



**City Council Workshop & Meeting
March 16, 2020
Agenda**

5:00 P.M. City Council Workshop

- A. Update on City Efforts relating to the Coronavirus, COVID-19 - Peter Crichton and Phil Crowell (60 minutes)
- B. New Fire Truck – Robert Chase (10 minutes)
- C. Cable TV Bylaws – Phil Crowell (10 minutes)
- D. Hydro Power Licensing Update – Eric Cousens (15 Minutes)

There will be a continuation of the workshop after the meeting adjourns.

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Milks

Pledge of Allegiance

- I. **Consent Items** - None
- II. **Minutes** - March 2, 2020 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Androscoggin River Water Quality Classification – Peter Rubins (Grow LA) and Ferg Lea (Androscoggin River Watershed Alliance)
 - Presentation - Water District and Water Rate Increase (Sid Hazelton, Superintendent)
 - Council Communications
- IV. **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*.
- V. **Unfinished Business**
 - 1. **Order 37-03022020**
Approving the revolving renovation fund loan for the Auburn School Department. Public hearing and second reading.
- VI. **New Business**
 - 1. **Ordinance 03-03162020**
Adopting and ordinance, Article II, Division 3, City Council Student Representative, Secs. 267-270. Public hearing and first reading.
 - 2. **Resolve 02-03162020**

Expressing opposition to LD 2090 An Act to Amend the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws.

3. Resolve 03-03162020

Expressing alignment with and support for the United States Center for Disease Control and Prevention guidance regarding prevention, mitigation and response to the COVID-19 pandemic.

4. Resolve 04-03162020

Supporting the decisions and efforts of the Superintendent and School Committee regarding the Covid-19 pandemic in order to keep students and faculty safe, continue the educational year by all means available including technology, and providing food services to the student body in the most efficient means possible.

5. Order 38-03162020

Directing the City Manager and or his designee to create a short-term loan program for Auburn Businesses not to exceed \$2500 per loan, with repayment no later than 06-01-2021 at a 0 percent interest rate. Total amount from the City's Emergency Reserve fund not to exceed \$50,000.

6. Order 39-03162020

Directing the City Manager and or his designee to reallocate the \$10,000 from the Feeding Auburn microgrant in the FY 19-20 budget.

7. Resolve 05-03162020

Agreeing to adopt the emergency legislation regarding remote meetings if passed by Legislature.

VII. Reports

a. **Mayor's Report**

b. **City Councilors' Reports**

c. **City Manager Report**

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. Executive Session - None

X. Adjournment

Continuation of Workshop

E. Preliminary Budget Discussion – 30 minutes



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 16, 2020

Author: Robert Chase, Fire Chief

Subject: New Fire Truck

Information: As part of the FY20 Capital program, I requested \$650,000 for the purchase of a new Fire Engine. The council approved \$550,000. At that time council indicated, that should additional funds be needed, I should return to them with that request.

We have completed a bid process which included a complete re-write of the specification and elimination of multiple truck subsystems to try to stay within the approved capital budget.

We have received a bid for \$633,192 which meets our bid specifications. The delivery time for this truck is 420 days. I am requesting the council consider additional funding for this truck so that we can commit to the purchase as soon as possible.

As a point of reference, the last fire engine that was purchased in 2012 cost \$664,508.

City Budgetary Impacts: \$100,000 FY21 Capital

Staff Recommended Action: Authorize the purchase based on the provided bid with \$100,000 to be provided as part of the FY 21 Capital.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Cochran".

Attachments: Bid from Allegiance Fire & Rescue

ALLEGIANCE FIRE & RESCUE

March 2, 2020

City of Auburn
Derek Boulanger, Facility
Manger/Purchasing Agent
60 Court Street
Auburn, Maine 04210

PROPOSAL BID#581

FOR FURNISHING



FIRE APPARATUS

The undersigned is prepared to manufacture for you, upon an order being placed by you, for final acceptance by Allegiance Fire & Rescue at its home office in Walpole, Massachusetts, the apparatus and equipment herein named and for the following prices:

One (1) Pierce® Enforcer 1750 GPM Pumper \$ 633,192.00

OPTION-1 If the sum of \$326,579.00 is remitted to Allegiance Fire & Rescue upon frame up of the chassis as a progress payment (approximately 90 days prior to delivery) you may deduct ----- \$ (9,797.00)

OPTION-2 If a 100% prepayment in the amount of \$609,724.00 is remitted to Allegiance Fire & Rescue within fifteen (15) days of a fully executed contract the balance due at time of delivery will be 0.00

OPTION 1 AND 2 may not be combined

The above amount reflects HGAC contract pricing.

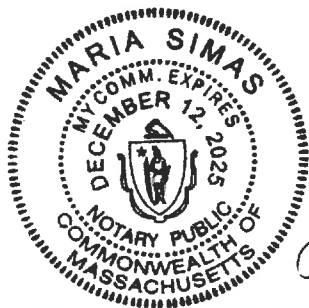
TOTAL \$ _____

Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto attached, delays due to strikes, war or international conflict, failures to obtain chassis, materials, or other causes beyond our control not preventing, within about 420 calendar days after receipt of this order and the acceptance thereof at our office at Walpole, Massachusetts, and to be delivered to you at the Auburn Fire Department, Auburn ME

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations are interlined prior to the acceptance by the company of the order to purchase, and provided such alterations do not materially affect the cost of the construction of the apparatus.

The proposal for fire apparatus conforms with all Federal Department of Transportation (DOT) rules and regulations in effect at the time of bid, and with all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus as published at the time of bid, except as modified by customer specifications. Any increased costs incurred by first party because of future changes in or additions to said DOT or NFPA standards will be passed along to the customers as an addition to the price set forth above.

Unless accepted within 30 days from date, the right is reserved to withdraw this proposition.



Maria Simas

ALLEGIANCE FIRE & RESCUE

By: *Jeffrey P Fournier*
Jeffrey P. Fournier - President

BID PROPOSAL FORM

The undersigned proposes to furnish one and other accessories in accordance with the Instruction to Bidders and Specifications, both of which are incorporated herein by reference.

One (1) 1750 gpm pumper 1000 gallons water, 30 gallons foam cell

Make, Model and Year Pierce Enforcer 1750 GPM \$ 631,298.00
Pumper 2020

Performance and Payment Bond \$ 1,894.00

Net FOB Auburn Highway Garage (Total Price) \$ 633,192.00

Delivery Date: 420 calendar days from the date of contract execution

Name of Company: Allegiance Fire & Rescue

Signed by: *Jeffrey P. Fournier*

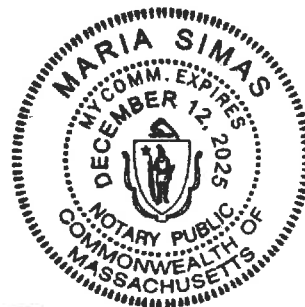
Print Name: Jeffrey P. Fournier

Title: President

Address: 2181 Providence Highway, Walpole, MA 02081

E-mail: jfournier@allegiancefr.com

Please see our prepayment/progress payment discount options on the Allegiance Proposal page.



Maria Simas



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 16, 2020

Author: Phil Crowell, Assistant City Manager

Subject: Auburn – Lewiston Cable TV Advisory Board By-Laws Amendment

Information: The Auburn – Lewiston Cable TV Advisory board has struggled to have consistency with maintaining a quorum to hold official meetings for the past couple of years. The committee has recently reviewed the by-laws and with new members appointed from the City of Lewiston, a quorum was met to propose the attached changes to the by-laws. The committee believes these changes are in the best interest of both cities and seek the councils to support the changes. The points of changes are the following:

- Monthly Meetings time has changed
 - Striking language relating to videoconference or telephone attendance
 - Changing the quorum language to reflect the changes on attendance
 - Adding language for Auburn that matches Lewiston’s language for staff representation to maintain consistency
 - Amendments of by-laws requiring the 60 day action by council
-

City Budgetary Impacts: N/A

Staff Recommended Action: Adopt the changes

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Crowell".

Attachments: Proposed Bylaws of the Auburn-Lewiston Advisory Cable TV Committee

**BY-LAWS
OF THE
AUBURN-LEWISTON ADVISORY CABLE TV COMMITTEE**

I. MISSION, PURPOSE AND SCOPE

A. Mission

The cities of Auburn and Lewiston, acknowledging a need and desire for the establishment of local public access, educational and government (PEG) channels, have established the Auburn-Lewiston Advisory Cable TV Committee (sometimes referred to as “Committee”) whose primary mission is to provide policy oversight for the broadcasting of a variety of PEG programming utilizing both on site and community assets to operate Great Falls TV (sometimes referred to as “GFTV”) as an open and accessible resource to all concerned.

B. Purpose and Scope

- 1) To oversee the operation and investment of available revenues in facilities, operations and equipment that provide GFTV viewers quality and dependable local cable television and internet streaming/archiving services;
- 2) To oversee the production and programming that is generated by both GFTV and other sources from within and outside of our community;
- 3) Advising the City Councils and the public on matters relating to the administration of GFTV policies and programming;
- 4) Encouraging other PEG access stations utilizing GFTV services to reflect its policies and values relative to content broadcasted on GFTV;
- 5) Relaying pertinent operations, programming and policy information to the City Councils and the public on a timely basis;
- 6) Acting on such matters as the City Councils or the Auburn City Manager/Lewiston City Administrator deem appropriate provided that such matters relate to GFTV services/operations;
- 7) Advocate for quality local programming within the context of available resources and revenues;
- 8) Advocate for the needs of GFTV viewers;
- 9) Raise the public awareness of the Committee, inform the community of the Committee’s role, and solicit public opinion and needs.

II. MEETINGS OF MEMBERS

A. Monthly Meeting of Members

~~Unless otherwise posted, the regular Monthly Meeting of the Committee shall be held at Auburn Hall on the first Thursday of each month, at 6:00 P.M. for transacting business as may properly come before the Committee. The time and place of the Monthly Meeting Meetings will be held on the first Thursday of each month, at 4:00 P.M.~~ and items to be acted upon/discussed shall be posted in the agenda and submitted to the City Clerks in both cities for public posting no later than three (3) business days prior.

B. Special Meetings of Members

Special Meetings of the Committee shall be called by the Chair or upon the request of a majority of the Committee Members (sometimes referred to as “Members”). Notice for any Special Meeting must include the nature of the business to be acted upon/discussed by the Committee and must be submitted for public posting to the City Clerks in both cities no later than twenty-four hours prior to the meeting.

C. Members Eligible to Vote

~~Those persons who have been formally appointed as Members shall be eligible to vote at all meetings in one of the following manners:~~

- ~~1) In person.~~
- ~~2) By telephone or videoconference~~

D. Quorum of Members

An official meeting shall require a ~~quorum consisting~~quorum consisting of no less than four (4) Members present at the meeting, ~~or three (3) Members present and no more than one (1) by telephone or videoconference.~~ If no quorum is present, a majority of those present may adjourn and reschedule the meeting in accordance with the meeting notice provisions within these by laws.

~~For purposes of voting, no less than four (4) members shall be present but a quorum of five (5) members (with no more than one Member by telephone or videoconference) shall be required (see Article III.C).~~

E. Meetings of Members Open to Public

- 1) All meetings of the Committee shall be open to the public and shall be conducted in accordance with those public and confidential provisions outlined in Maine law.
- 2) Members of the public shall be welcomed as guests at any Regular or Special meeting of the Committee.

- 3) Members of the public may present written requests for information to any Committee Member at any time; a period of time during each Regular Meeting shall be made available for questions or comments from guests.
- 4) Guests shall have no vote on Committee matters but may be invited to participate in discussion of such matters.
- 5) Guest policies at Special Meetings shall be at the discretion of the Chair.

III. MEMBERS

A. Tenure and Qualifications of Members

Four (4) Members from Auburn and four (4) Members from Lewiston shall be appointed in accordance with these By-Laws and the terms outlined in Auburn-Lewiston Local Cable TV Operations Interlocal Agreement (sometimes referred to as “Agreement”) but all committee selection/appointment ordinances and policies for the City of Auburn shall take precedence:

- 1) One (1) City Councilor or Mayor from each city may be appointed to serve two (2) year terms (to correspond with Mayor/City Council elections), and may be reappointed to an unlimited number of consecutive terms; and
- 2) with the exception of the staff position who shall serve at the pleasure of the Lewiston City Administrator and the staff position who shall serve at the pleasure of the Auburn City Manager, the inaugural terms of the remaining ~~five~~four Committee Members shall be staggered as a one (1), two (2) and three (3) year term of service based on a blind draw conducted by the Chair of the Committee at the first inaugural meeting of the Committee. Terms for all ~~five~~four Members thereafter shall be two year terms; and
- 3) in Auburn, with the noted exception of the City Manager staff position, the City Council shall appoint ~~three~~two (3~~2~~) Committee Members ~~shall be appointed by~~ and serve no more than three (3) ~~two~~ (2) year terms; and
- 4) in Lewiston with the noted exception of the City Administrator staff position, - the Mayor shall nominate two- Members who shall be appointed by the City Council and serve no more than three (3) ~~two~~ (2) year terms.

In the event that a Member resigns, is removed for cause, dies or fails to be re-appointed, a new Member may be nominated by the Committee and submitted for approval by the applicable City Council to fill the vacancy. All appointments shall fill the remaining term of the vacated position or shall fill the vacancy in accordance with those provisions, ordinances or policies governing committee appointments for the applicable municipality.

All Members must be at least 18 years of age at the time of their appointment to serve as a Member.

B. Election and Appointment of Officers

At the inaugural meeting of the Committee, the Chair, Vice-Chair, and Secretary shall be chosen by a majority vote of the Committee with all future elections being conducted at the Regular Meeting scheduled the month prior to the expiration of terms for all Officers.

C. Voting Requirements and Email Communications

~~All legislative actions of the Auburn-Lewiston Cable TV Committee will require no less than five (5) affirmative votes. All voting actions must take place in accordance with the attendance and quorum requirements stated in Article II.D. of these by-laws.~~

No email voting is authorized but email may be used to communicate meeting notices, assess quorum availabilities, and other pertinent business information to Committee Members.

When a matter before the Committee only affects cable customers in one city, no less than three (3) Members representing the city involved must vote in the affirmative for passage.

D. Member Eligibility - Removal of Members - Vacancies

Residency shall be a requirement for all Members in both municipalities. Any action or cause resulting in a change of Member residency shall result in immediate ineligibility for Committee participation and immediate termination of Member's appointment to the Committee.

In the absence of submitting an excused absence request to the Chair, any Member who does not attend three (3) consecutive Committee meetings shall be deemed to have resigned voluntarily from the Committee, effective at the close of the third unattended meeting, unless the Committee, at the request of the Member and for good cause, shall have taken action to retain the Member.

Any Member may be removed with or without cause at any time by the affirmative vote of two-thirds of the City Council which appointed the Member or by a two-thirds vote of the Committee which must also be affirmed by a two-thirds vote of the applicable City Council. A new Member may be nominated by the Committee and submitted for approval to the applicable municipality to fill the vacancy. All such appointments shall fill the remaining term of the vacated position or shall fill the vacancy in accordance with those provisions, ordinances or policies governing committee appointments for the applicable municipality.

In the event that a Member resigns, is removed for cause, or dies, a new Member may be nominated by the Committee and submitted for approval by the applicable municipality to fill the vacancy. All such appointments shall fill the remaining term of the vacated position or shall fill the vacancy in accordance with those provisions, ordinances or policies governing committee appointments for the applicable municipality.

In the event of the removal or resignation of the Chair, the Vice-Chair shall become the interim Chair until the next Monthly Meeting at which time a person shall be elected to serve for the balance of the term of the removed Chair.

E. Roberts Rules

Roberts Rules of Order, Revised, shall govern the proceedings of all Committee meetings and its constituent parts except as provided in these By-Laws.

IV. OFFICERS

A. Officers

The Officers of the Committee (sometimes herein “Officers”) shall consist of a Chair, Vice-Chair, and Secretary. No person may concurrently hold more than one office.

B. Term, Removal, Vacancy of Officers

The Officers shall be elected at the Inaugural Meeting of the Committee and shall hold office for one (1) year or until a successor is elected. No Officer may serve more than three consecutive terms in the same office. Any Officer may be removed by vote of the Committee with or without cause if it determines in its discretion that the best interests of the Committee would be served thereby.

A vacancy shall be filled by a vote of the Committee for the unexpired portion of the term.

C. Duties and Authority of the Chair

The Chair shall preside at all meetings of the Committee. Subject to the control of the Committee, the Chair shall be responsible for supervising and directing the affairs of the Committee and shall see that all orders and resolutions of the Committee are carried into effect. The Chair or a majority vote of the Committee may appoint Members and other public individuals to ad hoc committees to work on a variety of initiatives for the full Committee to consider. All ad hoc committee meetings shall be posted in accordance with the meeting notice and participation requirements listed in Section II of these By-Laws. The Chair or Committee authorizing the ad hoc committee may terminate the ad hoc committee at any time but must post the proposed action on the agenda of any Regular Meeting.

D. Duties and Authority of the Vice-Chair

The Vice-Chair shall perform such duties as shall from time to time be prescribed by the Committee or delegated by the Chair. In the absence of the Chair, the Vice-Chair shall act in his/her stead unless otherwise prescribed by the Committee.

E. Duties and Authority of Secretary

The Secretary shall be responsible for: keeping the minutes of the proceedings of Members in one or more books provided for that purpose; seeing that all notices are duly given in

accordance with the provisions of these By-Laws or as required by law; custody of the Committee records; keeping a register of the address of each Member and updating the same regularly; and in general performing all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him/her by the Chair or by the Committee.

V. REPORTS AND BUDGETS

A. Annual Report

The Committee shall issue an Annual Report which shall be distributed to Members and the public no later than 5 months following the end of the fiscal year. The Annual Report shall include, among other things, information as to:

- 1) Revenues and expenditures and a comparison of those amounts to the amounts budgeted;
- 2) The number of people trained in the use of the Committee's equipment;
- 3) The nature and amount of programming produced by the Committee;
- 4) The nature and amount of programming produced in cooperation or conjunction with the Committee;
- 5) The number of persons and/or organizations utilizing the community access programming facilities;
- 6) Actions taken to encourage broad-based utilization of the community access programming facilities;
- 7) Actions taken to coordinate the Committee's programs and activities with those of other public and private organizations involved in the production of community-based cable TV programming in Maine;
- 8) Complaints received about access operations, and actions taken by the Committee to resolve such complaints;
- 9) Grants/donations awarded to the Committee for programming;
- 10) The work of each or any sub-committee appointed by the Chair.

B. Annual Budget

Working through the department head, the station manager and the Committee shall prepare a proposed budget for each new fiscal year which shall be made available to the Lewiston City Administrator and the Auburn City Manager no later than January 31st of each year.

VI. AMENDMENT OF BY-LAWS

These By-laws may be amended only in the following manner: an amendment may be introduced on the agenda of any Regular Monthly Meeting of the Committee. All by-law amendments receiving an affirmative vote from the Committee will be submitted to the City Clerks of both cities for action by the City Councils.

~~Once notice has been received by the City Clerks, the Committee approved By Law amendment must be posted in the agenda no later than sixty (60) days within receipt of the written Committee notice. The City Councils shall be required to vote on any By Law amendment within sixty (60) days of posting on the agenda.~~

VII. FRANCHISE AGREEMENT OVERSIGHT PROCEDURES

The powers and duties of the Committee shall be:

A. By appropriate orders and directions of the Auburn or Lewiston City Councils, to take action to ensure cable television service franchisee(s) compliance with the terms and conditions of their respective present and future franchise agreements with the cities of Auburn and Lewiston.

B. To investigate complaints made to the Committee by subscribers and others within the community with respect to the access to the facilities of franchisees, the charges made for installation, service and use of such facilities, equipment rental and other charges, the quality of service provided by franchisees, billing and other matters pertaining to such service and, where feasible, to assist in resolving such complaints by appropriate order or otherwise.

C. To advise the City Councils on all matters affecting the provision of cable television service to present and future inhabitants of the community and to recommend appropriate changes in this chapter and regulations relating to cable television service.

D. To review, evaluate and make recommendations to the Auburn and Lewiston City Councils with respect to renewal of existing franchises and to proposals for award of future franchises for cable television service to inhabitants and others within the village.

E. To inspect the books, records and other information sources of any franchisee as permitted or required by the terms of any franchise agreement now or hereafter entered into by the cities of Auburn and Lewiston.

F. To meet periodically with franchisees as provided by franchise agreements to discuss the manner in which such agreements are being implemented and such other topics as are of interest to the village and franchisees. The Committee may delegate this duty by its rule or regulation to a sub-committee or to one or more Members of the Committee.

G. In cooperation with the Auburn and Lewiston Planning Boards, to conduct studies, surveys and investigations as necessary with respect to present or future provision of cable television service within the community as may be necessary to carry out the general purposes of this chapter.

H. To maintain liaison and communication with franchisees, federal and state regulatory bodies and public and private agencies, institutions and individuals of local, state or national scope whose activities have an impact on the quality or availability of cable television service and who can be of assistance to the Committee.

I. To coordinate, assist and unify efforts of private groups, institutions and individuals within the community to assist the Committee in the exercise of its powers and the discharge of its duties as expressed in these by-laws.

J. To plan, coordinate and make arrangements for broadcast of a civic and informational nature and public emergency broadcasting and two-way voice and data transmission by the one or both cities as available, utilizing the facilities of present and future franchises in accordance with applicable state and federal regulations and the terms and conditions of the respective present and future franchise agreements.

K. To make recommendations with respect to the installation and use of service connections and radio-frequency distribution systems in buildings owned by both cities for the provision of cable television service to such buildings.

L. To carry out such other duties as may be assigned from time to time as mutually agreed to by the Auburn and Lewiston City Councils.

VIII. MISCELLANEOUS

A. Fiscal Year

The Corporation shall utilize a fiscal year ending June 30.

B. Web Page Posting.

All policies, agendas and meeting notices, along with other Committee business, franchise agreement, programming and other related Committee business shall be posted on the Committee's web page.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 16, 2020

Author: Eric J. Cousens, Deputy Director of Economic and Community Development

Subject: Hydropower Update to 2020 City Council

Information: Past Councils have directed staff to engage in the hydropower relicensing process for facilities in or adjacent to Auburn. Auburn has been more active in the process than most communities and that has been recognized by other communities and the hydropower industry. We would like to provide a general overview on current status and gauge the Councils interest in upcoming license processes.

FMI- <http://www.auburnmaine.gov/pages/government/rivers-hydropower>

City Budgetary Impacts: None currently.

Staff Recommended Action: Discussion

Previous Meetings and History: Similar update in 2018 and prior project specific updates and directives from the Council.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Cousens".

Attachments: Hydropower Update Document.

The Federal Energy Regulatory Commission licenses hydropower facilities. The City may participate and comment on a proposed license as a stakeholder, much like a resident participates in a Planning Board process at a public hearing. We only get a chance to comment on a license renewal every 30 to 50 years so it is important that we advocate for compatibility and even contribution to accomplishing community goals in exchange for using the public's river for private power generating revenues. The FERC process requires the applicant to address fisheries, recreation, water quality and other potential impacts of their operation.



Upcoming Hydropower License Expirations

2019 – Lower Barker Dam – Still waiting for decision on appeal of Clean Water Act Certification and a requirement for upstream fish passage before a final license decision. Recreational access was the City's main goal.

2023 – Upper Barker Dam – Started in 2018 and we expect a revised license application based on initial feed back in 2020. Recreational access has been the City's main goal.

2026 – Lewiston Falls – Monty Hydro – Canal, Water Rights and Tax Sharing arrangements exist between the two Cities. On average over the past 5 years Auburn received about \$173k annually and paid Lewiston \$20k. License process likely to start in 2020 or 2021 and we should begin coordination with Lewiston on expectations.

2036 – Gulf Island - Deer Rips – Existing Opportunities for recreation with Maine's Newest State Park – Androscoggin Riverlands and a boat launch option to be funded by Brookfield under the existing license if the City wants it.

Licensing Processes

Integrated, Traditional and Alternative Licensing Processes

Effective July 23, 2005, the Integrated Licensing Process (ILP) is the default process for filing an application for an original, new, or subsequent license ([18 CFR Part 5](#)). Commission approval is needed to use either the Traditional or the Alternative Licensing Process. Below are summaries of the three processes; view process flowcharts and other related materials under "Additional Information".

Integrated Licensing Process (ILP)

The Integrated Licensing Process is intended to streamline the Commission's licensing process by providing a predictable, efficient, and timely licensing process that continues to ensure adequate resource protections. The efficiencies expected to be achieved through the ILP are founded in three fundamental principles:



- Early issue identification and resolution of studies needed to fill information gaps, avoiding studies post-filing;
- Integration of other stakeholder permitting process needs; and
- Established time frames to complete process steps for all stakeholders, including the Commission.

» Traditional Licensing Process (TLP)

In developing a license application, applicants must complete and document a three-stage pre-filing consultation process [18 CFR § 4.38](#) for original licenses and [18 CFR §16.8](#) for relicenses. The steps include:

First Stage

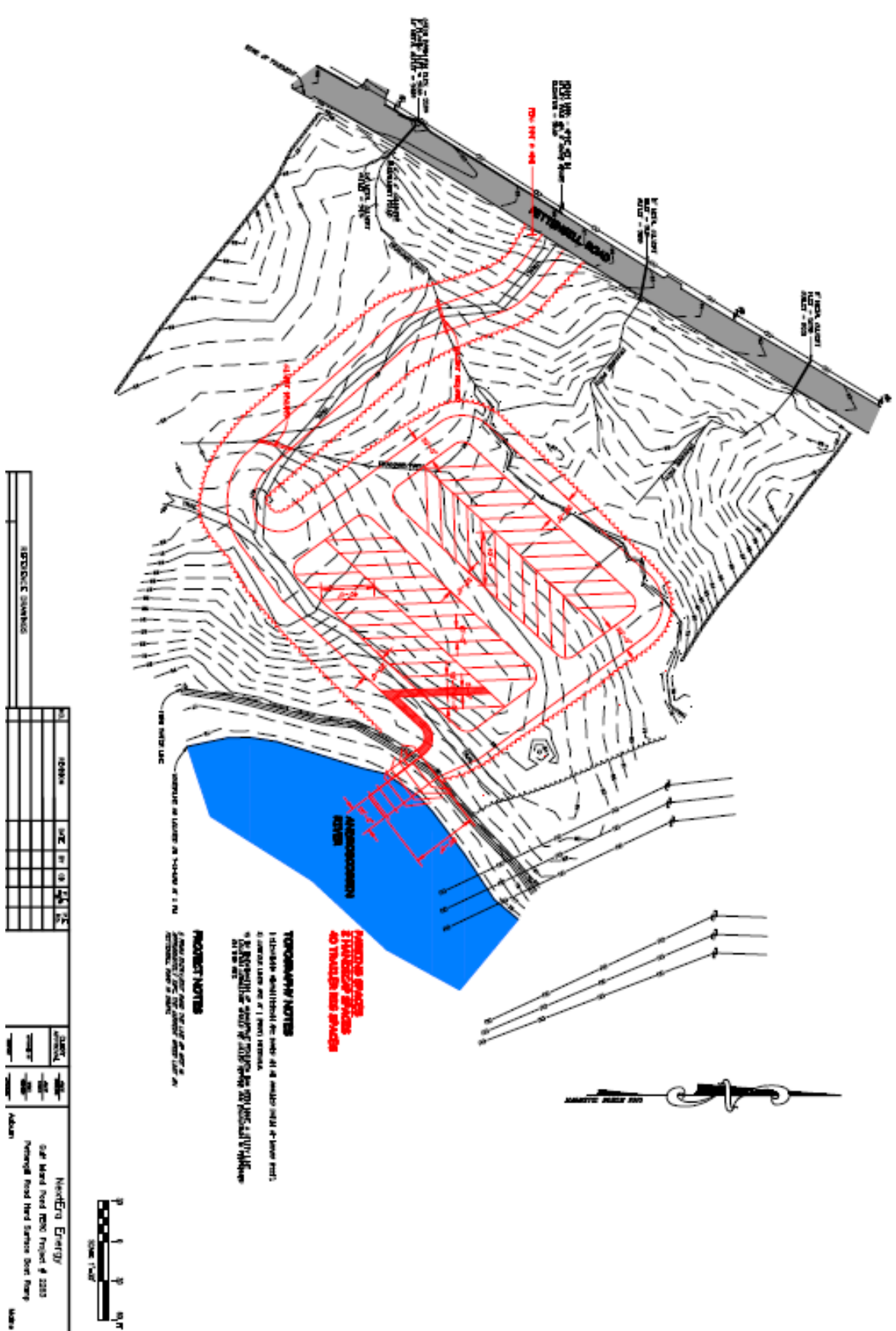
- Applicant issues notice of intent, preliminary application document, request to use TLP, and newspaper notice;
- Commission approves use of TLP;
- Applicant conducts joint agency/public meeting and site visit;
- Resource agencies and tribes provide written comments; and
- Agencies, tribes, or applicant request dispute resolution on studies with the Commission.

Second Stage

- Applicant completes reasonable and necessary studies
- Applicant provides draft application and study results to resource agencies and tribes;
- Resource agencies and tribes comment on draft application; and
- Applicant conducts meeting if substantive disagreements exist.

Third Stage

- Applicant files final application with Commission and sends copies to agencies and tribes.



IN COUNCIL REGULAR MEETING MARCH 2, 2020 VOL. 36 PAGE 16

Mayor Levesque called the meeting to order at 7:02 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Carrier had an excused absence. All other Councilors were present.

Pledge of Allegiance

I. Consent Items:

1. Order 35-03022020*

Accepting the Audit Report for Fiscal Year 2019 and placing it on file.

Motion was made by Councilor Walker and seconded by Councilor Milks for passage of the one consent item.

Passage 6-0.

II. Minutes – February 24, 2020 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Boss to approve the minutes of the February 24, 2020 Regular Council Meeting.

Passage 6-0.

III. Communications, Presentations and Recognitions

- **Communication** – Assistant City Manager Phil Crowell discussed a proposed ordinance for City Council student representatives
- **Communication** – Draft Transit Study Update was provided by Marsha Bennett, Lewiston-Auburn Transit Coordinator and Jennifer Williams Transportation/MPO Director for the Androscoggin Transportation Resource Center and Androscoggin Valley Council of Governments
- **Communication** – Western Maine Transportation Services (WMTS) Update was provided by Sandy Buchanan, General Manager for WMTS
- **Council Communications:**
 - **Councilor Gerry** – no communications or announcements at this time
 - **Councilor Lasagna** – no communications or announcements at this time
 - **Councilor MacLeod** – reported that Museum LA has a great exhibit going on right now on Child Labor and he encouraged the public to check it out
 - **Councilor Milks** – reported a constituent concern about people that are driving to Maine Waste to Energy without covering the trash and garbage is flying out of trucks on Poland Road and that area
 - **Councilor Walker** – reported that on March 4th, the First Auburn Seniors will be meeting at the Senior Community Center from 10:00 AM until 3:00 PM, March 8th

IN COUNCIL REGULAR MEETING MARCH 2, 2020 VOL. 36 PAGE 17

Daylight Savings time starts, March 10th the Age Friendly Committee meeting will be held at 5:30 PM at the Senior Center, March 12th the Age Friendly Committee will meet at the Auburn Public Library from 11:30 AM to 2:00 PM in the downstairs meeting room for a movie, March 17th there will be a St. Patties Day dinner at the Senior Center. Doors open at 4:30 PM and dinner will be at 5:30 PM, and on March 11th the Appointment Committee will be meeting at 4:30 PM.

- **Councilor Boss** – no communications or announcements at this time
- **Mayor Levesque** - no communications or announcements at this time

IV. Open Session – No one from the public spoke.

V. Unfinished Business

1. Order 24-02032020

Authorizing the sale of the Tax Acquired Property at 301 Stevens Mill Road, PID# 217-048.

At the Regular Council meeting of February 3, 2020, this item was postponed to tonight's meeting. Action was no longer required as taxes on this property were paid in full.

2. Ordinance 01-02242020

Amending the City of Auburn Ordinances, Appendix A, Fees and Charges to reduce the building permit fees for Agricultural Barns and Buildings. Second reading.

Motion was made by Councilor Walker and seconded by Councilor Lasagna for passage of the second and final reading.

Public comment – no one from the public spoke.

Passage 6-0. A roll call vote was taken.

3. Ordinance 02-02242020

Amending the City of Auburn Ordinances for Solar Energy Generating Systems in the Industrial District (Chapter 60, Sec. 60-578 and Article XVIII Solar Energy Generating Systems). Second reading.

Motion was made by Councilor Boss and seconded by Councilor Walker for passage of the second and final reading.

Public comment - no one from the public spoke.

Passage 6-0. A roll call vote was taken.

VI. New Business

1. Order 36-03022020

Approving the employment agreement and appointing Phil Crowell as the new City Manager of Auburn effective July 1, 2020.

Motion was made by Councilor Walker and seconded by Councilor Lasagna for passage.

Public comment – no one from the public spoke.

Passage 5-0-1 (Councilor Gerry abstained).

2. Order 37-03022020

Approving the revolving renovation fund loan for the Auburn School Department. First reading.

Motion was made by Councilor Lasagna and seconded by Councilor Boss for passage.

Public comment – no one from the public spoke.

Passage 6-0. A roll call was taken.

3. Order 38-03022020

Appointing two City Councilors to serve on the Mayor's Ad hoc Committee on Board's, Committee's, and Commissions of the City.

Councilor MacLeod nominated Councilor Boss, and Councilor Lasagna nominated Councilor Gerry to serve. There were no other nominations.

Motion was made by Councilor Macleod and seconded by Councilor Milks to appoint Councilor Boss. Passage 6-0.

Motion was made by Councilor Lasagna and seconded by Councilor MacLeod to appoint Councilor Gerry. Passage 6-0.

VII. Reports

Mayor Levesque – there is a MMA Leadership trip to Washington, DC on March 11th to meet with members of the delegation to talk about federal funds and how they are spent in our communities.

Councilor Boss – reported that the APL Farmer's Market went well, the next Board meeting is on the 17th of March at 7:30 AM.

Councilor Walker – reported that they had a great luncheon at the Senior Community Center where they offered beef stew to everyone and there was more than plenty to go around.

Councilor Milks – nothing to report

Councilor MacLeod – reported on the Cable TV Advisor Board will be meeting on Thursday at 4PM, and he reported on the School Building Committee meeting that was held last Tuesday.

Councilor Lasagna – recommended that the renderings of the new school building be accessible to the public adding that they are very impressive. She reported that the next Recycling Committee meeting is a week from Thursday here at Auburn Hall in the bump out room at 7:30 AM.

Councilor Gerry – nothing to report

Manager Crichton – Reported that on March 16th there is a Strategic Plan workshop at the Auburn Public Library, he congratulated Phil Crowell for his appointment as the next City Manager for Auburn. There is a basketball game scheduled for March 17th between Police Department and Central Maine Community College basketball team which is a fundraiser for the PAL Center. He reported that there will be a tour of the Recreation and Sports Tourism Department on Monday, we are still working through the FY21 budget and he will be presenting his preliminary draft budget at the beginning of April, and we will be reviewing our policies, procedures and practices regarding the corona virus and will be coming back to the council on that. He also addressed the trash issue mentioned by Councilor Milks.

Jill Eastman, Finance Director – January 2020 Monthly Finance Report

Motion was made by Councilor Walker and seconded by Councilor Lasagna to accept and place on file the January 2020 Monthly Finance report.

Passage 6-0.

VIII. Open Session - No one from the public spoke.

IX. Executive Session – Economic development matter, pursuant to 1 M.R.S.A. Sec. 405 (6(C)).

Motion was made by Councilor Walker and seconded by Councilor Lasagna to enter into executive session.

Passage 6-0, time 8:00 PM.

Council was declared out of executive session at 8:43 PM.

X. Adjournment

Motion was made by Councilor Lasagna and seconded by Councilor MacLeod to adjourn. All were in favor, the meeting adjourned at 8:43 PM.

A TRUE COPY

ATTEST 

Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 16, 2020

Author: Eric J. Cousens, Deputy Director of Economic and Community Development

Subject: Androscoggin River Water Quality Classification

Information: Peter Rubins with Grow LA requested an opportunity to update the Council on the current water quality classification of the Androscoggin River and ask for support from the City Council in upgrading the current classification from C to B from the Great Falls to Merrymeeting Bay. Peter Rubins and Ferg Lea with the Androscoggin River Watershed Council will be at the meeting to discuss this with the Council.

City Budgetary Impacts: None known. It is possible that a change in classification could result in more stringent CSO and stormwater requirements over time, however, the City and AWSD are already investing in system upgrades and maintenance that have drastically reduced Auburns pollutant discharges to the Androscoggin River.

Staff Recommended Action: Discussion

Previous Meetings and History: None recently.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Cousens".

Attachments: Information supplied by Peter Rubins.

March 5, 2020

Mayor Levesque and Auburn City Council

Maine water quality classifications are reviewed every three years by MDEP and they make recommendations to the Environment and Natural Resources Committee and then, on to the Legislature that actually sets the classification. 2020 is the year for the review to take place.

The last proposal for upgrading the Androscoggin from Worumbo Falls to Merrymeeting Bay from C to B was denied even though the Andro meets B criteria. New Data has been added from Gulf Island Dam on down and legal clarification by the Conservation Law Foundation says that Maine's water classification is Goal Based, especially when it meets B standards 99.9% of the time.

I have been working with Ferg Lea of the Androscoggin Watershed Council and concerned individuals from other nonprofit River organizations. We ask for your continued support for the upgrade and would like to explain our proposal and its rationale in a workshop format if you desire. The coalition's response to DEP is due March 30. It is our hope that you can sign on to our request to DEP to reclassify to B. If not and you prefer to write your own letter, that is fine also. Now is the time to get it done.

The attached talking paper will form the basis for discussion. Please contact me if you have questions.

Thank you for the opportunity.

Peter Rubins
GROW L+A RIVER WORKING GROUP

Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

The Androscoggin was Muskie's river and impetus for passage of the Clean Water Act. It is now much improved thanks to various state and federal laws and to the cooperation of various dischargers along the river. This success should be celebrated and recognized by codifying improvements as they occur and as required by law.

For many years Friends of Merrymeeting Bay's EPA and DEP approved water quality monitoring data on the lower river have shown with very few exceptions, compliance with Class B conditions and yet the DEP, conflating statutes we believe (see CLF legal opinion), refuses to endorse upgrading the lower river from Class C our minimum standard, to Class B, the standard reflecting actual ambient conditions. The biases of the DEP and influence of industry weigh heavy on the river despite support from riverside communities for an upgrade, state and federal clean water laws and scientific data. We respectfully ask for your support of our current upgrade proposal.

Why Upgrade?

It's the law!

Anti-degradation language prohibits backsliding in water quality.

A cleaner river has well-documented economic and quality of life benefits.

Sixty percent of our wildlife species inhabit river corridors and all benefit as do we.

DEP classification proposal submission guidelines state:

*“Maine's Water Quality Classification System is **goal-based**. When proposing an upgrade in classification, recommend waters that either presently attain or with reasonable application of improved treatment or Best Management Practices (BMPs), could reasonably be expected to attain, the standards and criteria of a higher proposed class.”*



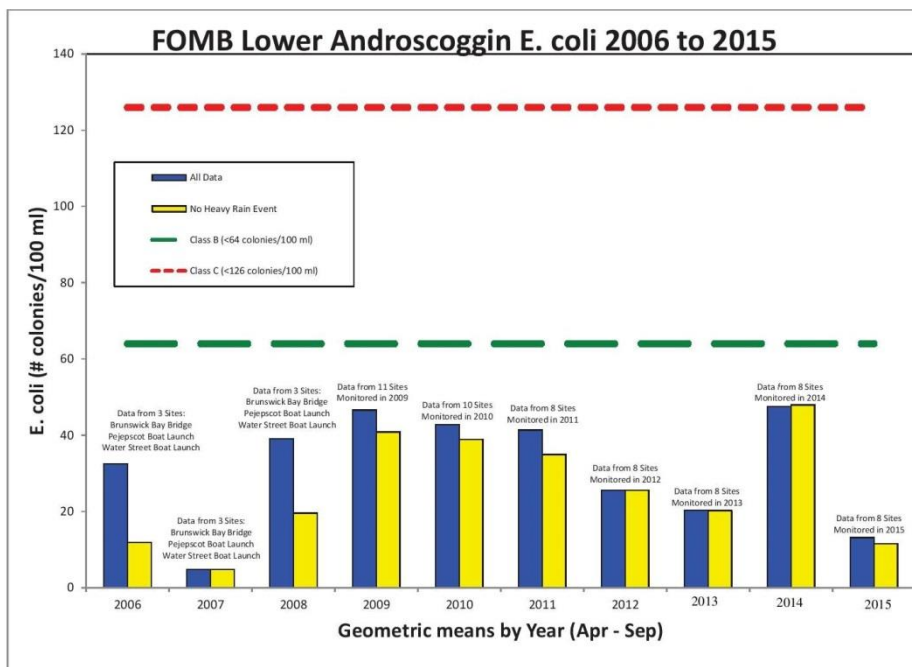
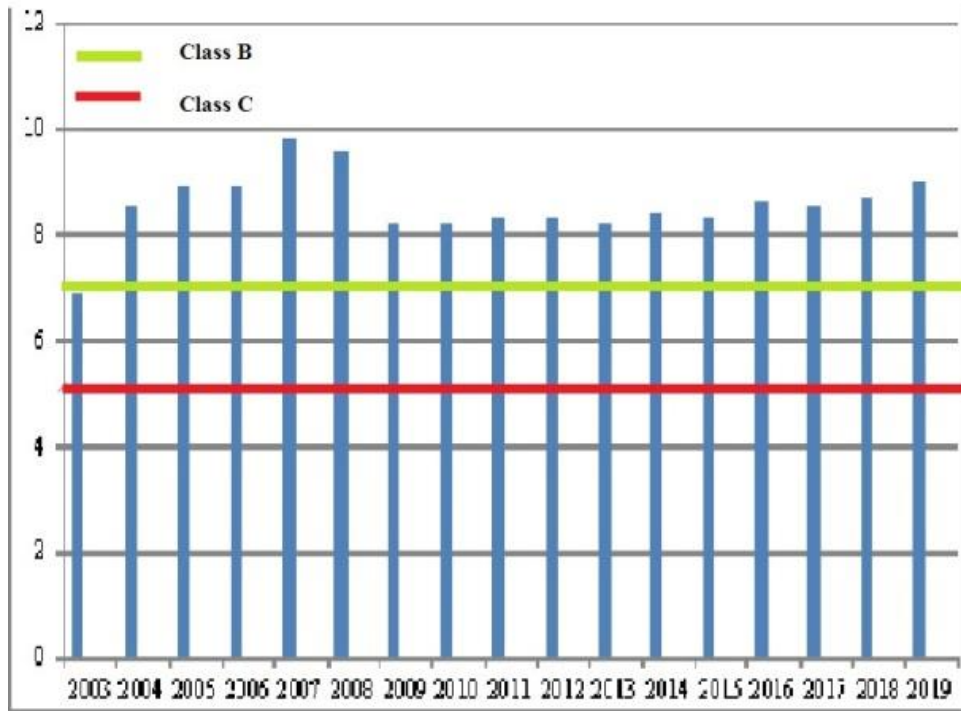
Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

38 M.R.S.A. § 464 (4) (F) (4)

“When the actual quality of any classified water exceeds the minimum standards of the next highest classification, that higher water quality must be maintained and protected. The board shall recommend to the Legislature that water be reclassified in the next higher classification.”

What do the data show?

Dissolved Oxygen-Geometric Means Lower Androscoggin 2003-2019 Class C 5ppm, Class B 7ppm



Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

A cleaner river equals a more vibrant economy and increased quality of life.

Auburn/Lewiston Riverwalk:

“The river section of Lewiston-Auburn features boat launches, fishing areas, canals, and dams. The Cities of Lewiston and Auburn have developed parts of the river and businesses are flourishing along its banks and canals, from outdoor decks at Gritty’s Brew Pub and Pat’s Pizza, to Fishbones. The Cities of Lewiston and Auburn have dedicated considerable resources to its beautification with the Riverwalk, which connects Railroad Park in Lewiston to Festival Plaza in Auburn, the site of numerous outdoor events and summer concerts.”
[www.laitshappeninghere.com]

Androscoggin Bicycle and Pedestrian Path:

“Gorgeous views of the Androscoggin, a major Maine river, make exercising fun and exhilarating!” [www.suite101.com]

Androscoggin Riverwalk-Topsham:

“Ranked #2 of 6 attractions in Topsham” [Tripadvisor]

Northeast-Midwest Institute, University of Illinois Study

“*Buffalo, NY.* Residential property values near the Buffalo River could increase as much as 140 million if contamination in the river is eliminated, according to a study conducted by the University of Illinois and the Northeast-Midwest Institute.

Researchers collected data from housing sales in Erie County in the years 2002-2004, and directly surveyed 850 recent home buyers in Erie County. Results of the study of housing sales data indicate that **the polluted state of the river currently is depressing single-family, owner-occupied property values by \$80 to \$140 million,** or six to nine percent of the assessed residential property values in the area studied. Clean-up could be expected to raise the property values commensurately.”

Sheboygan, WI. Residential property values near the Sheboygan River could increase as much as 108 million if contamination in the river is eliminated, according to a study conducted by the University of Illinois and the Northeast-Midwest Institute.

Researchers collected data from housing sales in Sheboygan County in the years 2002-2004, and directly surveyed 850 recent home buyers in Erie County. Results of the study of housing sales data indicate that **the polluted state of the river currently is depressing single-family, owner-occupied property values by \$8 to \$108 million,** or one to seven percent of the assessed residential property values in the area studied. Clean-up could be expected to raise the property values commensurately.”

Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

Why the conflict with DEP and river industry? They are citing the wrong statute!

Reclassification vs. Relicensing

These are two different items falling under two different statute sections yet the DEP and industry consistently and purposefully conflate the two. Reclassification is designed to drive relicensing. As slight changes are made to license renewals to comply with classification upgrades, water quality is slowly improved. Discharge and river condition modeling both used in relicensing, have no legal bearing on classification. This is discussed on page 2 of our 2011-2012 Androscoggin River Monitoring Report [Water Quality Data Analysis and Review, Lower Androscoggin River](#) at www.fomb.org and again in a legal opinion from the Conservation Law Foundation (see below).

According to Maine statutes, modeling has no bearing on the classification process §464 (4) (F) (4) which is based solely on actual ambient river conditions. In contrast to classification, modeling does play a role in relicensing (§464 (4) (D)) when dischargers are to meet the river classification under minimum seven-day low flow conditions expected to take place once every ten years (a theoretical value known as 7Q10).

The purposeful policy reason for the difference in requirements for classification and relicensing is so that water quality conditions may slowly be improved or ratcheted up. This is the goal-oriented purpose both of the Clean Water Act and Maine statute. If a river had to meet the relicensing standard before an upgrade as the DEP and industry would have you believe, it likely never would and therefore there would be no motivating driver for improvements in water quality.



Upgrade the Lower Androscoggin from Class C to Class B Fact Sheet

A Legal Opinion: Excerpt from Conservation Law Foundation BEP Comments 10/2/2008

The Lower Androscoggin

CLF strongly disagrees with the Department's recommendation and rationale for not upgrading this river segment. The Department has stated that proponents must provide water quality data and modeling showing "the likelihood of attainment of Class B water quality criteria at maximum licensed loads." See Reclassification Memorandum at 29. This makes no logical, legal or economic sense. First, no one operates at maximum licensed loads; rather a large buffer is generally built into all permits to avoid violations. Thus, DEP is requesting an impossible and unnecessary showing.

Second, the Department's recommendation violates the legal standard in the Clean Water Act that a state shall revise its standards to reflect uses and water quality actually being attained. 40 C.F.R. § 131.10(i). See also *id.* § 131.6(d); 38 MRSA § 464(4)(F). Thus, the Board's analyses must be based on *existing* water quality-not hypothetical modeling with point sources operating at maximum licensed discharge. Indeed, the Board is specifically prohibited from considering maximum licensed loads because both state and federal regulations prohibit consideration of waste discharge or transport as a designated use. 40 C.F.R. § 131.1(a); 38 MRSA § 464(4)(F)(1)(d).

Third, as many of the dischargers in this watershed have already recognized, water quality upgrades are generally good for surrounding communities. As has been shown over and over again, clean water is an economic boon. Examples abound throughout New England, including the recent revival of Boston Harbor, the Portland Waterfront, the Auburn Riverfront and the resurgence of Merrymeeting Bay and the Kennebec River. The Androscoggin River deserves the same.

CLF believes that the data, including both dissolved oxygen levels and recreational uses shows that existing uses in the lower Androscoggin have improved over time and that the river currently attains the higher bacteria and dissolved oxygen standards set forth in the Class B designation. As noted by the Department, it has no reason to question the data; indeed it has relied upon data supplied by the proponent in prior reclassifications. Therefore, barring a showing that the data is invalid, the Board must recommend upgrading this section.

* (From page 2) 2016-2019 E. coli geometric means-un-graphed. Class B <64 colonies/100ml, Class C <126 colonies/100 ml

	E.coli
2016	13.5
2017	17.5
2018	38.2
2019	42.5

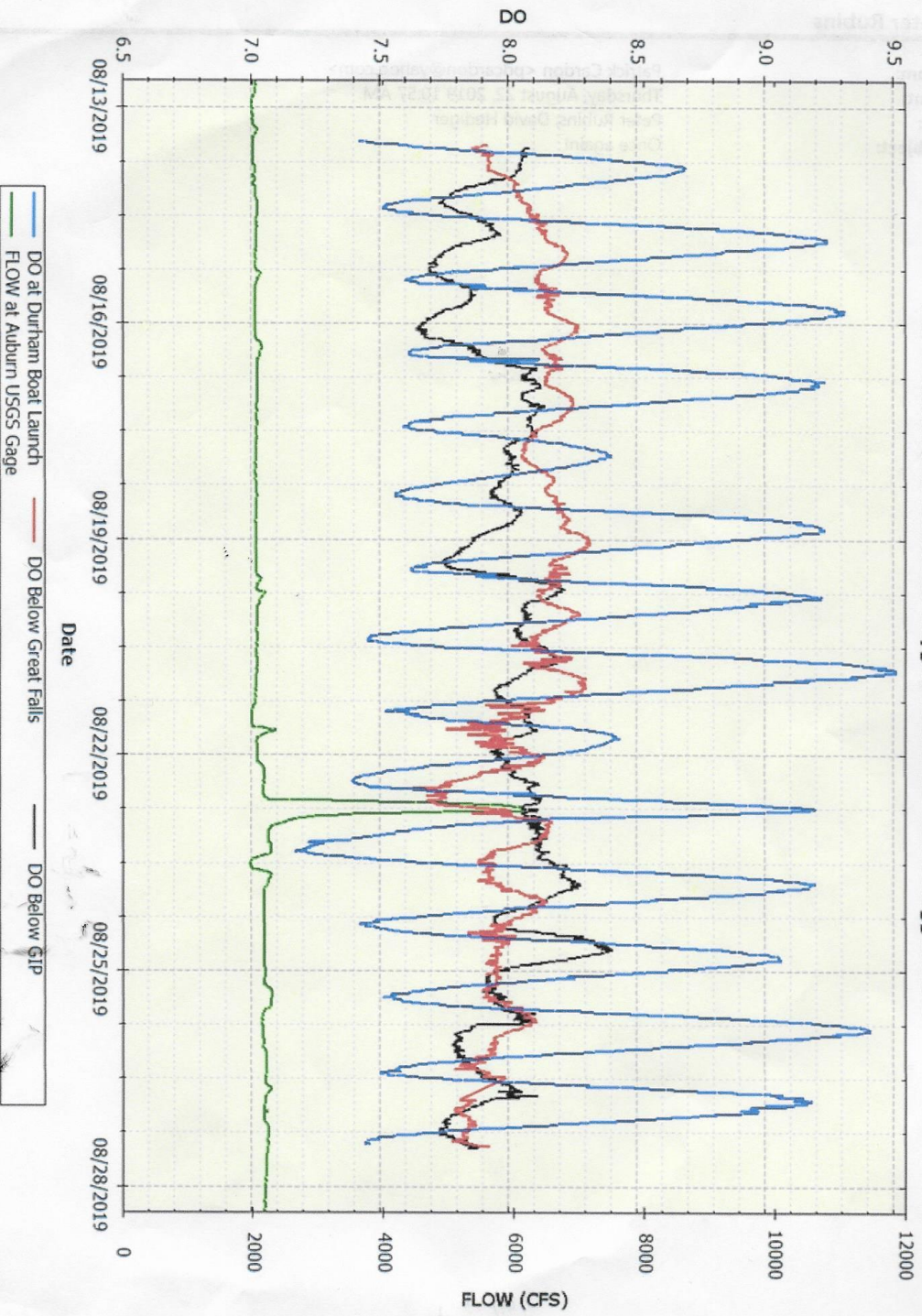
Upgrade the Lower Androscoggin from Class C to Class B

Summary Fact Sheet

1. DO & *E. coli* levels consistently surpass Class B standards [see graphs in #2].
2. Keeping the levels at current Class C allows backsliding from the current high oxygen and bacteria levels [more than 7ppm] to those which are the minimum for Class C [5ppm]. Ditto for bacteria. Geometric mean levels don't exceed 64 colonies/100ml [the Class B maximum] but staying in Class C they could legally rise to 126 colonies.
3. Keeping Class C means more room to pollute [and be legal].
4. Classifications must be based on ambient river conditions. They cannot be based on modeling. Classification = one statute; Relicensing = a different statute.
5. Relicensing is based on modeling under worst case conditions [7Q10-theoretical minimum 7-day flow in a 10 year period] however current license limits are inflated over actual discharges by as much as 90% which can make the standard exceptionally difficult for a discharger to meet. Relicensing = a different statute from classification.
6. 7Q10 means low warm flow conditions that typically lead to lowest DO. However, these same conditions are typically lowest in bacteria [a good thing], the other main criteria. Bacteria are highest as high flows cause a lot of runoff and overload wastewater systems.
7. Hydropower impoundments get exemptions from meeting aquatic life [macro-invertebrates] criteria [§464-10].
8. Does it make any sense that a river upgrade be governed by whether or not it meets the new classification during the theoretical worst week in a 10 year period? Of course not. And by law, it need not.
9. DEP classification proposal submission guidelines state:
“Maine’s Water Quality Classification System is goal-based. When proposing an upgrade in classification, recommend waters that either presently attain or with reasonable application of improved treatment or Best Management Practices (BMPs), could reasonably be expected to attain, the standards and criteria of a higher proposed class.”
10. **Supporters of the Upgrade:** (past and expected current)

The towns of Brunswick • Topsham • Durham • Lewiston • Lisbon • the Auburn Sewage District • Friends of Merrymeeting Bay • Maine Rivers • Conservation Law Foundation • Brunswick Topsham Land Trust • Friends of Casco Bay • Grow L/A • Trout Unlimited--Androscoggin Land Trust,--John Nutting

DEP's Continuous Dissolved Oxygen Data from Androscogin River



SAMPLE LETTER OF SUPPORT

Date

Chairman Mark Draper
Maine Board of Environmental Protection
17 State House Station
Augusta, ME 04333

Dear Mr. Draper and members of the Board,

This letter is written in support of the Friends of Merrymeeting Bay (FOMB), Grow L/A, Trout Unlimited (TU) and Maine Rivers proposal to reclassify, from Class C to Class B, the lower Androscoggin River from its mouth in Merrymeeting Bay to Gulf Island Dam . Since 1999, FOMB has consistently recorded water quality data along this section of river demonstrating actual Class B standards are being met nearly all of the time. FOMB trained volunteers operating under EPA and or DEP quality assurance plans have in the past collected data used to support a similar upgrade on the lower Kennebec River from Augusta to the Bay.

The water quality of the Androscoggin sections proposed for an upgrade, exceed the current classification and meet those of Class B. This request to upgrade from C to B is supported by the State antidegradation policy as quoted below:

38 M.R.S.A. § 464 (F) (4)

*“When the **actual quality** of any classified water exceeds the minimum standards of the next highest classification, **that higher water quality must be maintained and protected**. The board **shall recommend** to the Legislature that water be reclassified in the next higher classification.”*

Clean rivers enhance the local economy and vitality of the communities surrounding them. A clean, healthy river attracts people, new businesses, and increases property value. An upgrade of the Androscoggin will not have an adverse impact on current industrial uses along the river since Class B conditions have been met for years in the course of “business as usual.” While higher (than current actual) discharge limits exist for a number of licensees, these artificially high numbers can not be used to create a ceiling on water quality improvements that prevents reclassification to higher levels already obtained.

In the Department’s own submission guidelines they state:

“Maine’s Water Quality Classification System is **goal-based**.

When proposing an upgrade in classification, recommend waters that either presently attain or with reasonable application of improved treatment or Best Management Practices (BMPs), could reasonably be expected to attain, the standards and criteria of a higher proposed class.”

Considering the past upgrades supported by FOMB data, their meticulous sampling and current supportive data, we believe the Board should endorse the Androscoggin proposal, recommending an upgrade of this section from C to B to the legislature. It is a public right to have access to clean water ways for the surrounding communities, people, and creatures. If the water quality of this river meets a higher classification we should be working hard to preserve its integrity as state and federal laws

intend and dictate. Upgrading the Androscoggin to lock in improved water quality conditions is also consistent with our most recent comprehensive plan.

Senator Muskie used the Androscoggin as his poster child for the Clean Water Act. Years later, it remains the poor step-child of all Maine's large rivers when it comes to clean-up efforts. The Board has an opportunity to change this and we ask you to. The Androscoggin's time has come.

Thank you for your time and consideration in this matter.

Sincerely,

Dear Maine Water Quality Partners,

The federal Clean Water Act requires that states periodically, but at least once every 3 years, hold public hearings for the purpose of reviewing water quality standards and, as appropriate, modifying and developing standards. Maine Statute contains similar language in [38 M.R.S. § 464.3.B](#). This process, known as the Triennial Review, requires consultation with the public and interested state and federal agencies.

The Maine Department of Environmental Protection is now embarking on a Triennial Review, which is expected to extend into 2022 for any required legislation. You are invited to submit proposals to the Department for changes to existing water quality standards, including the water quality classification of specific surface waters. Proposals for new standards may also be submitted. **Proposals are due by the close of business on Tuesday, March 31, 2020.** Submission guidelines including a tentative timetable are attached.

In conjunction with the Triennial Review, the Department requests comments on current recreational water quality criteria for fresh and estuarine and marine waters, in particular the existing seasonal applicability. Please see the submission guidelines for further information.

Susanne Meidel

Water Quality Standards Coordinator

ME Department of Environmental Protection

Augusta, ME 04333

Phone: 207 / 441-3612

Susanne.K.Meidel@maine.gov

Web site: <https://www.maine.gov/dep/water/wqs/triennial-review.html>



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 16, 2020

Author: Peter Crichton, City Manager

Subject: Sid Hazelton, Auburn Water & Sewer Superintendent's Presentation to the City Council and Mayor

Information: Auburn Water & Sewer Superintendent Sid Hazelton has accepted the City's request to provide an update to the City Council on the activities of the Auburn Water District regarding the water rate increase, the cost sharing agreement between the cities for the use of Lake Auburn, and the status of our storm water progress to date.

City Budgetary Impacts: Fiscal impact due to water rate increase and cost sharing agreement.

Staff Recommended Action: Presentation, Questions, and Answers.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation.

Signature: 

Attachments:

Public Fire Protection

Stephani Morancie

Lucretia Smith

Maine Public Utilities Commission

Why Public Fire Protection

- Many water utilities in Maine were originally developed to provide fire protection
 - Drinking water was a secondary consideration.
- A water source, storage tank, water mains and hydrants provided higher volume fire flow than fire trucks and (in some old cases) bucket brigades.

Not Hydrant Rentals!

- One of the most common misperceptions about fire protection charges is that they are essentially “hydrant rentals.”
- When this term is used, it does not acknowledge the other important infrastructure that makes up a water utility.
- Without this infrastructure, the water could never get to the hydrant.

Not Hydrant Rentals!

- Common water utility infrastructure:
 - Water source (well, pond, river)
 - Water treatment (filtration, chlorination, etc)
 - Pumps
 - Water mains
 - Storage tanks (provide pressure and large amounts of water)
 - Hydrants.

Not Hydrant Rentals!

- When a water utility is chartered to provide fire protection, the utility is often 2-3 times larger than if it provided drinking water alone.
- Why use treated water for fire protection?
 - Would need to design, build, operate & maintain 2 separate systems
 - Cost prohibitive
 - What happens to the fire system when not in use?

Fire Protection Charges

- Why should the municipalities pay for fire protection charges?
 - Most of the important municipal services are in town centers, as are most water utilities.
 - If a school, town office, or other municipal building should burn, the entire town could pay higher taxes for rebuilding.
 - Fire protection provided by local water utilities helps safeguard the buildings that all taxpayers use.
 - Sometimes a decrease in insurance rates when fire protection available.

Chapter 69

- Determines the percentage of gross revenues that a water utility can derive from fire protection charges.
- Water utilities have 2 options for determining this percentage:
 - “The Curve” – Standard Allocation Method
 - Allows between 6% and 30%
 - Developed because Full Allocation Studies cost prohibitive
 - Full Allocation Studies
 - Often called Cost of Service Studies.
- Some utilities have been granted higher % with Commission approval and municipality has agreed to higher %.

“The Curve”

- Allocation of fire protection charges has been formally studied for about 120 years.
 - AWWA Proceedings, 1888, Fuller
 - AWWA Journal, December, 1937, Nixon
 - NEWWA Journal, March, 1955, Root & Camp
 - MWUA Journal, March, 1961, Committee
 - MPUC Rules, December, 1987, Chapter 69

“The Curve” – A History

- A small water utility will tend to have higher fire protection costs
 - If have a population of 1000, average demand would be ~ 40 gpm with a peak ~100 gpm
 - Fire demand could be 1000 gpm or more
 - Must size system to meet the fire demand.
- Large water utilities tend to have smaller fire protection costs
 - Larger population, average demand would be higher, but not necessarily higher fire demand.

“The Curve” – A History

- Some studies have suggested that the fire protection cost should be the difference between the cost of the system with fire protection and the cost without.
- Maine Water Utilities Association did a study in March 1961
 - Looked at the previous studies
 - Determined the Curve based on allocation studies of 7 utilities, varying by size by 500 to 140,000.

The Curve

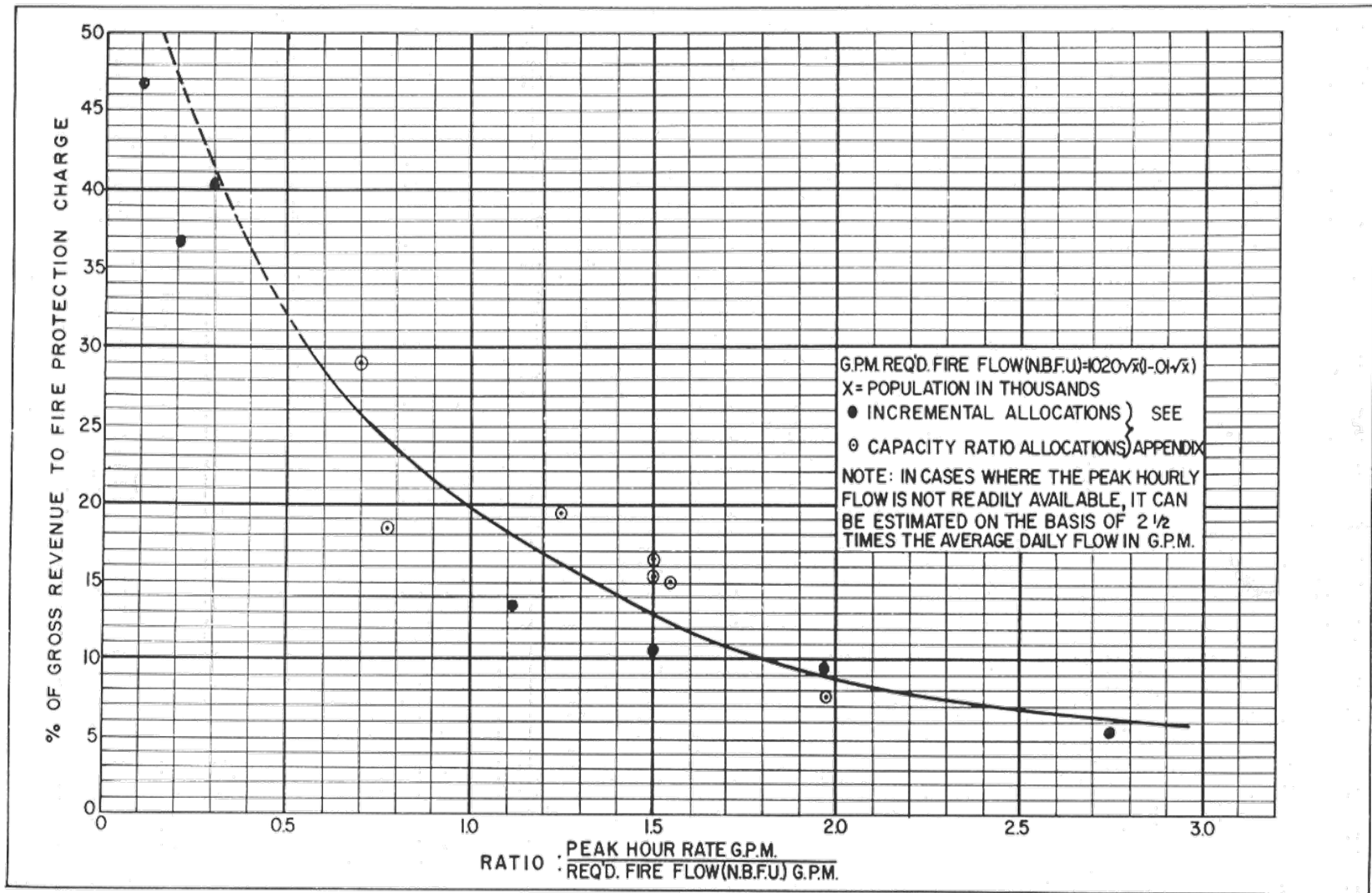


FIG. 1 DETERMINATION OF PERCENTAGE OF GROSS REVENUE FOR PUBLIC FIRE PROTECTION CHARGE

Chapter 69 – Curve calculations

- Peak Flow Rate
- Population Served/1000 = x
- Required Fire Flow (RFF) Formula:
$$1020\sqrt{x}(1-.01\sqrt{x}) = \text{RFF}$$
- Peak Flow/RFF Ratio
- Determine % on Curve

Chapter 69 – Curve Calculation Example

- Peak Flow Rate = 7,640 GPM
- Population Served/1000 = 26,800/1000 = 26.8
- Required Fire Flow (RFF) Formula:

$$1020\sqrt{x}(1-.01\sqrt{x}) = \text{RFF}$$

$$1020\sqrt{26.8} (1-.01\sqrt{26.8}) = 5006 \text{ GPM}$$

- Peak Flow/RFF Ratio

$$7640 / 5006 = 1.53$$

- Determine % on Curve

10%

The Curve

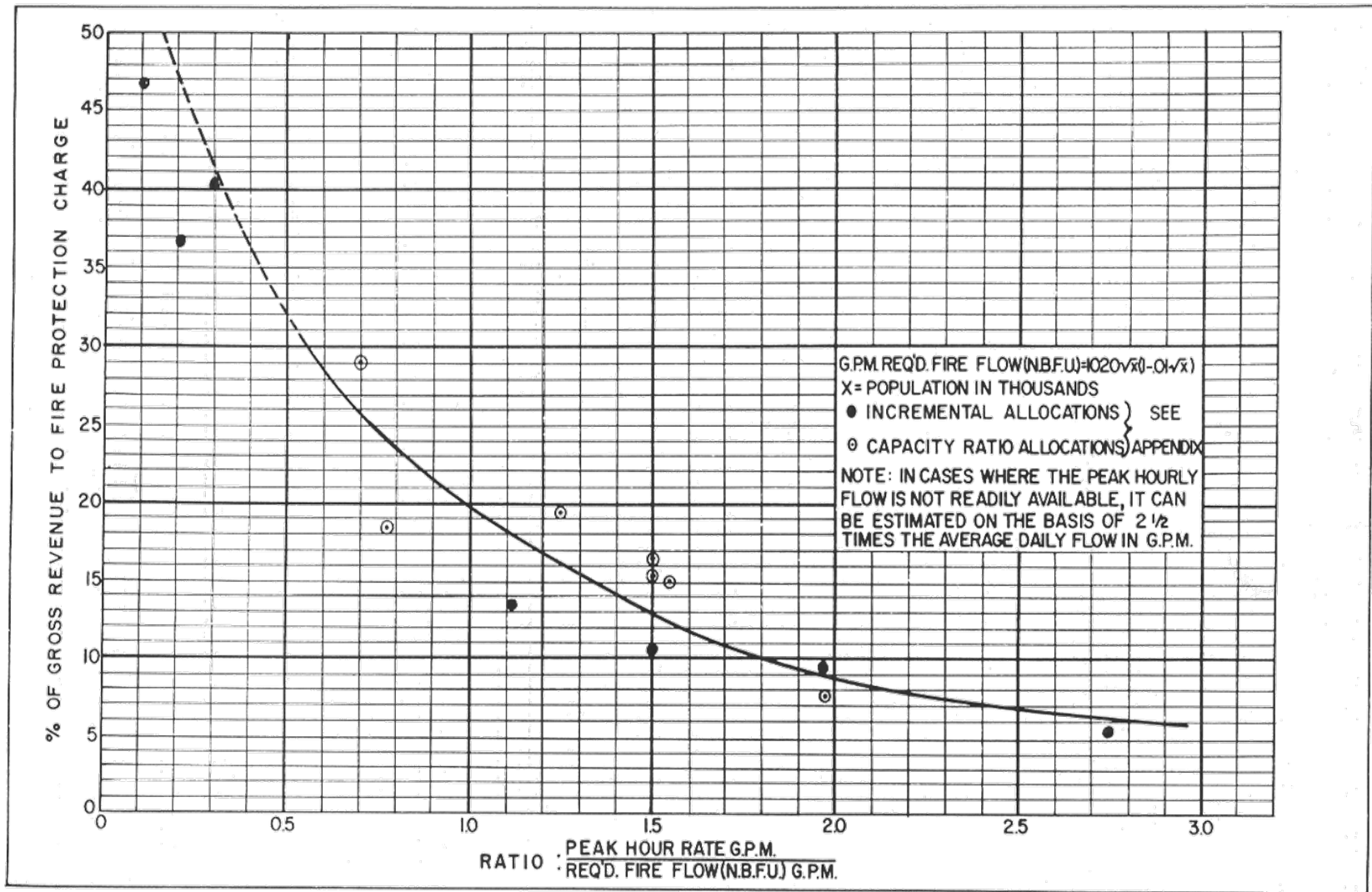


FIG. 1 DETERMINATION OF PERCENTAGE OF GROSS REVENUE FOR PUBLIC FIRE PROTECTION CHARGE

Chapter 69 – Cost of Service

- If it so wishes, a utility can prepare a full allocation study and present to the MPUC for consideration.
 - This method is often used when there is special treatment or large industrial users on the system that should be taken into account.
 - Many times this method determines that the percentage charged should be higher than 30%.
 - May be costly to utility because outside consultants often needed.

Chapter 69 – Cost of Service

- Commission can order a full allocation study.
- Also makes provisions for new hydrants added to the system between rate cases
 - This is not for the replacement of existing hydrants
- Also allows utility to allocate to multiple municipalities when serves those municipalities.

Questions?

- All MPUC Rules can be found on our website at:

<http://www.maine.gov/mpuc/>

- Any questions concerning water utilities can be directed to

Stephani Morancie 287-1368

stephani.morancie@maine.gov

Lucretia Smith 287-1383

lucretia.smith@maine.gov



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Philip L. Bartlett, II
CHAIRMAN

R. Bruce Williamson
Randall D. Davis
COMMISSIONERS

Harry Lanphear
ADMINISTRATIVE DIRECTOR

March 12, 2020

Peter J. Crichton, MPA, CMM
ICMA-CM
City Manager
City of Auburn
Auburn, Maine 04210

Re: Auburn Water District

Dear Mr. Crichton:

The following letter provides a summary of the process used by the Auburn Water District (35-A M.R.S. § 6104) to request a rate increase. The Auburn Water District filing did meet all of the requirements of Section 6104, and the rate increase went into effect.

Section 6104 allows consumer-owned water utilities (COWU), such as the Auburn Water District, to set rates without a Commission rate investigation. COWU's are owned by the customers and customer input is a key factor in this process. A COWU must comply with all of the requirements of Section 6104 in order for a rate change to take place. Section 6104 details how the COWU must notify the Commission and its customers of proposed changes, what the COWU must include in the public notices, the timing of the notices, and contains a requirement that a public hearing be held.

Thirty-days prior to the public hearing, the COWU is required to file a copy of materials supporting the proposed rate change with the Commission and the Public Advocate. This material must also be made available to the public. The Commission uses an electronic case management system (CMS), and by making a filing in CMS for a rate change, the COWU starts the clock for the Section 6104 process. The first filing is considered an "informational filing" as it may differ from the rates that are eventually put into place. The Commission Staff will review the materials filed, which generally includes a draft copy of the customer notice as well as the financial information supporting the rate change. The Commission Staff's review of these materials is limited, and is intended to ensure that the notice includes all the required information and that the proposed hearing date is at least 30 days from the date that the filing was made.

COWUs are required to both publish a notice of the proposed rate change and the public hearing in a newspaper of general circulation of its service territory and send a copy of the notice to each customer. The notice must include the date, time and place of the hearing, a statement describing the rate change and the percentage of the rate change by customer class. In addition, the notice must include information that 15% or 1,000 customers can petition the Commission for a full investigation and that petitions can be obtained from the COWU.

At the public hearing, the COWU is again required to inform those present that the rate change can be investigated by the Commission if the Commission received a petition signed by 15% or 1,000 customers, whichever is less. The COWU is then required to make a final filing with the Commission no sooner than 10 days and no later than 30 days following the public hearing. That filing includes the rates that the COWU proposes to put into effect. The rates do not have to be the same as those included in the informational filing. The Commission Staff reviews this filing to ensure again that the requirements of Section 6104 have been met. The COWU must also file copies of the newspaper notice that shows both the newspaper that it was published in as well as the date. The Commission Staff also reviews the calculation of the rates to ensure no errors and compliance with Chapter 69, Public Fire Protection.

Under Section 6104, once the 30-day mark passes and the Commission does not receive a customer petition, the proposed rates automatically take effect. If, however, a petition is received, the Commission will suspend the proposed rate and begin the process for a full Commission investigation.

Water utilities may provide fire protection to communities in their service territories and public fire protection rates are set pursuant to the Commission's Fire Protection Rules in Chapter 69. Chapter 69 allows for two methods to set those rates – one is the Fire Protection Allocation Curve and the other is a cost of service study. If the curve is used, a maximum of 30% of the water utilities revenue requirements can be recovered as a fire protection charge. COWUs making a Section 6104 filing have to indicate the method used to calculate the fire protection charge and provide support. The Commission staff reviews the information and determines if it has met the Chapter 69 requirements. Auburn calculated its fire protection charge based upon the curve and staff determined that Auburn applied the curve correctly and the fire protection rate was calculated in accordance with Chapter 69.

In the case of the Auburn Water District, the following events occurred:

Informational Filing – December 13, 2020
Notice – Published and Customer Notice – January 2, 2020
Public Hearing - January 16, 2020
Final Filing - January 28, 2020
Customer Petition Required by February 15, 2020 (no customer petition was filed)
Rates Effective as a matter of law – March 1, 2020

If you have additional questions, we are happy to answer them.

Sincerely,

Harry A. Lanphear
Administrative Director

Cc: Phillip L. Bartlett, Chairman



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 16, 2020 **Order:** 37-03022020

Author: Jill Eastman, Finance Director

Subject: School Department Revolving Renovation Fund Loan

Information: The School Department applied for and was granted approval to participate in the State's Revolving Renovation Fund. This program provides Capital dollars for projects that are approved by the State. For Auburn, the State forgives 61.06% of the loan and there is no interest charged. There are 2 projects, one at Franklin Alternative School. The project is \$1,000,000 of which we will have to pay back \$389,400 interest free over 10 years and a safety project at Auburn Middle School of \$190,000, that we will pay back \$73,986 interest free over 10 years.

City Budgetary Impacts: \$46,338.60 per year added to the School Department debt service for the next 10 years.

Staff Recommended Action: Public hearing and approve Bond Order 2nd and final reading.

Previous Meetings and History: Communication from Adam Hanson, School Business Manager at Council Meeting of February 24, 2020, passage of first reading on 3/2/2020.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Caulton".

Attachments: Copy of the Award Letter, Copy of Bond Order

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Sr. Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 37-03022020

TITLE: ORDER - AUTHORIZING LOANS OF UP TO \$1,190,000 THROUGH THE STATE SCHOOL REVOLVING RENOVATION FUND

WHEREAS, the City desires to obtain one or more loans through the Maine Municipal Bond Bank's (the "Bond Bank") School Revolving Renovation Fund ("SRRF") under the Maine School Facilities Finance Program to finance renovations and improvements to Franklin School and Auburn Middle School; and

WHEREAS, the City expects to enter into one or more loan agreements with the Bond Bank in an aggregate amount not to exceed \$1,190,000, provided, however, that the City anticipates that 61.06% of said loan or loans (estimated to be \$726,614) will be forgiven and that the City will be obligated to repay the 38.94% balance of said loan or loans (estimated to be \$463,386);

NOW, THEREFORE, BE IT ORDERED BY THE AUBURN CITY COUNCIL, pursuant to Section 5772 of Title 30-A of the Maine Revised Statutes, as amended, the Auburn City Charter and all amendments thereof, and all other authority thereto enabling, and following a public hearing duly called and held as required by Article 8, Section 8.13 of the City Charter:

THAT the Finance Director / City Treasurer are hereby authorized to borrow an amount not to exceed \$1,190,000, of which 61.06% (estimated to be \$726,614) is expected to be forgiven and 38.94% (estimated to be \$463,386) is expected to be repaid under the terms of the SRRF program (the "SRRF Loans"), and to evidence the amount of such SRRF Loans to be repaid under the SRRF program through the issuance of the City's general obligation bonds (anticipated to be an amount not to exceed \$463,386), the proceeds of which are hereby appropriated to fund the costs of the following school renovations and improvements (including costs of issuance, capitalized interest, and any other costs related or ancillary thereto) (referred to as the "Projects"):

Amount	Description
\$1,000,000	Franklin School – ADA Compliance Renovations and Improvements (elevator installation and bathroom renovations)
\$190,000	Auburn Middle School – Health, Safety and Compliance Repairs (renovation of front entrance)

THAT the bonds shall be issued as authorized hereunder and shall be signed by the Finance Director / City Treasurer, attested by the City Clerk under the seal of the City.

THAT the bonds may be issued at one time or from time to time, either singly or in series, and the authority and discretion to fix method of sale, issue date, maturities, denominations, interest rate, place of payment, form and other details of said bonds and notes, and to take all other actions and to sign and

deliver all other documents, certificates and agreements in order to provide for the sale thereof is hereby delegated to the Finance Director / City Treasurer.

THAT the bonds authorized hereunder may be made subject to call for redemption, either with or without premium, on such terms as may be determined by the Finance Director / City Treasurer.

THAT the Finance Director / City Treasurer is authorized to negotiate, execute, and deliver, in the name of and on behalf of the Town such loan agreements, contracts, and other agreements, documents and certificates as may be necessary or appropriate as determined and approved by the Finance Director / City Treasurer in connection with the financing of the Projects (the "Financing Documents"), which Financing Documents shall be in such form and contain such terms and conditions, not inconsistent herewith, including the usual and customary terms as is required by the Bond Bank under its SRRF program, as may be approved by the Finance Director / City Treasurer such approval to be conclusively evidenced by her execution thereof.

THAT the Finance Director / City Treasurer and Clerk be, and hereby are authorized and empowered in the name of the City and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to complete the SRRF Loan and to effect the issuance, sale and delivery of the bonds hereinabove authorized.

THAT a tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year.

THAT if the Finance Director / City Treasurer or Clerk are for any reason unavailable to complete the SRRF Loan and to approve and execute the bonds or any of the Financing Documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

THAT if any of the officers or officials of the City who have signed or sealed the bonds shall cease to be such officers or officials before the bonds so signed and sealed shall have been actually authenticated or delivered by the City, such bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds had not ceased to be such officer or official; and also any such bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds, shall be the proper officers and officials of the City, although at the nominal date of such bonds any such person shall not have been such officer or official.

THAT the authority to issue the bonds authorized hereunder shall automatically expire 2 years from the date this Order is approved.

A public notice providing a general summary of the proposed borrowing was published the same on February 29, 2020, in the Lewiston Sun-Journal, a daily newspaper published in Androscoggin County.

A public hearing was held on March 16, 2020.



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, ME 04333-0023

JANET T. MILLS
GOVERNOR

PENDER MAKIN
COMMISSIONER

January 31, 2020

Katherine Grondin
Superintendent of Schools
Auburn School Department
P.O. Box 800
Auburn, ME 04210

RE: Eligibility Certificates – SRRF Projects #1424 and 1425

Dear Superintendent Grondin:

I am pleased to inform you that your School Revolving Renovation Fund applications for Projects #1424 and 1425 have been approved for funding for the amounts listed on the attached eligibility certificates.

The loan process for your projects must be initiated within 30 days. Please contact Toni Reed, Program Loan Officer, Maine Municipal Bond Bank at 622-9386 for assistance.

Awardees must comply with all applicable statutory and rule requirements for public improvement projects. Please see the attached post award guidance. You may contact Valerie Chiang, School Construction Coordinator, at 624-6693 for technical assistance.

Please note that failure to comply with SRRF program requirements and all applicable statutes and rules may result in revocation of your SRRF eligibility certificates and cancellation of your SRRF awards.

I wish you good luck as you complete your projects. If you have any questions regarding the School Revolving Renovation Fund, please contact Ann Pinnette at 624-6885 or ann.pinnette@maine.gov.

Sincerely,

A handwritten signature in cursive script that reads 'Pender Makin'.

Pender Makin
Commissioner

Enclosures: SRRF Eligibility Certificates
SRRF Post Award Information

cc: Toni Reed, Maine Municipal Bond Bank



**School Revolving Renovation Fund
Eligibility Certificate**

School Administrative Unit	Auburn	
Facility	Edward Little High School	
Priority	1- Health, Safety and Compliance Repairs	
Project #	1424	
Scope of Work	ADA	
Amount Funded	\$1,000,000	
Maximum Loan Amount	\$1,000,000	
Portion of Loan to be Forgiven	\$610,600	61.06%
Portion of Loan to be Repaid	\$389,400	38.94%
Length of Loan	10 years	(loans over \$500,000)

This Eligibility Certificate for the above listed School Revolving Renovation Fund project is hereby approved. Work authorized under this certificate must be materially completed and all loan proceeds must be expended by July 31, 2021.

January 31, 2020

Date

Pender Makin

Pender Makin
Commissioner



**School Revolving Renovation Fund
Eligibility Certificate**

School Administrative Unit	Auburn	
Facility	Auburn Middle School	
Priority	1- Health, Safety and Compliance Repairs	
Project #	1425	
Scope of Work	Other - Security	
Amount Funded	\$190,000	
Maximum Loan Amount	\$190,000	
Portion of Loan to be Forgiven	\$116,014	61.06%
Portion of Loan to be Repaid	\$73,986	38.94%
Length of Loan	10 years	(loans \$500,000 or less combined with companion loans to total over \$500,000)

This Eligibility Certificate for the above listed School Revolving Renovation Fund project is hereby approved. Work authorized under this certificate must be materially completed and all loan proceeds must be expended by July 31, 2021

January 31, 2020
Date

Pender Makin
Pender Makin
Commissioner

Information for SRRF Awardees

Professional Services Procurement and Document Development

Project estimates, budgets and bidding documents are to be developed by licensed architects and professional engineers. These professional services shall be procured by advertising a Request for Qualifications in the Kennebec Journal and a newspaper local to the project 2 times, in 2 separate weeks. Allow a minimum of 7 days after the second advertisement for the submissions to be received. Submissions shall be evaluated based on qualifications, firms short-listed and interviewed, and a contract negotiated with the highest ranked firm. The design professional will be responsible for assisting the SAU with meeting all regulatory code requirements.

Project Budget

The Department will not revise eligibility certificates for additional funding should conditions or estimates change during the course of a project or if the project is delayed. School administrative units are responsible for project cost overruns. The final loan amount may be adjusted downward to equal the approved costs incurred at project completion. Surplus funds from a project may not be used for another project.

Construction Procurement

Projects estimated to be under \$100,000 may make use of a select list of bidders, soliciting a minimum of 3 proposals. Projects over \$100,000 must be advertised for sealed proposals. The Request for Proposals advertisements shall appear in the Kennebec Journal and a newspaper local to the project 2 times, in 2 separate weeks. Allow a minimum of 7 days after the second advertisement, or the pre-bid site walk if applicable, whichever is the latter, for the closing of bids. Proposals shall remain sealed until publicly opened and read aloud. Construction shall be awarded to the lowest responsive bidder.

Project Loan

All SAUs with approved projects must contact the Maine Municipal Bond Bank (MMBB) within 30 days of award notification to begin the loan process. Loans must be closed within 6 months of the award date of the eligibility certificate. All requisitions for loan disbursements must be submitted to the MMBB within 18 months of the award date. SAUs with awards for multiple projects must track costs separately for each individual project by assigned SRRF project number.

Project Completion

Projects must be completed within 18 months of the award date.

Statutory and Rule Requirements

SAUs must comply with all applicable statutory requirements of 5 M.R.S. Chapter 153 and Rule Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund. Failure to comply with statutes, rules and program requirements will result in revocation of the SRRF eligibility certificate and cancellation of any SRRF award.

**CITY OF AUBURN
NOTICE OF PUBLIC HEARING**

The Auburn City Council will hold a public hearing on March 16, 2020, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on an order authorizing a borrowing of up to \$1,190,000 and issuance of the City's general obligation bonds therefor. The loan will be funded through the State School Revolving Renovation Fund and will be used to finance certain renovations and improvements to Franklin School and Auburn Middle School.

The order will be available for inspection at the City Clerk's office during regular business hours.

Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 16, 2020

Ordinance: 03-03162020

Author: Phil Crowell, Assistant City Manager

Subject: City Council Student Representative

Information: The city council has mentioned in previous meetings the desire to engage youth in local government opportunities. This opportunity will help prepare a young person to be a future civic leader. Many communities have student representatives, including the provision in our charter and it has proven to be very successful.

City Charter Article 2 - City Council Sec. 2.1 Powers and duties.

The City Council may appoint by rule non-voting student representatives to serve with the City Council.

The proposed student representative program will allow two students (one senior and one junior) to be an ex-officio representative on the City Council. The students will be the liaison between the City and the youth in our community.

The purpose of the staggered terms will allow for continuity with the students.

Timeline for Program Implementation

- March 2nd – Workshop with the City Council – feedback and consideration to move forward
 - March TBD - School Committee review
 - March 16th – City Council Meeting - 1st Reading
 - April 6th – City Council Meeting – 2nd Reading
 - April 13th – May 8th Applications for student representatives are accepted (current juniors and sophomores)
 - May/June – Appointment Committee meets to review applications
 - June 15th – City Council Appoints the Student Representatives
 - July 6th – Student Representatives attend first meeting
-

City Budgetary Impacts: N/A

Staff Recommended Action: Public hearing and recommend passage of first reading.

Previous Meetings: Discussed at the 3/2/2020 Council Meeting.

City Manager Comments:

I concur with the recommendation. Signature:



Attachments: Proposed City Ordinance Article II Mayor and City Council Division 3 – City Council Student Representative and Student Representative Application.

ARTICLE II. - MAYOR AND CITY COUNCIL

NEW

DIVISION 3. – CITY COUNCIL STUDENT REPRESENTATIVE

Secs. 2-67 - Position.

There is hereby designated and created the positions of student representatives as ex-officio representatives on the City Council of the City of Auburn, not to exceed two positions. The student representatives may be students at Edward Little High School or youth residents enrolled in another educational program and will serve as a liaison between the City and youth in the community.

Secs. 2-68 - Appointment.

Students wishing to serve shall make application through the high school principal or the city clerk. The high school shall provide the nominations for student representatives, all other applications shall be submitted to the city clerk. The city clerk shall submit the applications to the City Council Appointment Committee for recommendations for final approval of the City Council. The Auburn School Department will be responsible for retention of all documents pertaining to the application and selection process for Edward Little students and the city clerk will be responsible for the retention of all other applications.

Secs. 2-69 – Duties and responsibilities.

- a. The student representatives shall be seated with the City Council and encouraged to participate in discussions on issues before the council.
- b. The agenda for City Council meetings shall provide a regular opportunity under the heading of reports for comments from the student representatives concerning activities and events at the high school or items of interest to the youth in the community.
- c. The student representatives will receive notification of an agenda packet availability on the city website for each regular and special Council meeting, except meetings solely devoted to an executive session. The student representatives will receive a copy of all notices of public hearings deemed by the City Manager to be directly related to interests or activities of youth and

students in the community. Should these disclose issues that directly impact and involve students or youth in the community, the student representatives will be encouraged to participate at the meeting or hearing to the same extent and same fashion as members of the public.

d. The student representatives shall be governed by and comply with all the provisions of the City Council Rules of Procedure.

Secs. 2-70 – Term of office.

The student representatives (one senior and one junior) shall serve a two-year term with one vacancy for a junior available annually in July for the graduating senior. With the exception being the initial year, the senior will only serve one-year. Terms shall start July 1st and end June 30th.

CITY COUNCIL STUDENT REPRESENTATIVE

Applicant Information:

Name: _____

Home Address: _____

E-mail Address: _____

Phone Number: _____

School: _____ Current Grade: _____

Applicant Experience: *Please list activities in which you have participated. Include organizations, school-related activities, and community activities.*

Name of Organization: _____

Title or Position: _____

Period of Involvement: _____ Hours per week: _____

Name of Sponsor: _____ Phone Number: _____

Name of Organization: _____

Title or Position: _____

Period of Involvement: _____ Hours per week: _____

Name of Sponsor: _____ Phone Number: _____

Employment: *Beginning with your present or most recent job if any, please list your employment history.*

Name of Employer: _____ **Phone Number:** _____

Type of Work: _____

Period of Work: _____ Hours per week: _____

Name of Employer: _____ **Phone Number:** _____

Type of Work: _____

Period of Work: _____ Hours per week: _____

Personal References: (Teachers, Coaches, or Counselor - please attach a separate sheet)

Student Essay

To give each applicant the opportunity to demonstrate his or her eligibility for the City Council Student Representative, answer the following questions limiting each response to 100 words or less.

Use separate sheet of paper if necessary and attach response sheet to the application and submit together.

1. Why do you believe that you would be a good candidate for the City Council? Any special qualities?

2. What do you envision a Student Representative as being? Why should there be one?

3. In your opinion, what is the most critical issue facing youth in your school, in your neighborhood, and in our city? What can a Student Representative do to solve such a problem?

Applicant Statement

I hereby certify that the information I have given is true and correct to the best of my knowledge. I understand that provision of false information may disqualify my consideration. I authorize the release of this information for verification purposes and understand it will be used only to process my application. I also understand that by submitting this form, I am submitting an application to participate as a member of the Auburn City Council Student Representative and that said application is only complete upon receipt of the Parental/Guardian Consent and Liability Release form. Upon submission of the application, I understand that I will be considered for membership with all other applicants and that I may or may not be selected as a representative. If selected, I agree to attend all meetings and events and understand that I will be removed from membership for failure to do so.

Signature

Date

Parental Consent

I, the undersigned, do hereby consent to my child's participation in the Auburn City Council. I acknowledge that I have read and understand the Auburn City Council Ordinance and allow my child to attend all meetings and events relative to this program; and that I understand that my child will be removed from membership for failure to do so. I also acknowledge that upon submission of the application, my child will be considered for membership with all other applicants and that my child may or may not be selected for membership. I further acknowledge that my child's participation in this program is voluntary and I agree to release the City of Auburn and all of their employees, officials, and any and all individuals and organizations assisting or participating in the program from any and all claims for personal injuries and property damage which my child may suffer while participating as a member of the Auburn Youth Council.

Signature of Parent or Guardian

Date

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 03-03162020

Amending the Code of Ordinances by adding to Article II – Mayor and City Council, Division 3 – City Council Student Representative, Secs. 2-67 to 2-70.

Be it ordained, that the Auburn City Council hereby adopts under Article II, Division 3, Secs. 2-67 to 2-70 City Council Student Representative as shown below.

ARTICLE II. - MAYOR AND CITY COUNCIL

NEW

DIVISION 3. – CITY COUNCIL STUDENT REPRESENTATIVE

Secs. 2-67 - Position.

There is hereby designated and created the positions of student representatives as ex-officio representatives on the City Council of the City of Auburn, not to exceed two positions. The student representatives may be students at Edward Little High School or youth residents enrolled in another educational program and will serve as a liaison between the City and youth in the community.

Secs. 2-68 - Appointment.

Students wishing to serve shall make application through the high school principal or the city clerk. The high school shall provide the nominations for student representatives, all other applications shall be submitted to the city clerk. The city clerk shall submit the applications to the City Council Appointment Committee for recommendations for final approval of the City Council. The Auburn School Department will be responsible for retention of all documents

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

pertaining to the application and selection process for Edward Little students and the city clerk will be responsible for the retention of all other applications.

Secs. 2-69 – Duties and responsibilities.

- a. The student representatives shall be seated with the City Council and encouraged to participate in discussions on issues before the council.
- b. The agenda for City Council meetings shall provide a regular opportunity under the heading of reports for comments from the student representatives concerning activities and events at the high school or items of interest to the youth in the community.
- c. The student representatives will receive notification of an agenda packet availability on the city website for each regular and special Council meeting, except meetings solely devoted to an executive session. The student representatives will receive a copy of all notices of public hearings deemed by the City Manager to be directly related to interests or activities of youth and students in the community. Should these disclose issues that directly impact and involve students or youth in the community, the student representatives will be encouraged to participate at the meeting or hearing to the same extent and same fashion as members of the public.
- d. The student representatives shall be governed by and comply with all the provisions of the City Council Rules of Procedure.

Secs. 2-70 – Term of office.

The student representatives (one senior and one junior) shall serve a two-year term with one vacancy for a junior available annually in July for the graduating senior. With the exception being the initial year, the senior will only serve one-year. Terms shall start July 1st and end June 30th.



**City of Auburn
City Council Information Sheet
LD 2090**

Council Workshop or Meeting Date: March 16, 2020

Resolve: 02-03162020

Author: Kelsey Earle, Executive Assistant to City Manager & Raegan Young, City Manager Intern

Subject: LD 2090 *“An Act to Amend the Laws Governing Arbitration under Certain Public Employees and Labor Relations Laws”* Resolution

Information: LD 2090 is a newly submitted bill in Maine State Legislature which seeks to amend arbitration procedures for many positions, including municipal public employees.

Notable Changes:

- Requires that the **3rd “neutral arbitrator” in disputes be selected from a Governor appointed panel** of arbitrators (with nominations supplied by the Maine Labor Relations Board)
- Amends the law governing municipal public employees to **make determinations by arbitrators (all subjects, including salaries, pensions, insurance) final and binding** on the parties
- Adds specific factors an arbitrator must consider
- Adds that if a public employer fails to carry out a binding determination made by arbitrators, the **employees are authorized to strike**
- Requires that **cost items in an agreement may not be included in the operating budget for the current fiscal year**, but must be submitted for inclusion in the operating budget for the following fiscal year

Staff Perspective:

- Changes are unnecessary as the current dispute resolution procedures are sufficient, and often result in contracts agreed to by both parties.
 - The **inflexibility** and nature of the 3rd party arbitrator result in tax rates established **without transparency**, and without affording citizens the ability to participate
 - **A “neutral arbitrator” likely cannot understand** the unique and elaborate budgeting process of each municipality, of which current dispute resolution has been a part of for many years
-

City Budgetary Impacts:

- Wages, benefits and insurance of employees account for **nearly 75% of local municipal budgets**
 - **The property tax burden** of each municipality, now determined by the careful budgeting process, could be largely determined by these 3rd party arbitrators and the binding agreements.
-

Staff Recommended Action:

- Approve and sign the Resolution stating that the Auburn City Council encourages the Maine Legislature and Governor reject LD 2090.
-

Previous Meetings and History: N/A

City Manager Comments:



Peter J. Cusick

I concur with the recommendation. Signature:

Attachments:

LD 2090 bill as submitted
Resolution



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2090

S.P. 739

In Senate, January 30, 2020

An Act To Amend the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by President JACKSON of Aroostook.
Cosponsored by Speaker GIDEON of Freeport and
Senators: BELLOWS of Kennebec, LIBBY of Androscoggin, VITELLI of Sagadahoc,
Representatives: FECTIONEAU of Biddeford, MOONEN of Portland, SYLVESTER of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §965, sub-§4**, as amended by PL 1975, c. 564, §18, is further
3 amended to read:

4 **4. Arbitration.** In addition to the 30-day period referred to in subsection 3, the
5 parties ~~shall~~ have 15 more days, making a total period of 45 days from the submission of
6 findings and recommendations, in which to make a good faith effort to resolve their
7 controversy.

8 If the parties have not resolved their controversy by the end of ~~said~~ the 45-day period,
9 they may jointly agree to an arbitration procedure ~~which~~ that will result in a binding
10 determination of their controversy. Such determinations ~~will be~~ are subject to review by
11 the Superior Court in the manner specified by section 972.

12 If they do not jointly agree to such an arbitration procedure within 10 days after the end
13 of ~~said~~ the 45-day period, then either party may, by written notice to the other, request
14 that their differences be submitted to a board of 3 arbitrators. The bargaining agent and
15 the public employer shall within 5 days of ~~such~~ the request each select and name one
16 arbitrator and shall immediately thereafter notify each other in writing of the name and
17 address of the person so selected. The 2 arbitrators so selected and named shall, within 10
18 days from ~~such~~ the request, agree upon and select and name a neutral arbitrator from the
19 panel of arbitrators established in accordance with subsection 4-A. ~~If either party shall~~
20 ~~not select its arbitrator or if the 2 arbitrators shall fail to agree upon, select and name a~~
21 ~~neutral arbitrator within said 10 days, either party may request the American Arbitration~~
22 ~~Association to utilize its procedures for the selection of the neutral arbitrator. As soon as~~
23 ~~possible after receipt of such request, the neutral arbitrator will be selected in accordance~~
24 ~~with rules and procedures prescribed by the American Arbitration Association for making~~
25 ~~such selection. If the 2 arbitrators cannot in 10 days select a neutral arbitrator, the~~
26 ~~executive director shall appoint the neutral arbitrator from the panel of arbitrators~~
27 ~~established in accordance with subsection 4-A.~~ The neutral arbitrator so selected ~~will~~
28 may not, without the consent of both parties, be the same person who was selected as
29 mediator pursuant to subsection 2 nor any member of the fact-finding board selected
30 pursuant to subsection 3. As soon as possible after the selection of the neutral arbitrator,
31 the 3 arbitrators ~~or if either party shall not have selected its arbitrator, the 2 arbitrators,~~
32 ~~as the case may be,~~ shall meet with the parties or their representatives, or both, forthwith,
33 either jointly or separately, make inquiries and investigations, hold hearings, or take such
34 other steps as they ~~deem~~ determine appropriate. ~~If the neutral arbitrator is selected by~~
35 ~~utilizing the procedures of the American Arbitration Association, the arbitration~~
36 ~~proceedings will be conducted in accordance with the rules and procedures of the~~
37 ~~American Arbitration Association.~~ The hearing ~~shall~~ must be informal, and the rules of
38 evidence prevailing in judicial proceedings ~~shall~~ are not ~~be~~ binding. Any and all
39 documentary evidence and other data ~~deemed~~ determined relevant by the arbitrators may
40 be received in evidence. The arbitrators ~~shall~~ have the power to administer oaths and to
41 require by subpoena the attendance and testimony of witnesses, the production of books,
42 records and other evidence relative or pertinent to the issues represented to them for
43 determination.

1 If the controversy is not resolved by the parties themselves, the arbitrators shall proceed
2 as follows: ~~With respect to a controversy over salaries, pensions and insurance, the~~
3 ~~arbitrators will recommend terms of settlement and may make findings of fact; such~~
4 ~~recommendations and findings will be advisory only and will be made, if reasonably~~
5 ~~possible, within 30 days after the selection of the neutral arbitrator; the arbitrators may in~~
6 ~~their discretion, make such recommendations and findings public, and either party may~~
7 ~~make such recommendations and findings public if agreement is not reached with respect~~
8 ~~to such findings and recommendations within 10 days after their receipt from the~~
9 ~~arbitrators; with respect to a controversy over all subjects other than salaries, pensions~~
10 ~~and insurance, the arbitrators shall make determinations with respect thereto if reasonably~~
11 ~~possible within 30 days after the selection of the neutral arbitrator; such determinations~~
12 ~~may be made public by the arbitrators or either party; and if made by a majority of the~~
13 ~~arbitrators, such determinations will be are binding on both parties and the parties will~~
14 ~~shall enter an agreement or take whatever other action that may be appropriate to carry~~
15 ~~out and effectuate such binding determinations; and such determinations will be are~~
16 ~~subject to review by the Superior Court in the manner specified by section 972.~~
17 Notwithstanding section 964, subsection 2, if the public employer fails to enter into an
18 agreement or take whatever other action may be appropriate to carry out and effectuate
19 binding determinations made by arbitrators pursuant to this subsection, the public
20 employees represented by the bargaining agent, except for public employees whose duties
21 include protecting public safety, may engage in a strike. The results of all arbitration
22 proceedings, recommendations and awards conducted under this section shall must be
23 filed with the Maine Labor Relations Board at the offices of its executive director
24 simultaneously with the submission of the recommendations and award to the parties. In
25 the event the parties settle their dispute during the arbitration proceeding, the arbitrator or
26 the ~~chairman chair~~ of the arbitration panel will shall submit a report of ~~his~~ the arbitrator's
27 or chair's activities to the Executive Director of the Maine Labor Relations Board not
28 more than 5 days after the arbitration proceeding has terminated.

29 In reaching a decision under this subsection, the arbitrator shall consider the following:

30 A. The interests and welfare of the public and the financial ability of the public
31 employer to finance the cost items proposed by each party to the impasse;

32 B. A comparison of the wages, hours and working conditions of the employees
33 involved in the arbitration proceeding with the wages, hours and working conditions
34 of other employees performing similar services in public and private employment in
35 other jurisdictions competing in the same labor market;

36 C. The overall compensation presently received by the employees including direct
37 wage compensation, vacation, holidays and excused time, insurance and pensions,
38 medical and hospitalization benefits, the continuity and stability of employment and
39 all other benefits received;

40 D. Factors other than those specified in paragraphs A to C that are normally and
41 traditionally taken into consideration in the determination of wages, hours and
42 working conditions through voluntary collective bargaining, mediation, fact-finding,
43 arbitration or otherwise between the parties, in public or private employment,
44 including the average Consumer Price Index;

45 E. The need of the public employer for qualified employees;

- 1 F. Conditions of employment in similar occupations outside public employment;
2 G. The need to maintain appropriate relationships between different occupations in
3 public employment; and
4 H. The need to establish fair and reasonable conditions in relation to job
5 qualifications and responsibilities.

6 Cost items in a collective bargaining agreement that is arrived at through arbitration in
7 accordance with this subsection may not be submitted for inclusion in the municipality's
8 operating budget for the fiscal year in which the agreement is ratified, but must be
9 submitted for inclusion in the municipality's operating budget for the fiscal year following
10 the fiscal year in which the agreement is ratified.

11 **Sec. 2. 26 MRSA §965, sub-§4-A** is enacted to read:

12 **4-A. Panel of arbitrators.** The Governor shall appoint a panel of arbitrators,
13 consisting of no fewer than 5 nor more than 10 impartial arbitrators, to serve as impartial
14 arbitrators of the interests of the public in the settlement of disputes between employers
15 and employees or their representatives. The board shall supply to the Governor
16 nominations for appointment to the panel. The arbitrators must reside in the State and be
17 neutral and unbiased. The board shall adopt rules governing the necessary qualifications
18 for appointment to the panel and allowable compensation for panel members.

19 **Sec. 3. 26 MRSA §979-D, sub-§4, ¶B,** as enacted by PL 1973, c. 774, is
20 amended to read:

21 B. If the parties have not resolved their controversy by the end of ~~said~~ the 45-day
22 period, either party may petition the board to initiate compulsory final and binding
23 arbitration of the negotiations impasse. On receipt of the petition, the executive
24 director of the board shall investigate to determine if an impasse has been reached. If
25 ~~he so~~ the executive director determines that an impasse has been reached, he the
26 executive director shall issue an order requiring arbitration and requesting the parties
27 to select one or more arbitrators. If the parties within 10 days after the issuance of the
28 ~~order have not selected an arbitrator or a Board of Arbitration, the~~ The board shall
29 ~~then~~ order each party to select one arbitrator, and if these 2 arbitrators cannot in 5
30 ~~days select a 3rd neutral arbitrator, the board shall submit a list from which the~~
31 ~~parties may alternately strike names until a single name is left, who shall be~~
32 ~~appointed by the board as arbitrator~~ the 2 arbitrators so named shall select a 3rd
33 neutral arbitrator from the panel of arbitrators established in accordance with section
34 965, subsection 4-A. If the 2 arbitrators cannot in 10 days select a neutral arbitrator,
35 the executive director shall appoint the neutral arbitrator from the panel of arbitrators
36 established in accordance with section 965, subsection 4-A.

37 **Sec. 4. 26 MRSA §979-D, sub-§4, ¶D,** as enacted by PL 1973, c. 774, is
38 amended to read:

39 D. With respect to controversies over salaries, pensions and insurance, the arbitrator
40 ~~will~~ shall recommend terms of settlement and may make findings of fact. Such
41 recommendations and findings ~~shall be~~ are advisory and ~~shall be~~ are not binding upon

1 the parties. The determination by the arbitrator on all other issues shall be is final and
2 binding on the parties.

3 **Sec. 5. 26 MRSA §979-D, sub-§4, ¶F** is enacted to read:

4 F. Notwithstanding section 979-C, subsection 2, if the public employer fails to enter
5 into an agreement or take whatever other action may be appropriate to carry out and
6 effectuate binding determinations made by arbitrators pursuant to this subsection, the
7 state or legislative employees represented by the bargaining agent, except for
8 employees whose duties include protecting public safety, may engage in a strike.

9 **Sec. 6. 26 MRSA §979-D, sub-§4, ¶G** is enacted to read:

10 G. Cost items in a collective bargaining agreement arrived at through arbitration in
11 accordance with this subsection:

12 (1) May not be submitted for inclusion in the Governor's operating budget for the
13 fiscal year in which the agreement is ratified; and

14 (2) Must be submitted for inclusion in the Governor's operating budget for the
15 fiscal year following the fiscal year in which the agreement is ratified.

16 **Sec. 7. 26 MRSA §1026, sub-§4, ¶A**, as corrected by RR 2009, c. 2, §76, is
17 amended to read:

18 A. At any time after participating in the procedures set forth in subsections 2 and 3,
19 either party, or the parties jointly, may petition the board to initiate arbitration
20 procedures. On receipt of the petition, the executive director shall within a reasonable
21 time determine if an impasse has been reached; the determination must be made
22 administratively, with or without hearing, and is not subject to appeal. If the
23 executive director so determines, the executive director shall issue an order requiring
24 arbitration and requesting the parties to select one or more arbitrators. If the parties,
25 within 10 days after the issuance of the order, have not selected an arbitrator or a
26 Board of Arbitration, the executive director shall then order each party to select one
27 arbitrator and the 2 arbitrators so selected shall to select a 3rd neutral arbitrator from
28 the panel of arbitrators established in accordance with section 965, subsection 4-A. If
29 the 2 arbitrators cannot in 5 days select a 3rd neutral arbitrator, the executive director
30 shall submit identical lists to the parties of 5 or more qualified arbitrators of
31 recognized experience and competence appoint the 3rd neutral arbitrator from the
32 panel of arbitrators established in accordance with section 965, subsection 4-A. Each
33 party has 7 days from the submission of the list to delete any names objected to,
34 number the remaining names indicating the order of preference and return the list to
35 the executive director. In the event a party does not return the list within the time
36 specified, all parties named therein are deemed acceptable. From the arbitrators who
37 have been approved by both parties and pursuant to the order of mutual preference,
38 the executive director shall appoint a neutral arbitrator. If the parties fail to agree
39 upon any arbitrators named, or if for any other reason the appointment cannot be
40 made from the initial list, the executive director shall then submit a 2nd list of 5 or
41 more additional qualified arbitrators of recognized experience and competence from
42 which they shall strike names with the determination as to which party shall strike
43 first being determined by a random technique administered through the Executive

1 Director of the Maine Labor Relations Board. Thereafter, the parties shall alternately
2 strike names from the list of names submitted, provided that, when the list is reduced
3 to 4 names, the 2nd from the last party to strike shall be entitled to strike 2 names
4 simultaneously, after which the last party to strike shall so strike one name from the
5 then 2 remaining names, such that the then remaining name shall identify the person
6 who must then be appointed by the executive director as the neutral arbitrator.

7 Nothing in this subsection may be construed as preventing the parties, as an
8 alternative to procedures in the preceding paragraph, from jointly agreeing to elect
9 arbitration from either the Federal Mediation and Conciliation Service or the
10 American Arbitration Association, under the procedures, rules and regulations of that
11 association, provided that these procedures, rules and regulations are not inconsistent
12 with paragraphs B and C.

13 **Sec. 8. 26 MRSA §1026, sub-§4, ¶B**, as amended by PL 1983, c. 153, §2, is
14 further amended to read:

15 B. If the controversy is not resolved by the parties themselves, the arbitrators shall
16 proceed as follows: ~~With respect to a controversy over salaries, pensions and~~
17 ~~insurance, the arbitrators will recommend terms of settlement and may make findings~~
18 ~~of fact; such recommendations and findings will be advisory only and will be made,~~
19 ~~if reasonably possible, within 60 days after the selection of the neutral arbitrator. The~~
20 ~~arbitrators may in their discretion make such recommendations and findings public,~~
21 ~~and either party may make such recommendations and findings public if agreement is~~
22 ~~not reached with respect to such findings and recommendations within 10 days after~~
23 ~~their receipt from the arbitrators. With with respect to a controversy over all subjects~~
24 ~~other than salaries, pensions and insurance, the arbitrators shall make determinations~~
25 ~~with respect thereto if reasonably possible within 60 days after the selection of the~~
26 ~~neutral arbitrator. Such determinations may be made public by the arbitrators or~~
27 ~~either party and if made by a majority of the arbitrators, such determinations will be~~
28 ~~are binding on both parties and the parties will shall enter an agreement or take~~
29 ~~whatever other action that may be appropriate to carry out and effectuate such~~
30 ~~binding determinations, and such determinations will be are subject to review by the~~
31 ~~Superior Court in the manner specified by section 1033. The results of all arbitration~~
32 ~~proceedings, recommendations and awards conducted under this section shall must be~~
33 ~~filed with the Maine Labor Relations Board at the offices of its executive director~~
34 ~~simultaneously with the submission of the recommendations and award to the parties.~~
35 ~~In the event the parties settle their dispute during the arbitration proceeding, the~~
36 ~~arbitrator or the ~~chairman~~ chair of the arbitration panel will shall submit a report of~~
37 ~~his the arbitrator's or chair's activities to the Executive Director of the Maine Labor~~
38 ~~Relations Board not more than 5 days after the arbitration proceeding has terminated.~~

39 **Sec. 9. 26 MRSA §1026, sub-§4, ¶D** is enacted to read:

40 D. Notwithstanding section 1027, subsection 2, if the university, academy or
41 community college fails to enter into an agreement or take whatever other action may
42 be appropriate to carry out and effectuate binding determinations made by arbitrators
43 pursuant to this subsection, the university, academy or community college employees

1 represented by the bargaining agent, except for employees whose duties include
2 protecting public safety, may engage in a strike.

3 **Sec. 10. 26 MRSA §1026, sub-§4, ¶E** is enacted to read:

4 E. Cost items in a collective bargaining agreement arrived at through arbitration in
5 accordance with this subsection:

6 (1) May not be submitted for inclusion in the Governor's operating budget for the
7 fiscal year in which the agreement is ratified; and

8 (2) Must be submitted for inclusion in the Governor's operating budget for the
9 fiscal year following the fiscal year in which the agreement is ratified.

10 **Sec. 11. 26 MRSA §1285, sub-§4,** as enacted by PL 1983, c. 702, is amended to
11 read:

12 **4. Arbitration.**

13 A. In addition to the 30-day period referred to in subsection 3, the parties shall have
14 15 more days, making a total of 45 days from the submission of findings and
15 recommendations, in which to make a good faith effort to resolve their controversy.

16 B. If the parties have not resolved their controversy by the end of that 45-day period,
17 either party may petition the board to initiate compulsory final and binding arbitration
18 of the negotiations' impasse. On receipt of the petition, the executive director of the
19 board shall investigate to determine if an impasse has been reached. If ~~he~~ the
20 executive director so determines, ~~he~~ the executive director shall issue an order
21 requiring arbitration and requesting ~~the parties to select one or more arbitrators. If~~
22 ~~the parties, within 10 days after the issuance of the order, have not selected an~~
23 ~~arbitrator or an arbitration panel, the board shall then order each party to select one~~
24 ~~arbitrator and, if these 2 arbitrators cannot in 5 days select a 3rd neutral arbitrator, the~~
25 ~~board shall submit a list from which the parties may alternately strike names until a~~
26 ~~single name is left, who shall be appointed by the board as arbitrator~~ the 2 arbitrators
27 so selected to select a 3rd neutral arbitrator from the panel of arbitrators established
28 in accordance with section 965, subsection 4-A. If the 2 arbitrators cannot in 5 days
29 select a 3rd neutral arbitrator, the executive director shall appoint the 3rd neutral
30 arbitrator from the panel of arbitrators established in accordance with section 965,
31 subsection 4-A. In reaching a decision under this paragraph, the arbitrator shall
32 consider the following factors:

33 (1) The interests and welfare of the public and the financial ability of State
34 Government to finance the cost items proposed by each party to the impasse;

35 (2) Comparison of the wages, hours and working conditions of the employees
36 involved in the arbitration proceeding with the wages, hours and working
37 conditions of other employees performing similar services in the executive and
38 legislative branches of government and in public and private employment in
39 other jurisdictions competing in the same labor market;

40 (3) The overall compensation presently received by the employees, including
41 direct wage compensation, vacation, holidays and excused time, insurance and

1 pensions, medical and hospitalization benefits, the continuity and stability of
2 employment, and all other benefits received;

3 (4) Such other factors not confined to the foregoing, which are normally and
4 traditionally taken into consideration in the determination of wages, hours and
5 working conditions through voluntary collective bargaining, mediation, fact-
6 finding, arbitration or otherwise between the parties, in the public service or in
7 private employment, including the average Consumer Price Index;

8 (5) The need of the Judicial Department for qualified employees;

9 (6) Conditions of employment in similar occupations outside State Government;

10 (7) The need to maintain appropriate relationships between different occupations
11 in the Judicial Department; and

12 (8) The need to establish fair and reasonable conditions in relation to job
13 qualifications and responsibilities.

14 C. Cost items in a collective bargaining agreement arrived at through arbitration in
15 accordance with this subsection:

16 (1) May not be submitted for inclusion in the Judicial Department's operating
17 budget for the fiscal year in which the agreement is ratified; and

18 (2) Must be submitted for inclusion in the Judicial Department's operating
19 budget for the fiscal year following the fiscal year in which the agreement is
20 ratified.

21 With respect to controversies over ~~salaries~~, pensions and insurance, the arbitrator shall
22 recommend terms of settlement and may make findings of fact. The recommendations
23 and findings ~~shall be~~ are advisory and ~~shall be~~ are not be binding upon the parties. The
24 determination by the arbitrator on all other issues ~~shall be~~ is final and binding on the
25 parties. Notwithstanding section 1284, subsection 2, if the public employer fails to enter
26 into an agreement or take whatever other action may be appropriate to carry out and
27 effectuate binding determinations made by arbitrators pursuant to this subsection, the
28 judicial employees represented by the bargaining agent, except for employees whose
29 duties include protecting public safety, may engage in a strike.

30 Any hearing ~~shall~~ must be informal and the rules of evidence for judicial proceedings
31 ~~shall be~~ are not be binding. Any documentary evidence and other information ~~deemed~~
32 determined relevant by the arbitrator may be received in evidence. The arbitrator may
33 administer oaths and require by subpoena attendance and testimony of witnesses and
34 production of books and records and other evidence relating to the issues presented. The
35 arbitrator ~~shall have~~ has a period of 30 days from the termination of the hearing in which
36 to submit ~~his~~ a report to the parties and to the board, unless that time limitation is
37 extended by the executive director.

38 **Sec. 12. 26 MRSA §1285, sub-§5, ¶E**, as enacted by PL 1983, c. 702, is
39 amended to read:

40 E. In reaching a decision, the mediator-arbitrator shall consider the factors specified
41 in section 1285, subsection 4. With respect to controversies over ~~salaries~~, pensions

1 and insurance, the mediator-arbitrator shall recommend terms of settlement and may
2 make findings of fact. Such recommendations and findings ~~shall be~~ are advisory and
3 ~~shall~~ are not be binding on the parties. The determination of the mediator-arbitrator
4 on all other issues ~~shall be~~ is final and binding on the parties.

5 **Sec. 13. Effective date.** This Act takes effect July 1, 2021.

6 **SUMMARY**

7 Under current law, arbitrations under labor relations laws governing municipal public
8 employees, University of Maine System employees, state employees and judicial
9 employees require that each party select one arbitrator and those 2 arbitrators select a
10 neutral 3rd arbitrator. This bill requires that the neutral 3rd arbitrator be selected from a
11 panel of arbitrators appointed by the Governor from a list of nominations supplied by the
12 Maine Labor Relations Board. Under the bill, appointees to the panel of arbitrators serve
13 as impartial arbitrators of the interests of the public in the settlement of disputes between
14 employers and employees or their representatives, and each appointee must reside in the
15 State. In addition, this bill:

16 1. Amends the labor relations laws governing municipal public employees and
17 University of Maine System employees to provide that determinations by arbitrators with
18 respect to controversies over all subjects, including salaries, pensions and insurance, are
19 final and binding on the parties;

20 2. Amends the labor relations laws governing state employees to provide that, with
21 respect to controversies over salaries, an arbitrator's determinations are final and binding
22 on the parties;

23 3. Amends the labor relations laws governing judicial employees to provide that an
24 arbitrator's determinations with respect to controversies over all subjects, including
25 salaries, pensions and insurance, are final and binding on the parties and that, with respect
26 to controversies over salaries, determinations by mediator-arbitrators are final and
27 binding on the parties;

28 4. Adds specific factors an arbitrator must consider when a controversy is not
29 resolved between a public employer and bargaining agent under the municipal public
30 employees labor relations law;

31 5. Provides that, if a public employer fails to enter into an agreement to carry out and
32 effectuate binding determinations made by arbitrators, the public employees are
33 authorized to strike;

34 6. Requires that cost items in a collective bargaining agreement arrived at through
35 arbitration may not be included in the state or local operating budget, as relevant, for the
36 current fiscal year, but must instead be submitted for inclusion in the operating budget for
37 the following fiscal year; and

38 7. Provides an effective date for the changes made in the bill of July 1, 2021.

Holly C. Lasagna, Ward One
Timothy B. MacLeod, Ward Two
Stephen G. Milks, Ward Three
Brian S. Carrier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

MARCH 16, 2020 *A resolution of the City Council of the City of Auburn expressing opposition to LD 2090 An Act to Amend the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws.*

WHEREAS, one of the most important roles of local government in Maine is to establish the property tax burden for each community by thoughtful and public debate prior to the adoption of an annual budget; and

WHEREAS, an equally important role of the elected leadership in Maine communities is to establish compensation policies for their employees which balances the desire to employ highly motivated and talented professionals with the unique fiscal challenges that exist in every municipality; and

WHEREAS, it is estimated that wages, benefits and insurances of employees account for nearly seventy five percent of local municipal budgets; and

WHEREAS, for more than 40 years, current Maine state law regarding impasse resolution for public employees and unionized workforce has resulted in labor contracts that have been voluntary agreed to by both sides; and

WHEREAS, the unique balance between the parties established by current labor laws has not at any time in history resulted in an impasse between a municipal employer and its employees that was not resolved by voluntary agreement by the parties, and

WHEREAS, LD 2090 *An Act to Amend the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws* would dramatically shift that effective balance; and

WHEREAS, \$2,644,071,685 of property tax revenue was raised in the state of Maine in 2018, and each dollar was determined by local elected leadership through a public budgeting process, including through the most purely democratic form of local taxation decision making on the floors of annual Town Meetings; and

WHEREAS, LD 2090 would grant the authority to determine wages, benefits and insurances exclusively to a so-called "neutral arbitrator" who is appointed by two other arbitrators during impasse resolution, and

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WHEREAS, nearly two billion dollars of estimated property tax burden, the most regressive form of taxation in Maine, would be solely determined by binding arbitration which would take place in secrecy and without any recourse for the property taxpayers;

NOW THEREFORE BE IT RESOLVED that the Auburn City Council in due regular and legal session convened expresses its opposition to LD 2090 for the following reasons:

- LD 2090 is unnecessary because there is no known case in the last forty years where the current method of dispute resolution did not result in a labor contract that was agreed to by both parties;
- LD 2090 would result in property tax rates being established without transparency and without affording citizens the ability to directly speak with their elected officials about their concerns;
- LD 2090 would result in compensation decisions being made in isolation, absent a complete understanding of the challenges and strategic direction of the community that only the elected leadership of the community can truly understand; and
- LD 2090 would fundamentally change the balance in Maine between public employers and their employees.

BE IT FURTHER RESOLVED, that the Auburn City Council encourages the Maine Legislature and the Governor to reject LD 2090 and further encourages other Maine communities to join them in encouraging the same.

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IN CITY COUNCIL

RESOLVE 03-03162020

MARCH 16, 2020 *A resolution of the City Council of the City of Auburn expressing alignment with and support for the United States Center for Disease Control and Prevention guidance regarding prevention, mitigation and response to the COVID-19 pandemic (proper name: SARS-CoV-2)*

WHEREAS, COVID-19 is a novel coronavirus that has been characterized by the World Health Organization as a global pandemic; and

WHEREAS, Maine has confirmed cases of COVID-19 (as of March 13, 2020) with the expectation of an exponential increase in confirmed cases as testing increases and community spread of the virus continues; and

WHEREAS, the most important role of the elected leadership in Maine communities is to protect the public, following the guidance of experts; and

WHEREAS, the United States Center for Disease Control and Prevention (US CDC) is leading the nation's response to COVID-19 and providing evidence-based recommendations to communities that represent public health best practice; and

WHEREAS, the COVID-19 virus is thought to spread mainly from person-to-person through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, infected individuals may not show signs of sickness for 2-14 days after exposure; and

WHEREAS, older adults and people who have severe underlying chronic medical conditions like heart or lung disease or diabetes seem to be at higher risk for developing more serious complications from COVID-19 illness; and

WHEREAS, reducing contact with people ("social distancing") is the most effective method of preventing viral transmission;

NOW THEREFORE BE IT RESOLVED that the Auburn City Council in due regular and legal session convened expresses its support for the US CDC guidance to prevent spread of the COVID-19 disease and urges its residents to:

- Avoid events, meetings, and both public and private spaces where 10 or more people are gathered. Do not attend any unnecessary in-person meetings.
- Maintain a distance of 6 feet from others, to prevent exposure to respiratory droplets
- Wash hands frequently, using hot water and soap for a minimum of 20 seconds

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- Cover mouth while sneezing or coughing, using a tissue or elbow
- Stay home if you are sick
- Monitor and adhere to guidance from the US CDC, as recommendations evolve in response to shifts in the pandemic

BE IT FURTHER RESOLVED, that the Auburn City Council encourages all residents to adopt these practices, with the intention of working collectively to protect our community's most vulnerable residents, prevent the spread of this disease, and ensure that medical care is available to all those who need it.

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IN CITY COUNCIL

RESOLVE 04-03162020

Resolution of Support:

Whereas many common issues affect both the city of Auburn and the Auburn School Committee.

Whereas overlapping issues of health, socio-economic, and school performance may be improved by communication between the city and the school committee.

Whereas the resolution can develop a closer relationship between the City of Auburn and the school committee.

Whereas the resolution will help engagement of Council and the School committee representatives there by addressing matters related to education and the city.

Now therefore be it resolved by the council of the City of Auburn as follows:

The council supports decisions by the superintendent and school committee regarding efforts to keep the students and faculty safe from possible exposure to the Covid19 virus.

The council supports all efforts by the superintendent and school committee to continue educational year by all means available including technology.

The council supports all efforts by the superintendent and school committee to continue providing food services to the student body in the most efficient means possible.

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Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 38-03162020

ORDERED, that the City Council hereby directs the City Manager and or his designee to create a short-term loan program for Auburn Businesses not to exceed \$2500 per loan, with repayment no later than 06-01-2021 at a 0 percent interest rate. Total amount from the City's Emergency Reserve fund not to exceed \$50,000.

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Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 39-03162020

ORDERED, that the City Council hereby directs the City Manager and or his designee to reallocate the \$10,000 from the Feeding Auburn microgrant in the FY 19-20 budget to provide:

- \$2,500 to the PAL Center to replenish lost goods and reinstate their food pantry,
- \$1,500 to Promise Early Education Center for the creation of a food pantry at their Auburn location,
- \$6,000 to Auburn Recreation Department to assist in providing free to-go meals to seniors and families.

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Jason J. Levesque, Mayor

IN CITY COUNCIL

RESOLVE 05-03162020

MARCH 16, 2020 *A resolution of the City Council of the City of Auburn agreeing to adopt the emergency legislation regarding remote meetings if passed by Legislature*

WHEREAS, the Maine Attorney General's Office is working on an emergency legislative bill to amend Maine's Freedom of Access Act (Title 1 Chapter 13); and

WHEREAS, this amendment would allow municipal officials to participate in meetings by telephone, internet, or satellite enabled audio or video conferencing or any other technology, if members are unable to be physically present; and

WHEREAS, allowing the US CDC guidance recommending social distancing to be further enacted; and

WHEREAS, the United States Center for Disease Control and Prevention (US CDC) is leading the nation's response to COVID-19 and providing evidence-based recommendations to communities that represent public health best practice; and

NOW THEREFORE BE IT RESOLVED that the Auburn City Council in due regular and legal session convened and agreed to adopt the emergency legislation regarding remote meetings if passed by Legislature.