ 123,586	95.80%	\$ 132,500	\$ 131,207	99.02%
UNCLASSIFIED	\$ 40,500	\$ (5,079)	-12.54%	\$ 40,000	\$ 653,731	1634.33%
SALE OF RECYCLABLES	\$ 21,000	\$ 24,955	118.84%	\$ 85,000	\$ 50,652	59.59%
COMMERCIAL SOLID WASTE FEES	\$ 49,600	\$ 42,146	84.97%	\$ 57,500	\$ 49,147	85.47%
SALE OF PROPERTY	\$ 30,000	\$ 27,726	92.42%	\$ 490,000	\$ 51,944	10.60%
RECREATION PROGRAMS/ARENA	\$ 33,102	\$ -	0.00%	\$ 20,000	\$ -	0.00%
MMWAC HOST FEES	\$ 190,000	\$ 132,064	69.51%	\$ 190,400	\$ 131,668	69.15%
9-1-1 DEBT SERVICE REIMBURSEMENT	\$ -	\$ -		\$ -	\$ -	0.00%
TRANSFER IN: TIF	\$ 258,241	\$ -	0.00%	\$ -	\$ -	
TRANSFER OUT: TIF	\$ -	\$ -		\$ (2,500,000)	\$ -	0.00%
ENERGY EFFICIENCY	\$ 7,000	\$ 2,012	28.74%	\$ -	\$ -	
CDBG	\$ 8,000	\$ 5,336	66.70%	\$ -	\$ -	
UTILITY REIMBURSEMENT	\$ 60,000	\$ 48,401	80.67%	\$ -	\$ -	
CITY FUND BALANCE CONTRIBUTION	\$ 600,000	\$ -	0.00%	\$ 575,534	\$ -	0.00%
SCHOOL FUND BALANCE CONTRIBUTION	\$ 631,000	\$ -	0.00%	\$ -	\$ -	
TOTAL MISCELLANEOUS	\$ 2,482,443	\$ 455,951	18.37%	\$ (384,066)	\$ 1,346,941	-350.71%
TOTAL GENERAL FUND REVENUES	\$ 68,558,765	\$ 44,062,261	64.27%	\$ 66,218,673	\$ 45,048,911	68.03%

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
AS OF February 28, 2010 vs. February 28, 2009

DEPARTMENT	FY 2010 BUDGET	ACTUAL EXPENDITURES THROUGH FEBRUARY 28	% OF TOTAL BUDGET	FY 2009 BUDGET	ACTUAL EXPENDITURES THROUGH FEBRUARY 28	% OF TOTAL BUDGET
ADMINISTRATION						
MAYOR AND COUNCIL	\$ 98,763	\$ 62,373	63.15%	\$ 103,500	\$ 59,967	57.94%
LEGAL SERVICES	\$ 64,200	\$ 38,817	60.46%	\$ 55,000	\$ 52,172	94.86%
CITY CLERK	\$ 147,306	\$ 93,477	63.46%	\$ 140,367	\$ 112,393	80.07%
CITY MANAGER	\$ 365,536	\$ 238,678	65.30%	\$ 227,703	\$ 162,515	71.37%
HUMAN RESOURCES	\$ 137,800	\$ 82,338	59.75%	\$ 125,797	\$ 85,355	67.85%
ASSESSING SERVICES	\$ 187,118	\$ 109,555	58.55%	\$ 270,103	\$ 168,338	62.32%
FINANCIAL SERVICES	\$ 412,589	\$ 274,880	66.62%	\$ 374,058	\$ 223,222	59.68%
CUSTOMER SERVICE	\$ 7,500	\$ 580	7.74%	\$ 16,000	\$ 7,423	46.39%
TOTAL ADMINISTRATION	\$ 1,420,812	\$ 900,699	63.39%	\$ 1,312,528	\$ 871,385	66.39%
COMMUNITY SERVICES						
HEALTH & SOCIAL SERVICES						
ADMINISTRATION	\$ 61,766	\$ 40,216	65.11%	\$ 49,240	\$ 34,051	69.15%
ASSISTANCE	\$ 85,835	\$ 47,843	55.74%	\$ 48,450	\$ 60,441	124.75%
INFORMATION SYSTEMS						
ICT	\$ 293,862	\$ 201,293	68.50%	\$ 258,809	\$ 182,699	70.59%
ENGINEERING	\$ 347,145	\$ 205,047	59.07%	\$ 435,626	\$ 235,104	53.97%
PLANNING & PERMITTING	\$ 782,426	\$ 500,075	63.91%	\$ 829,982	\$ 548,453	66.08%
PARKS AND RECREATION	\$ 585,295	\$ 373,471	63.81%	\$ 613,361	\$ 415,468	67.74%
PUBLIC LIBRARY	\$ 919,407	\$ 612,938	66.67%	\$ 919,407	\$ 612,938	66.67%
COMMUNITY PROGRAMS	\$ 13,650	\$ 10,500	76.92%	\$ 13,650	\$ 11,850	86.81%
TOTAL COMMUNITY SERVICES	\$ 3,089,386	\$ 1,991,382	64.46%	\$ 3,168,525	\$ 2,101,004	66.31%
FISCAL SERVICES						
DEBT SERVICE	\$ 6,780,939	\$ 6,517,831	96.12%	\$ 7,026,199	\$ 6,908,781	98.33%
PROPERTY	\$ 629,749	\$ 549,518	87.26%	\$ 553,307	\$ 464,238	83.90%
WORKERS COMPENSATION	\$ 200,000	\$ 200,000	100.00%	\$ 200,000	\$ 200,000	100.00%
WAGES & BENEFITS	\$ 4,133,953	\$ 2,725,376	65.93%	\$ 4,120,408	\$ 2,667,217	64.73%
EMERGENCY RESERVE	\$ -	\$ -		\$ 329,500	\$ -	0.00%
TOTAL FISCAL SERVICES	\$ 11,744,641	\$ 9,992,725	85.08%	\$ 12,229,414	\$ 10,240,237	83.73%
PUBLIC SAFETY						
EMERGENCY MGMT AGENCY	\$ 6,352	\$ 4,058	63.88%	\$ 7,120	\$ 5,941	83.44%
FIRE DEPARTMENT	\$ 3,541,533	\$ 2,269,505	64.08%	\$ 3,642,524	\$ 2,375,595	65.22%
POLICE DEPARTMENT	\$ 2,953,587	\$ 2,064,093	69.88%	\$ 2,995,571	\$ 1,949,859	65.09%
TOTAL PUBLIC SAFETY	\$ 6,501,472	\$ 4,337,655	66.72%	\$ 6,645,215	\$ 4,331,395	65.18%
PUBLIC WORKS						
PUBLIC WORKS DEPARTMENT	\$ 4,632,101	\$ 2,775,660	59.92%	\$ 4,548,651	\$ 3,027,744	66.56%
WATER AND SEWER	\$ 504,700	\$ 381,219	75.53%	\$ 504,700	\$ 381,219	75.53%
TOTAL PUBLIC WORKS	\$ 5,136,801	\$ 3,156,879	61.46%	\$ 5,053,351	\$ 3,408,962	67.46%
INTERGOVERNMENTAL PROGRAMS						
AUBURN-LEWISTON AIRPORT	\$ 106,750	\$ 80,063	75.00%	\$ 96,750	\$ 72,563	75.00%
E911 COMMUNICATION CENTER	\$ 937,589	\$ 703,192	75.00%	\$ 950,589	\$ 712,942	75.00%
LATC-PUBLIC TRANSIT	\$ 130,000	\$ 97,500	75.00%	\$ 130,000	\$ 97,500	75.00%
LAEGC-ECONOMIC COUNCIL	\$ 96,429	\$ 72,322	75.00%	\$ 106,429	\$ 79,822	75.00%
L-A ARTS	\$ 24,267	\$ 18,200	75.00%	\$ 24,267	\$ 18,200	75.00%
COUNTY TAX	\$ 1,804,820	\$ 1,804,820	100.00%	\$ 1,969,765	\$ 1,969,765	100.00%
TAX SHARING	\$ 290,027	\$ 45,124	15.56%	\$ 325,000	\$ 47,174	14.52%
TOTAL INTERGOVERNMENTAL	\$ 3,389,882	\$ 2,821,220	83.22%	\$ 3,602,800	\$ 2,997,965	83.21%
EDUCATION DEPARTMENT	\$ 34,197,536	\$ 19,945,639	58.32%	\$ 34,206,840	\$ 20,245,658	59.19%
TOTAL GENERAL FUND EXPENDITURES	\$ 65,480,530	\$ 43,146,200	65.89%	\$ 66,218,673	\$ 44,196,606	66.74%

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF FEBRUARY 28, 2010**

INVESTMENT	FUND	ACCOUNT BALANCE	INTEREST RATE	VALUE		WEIGHTED AVG YIELD
				BOOK	MARKET	
BANKNORTH MNY MKT	GENERAL FUND	5,024,847.02	0.35%	5,024,847.02	5,024,847.02	17,586.96
BANKNORTH MNY MKT	GF-WORKERS COMP	49,074.51	0.10%	49,074.51	49,074.51	49.07
BANKNORTH MNY MKT	GF-UNEMPLOYMENT	66,313.70	0.35%	66,313.70	66,313.70	232.10
BANKNORTH CD	GF-UNEMPLOYMENT	102,100.28	2.64%	102,100.28	102,100.28	2,695.45
BANKNORTH MNY MKT	SPECIAL REVENUE	1,747,103.61	0.35%	1,747,103.61	1,747,103.61	6,114.86
BANKNORTH MNY MKT	SR-PERMIT PARKING	196,253.10	0.35%	196,253.10	196,253.10	686.89
BANKNORTH MNY MKT	SR-TIF	2,799,309.40	0.35%	2,799,309.40	2,799,309.40	9,797.58
BANKNORTH MNY MKT	CAPITAL PROJECTS	11,522,427.25	0.35%	11,522,427.25	11,522,427.25	40,328.50
BANKNORTH MNY MKT	CAPITAL PROJECTS	271,953.27	0.35%	271,953.27	271,953.27	951.84
BANKNORTH CD	CAPITAL PROJECTS	32,931.95	2.96%	32,931.95	32,931.95	974.79
BANKNORTH MNY MKT	SCHOOL	980,275.22	0.17%	980,275.22	980,275.22	1,666.47
BANKNORTH MNY MKT	ICE ARENA	46,996.10	0.10%	46,996.10	46,996.10	47.00
GRAND TOTAL		22,839,585.41		22,839,585.41	22,839,585.41	0.36%

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
COMPARISON OF JANUARY 31, 2010
AND FEBRUARY 28, 2010**

INVESTMENT	FUND	JANUARY 31, 2010		FEBRUARY 28, 2010		INCREASE (DECREASE)	
		VALUE		VALUE		VALUE	
		BOOK	MARKET	BOOK	MARKET	BOOK	MARKET
BANKNORTH MNY MARKET	GENERAL FUND	5,024,832.30	5,024,832.30	5,024,847.02	5,024,847.02	14.72	14.72
BANKNORTH MNY MARKET	WORKERS COMP	49,070.75	49,070.75	49,074.51	49,074.51	3.76	3.76
BANKNORTH MNY MARKET	UNEMPLOYMENT	66,295.90	66,295.90	66,313.70	66,313.70	17.80	17.80
MBIA CLASS ACCOUNT	UNEMPLOYMENT	101,960.27	101,960.27	102,100.28	102,100.28	140.01	140.01
BANKNORTH MNY MARKET	SPECIAL REVENUE	1,747,089.62	1,747,089.62	1,747,103.61	1,747,103.61	13.99	13.99
BANKNORTH MNY MARKET	PERMIT PARKING	196,200.42	196,200.42	196,253.10	196,253.10	52.68	52.68
BANKNORTH MNY MARKET	TIF	2,799,294.82	2,799,294.82	2,799,309.40	2,799,309.40	14.58	14.58
BANKNORTH MNY MARKET	CAPITAL PROJECTS	11,519,275.97	11,519,275.97	11,522,427.25	11,522,427.25	3,151.28	3,151.28
BANKNORTH MNY MARKET	CAPITAL PROJECTS	271,880.27	271,880.27	271,953.27	271,953.27	73.00	73.00
BANKNORTH CD	CAPITAL PROJECTS	32,892.59	32,892.59	32,931.95	32,931.95	39.36	39.36
BANKNORTH MNY MARKET	SCHOOL	980,087.26	980,087.26	980,275.22	980,275.22	187.96	187.96
BANKNORTH MNY MARKET	ICE ARENA	46,992.50	46,992.50	46,996.10	46,996.10	3.60	3.60
GRAND TOTAL		22,835,872.67	22,835,872.67	22,839,585.41	22,839,585.41	\$3,712.74	\$3,712.74

City Council

Agenda Information Sheet

Council Meeting Date 3/15/2010 **Agenda Item No.** 1

SUBJECT:

**ORDINANCE – AMENDMENT TO CHAPTER 29, SECTION 3.62
ESTABLISHING SETBACKS AND HEIGHT ALLOWANCES
FOR ACCESSORY STRUCTURES INCLUDING WINDMILLS
PURUSANT TO SECTION TO SECTION 8.1 OF CHAPTER 29
(FIRST READING)**

INFORMATION:

The zoning ordinance currently allows Windmills or Wind Energy Conversion Systems (WECS) throughout the City but height restrictions are too limiting for effective installations. On February 23rd City Councilors Belinda Gerry, Daniel Herrick, and Raymond Berube met with members of the Planning Board including Chairman Clifton Greim, Daniel Moreno and Richard Whiting to expedite a zoning change that would allow for effective use of WECS in Auburn. A two-part approach will first seek to allow windmills as accessory structures in the General Business zoning district with appropriate setback requirements. This change was considered at the March 9th Planning Board meeting for a recommendation to the City Council and is limited to the General Business zoning district. The Planning Board voted unanimously (6-0) to recommend that the City Council adopt the attached ordinance language.
City Council Workshop Feb. 16, 2010

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of first reading.

REQUESTED ACTION:

Motion for acceptance of first reading.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: March 15, 2010

**TITLE: ORDINANCE – AMENDMENT TO CHAPTER 29, SECTION 3.62
ESTABLISHING SETBACKS AND HEIGHT ALLOWANCES
FOR ACCESSORY STRUCTURES INCLUDING WINDMILLS
PURSUANT TO SECTION 8.1 OF CHAPTER 29 (FIRST
READING)**

Be It Ordained by the Auburn City Council that Section 3.62 be amended to read as follows:

3.62 General Business (GB)

A. **Purpose** – This district is intended to include commercial uses serving both the City and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area.

B. **Use Regulation**

1. **Permitted Uses** – The following uses are permitted:

- a. Residential dwelling uses permitted in the Multi-Family Suburban District (MFS) (Section 3.44 of this Chapter).
- b. Grocery stores and supermarkets.
- c. Clothing stores.
- d. Furniture stores.
- e. Department stores.
- f. Specialty shops.
- g. Hotels and motels.
- h. Funeral homes and mortuaries.
- i. Child day care centers.
- j. Medical and dental clinics.
- k. Wholesale bakeries.

- l. Retail laundries and dry cleaners, but not plants.
- m. Banks, business and professional offices.
- n. Public transportation passenger offices.
- o. Governmental offices.
- p. Municipal, civic or public service buildings and other utility facilities.
- q. Warehouses, wholesale offices, salesrooms and showrooms.
- r. Restaurants, bars, dining or lunch room, but not to include drive-in and carry-out restaurants.
- s. Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- t. Animal hospital and pet shops, but no kennels.
- u. Business equipment repair and business services.
- v. Radio and television studios.
- w. Printing shops, but not publishing plants.
- x. Retail, service, office and commercial uses similar to the foregoing.
- y. Car washes.
- z. Accessory uses, building and structures.
- aa. Shelter for abused persons.
- bb. Greenhouses and lawn maintenance services.
- cc. Temporary outdoor places of amusement.
- dd. Churches and temples.

2. **Special Exception Uses** – the following uses are permitted as Special Exceptions after approval by the Planning Board in accordance with Article 7, Section 7.2:

- a. Automobile filling stations.

- b. Automobile repair and service stations.
- c. Automobile and marine sales lots and sales and service agencies.
- d. Automobile and marine paint and body repair shops.
- e. Hospital, care homes, boarding and lodging houses.
- f. Research or philanthropic institutions.
- g. Outdoor theaters.
- h. Drive-in or carry-out restaurants.
- i. Commercial parks.
- j. Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.
- k. Light industrial plants whose main processes involve assembly of prefabricated parts and which will not create a nuisance by noise, vibration, smoke, odor or appearance.
- l. Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The Planning Board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.
- m. Trucking terminals and similar non-processing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
- n. Convenience stores.
- o. Research, experimental and testing laboratories.
- p. Landscape services.
- q. Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under Section 3.62.B.1. which will occupy an area of 5,000 square feet or more.
- r. Automotive Towing and Storage.

- s. Major Retail Development provided that:
 - (1) it meets the conditions noted in Section 3.1.M.4.
- t. Outpatient addiction treatment clinics

C. **Dimensional Regulations** – All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- 1. **Minimum Lot Width and Depth** – No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth.

Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multi-Family Suburban District (MFS), Section 3.44.C.1. of this Chapter.

- 2. **Density** – Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multi-Family Suburban District (MFS), Section 3.44.C.2. of this Chapter.

- 3. **Yard Requirements**

- a. **Rear** – There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.
- b. **Side** – There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.
- c. **Front** – There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.
- d. **Principal Buildings** – More than one principal building may be erected on a lot, provided that the building(s) meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

- e. **Railroad Tracks** – Where the principal use requires access to a railroad, the yard requirements are disregarded for the side(s) of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.
- f. Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one quarter (1/4) of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than 10 feet apart or by a solid fence not less than 6 feet in height.
- 4. **Height** – No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the Maine Historic Preservations Commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the Airport Approach Zone, Federal Aviation Administration regulations shall apply.

Accessory structures, including windmills that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of the yard required pursuant to Section 3.62.C.3. In the Airport Approach Zone, Federal Aviation Administration regulations shall apply.

- 5. **Off-Street Parking** – Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in Article 4 of this Chapter.

Motion for passage for acceptance of first reading:

Seconded by:

Vote:

Motion for acceptance of second reading and final passage:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

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: Windmills as accessory use/structure and a current opportunity for the City of Auburn

Date: February 3, 2010

At the October Planning Board meeting we discussed Wind Power Generation, including the following:

- Accessory Residential/Commercial end user systems
- Commercial power generation
- Sales and display/training models
- Setbacks, minimum lot size requirements, where are they allowed?

In summary, I got the following from our workshop discussion:

- The Planning Board is very interested in wind power and other alternative energy.
- We don't want to prevent innovative use of technology in Auburn, but we want to capture the benefits while protecting the community from any undue adverse impacts.
- There is a great deal of information to consider and we need more of it for our discussion.
- Setbacks, minimum lot size requirements, where are they allowed, principle or accessory use distinction, aesthetics, sound and other considerations must be included in the discussion.

Staff has been presented with an opportunity to bring approximately 20 quality jobs to Auburn with a significant investment in an existing commercial building and underutilized property. As proposed, the opportunity includes the sale, distribution and installation of *wind energy conversion systems* (WECS) out of Auburn and a training school for installation and maintenance in the GB zoning district. The training school would draw people from around the country to learn related technical skills. This opportunity comes with a challenge. The challenge is that, although we have discussed it, our ordinance does not currently permit structures taller than 45' high in the General Business zoning district. Allowing the erection of an 80-100 tall tower and WECS at the distribution and training facility is of critical importance for the project to succeed in Auburn. Decisions to finance and locate in Auburn are scheduled to be made by mid-late March and the Board's direction on this issue is a key consideration. It is Staff's opinion that this business could be a great addition to our community in a time that attracting new business is very challenging.

WECS are allowed in Auburn as an accessory structure, but the traditional accessory structure height limitations apply and make most installations ineffective. Please note that there is a difference between principal and accessory structure height limits in some districts. Below is a summary of zoning districts and height limitations for principal and accessory structures:

Zoning District	Maximum Structure Height (feet)	
	Principal	Accessory
CB1	150	150
CBII, ID	75	75

AG/RP, LDCR, RR, SR, UR, MFS, MFU, NB	35	65
GBII, DEZ, CBIII	45	45
GB	45	45/90 for limited uses ¹

There are two issues relating to WECS that we will be seeking workshop input on at the February meeting in hopes that we can have a formal ordinance amendment and/or project before the Board in March.

1. Drafting a windmill/WECS ordinance for the city as a whole. It is staff's opinion that we could draft an ordinance quickly to address the issues associated with accessory use of WECS for onsite power generation. Principal use of windmills/WECS for commercial power generation and sale of electricity is a different issue altogether. If we could have an ordinance with a recommendation from the Board at the March meeting then the second issue (below) would be resolved.
2. The second option would be finding another solution that will draw this new business to Auburn and allow the installation of a training WECS while the ordinance for the City as a whole can be drafted. This could include a change limited to the height standards in the GB zoning district for accessory structures or a height modification as part of a special exception approval that is project specific at the March meeting.

Staff's preference is the first option which could include a special workshop meeting in February to accelerate discussion and move a well thought out ordinance forward in March. I thank you for your consideration of the situation and opportunity before us and hope we can take advantage of this economic opportunity for Auburn. Tuesday February 16th or 23rd are possibilities for a workshop so please check your schedules if this is a desirable solution.

Some additional resources that I have found useful are available at the following addresses:

“In the Public Interest: How and Why to Permit for Small Wind Systems.”

AWEA 2008. www.awea.org/smallwind/pdf/InThePublicInterest.pdf

Wind Energy Model Ordinance Options. NYS Energy and Development Authority, by Katherine Daniels, NY Planning Federation.

http://www.powernaturally.org/programs/wind/toolkit/2_windenergymodel.pdf

Accessory turbine installation video: http://www.youtube.com/watch?v=IsG9dD2_TVg

Eric Cousens
City Planner

¹ No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the Maine Historic Preservations Commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the Airport Approach Zone, Federal Aviation Administration regulations shall apply.

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: **City initiated zoning text amendment** – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 3.62 to establish setbacks and height allowances for accessory structures including windmills, pursuant to Section 8.1 of Chapter 29.

Date: March 9, 2010

Attached is a copy of the staff report dated February 3, 2010. At the February 3rd meeting the Board and staff chose to hold a special workshop to expedite discussion. Below is a summary of what took place at the workshop:

The zoning ordinance currently allows WECS throughout the City but height restrictions are too limiting for effective installations. On February 23rd City Councilors Belinda Gerry, Daniel Herrick and Ray Berube met with Members of the Planning Board including Chairman Clifton Greim, Daniel Moreno and Richard Whiting to expedite a zoning change that would allow for effective use of WECS in Auburn. A two-part approach will first seek to allow windmills as accessory structures in the General Business zoning district with appropriate setback requirements. This change will be considered at the March 9th Planning Board meeting for a recommendation and then considered by the City Council at a subsequent workshop and public meetings. This ordinance amendment will be followed by the preparation of a City wide ordinance that establishes standards for WECS throughout the City. At the workshop staff gathered input from the group to help create the first working draft of the proposed city wide ordinance.

The work shop was very constructive and gave staff enough direction to prepare a draft of the first part of the proposal. A copy of the draft GB proposal is attached for consideration by the Board. The second part of the proposal is in the works and we hope to have a draft for your review at the April 2009 meeting.

POTENTIAL FINDINGS:

1. The proposal is consistent comprehensive plan. A copy of pages 16-19 are attached.
2. The GB zone purpose encourages accessory uses.

3. The allowance for taller accessory structures with setbacks that are increased based on the height of the structure is consistent with other sections of the ordinance. Chapter 29, section 3.31.C.4 is a good example and reads as follows:

Height – The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height.

Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

RECOMMENDATION:

Staff recommends that the Planning Board accept and consider public input and recommend approval of the proposed ordinance with/without any conditions or modifications deemed necessary at the public hearing. Staff further recommends that we commit to making a City-wide wind power ordinance a priority at upcoming Planning Board meetings.

City Council

Agenda Information Sheet

Council Meeting Date 3/15/2010 **Agenda Item No.** 2

SUBJECT:

**RESOLVE – AUTHORIZE COMMUNITY DEVELOPMENT DIRECTOR TO
EXECUTE A LOAN GUARANTEE FOR THE LEASE/BUY
PROGRAM**

INFORMATION:

Auburn's Lease-Buy Program is administered through a partnership with Auburn Housing Development Corporation (AHDC). This arrangement enables the City of Auburn to utilize the HOME Program's Community Housing Development Organization (CHDO) Reserve funds, the 15 % set-aside which can only be used by CHDO entities.

Mechanics Savings Bank is willing to provide a \$500,000 loan for interim financing for properties purchased on behalf of our customers in the Lease/Buy Program. Although the loan is to AHDC, Mechanics Savings Bank requested a guarantee from the City of Auburn Community Development Block Grant Program. The terms of the loan are described in the attached Commitment Letter from Mechanics Savings Bank.

City Council Workshop – March 1, 2010

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: March 15, 2010

**TITLE: RESOLVE – AUTHORIZE COMMUNITY DEVELOPMENT DIRECTOR TO
EXECUTE A LOAN GUARANTEE FOR THE LEASE/BUY
PROGRAM**

Be It Resolved by the Auburn City Council that the Community Development Director is authorized to sign a Loan Guarantee for the benefit of Mechanics Savings Bank in connection with a \$500,000 revolving master line of credit, together with any and all documents necessary and appropriate to accomplish the foregoing, all as provided in said bank's commitment letter to Auburn Housing Development Corporation dated February 22, 2010, as may be amended.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

Mechanics

PRIVATE BANK

For Business and Professionals

February 22, 2010

100 Minot Avenue, Auburn, Maine 04210

Phone: 207-786-5700 Fax: 207-786-5709

Toll Free: 800-325-7553

www.mechanicsprivatebank.com

Mr. Richard S. Whiting, Secretary
Auburn Housing Development Corporation
P.O. Box 3037
Auburn, ME 04212-3037

Dear Rick:

We are pleased to advise you of Mechanics Savings Bank's commitment to make a loan (the "Loan") on the following terms and conditions:

BORROWER: Auburn Housing Development Corporation

GUARANTORS: City of Auburn

AMOUNT: \$500,000 Revolving Master Line of Credit

PURPOSE: The purpose of the proposed financing is to provide acquisition financing for residential properties in Auburn, Maine. These properties will be leased to households participating in the Lease/Buy Home Ownership Program (the "HOME" program), as is further described in an agreement between the City of Auburn, and the Auburn Housing Development Corporation.

INTEREST RATE: The Loan shall bear interest at a fixed rate of Five and one-half percent (5.50)% fixed for the term of the loan.

All interest hereunder shall be computed on the basis of the actual number of days elapsed over a 360-day year.

DEFAULT

INTEREST RATE: Bank shall have the right to charge interest, payable on demand, on the unpaid principal balance of the Loan at an interest rate of five percent (5%) per annum in excess of the rate of interest otherwise payable for any period during which the Borrower shall be in default under any document governing or securing the Loan.

COMMITMENT

FEE: None

TERM: The term of the Loan is three (3) years and may be renewed at Bank's sole discretion, subject to review of credit and pricing.

PAYMENT: Each advance shall be a separate draw under the master revolver and payments are required as outlined below:

An interest only payment will be due monthly commencing one month after closing. Any unpaid principal plus accrued interest shall be due and payable at maturity. Upon sale of any "HOME" program property, any funds advanced on such property will be due immediately.

PREPAYMENT: This Loan may be prepaid at any time without penalty.

LATE CHARGE: Borrower agrees to pay Bank a late charge of five percent (5%) of any scheduled payment of principal and/or interest which is not paid within ten (10) days of the date when due.

ADVANCE RATIO: Advances on the proposed revolver are subject to a maximum advance ratio of 100% of the value of the proposed property. HUD and/or homebuyer subsidy funds representing at least 15% of the purchase price shall be contributed to the subject property.

FINANCIAL STATEMENTS: Ongoing Financial Reporting:
On an annual basis, Borrower will provide the following financial information within one-hundred (120) days after the close of the Borrower's fiscal year:

Complete Federal form 990 EZ or other such form as required of Borrower by the Internal Revenue Service.

On an annual basis, Guarantor will provide the following financial information within 180 days after the close of the Borrower's fiscal year.

Audited financial statements prepared by an accountant satisfactory to Bank in accordance with generally accepted accounting principles, accompanied by any Management Letter.

INSURANCE: Borrower shall obtain and maintain with respect to its operations such insurance as Bank may require, including: commercial general liability insurance and owner's contingent or protective liability insurance acceptable to Bank. Bank shall be named as additional insured.

AUTHORITY

TO ACT: Borrower and Guarantor shall provide evidence of its organization, existence, legal good standing, and authority to enter into the transaction contemplated by this commitment letter as may be required by Bank and its counsel.

LEGAL

OPINIONS: Borrower and or Guarantor shall provide to Bank at closing a legal opinion from counsel satisfactory to Bank with respect to Borrower, any Guarantor and/or their assets as Bank or its counsel shall require.

DEPOSIT

RELATIONSHIP: Borrower its affiliates and/or guarantor shall open and maintain a deposit relationship with Bank during the term of the Loan.

ADDITIONAL

REQUIREMENTS: Bank will require written approval, inform and substance satisfactory to Bank's counsel, from the City of Auburn indicating that the City is authorized to enter into the transactions.

Borrower shall authorize Bank to communicate directly with the City of Auburn on any matters relating to the "HOME" program including any associated Banking issues, and the City of Auburn shall consent and agree to communicate with Bank on all matters related to the "HOME" program.

Auburn Housing Development Corporation, and the City of Auburn will not permit liens, attachments or other encumbrances to be placed or arise on the "HOME" program properties except with the prior written consent of the Bank.

MISCELLANEOUS:

The parties hereto agree that this commitment shall survive the Loan closing and that each of the obligations and undertakings of the Borrower hereunder shall continue until the entire Loan, together with interest and fees, is paid in full.

This commitment represents the entire agreement of the parties and supersedes all prior agreements with respect to the Loan.

This commitment is conditioned upon the completeness and accuracy of the information contained in the financial statements, loan applications and all other documents submitted to Bank by or on

behalf of Borrower, and upon the absence of any adverse change in the information as of the date of the Loan closing, and upon the absence of any omission from the documents of any material fact relating to the Borrower, any Guarantor, the Loan contemplated herein or the security for the Loan. Borrower shall furnish Bank promptly with any documentation reasonably requested hereunder.

The Loan shall be made without cost to Bank. Acceptance of this letter shall constitute your agreement to pay all fees, commissions, costs, charges, taxes and other expenses incurred by Bank in connection with this commitment and the making, administration or enforcement of the Loan, whether or not the Loan closes.

Bank shall not be required to pay any brokerage fees or commissions arising from the issuance of this letter or the making of the Loan and Borrower and any Guarantor agree to defend, indemnify, and hold Bank harmless from and against any and all cost, claim, liability, damage or expense (including but not limited to reasonable attorneys' fees) in connection therewith.

All documents executed and delivered in connection with the closing of the Loan and all other material documents shall be in form and substance satisfactory to Bank's counsel. All other legal matters shall be to such counsel's satisfaction.

This commitment shall not be assigned by Borrower without the prior written consent of Bank.

The transactions contemplated by this letter shall be governed by the laws of the State of Maine.

Bank may terminate this commitment prior to the Loan closing if (a) Borrower or any Guarantor fails or refuses to comply with any of the terms and conditions set forth herein, (b) any adverse change in the opinion of Bank shall occur with respect to Borrower, any general partner of Borrower, any Guarantor, or any other person or entity connected with the Loan or any collateral for the Loan or other source of repayment of the Loan at any time prior to the Loan closing, (c) any part of the assets to be pledged as collateral for the Loan shall have been taken in condemnation or other like proceeding, or any such proceeding is pending or threatened at the time of the Loan closing, or (d) Borrower, any general partner of borrower, any Guarantor, or any other person or entity (including tenants) connected with the Loan or any collateral for the Loan or other source of repayment shall be insolvent or involved as debtor in any arrangement, bankruptcy, reorganization or insolvency proceeding. In the event of termination, Bank shall be entitled to collect and retain all commitment fees required of Borrower. Such termination shall become effective upon the mailing of notice to Borrower at the address of Borrower shown on this commitment.

AS A FURTHER CONDITION OF THIS COMMITMENT, AND IN ORDER TO OBTAIN A PROMPT DETERMINATION OF RIGHTS AND REDUCE COSTS, THE BANK, BORROWER AND EACH GUARANTOR, FOR THEMSELVES AND THEIR RESPECTIVE HEIRS, SUCCESSORS AND ASSIGNS, HEREBY KNOWINGLY, VOLUNTARILY AND MUTUALLY WAIVE ANY AND ALL RIGHTS THAT SUCH PARTY MAY HAVE TO A TRIAL BY JURY IN ANY ACTION OR PROCEEDING BASED UPON OR RELATED TO THE LOAN OR ANY LOAN DOCUMENTS, THE COLLATERAL GIVEN AS SECURITY FOR THE LOAN, OR IN ANY WAY RELATED TO THE ADMINISTRATION OF THE LOAN OR THE EXERCISE OF RIGHTS OR REMEDIES RELATED THERETO.

BORROWER AND ALL GUARANTORS AGREE THAT ANY AND ALL DISPUTES OR CLAIMS OF BORROWER OR GUARANTORS AGAINST THE BANK OR ITS AGENTS ARISING OUT OF OR RELATING TO THIS COMMITMENT, THE LOAN, THE LOAN DOCUMENTS, ANY COLLATERAL SECURING THE LOAN OR THE CONDUCT OF THE BANK OR ITS AGENTS SHALL BE RESOLVED SOLELY BY MEANS OF BINDING ARBITRATION CONDUCTED IN AUBURN, MAINE IN ACCORDANCE WITH THE RULES OF THE AMERICAN ARBITRATION ASSOCIATION GOVERNING COMMERCIAL ARBITRATION.

The terms of this commitment cannot be waived or modified except in writing and signed by the parties to this commitment.

This is notification that under Maine law, no promise, contract, or agreement to lend money, extend credit, forbear from collection of a debt or make any other accommodations for the repayment of a debt for more than \$250,000 may be enforced against Bank unless the promise, contract, or agreement is in writing and signed by Bank, nor can any change, forbearance or other accommodation relating to the Loan be enforced against Bank unless in writing and signed by Bank.

Unless this Loan is closed by April 15, 2010, this commitment will expire. Any extension of this commitment will be at the sole option of Bank and must be in writing.

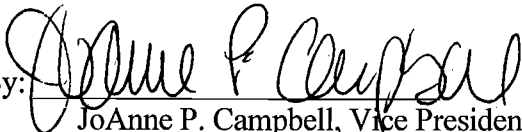
If these terms and conditions are satisfactory, please sign and return the enclosed copy of this letter to us not later than our close of business on March 30, 2010. Unless we receive a signed copy of this letter by that date, this commitment will expire.

February 22, 2010
Page 6 of 6
Auburn Housing Development Corporation

Should you have any questions or comments, please do not hesitate to call.

Very truly yours,

MECHANICS SAVINGS BANK

By: 
JoAnne P. Campbell, Vice President
Senior Private Bank Officer

Accepted and agreed to this ____ day of _____, 2010.

BORROWER: AUBURN HOUSING DEVELOPMENT CORPORATION

By: _____
Richard S. Whiting, Its Secretary

GUARANTOR: CITY OF AUBURN, MAINE

Glenn Aho, Its City Manager

Cc: Reine Mynhan, Community Development Administrator, City of Auburn

City Council

Agenda Information Sheet

Council Meeting Date: 3/15/2010 Agenda Item No. 3

SUBJECT:

RESOLVE – APPOINTMENT OF TAX ASSESSOR

INFORMATION:

Approval of this resolve will confirm the City Manager's appointment of Renee Lachapelle as Lead Assessor for a trial period of one year. During this period, Auburn's assessing services will be conducted by a combination of municipal staff and contracted services.

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: March 15, 2010

TITLE: RESOLVE – APPOINTMENT OF TAX ASSESSOR

Be It Resolved by the Auburn City Council that the City Manager's appointment of Renee Lachapelle as Tax Assessor, for a period of one year, is hereby approved.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City Council

Agenda Information Sheet

Council Meeting Date 3/15/2010 **Agenda Item No.** 4

SUBJECT:

RESOLVE – APPOINTMENTS OF ELECTION CLERKS

INFORMATION:

According to Title 21A, Section 503, MRSA, the municipal officers are required to appoint election clerks no later than May 1st of each general election year to serve at each voting place during the time the polls are open. The names included in the attached resolve have been provided by the Democratic and Republican City Committees. Approval of the attached resolve will accomplish the requirement of the statute.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: March 15, 2010

TITLE: RESOLVE – APPOINTMENT OF ELECTION CLERKS

Be It Resolved by the Auburn City Council, that in accordance with Title 21A, Section 503 MRSA, the following election clerks are hereby appointed:

Virginia Adams
Alice Conway
Sheila Desgrosseilliers
John Henderson
Richard Leavitt
Mary Roussel
Ronald Potvin
Francois Bussiere
Jeanne Laliberte
Danielle Spiro

Robert Cavanagh
Edward Desgrosseilliers
Ernestine Gilbert
Eleanor Herrick
Bonnie Ross
Aline Poliquin
James Walker
Claire Amero
Judith Sargent

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City Council

Agenda Information Sheet

Council Meeting Date 3/15/2010 **Agenda Item No.** 5

SUBJECT:

APPOINTMENTS – AUBURN HOUSING AUTHORITY

INFORMATION:

Appointments to the Auburn Housing Authority until October 2014
Arthur Wing, 104 Grandview Avenue
Alice Conway, 521 Turner Street

City Council Workshop – March 1st

STAFF COMMENTS/RECOMMENDATION:

Councilors Hayes and Berube recommend approval of the above appointments.

REQUESTED ACTION:

Motion to approve the above appointments.

VOTE:

City Council

Agenda Information Sheet

Council Meeting Date 3/15/2010 **Agenda Item No.** 6

SUBJECT:

SET DATE FOR SPECIAL CITY COUNCIL MEETING

INFORMATION:

In order to meet a deadline for a potential investor, it is requested that the City Council set a Special Meeting date of March 22nd, 5:30 p.m. for the sole purpose of having second reading and final passage of the Windmill Ordinance.

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of this request.

REQUESTED ACTION:

Motion for a Special Meeting on March 22nd, 5:30 pm for the purpose of having second reading and final passage of the Windmill Ordinance.

VOTE:
