

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk

Council Meeting Agenda Packet

October 4, 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 October 4, 2010 Agenda

5:30 p.m. Workshop

- A) Discussion of proposed Agriculture and Resource Protection zoning district amendment. (Eric Cousens and Roland Miller – 30 min)
- B) Update: MDOT on Route 136 detour. (MDOT Representatives Joyce Taylor and Brad Foley - 30 min)
- C) Chapter 24 Licensing and Permits Ordinance proposed language. (Roberta Fogg - 15 min)
- D) Update: Elections. (Roberta Fogg – 5 min)
- E) Presentation of the PACE. (Mayor Gleason and Jim Wellehan – 15 min)

7:00 p.m. City Council Meeting

Pledge of Allegiance

- 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.

- II. **Minutes – September 20, 2010***

- III. **Reports**

Mayor

City Councilors

Michael Farrell: Rec Adv Bd, Airport, Audit, Lake Aub 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, L/A Public Health Committee,

Eric Samson: 9-1-1, Auburn Business Development Corp, Andros Valley Council of Gov

City Manager

- IV. **Communications, Presentations and Recognitions ***

- a. 10042010-01 Communication from Androscoggin Valley Council of Governments (AVCOG) for approval of temporary signs for their medicine disposal collection on November 6, 2010 from 9am to 11:30am at the Lewiston High School. *
- b. 10042010-02 Application for fee waiver from Danville Jct. Grange #65 for their annual Business (Victualer) License. *

Auburn City Council Meeting & Workshop

October 4, 2010

- 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**
- VII. **New Business**
- 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 this 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 of expulsion
- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- F. 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;
- G. 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
- H. 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 Council Workshop Information Sheet

Item #A

Council Workshop Date: 10/4/2010

Subject: Discussion of proposed Agriculture and Resource Protection zoning district amendment.

Previous Meetings / Agendas: None

Information: Potential business owner, Craig Linke, would like to start a livestock processing facility/slaughterhouse at 512 Trapp Road. The property is located in the AG/RP zoning district and has an existing building that was used for processing chickens. The chicken processing operation was allowed as an accessory use to process chickens grown on-site at an existing chicken farm. As part of that approval, some chickens were also brought in from other farms for processing. The chicken barns were destroyed by fire and old age and while the former processing building still exists it has been unused and vandalized for a number of years. Roland Miller, Economic Development Director and Eric Cousens, City Planner have met with Mr. Linke and Gray Harris, Director, Ag Resources & Program Development, Coastal Enterprises, Inc. about the potential use.

A facility like this is badly needed in the State of Maine and will be of State-wide significance. It will provide a local processing option to Maine farmers that are currently having this done out of State and provide a truly local product that has never left the State for the market. The current zoning district does not allow a slaughter/process facility as a principal use; the chicken facility was allowed only as accessory to the principal agricultural use.

The City ordinance only allows the use group "slaughterhouse, stockyard, abattoir, dressing plant" in the industrial zoning district by Council Resolution. That section states that the use and others of a similar nature are prohibited, unless approved by resolution of the City Council following review and recommendation of the Planning Board in the same manner as a Special Exception.

To bring this business to Auburn we have identified a couple of options. 1) Explore other locations within Auburn that have the zoning and infrastructure in place (Industrial); or 2) modify the AG zone to allow the facility.

Option one is not desirable to the customer. His brother owns 512 Trapp Road and the purchase price is lower than typical industrial land and buildings. Like most AG zoned land the price is lower because it does not have the infrastructure to support most industrial uses, other than natural resource based uses like agriculture and resource extraction. The customer has determined that he can make the site work for his business, but as is the case in much of the AG zone, the roads are posted in the spring and public water and sewerage services are unavailable.

Option two is the one that the customer wishes to pursue. This letter is a request to workshop the idea with the Council. Should we amend the AG zone to allow livestock processing as a principal use? Mr. Linke will take input from the Council and decide if he will pursue the zoning change with a zoning petition.

Financial: None.

Staff Requested Action: Discuss the customer request and let staff as well as the customer know if the council would consider a proposal to allow the use in the AG/RP zoning district and if there is support for the idea.

Do you require action at this meeting: Yes ___ No X
If yes why:

Author: Eric Cousens, City Planner

History: None.

Attachments: Letter from Mr. Linke dated 9/14/10.

Roberta Fogg

From: Eric Cousens
Sent: Monday, September 27, 2010 11:14 AM
To: Roberta Fogg; Glenn Aho
Cc: Roland Miller; David Galbraith
Subject: FW: Letter to council
Attachments: 9-26-2010 7;26;14 PM.jpg

Good Morning Glenn and Roberta,

Attached is a letter from Craig Linke, who would like to start a livestock processing facility/slaughterhouse at 528 Trapp Road. The property is located in the AG/RP zoning district and has an existing building that was used for processing chickens. The chicken processing operation was allowed as an accessory use to process chickens grown on-site at an existing chicken farm/barns. As part of that approval, some chickens were also brought in from other farms for processing. The Chicken barns were destroyed by fire and old age and while the former processing building still exists it has been unused and vandalized for a number of years. Roland and I have met with Mr. Linke and Gray Harris, Director, Ag Resources & Program Development, Coastal Enterprises, Inc. about the potential use.

The Dilemma: A facility like this is badly needed in the State of Maine and will be of State-wide significance. According to the customer, the Governor and media will give a great deal of attention to the establishment of the facility. It will provide a local processing option to Maine farmers that are currently having this done out of State, keeping jobs in Maine, possibly Auburn, and provide a truly local product that has never left the State for the market. The current zoning district does not allow a slaughter/process facility as a principal use; the facility was allowed only as accessory to the principal agricultural use.

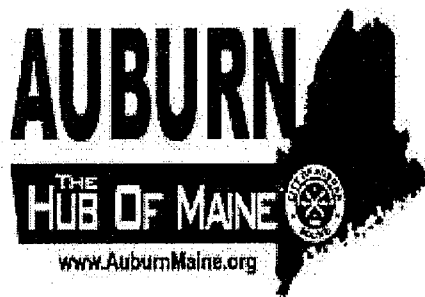
To bring this business to Auburn we have identified a couple of options. 1) Explore other locations within Auburn that have the zoning and infrastructure in place (Industrial); and 2) modify the AG zone to allow the facility.

Option one is not desirable to the customer. His brother owns 528 Trapp Road and the purchase price is lower than typical industrial land and buildings. Like most AG zoned land the price is lower because it does not have the infrastructure to support most industrial uses, other than natural resource based uses like agriculture and resource extraction. The customer has determined that he can make the site work for his business, but as is the case in much of the AG zone, the roads are posted in the spring and water and sewerage services are unavailable.

Option two is the one that the customer wishes to pursue. This letter is a request to workshop the idea with the Council. Should we amend the AG zone to allow large scale livestock processing as a principal use?

Please let me know if this can be scheduled at a future workshop or if you have any thought on the issue and how best to address it.

Eric J. Cousens
City Planner / Code Enforcement Officer
60 Court Street, Suite 104
Auburn, Maine 04210
Tel. (207)333-6601, ext. 1154
Fax. (207)333-6625
email: ecousens@ci.auburn.me.us



From: Linda Stred Gagnon [mailto:lsgagnon@roadrunner.com]

Sent: Sunday, September 26, 2010 7:29 PM

To: Eric Cousens

Cc: Craig Linke

Subject: Letter to council

Mr. Eric Cousens
City of Auburn
60 Court Street
Suite 104
Auburn, Maine 04210

September 14, 2010

Dear Mr. Cousens,

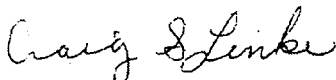
My name is Craig Linke and I am the project coordinator for Mainestock—a humane, USDA-certified livestock processing facility. I have the opportunity to secure the 512 Trap Road property in Auburn for this operation; however I have come to understand that a livestock processing facility is not permissible under the location's current Agricultural Zone designation. I would like to request 20-30 minutes to address the City Council to explain why livestock processing is an intrinsic component of agricultural production and therefore the Mainestock project at Trap Road is consistent with the intended purpose and use of the Agricultural Zone in Auburn.

Auburn's Agricultural Zoning stands as a model ordinance for other towns that wish to contain sprawl and support their working landscapes and agricultural economy. In no way is it the intention of Mainestock to compromise the integrity of the Ag Zone, but rather to suggest that this project at Trap Road is entirely consistent with the intent of the Ag Zone. Mainestock's assertion is that livestock processing is as much a fundamental part of livestock production as is the harvesting of any vegetable, fruit or grain—in fact, without it, the livestock industry could not exist—and therefore belongs squarely in the Agricultural Zone.

Some may claim that a livestock processing facility is better suited to the Industrial Zone of town. I wholeheartedly disagree. A business of such a highly sensitive nature such as a slaughter facility belongs in an area devoid of other activity. To situate this facility in a densely developed industrial area would be courting an incompatibility that we fear would lead to disagreement and unrest with neighboring businesses. Like most other agricultural operations of scale, processing facilities are not compatible with other land uses, and therefore belong in a zone and class unto itself; the Agricultural Zone.

Furthermore, I would not propose the Trap Road location if not for the fact that a facility *for this exact purpose already exists* on site. The Trap Road location is particularly strategic because there is a willing seller. The Mainestock business plan demonstrates a feasible operation, but its viability hinges upon securing this property and facility at the very reasonable asking price. The impact this facility would have on the town, and Maine, is considerable. It would create jobs, and support livestock producers in Auburn and in Maine; it would generate tax revenue; it would capture dollars currently 'leaking' out of the state due to lack of processing capacity (much of the state's livestock must travel to Pennsylvania and Vermont for processing; the slaughter facilities in Maine do not have the capacity to serve the volume of production.). In sum, Mainestock would support the ag economy in Auburn and lift up the entire livestock industry in Maine as a whole.

Thank you for your consideration.


Craig S. Linke
Mainestock



City Council

Workshop Information Sheet

Item #B

Council Workshop Date: Monday, October 4, 2010

Subject: Route 136 Construction Project

Previous Meetings / Agendas: n/a

Information: Joyce Taylor and Brad Foley with the Maine Department of Transportation will update the Mayor and City Councilors on the construction project of Route 136. This discussion will include the detour, schedule of construction of a new road, why did the road collapse and what have been the impacts to the residents and businesses as well as answer questions.

Financial: n/a – informational only

Staff Requested Action:

Do you require action at this meeting: Yes _____ No X

If yes why:

Author: Tracey Steuber, Community & Business Specialist

History: Route 136 road collapse September 2010

Attachments: n/a



City Council Workshop Information Sheet

Item# C

Council Workshop Date: October 4, 2010

Subject: Chapter 24, Business Licensing Ordinance

Previous Meetings / Agendas: September 7, 2010

Information: This is a draft of the proposed business license ordinance. This would replace Chapter 24 licensing and permitting ordinance.

Financial: None.

Staff Requested Action:

Do you require action at this meeting: Yes X No

If yes why: If the Council would like to proceed with the changes to our business licensing ordinance, Chapter 24, direct staff to proceed with the first reading and public hearing process.

We would repeal the current Chapter 24 Licensing and Permitting Ordinance and replace it with a new Chapter 24 Business Licensing and Permitting Ordinance.

Author: Roberta L. Fogg, City Clerk

History: Weekly Review 8/20/10 – Item 5 and Weekly Review 8/13/10 – Item 2; September 7, 2010 Council Workshop

Attachments: Draft of Chapter 24 Auburn Business Licensing and Permitting Ordinance.

Emailed the following to the Mayor and Council
City of Auburn, Chapter 24 Licensing and Permitting
City of Lewiston, Chapter 22 Business Licensing



City Council Workshop Information Sheet

Item # **D**

Council Workshop Date: October 4, 2010

Subject: Update on Election

Previous Meetings / Agendas: n/a

Information: This is a verbal update of election related activities for the November 2, 2010 gubernatorial election.

Financial: n/a

Staff Requested Action: n/a

Do you require action at this meeting: Yes _____ No x

If yes why:

Author: Roberta Fogg, City Clerk

History: n/a

Attachments: n/a



City Council Workshop Information Sheet

Item # E

Council Workshop Date: October 4, 2010

Subject: Presentation of the PACE (Property Assessed Clean Energy).

Previous Meetings / Agendas: n/a

Information: "Commercial and residential property owners could benefit greatly from State legislation that affords these property owners to apply for loan funds for "hyper energy efficient measures and renewable energy production". Through a Department of Energy \$20 million revolving loan trust fund, the Maine's Home Energy Savings Loan program is offering energy efficiency loans up to \$15,000 per each qualified property owner. The objective of the program is to help the State of Maine achieve its goal of weatherizing 100% of residences and 505 of businesses so as to reduce the State's consumption of liquid fossil fuels by at least 30% by 2030; and reducing peak-load electric demand, reducing greenhouse gases, and creating energy-production jobs.

Through the legislative adoption process, the law underwent many changes. One change that was not amended, but nevertheless remained in the legislation, was that to qualify, the municipality where the property owner resides must adopt a Property Assessed Clean Energy (PACE) ordinance. The ordinance will indicate whether it wants to administer the program or to have Efficiency Maine do the honors."

(Glenn Aho, City Manager -WR 9/10/10)

Financial: n/a

Staff Requested Action: The Auburn City Council will be asked to consider and adopt a PACE ordinance and designating Efficiency Maine to be the administrator.

Do you require action at this meeting: Yes _____ No _____

If yes why: Doing so will allow Auburn commercial and residential property owners apply for their \$15,000 loan for energy-related improvements.

Author: Roberta Fogg, City Clerk

History: Weekly Review September 10, 2010

Attachments: Fact Sheet on PACE and Model Property Assessed Clean Energy (PACE) Ordinance.

Fact Sheet on PACE (Property Assessed Clean Energy)

How it Works:

Property owners can choose to borrow money from a newly established “municipal financing district” to finance energy retrofits (efficiency measures and micro renewable energy) and repay over 20 years through an annual assessment on their property tax bill.

The PACE bond market is a combination of municipal bonds, federal loan guarantees, federal stimulus dollars, and private funding and has the potential to dramatically accelerate the energy retrofitting of Maine’s building stock and create long-term sustainable green jobs.

The PACE program dramatically improves the economics of energy retrofits and micro renewable projects due to the elimination of the upfront cost barrier for property owners, the long term nature of the repayment period, structuring the payment as annual assessment on property tax, and because the loan stays with the property for the life of the loan.

STEPS of a PACE program:

1. State enabling legislation allows for special municipal taxing districts
2. Municipality (city or county) creates a special “PACE” district
3. “PACE” district prepares a “PACE” bond using either a pooled or interim financing approach
4. Commercial/residential real estate owners apply for PACE funds to install hyper energy efficiency measures and renewable energy production (e.g. solar)
5. PACE funding treated as senior “property tax lien” and repaid by real estate owner over 20 years as annual assessment of property tax.

BENEFITS of PACE

1. Property Owner:

1. Elimination of “up-front” cost barrier
2. Positive cash flow on retrofits (annual savings > cost) which frees up household income for mortgage payments
3. Lower energy bills and lower vulnerability to spikes in energy prices

2 State of Maine and Maine Municipalities:

1. Immediate job creation
2. No credit or general obligation risk: Obligation is liability of real estate owner
3. Greenhouse gas reductions/energy independence
4. Opt in: Only those real estate owners who opt in pay for it

3. PACE Lender:

1. Super senior tax lien with virtually no risk of capital impairment

2. Historical loss rates on property tax liens are de minimis
 - i. 97% of property taxes are current
 - ii. Property tax losses are less than 1%

4. Existing Mortgage Lenders:

1. Improved borrower cash flow reduces mortgage default risk
2. Increased collateral value
3. PACE senior lien in a foreclosure is de minimis: only past due tax lien becomes due, typically less than 1% of mortgage/home value

PACE in the MAINE LEGISLATURE- 2010

LD 1717 *An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses*, sponsored by Rep. Patsy Crockett, would enable municipalities (city or county) to create a PACE district and issue PACE bonds to homeowners and businesses within the district. A public hearing for LD 1717 is scheduled for Thursday, January 28, 2010 at 1:00 PM in front of the Committee on Utilities and Energy Room 211 Cross Building.

For more information please contact Sandy Amborn, Cool Communities Outreach Coordinator, Maine Partners for Cool Communities, Sierra Club 761-5616 or sandyamborn@yahoo.com or visit www.pacenow.org

Information Source: www.pacenow.org

MODEL PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

Version 2 – Administration by the Efficiency Maine Trust

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish a PACE program; and

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ XX-1 Purpose

By and through this Chapter, the City of/Town of _____ declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town. The City/Town declares its purpose and the provisions of this Chapter/Ordinance to be in conformity with federal and State laws.

§ XX-2 Enabling Legislation

The City/Town enacts this Chapter/Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

ARTICLE II - TITLE AND DEFINITIONS

§ XX-3 Title

This Chapter/Ordinance shall be known and may be cited as “the City/Town of _____ Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

§ XX-4 Definitions

Except as specifically defined below, words and phrases used in this Chapter/Ordinance shall have their customary meanings; as used in this Chapter/Ordinance, the following words and phrases shall have the meanings indicated:

1. Energy saving improvement. “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

A. Will result in increased energy efficiency and substantially reduced energy use and:

(1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or

(2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

2. Municipality. “Municipality” shall mean the City/Town of _____.

3. PACE agreement. “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

4. PACE assessment. “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.

5. PACE district. “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

6. **PACE loan.** "PACE loan" means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
7. **PACE mortgage.** "PACE mortgage" means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
8. **PACE program.** "PACE program" means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.
9. **Qualifying property.** "Qualifying property" means real property located in the PACE district of the Municipality.
10. **Renewable energy installation.** "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.
11. **Trust.** "Trust" means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

1. **Establishment; funding.** The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.
2. **Amendment to PACE program.** In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

1. Standards adopted; Rules promulgated; model documents. If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE VI – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. Program Administration

A. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- iii. the Trust, or its agent, will disburse the PACE loan to the property owner;
- iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- v. the Trust, or its agent, will be responsible for collection of the PACE assessments;
- vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- vii. the Municipality, or the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

2. Liability of Municipal Officials; Liability of Municipality

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.



**City of Auburn
September 20, 2010
Council Minutes**

Present: Mayor Richard D. Gleason, Councilors Belinda A. Gerry, Michael Farrell, Robert Hayes, Daniel Herrick, David C. Young, Raymond C. Berube, Eric C. Samson, City Manager Glenn Aho, Finance Director Tracy Roy and City Clerk Roberta Fogg.

The council conducted a workshop beginning at 5:30pm on the following items:

New Auburn Master Plan, Traffic Policy, Chapter 27, Article 1, Section 1.3 Assemblage – Vista Drive Holiday lights.

Workshop B – Vista Drive holiday lights discussion was carried over into the open session of the meeting.

The following citizens spoke:

Jeff Harmon, resident of Vista Drive spoke about traffic and safety concerns.

Steve Bang, 48 Vista Drive spoke about the costs associated with the traffic plan that would be required.

7:00 p.m. City Council Meeting

Mayor Gleason called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag.

Consent Items

Minutes of September 7, 2010

Councilor Young, seconded by Councilor Hayes, move to accept the consent agenda items, Minutes of September 7, 2010.

Vote: 6 Yeas - 0 Nays – 1 Abstained – Councilor Farrell absent at the 9/7 meeting.

Motion carried 6-0-1.

Reports from the Mayor

Reports from City Councilors

Michael Farrell: Audit Committee

Daniel Herrick: Clarified his comments from the Sept 7th meeting about tax bills and corner lot assessments.

David Young: School Committee and stated there is a Cable TV Adv Board meeting on Sept 24th.

Belinda Gerry: LA Transit stated that Saturday service is going well.

Report from the City Manager

City Manager Aho responded to Councilor Herrick regarding tax bills, assessing of lots. He then explained property owner rights to question any of us at any time. He reviewed the appeal and review process for tax assessments, time frame for appeals are within the first 185 days from commitment to ask for a review. He reviewed the municipal and state appeal process.

August 2010 Financial Report presented by Finance Director Tracy Roy.

Councilor Berube, seconded by Councilor Farrell, moved to accept the August 2010 financial report.

Vote: 7 Yeas – 0 Nays

Motion carried 7-0.

IV. Communications, Presentations and Recognitions

Auburn City Council Meeting & Workshop Minutes of September 20, 2010

09202010-01 Communication from Auburn Ski Association (ASA) regarding temporary signs for their annual swap on Sunday, November 14, 2010 from 9am to 2pm.

Councilor Berube, seconded by Councilor Farrell, move to approve the Auburn Ski Association temporary signs for their annual swap on Sunday, November 14, 2010.

Vote: 7 Yeas – 0 Nays

Motion carried 7-0.

V. Open Session:

Larry Pelletier, 129 Second Street, told the council about the poor sound quality of the meeting when watching from home or online.

Joe Gray, Sopers Mill Road, asked questions about Vincent Park project and about maintaining the Main Street and Dunn Street areas.

City Manager Aho answered Mr. Sopers questions.

Workshop B – Traffic Policy, Chapter 27, Article 1, Section 1.3 Assemblage -Vista Drive Holiday Lights discussion continued.

Kate Benson, 65 Vista Drive resident spoke about how this affects her and thanked Chief Crowell and City Manager Aho for their work on this issue.

Tim Delorme, 115 Vista Drive resident spoke.

Jeff Harmon, 34 Vista Drive resident spoke in favor of some action.

Jamie Loggins, 60 Vista Drive resident spoke opposed to the proposal, because of the costs associated with the traffic detail.

Councilor Young left the meeting at 8:50 p.m.

The Vista Drive holiday lights discussion should return for another workshop by itself.

Open session ended at 8:56 p.m.

VI. Unfinished Business: - none

VII. New Business

09202010-02 Resolve to amend Chapter 32, Section 5.3.B.9 Underground Utilities in the Industrial Districts

Councilor Berube, seconded by Councilor Hayes, moved Resolve to amend Chapter 32, Section 5.3.B.9 Underground Utilities in the Industrial Districts (ID). First Reading.

Vote: 2 Yeas – Councilors Hayes and Berube – 4 Nays – Councilors Gerry, Farrell, Herrick and Samson.

Motion failed 2-4.

09202010-03 Motion to set the date of the second meeting in October to October 19th, 2010.

Councilor Gerry, seconded by Councilor Hayes, moved to set October 19th, 2010 as the date of the second regular meeting in October.

Voted: 5 Yeas – 0 Nays – 1 Abstained – Councilor Farrell, because he is unavailable on the 19th. Motion carried 5-0-1

**Auburn City Council Meeting & Workshop
Minutes of September 20, 2010**

VIII. Open Session

Joe Gray, Sopers Mill Road asked about the reduction of traffic travel lanes on Routes 4 and 11 to help reduce speed.

City Manager Aho responded.

IX. Future Agenda/Workshop Items

Councilor Gerry wants to meet with Parks and Recreation, Police PAL to make sure that Parks and Recreation has what they need to run their programs. She wants the City Clerk to draft a new elections budget to see what is needed to run the elections, absentee voting at elderly housing facilities.

X. ADJOURNMENT

Councilor Gerry, seconded by Councilor Herrick, moved to adjourn at 9:15pm.

Vote 6 Yeas – 0 Nays

Motion carried 6-0.

A true record

Attested:



Roberta L. Fogg, City Clerk



City Council Information Sheet

Item # 10042010-01 * Consent

Council Meeting Date: October 4, 2010

Subject: Communication from Androscoggin Valley Council of Governments (AVCOG) for approval of temporary signs for their medicine disposal collection on November 6, 2010 from 9am to 11:30am at the Lewiston High School.

Previous Meetings / Agendas: n/a

Information: The Androscoggin Valley Council of Government (AVCOG) is requesting one 3'x6' sign be placed at the intersection of Lake Street and Court Street from October 25, 2010 until November 8, 2010. This sign will advertise a medicine disposal collection available to Androscoggin County residents on November 6, 2010 from 9am to 11:30pm at the Lewiston High School.

Financial: n/a

Staff Requested Action: Approve the request to place signs at this location.

Do you require action at this meeting: Yes ☒ No ☐

If yes why: The City has an ordinance that allows the Council to grant such permission to promote community or civic activities and this clearly meets the intent of that ordinance.

Author: Roberta L. Fogg, City Clerk

History: n/a

Attachments: letter from AVCOG, photo of intersection medicine disposal information, flyer for medicine disposal day, letter of permission from property owner.



SEP 23 2010

September 16, 2010

The Honorable Richard Gleason
Mayor of Auburn
60 Court Street
Auburn, ME 04210

and

City Council Members
City of Auburn
60 Court Street
Auburn, ME 04210

Dear Mr. Mayor and Council Members,

Subject: Civic Activities Sign

Androscoggin Valley Council of Governments (AVCOG) is requesting approval from the City Council of Auburn for 1 (3'x6') sign to be placed at the intersection of Lake Street and Court Street. The sign would be posted the week of October 25, 2010 until the next business day following the collection (November 8, 2010).

The sign will advertise a medicine disposal collection available to Androscoggin County residents on November 6, 2010 from 9:00am to 11:30am at the Lewiston High School. The collection will result in proper medicine disposal, thereby protecting the environment, preventing youth drug abuse, and protecting the elderly from potential drug thefts.

Enclosed with this request is: a scaled aerial map of the City of Auburn Lake Street and Court Street intersection where the proposed sign would be located, written permission of the property owner, and proposed sign design, and an informational flyer.

Thank you for your consideration of this request.

Sincerely,

Janet Cummings
Community/Environmental Planner

Enclosures



To: Auburn City Council

From: Androscoggin Valley Council of Governments (AVCOG)

Subject: *Civic Activities Sign*

Date: September 16, 2010

AVCOG is requesting approval from the City Council of Auburn for 1 (3'x6') sign to be placed at the intersection of Lake Street and Court Street. The sign would be posted the week of October 25, 2010 until the next business day following the collection (November 8, 2010).

The sign will advertise a medicine disposal collection available to Androscoggin County residents on November 6, 2010 from 9:00am to 11:30am at the Lewiston High School. The collection will result in proper medicine disposal, thereby protecting the environment, preventing youth drug abuse, and protecting the elderly from potential drug thefts.

Enclosed with this request is: a scaled aerial map of the City of Auburn Lake Street and Court Street intersection where the proposed sign would be located, written permission of the property owner, and the proposed sign design.

Thank you for your consideration of this request.

Medical Waste Collection sign

PROSPECT ST

COURT ST

LAKE ST

HIGHLAND AV



Got Unwanted Medications?

Get rid of them safely at the:

Free Medicine Disposal Day!

Saturday, November 6th, 2010

Lewiston High School

9am-11:30am

What to Bring: Unwanted medicines including:

- Expired or unwanted prescriptions
- Vitamins
- Veterinary medications
- Homeopathic treatments
- Over the counter medicines

****If possible, please bring medicines in their original container**

What not to bring: Mercury thermometers, needles or syringes, or electronic equipment.

For More Information, contact:

Androscoggin Valley Council of Governments --783-9186
or Healthy Androscoggin -- 795-2120.

Thank you to our sponsor!



Safe Schools
Healthy Students

Partners in Prevention:



Protect the environment ✓

Prevent youth drug abuse ✓

Protect the elderly from drug thefts ✓

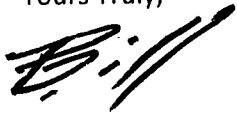
323 Court Street
Auburn, ME 04210
September 16, 2010

Janet Cummings, Environmental/Community Planner
AVCOG
125 Manley Road
Auburn, ME 04210

Dear Janet:

This letter will confirm my permission for the Androscoggin Valley Council of Governments and your partners, including Healthy Androscoggin, to place a banner on my property at the intersection of Court and Lake Streets. My understanding is that the banner will be for the purposes of promoting a free regional collection for pharmaceutical waste generated by residents of the area.

Yours Truly,

A handwritten signature in black ink, appearing to read "Bill", with a stylized flourish extending from the end.

William Hamilton



City Council Information Sheet

Item # 10042010-02 * Consent

Council Meeting Date: October 4, 2010

Subject: Application for fee waiver from Danville Jct. Grange #65 for their annual Business (Victualer) License.

Previous Meetings / Agendas: n/a

Information: The Danville Jct. Grange #65 has requested a waiver of the business license fee for their annual Victualer License (Food service License). This fee is \$125.00 annually. Past councils have waived this fee for this organization.

Financial: n/a

Staff Requested Action: Approve the request to waive the business license fee.

Do you require action at this meeting: Yes ☒ No ☐

If yes why: The City previously waived this fee for this organization. Until the council has a full discussion about fees for business license, exceptions to those fees or conditions for waiving such fees, I see no reason to change past practice. Therefore, I recommend you approve this request for a waiver of their business license fee for their Victualer License Class One, in the amount of \$125.00.

Author: Roberta L. Fogg, City Clerk

History: The same request was made and approved on 10/19/2009 agenda last year.

Attachments: Letter from Danville Jct. Grange #65

SEP 22 2010

Date: September 21, 2010

To: Mary Lou Magno
Auburn City Clerk
60 Court Street
Auburn, Maine 04210

From: Maynard Chapman, Master
Danville Jct. Grange
15 Grange Street
Danville, Maine 04223
(Phone) 998-5331

Subject: Victual's License Application

Danville Jct. Grange #65 request that the fee for our annual Victual License be waived as it has been each year in the past. Sorry we are late in applying, but we changed officers this year and we sort of dropped the ball.

If you would process our renewal application as soon as possible, we would appreciate it.

Thanking you in advance for you help in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Maynard Chapman".

Maynard Chapman, Master