



City Council Workshop & Meeting May 20, 2019 Agenda

5:30 P.M. City Council Workshop

- A. Executive session – Economic Development, pursuant to 1 M.R.S.A. Sec. 405(6)(C)
- B. Executive session – Economic Development, pursuant to 1 M.R.S.A. Sec. 405(6)(C)
- C. Street lights – Derek Boulanger (20 minutes)
- D. Upper Barker Hydro Proposed Study Plan – Eric Cousens (15 minutes)

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

Pledge of Allegiance

- I. **Consent Items** All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.
- II. **Minutes**
 - May 6, 2019 Regular Council Meeting
 - May 13, 2019 Special Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Presentation – Healthy Androscoggin (Erin Guay)
 - Proclamation – Maine Arbor Week May 19 – 24, 2019
 - Communication – Liberty Festival Special Event/Mass Gathering Request
 - Communication – Memorial Day Parade Update (Jody Durisko)
- 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** - None
- VI. **New Business**
 - 1. **Resolve 06-05202019**
Supporting the formation of a Recycling Committee.
 - 2. **Order 68-05202019**

Adopting the 5 year Capital Improvement Plan (CIP).

3. Order 69-05202019

Approving the request to waive the business licensing fees for the Auburn PAL Center, a non-profit organization.

4. Order 70-05202019

Authorizing the City Manager to sign the Auburn-Lewiston Consortium Mutual Co-operation Agreement to extend the consortium between the City of Auburn and City of Lewiston under the HOME Investment Partnerships Program for a three-year period

5. Order 71-05202019

Authorizing marijuana businesses to operate in the City of Auburn in accordance with applicable state and local laws, ordinances and regulations.

6. Ordinance 03-05202019

Adopting the proposed amendment to Chapter 14, Business Licenses and Permits for an *Adult Use and Medical Marijuana Businesses Ordinance*. ***Public hearing and first reading.***

7. Ordinance 04-05202019

Adopting the proposed amendment to Chapter 60, Section 60-145(a) Use regulations, permitted uses. ***Public hearing and first reading.***

8. Ordinance 05-05202019

Adopting the proposed amendment to Chapter 60, Section 60-499(a) Use regulations, permitted uses. ***Public hearing and first reading.***

9. Ordinance 06-05202019

Adopting the proposed amendment to Chapter 60, Section 60-525(a) Use regulations, permitted uses. ***Public hearing and first reading.***

10. Ordinance 07-05202019

Adopting the proposed amendment to Chapter 60, Section 60-554 Form Base Code and Matrix. ***Public hearing and first reading.***

11. Ordinance 08-05202019

Adopting the proposed amendment to Chapter 60, Section 60-578(a) Use regulations, permitted uses. ***Public hearing and first reading.***

12. Ordinance 09-05202019

Adopting the proposed amendment to Chapter 60, Section 60-1038 - Odors. ***Public hearing and first reading.***

VII. Reports

a. Mayor's Report

b. City Councilors' Reports

c. City Manager Report

d. Finance Director, Jill Eastman – April 2019 Monthly Finance Reports

- 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**



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 20, 2019

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
 - (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
 - (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
 - (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.
- This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



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E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

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**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 20, 2019

Author: Derek Boulanger

Subject: Street Light Purchase and Conversion to LED Project

Information: A presentation and update from Mark Carter of RealTerm Energy on the status and timeline for installation and completion of the conversion of the municipal streetlights to LED project.

City Budgetary Impacts: N/A

Staff Recommended Action: Information and Questions

Previous Meetings and History:

November 6, 2017 Workshop presentation

January 8, 2018 Workshop presentation

January 22, 2018 Council Meeting

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Cusick".

Attachments: None



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 20, 2019

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

Subject: Upper Barker Relicensing Update – Proposed Study Plan (PSP) Comment Stage

Information: The City and other stakeholders advocated for combining the license processes for Upper and Lower Barker during the Lower Barker relicensing due to concerns that they would overlap anyways and we would not have the benefit of knowing the outcomes of the Lower Barker process before being expected to comment on the Upper Barker License. FERC did not require that they be combined, and we find ourselves commenting on the Upper Barker Proposed Study Plan while we wait for a final license decision on the Lower Barker License, which is expected in June or July. The City's focus has been on providing recreational opportunities and access to the River within the Lower Barker Hydro project area. Staff is working with other stakeholders to coordinate comments where our interests overlap. Staff suggests the following should be included in a PSP comment letter from the City:

1. The New Auburn Master Plan Recreational Goal #1 is to *Establish a Greenbelt and increase riverfront access (see attached map)*. Advocate for a study of recreational access, boat access/canoe trail put in or take-outs, bank fishing opportunities and possible extension of the Barker Mill Trail. The study should include an assessment of existing recreational demand, consider the New Auburn Master Plan Goals and recognize that limited or nonexistent access opportunities limits existing activity.
 2. Inland Fisheries and Wildlife requested a boat launch in the project area; The City should support this and request that locating the potential facility be included in a recreational facilities study.
 3. In general the PSP lacks any significant mention of recreation or recreational studies. This is disappointing, but consistent with Kruger Energy's treatment of recreation during the lower Barker Relicensing. The City wishes to submit the New Auburn Master Plan as part on the record in the FERC Relicensing Process for the Upper Barker to ensure it is considered as part of a recreational facility study.
-

City Budgetary Impacts: None immediately, potentially recreational amenities or funds for recreation from the hydropower facility in the final license.

Staff Recommended Action: Consider potential comments and identify any objections or additional comments that can be included in a letter advocating for City interests.

Previous Meetings and History: Many for Lower Barker and a general Hydropower Update in January of 2018.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Cushman".

Attachments: General Overview of Upcoming License Expirations, New Auburn Master Plan Recreational Goals/Map, Proposed Study Plan for the Upper Barker Dam.

We only get a chance to comment on license renewals 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.

Upcoming Hydropower License Expirations

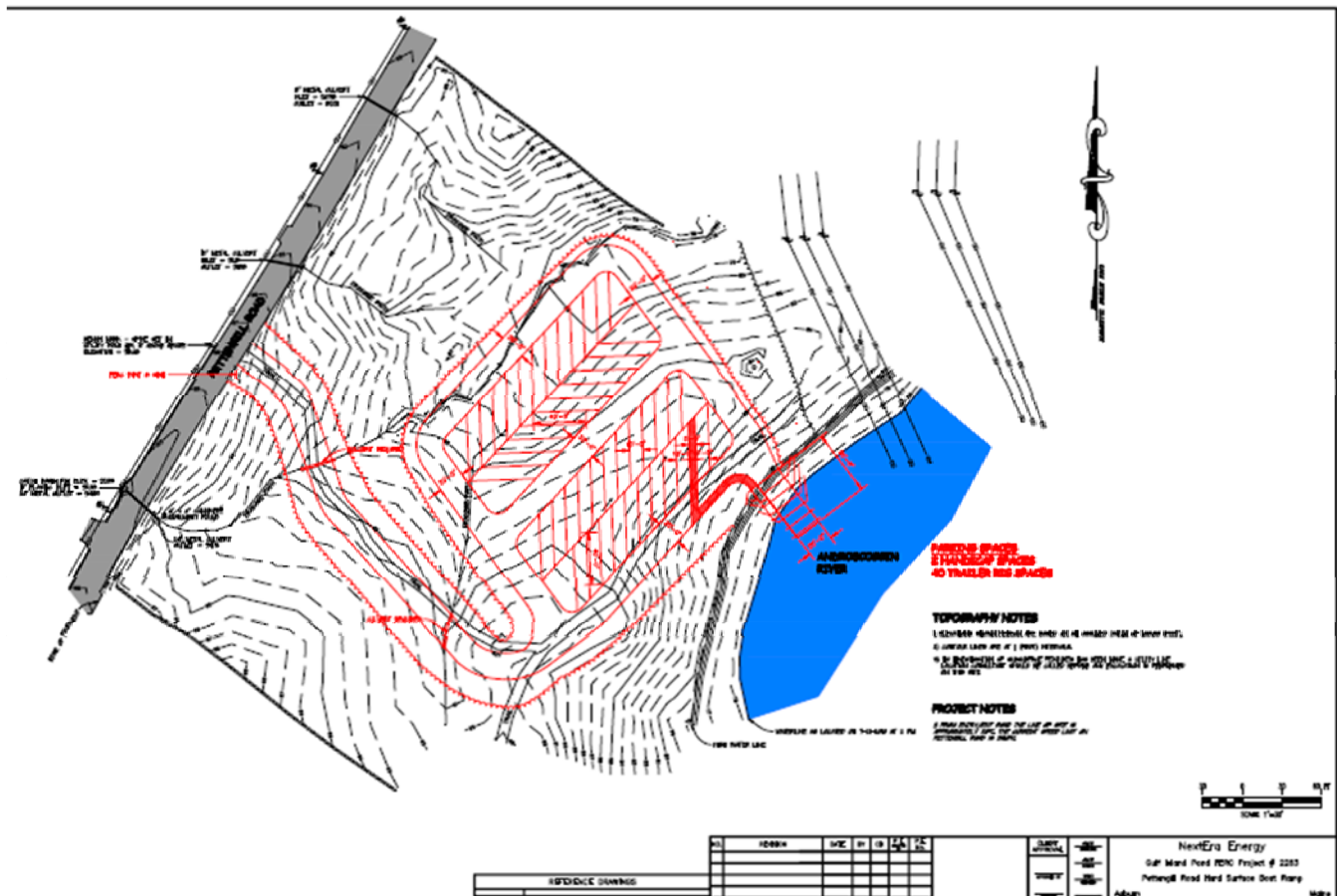
2019 Expiration – Lower Barker Dam – Due for final license decision in June or July. Currently in 90-day consultation under the Endangered Species Act for fish passage specifically related to Atlantic Salmon.

2023 Expiration– Upper Barker Dam – Proposed Study Plan Comments from the City due June 7, 2019.

2026 Expiration – Lewiston Falls – Monty Hydro – Canal now owned by Lewiston and we expect a licensing process to start in 2020 or 2021.



2036 – Gulf Island - Deer Rips – Existing Opportunities for recreation with Maine's Newest State Park – Androscoggin Riverlands. Potential Boat Launch Plans on the Androscoggin River shown below.



C.6 Recreation

New Auburn's greenbelt reaches across the urban portion of the community from the Little Androscoggin River to Riverside Drive. An interconnecting network of trails links the open space in designated areas. Community members are engaged in preserving and maintaining open space and trail networks and work closely with property owners to ensure safe, respectful use of the land.

The public enjoys greater access to the river with established trails and parks along the riverfront as well as designated boat launches and swimming areas. The Barker Mill Trail has been expanded and a new trailhead kiosk informs users of area recreational amenities and links to the New Auburn greenbelt.

There are a number of formal recreational facilities in New Auburn including the Little League Field, Boys and Girls Club, Raymond Park, and school playgrounds and sports fields. New Auburn residents work closely with the City and community recreation organizations to maintain these properties.

Objective 1: Establish a greenbelt and increase riverfront access

Strategies:

- A. Work with the Androscoggin Land Trust and other conservation/recreation organizations to **support the purchase of conservation and/or recreation easements** in New Auburn with a priority on establishing a “greenbelt” around the InTown and UpTown portions of community – Mill to Riverside, Little Andy, Androscoggin (see Table 3).

Table 3: Priority Recreation/Conservation Connections (Map 2, page 20)

- Barker Mill Trail along Little Androscoggin River
- Broad Street/Sherwood Forest connection
- A Second Street riverfront corridor from Mill St./Main St. to Broad St.
- An east/west trail corridor connection between Riverside Dr. and So Main St.
- Barker Mill Trail connection to Moulton/West Pitch Park

- B. **Encourage LA Trails' efforts to create a trail system**, where feasible, within the “greenbelt” linking the open spaces to the sidewalk network and major destinations such as schools and the business district (see Map 2, page 20).
- i. Support efforts to develop a trail connection between the Barker Mill Trail and Moulton/West Pitch Park through the establishment of a pedestrian bridge across the Little Androscoggin River.

- C. Support organizations such as the Androscoggin Land Trust and LA Trails in their efforts to **develop and maintain boat launches and other riverfront recreational amenities.**

Objective 2: Provide community-wide recreational opportunities.

Strategies:

- A. **Support development and maintenance of community recreational facilities.**
 - i. Work with the Parks and Recreation Department to maintain and upgrade existing recreational facilities.
 - ii. Encourage residents to take part in local upkeep and maintenance efforts to restore community-initiated recreational facilities such as the tennis courts at Sherwood Heights.
 - iii. Ensure that the neighborhood has a formal seat on the Parks Advisory Board to help oversee the ongoing maintenance of community recreational facilities and identify future community recreation projects.
 - iv. Support the City's development of a South Auburn recreational feasibility plan.
 - a. Ensure that the Walton School fields are maintained as community recreation space.

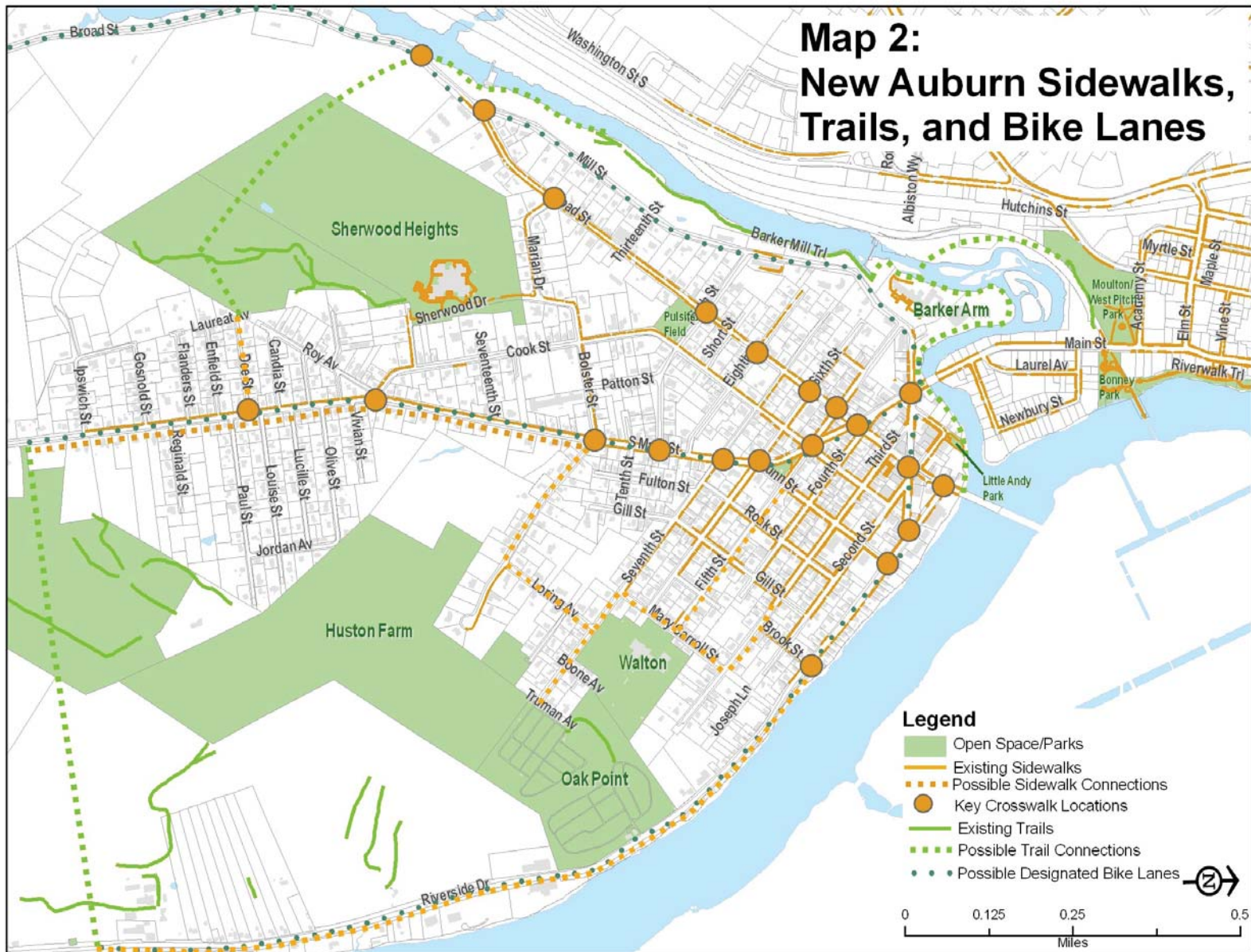
C.7 Economic Development

New Auburn supports economic development through continued efforts to promote and enhance New Auburn Business Districts (see Section C.3 New Auburn Business Districts) and the establishment of industrial/business parks within the Rural/Rowe's Corner area.

To ensure the potential for increased economic development in the Rural/Rowe's Corner portion of New Auburn, the City has placed most of the area into agricultural or industrial districts as a means of holding the land until such a time as business and/or industrial development becomes feasible. The City continues to pursue opportunities for attracting large-scale industrial and business developments that can support the necessary extension of public sewer and water services in this area. Efforts to increase access are supported by the development of a connector road that links the industrial area to Washington Street/Rodman Road and a possible future turnpike interchange.

Objective 1: Support the expansion of necessary infrastructure.

Strategies:



PROPOSED STUDY PLAN

UPPER BARKER HYDROELECTRIC PROJECT FERC No. 3562

Prepared for:

KEI (Maine) Power Management (III) LLC
Gardiner, Maine

Prepared by:

Kleinschmidt

Pittsfield, Maine
www.KleinschmidtUSA.com

May 2019

PROPOSED STUDY PLAN

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May 2019

PROPOSED STUDY PLAN

**UPPER BARKER HYDROELECTRIC PROJECT
FERC PROJECT NO. 3562**

**KEI (MAINE) POWER MANAGEMENT (III) LLC
GARDINER, MAINE**

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PROPOSED STUDY PLAN

UPPER BARKER HYDROELECTRIC PROJECT FERC PROJECT NO. 3562

KEI (MAINE) POWER MANAGEMENT (III) LLC GARDINER, MAINE

1.0 INTRODUCTION

KEI (Maine) Power Management (III) LLC [KEI (Maine) or Applicant] is in the process of relicensing its existing Upper Barker Hydroelectric Project (FERC No. 3562) (Project) with the Federal Energy Regulatory Commission (FERC). The Project is located on the Little Androscoggin River in Androscoggin County, Maine, approximately 1.3 miles upstream from the confluence of the Little Androscoggin River with the Androscoggin River in the city of Auburn, Maine and 0.6 river miles upstream of the Lower Barker Project. The Project license expires on July 31, 2023 and KEI (Maine) must file for a new operating license with the FERC on or before July 31, 2021.

KEI (Maine) is using FERC's Traditional Licensing Process (TLP) as found at Title 18 of the US Code of Federal Regulations (CFR), Part 4. The TLP has three stages (18 CFR 4.38). The first stage involves coordination between the Applicant, resource agencies, affected Indian tribes, and the public and includes the sharing of project information, notification of interested parties, and study planning and implementation using the Pre-Application Document (PAD). The second stage involves study implementation and additional data gathering, development of a draft License Application (DLA), and review of the DLA by resource agencies and, optionally, FERC. The third stage commences with the filing of the final License Application (FLA), whereby FERC initiates its own review and public comment process, ultimately deciding whether to issue a license with terms and conditions for continued operations.

KEI (Maine) filed a PAD and Notice of Intent (NOI) to seek a new license for the Project on September 10, 2018. The PAD filed with FERC provides a complete description of the Project, including its structures, operations, and affected resources. Electronic copies of the PAD are available on FERC's website (www.ferc.gov).

KEI (Maine) distributed the final PAD and NOI simultaneously to Federal and state resource agencies, local governments, Native American tribes, and others thought to be interested in the relicensing proceeding for an opportunity to review and comment. Following the filing of the PAD, KEI (Maine) held a joint agency and public scoping meeting (JAM) and a site visit on November 2, 2018. A number of comments and information requests were provided subsequent to the issuance of the PAD and the JAM. Comments on the PAD and study requests are summarized in Appendix A. The PAD and the scoping process identified issues associated with the baseline environmental conditions at the Project for which the existing, relevant, and reasonably available information was insufficient.

The Proposed Study Plan (PSP) will be issued to the agencies and stakeholders for a 30-day review and comment period. A Study Plan Meeting will be held if requested by Stakeholders. Comments received on the PSP in writing will be addressed as appropriate.

Section 4.0 of this PSP provides the individual studies proposed by KEI (Maine) to gather additional information needed to adequately analyze the potential effects of the continued operation of the Project on the natural and social environments. The following studies are included in this PSP for implementation during the 2019, and if needed 2020, field seasons:

1. Upstream American Eel Passage Study
2. Desktop Study of Entrainment and Survival for Diadromous Species
3. Temperature and Dissolved Oxygen Study
4. Benthic Macroinvertebrate Study

Section 4.0 provides information on the goals and objectives of each study; the relationship of the study plan to the issues identified in the PAD and scoping process; known resource management goals; methodology; and scope, schedule and budget information¹.

A discussion of studies not adopted as written and requested by the agencies/stakeholders is provided in Section 6.0. It is important to note, however, that the majority of study requests are accommodated within the PSP, though the specific methodology may be modified from the

¹ The study plan follows the content requirements of 18 CFR §5.11 which codifies study plan requirements of the Integrated License Process, though KEI (Maine) is following the Traditional License Process, as discussed in Section 1.0.

original study request or as requested by the agencies in comments on the PSP. It is also important to note that many of these studies are not being dismissed outright but are instead either addressed through second year studies, agency negotiations for protection, mitigation and enhancement measures or will simply be expected to be undertaken in the future, likely as part of license compliance measures, but are not proposed to be implemented as part of data gathering efforts to inform the DLA and FLA.

Additional information requests that do not necessitate a study plan are provided in Section 6.0.

2.0 AGENCY/STAKEHOLDER CONSULTATION ON THE PSP

2.1 AGENCY/STAKEHOLDER COMMENTS AND MODIFIED STUDY REQUESTS

Formal comments on KEI (Maine)'s PSP (including any revised information or study requests) are requested to be submitted within 30 days of the distribution of the PSP. KEI (Maine) requests that any proposed modifications to the PSP must address the criteria in 18 CFR § 4.38(b) and 18 CFR 16.8(b)(4). To that end, as with initial study requests, any proposed modified or additional study requests must address the following:

1. the agency/stakeholder's determination of necessary studies to be performed or information to be provided by the potential applicant;
2. the basis for the agency/stakeholder's determination;
3. the agency/stakeholder's understanding of the resource issues involved, and the agency/stakeholder's goals and objectives for these resources;
4. justification of recommended study methodology;
5. documentation that the use of each study method recommended is a generally accepted practice; and
6. explanation of how the studies and information requested will be useful to the agency, Indian tribe, or members of the public in furthering its resource goals and objectives as related to the proposed project.

2.2 DISPUTE RESOLUTION

Under 18 CFR 4.38 (b)(6) and 18 CFR 16.8 (b)(6), a resource agency or Indian tribe that disagrees with the Applicant on the need to do a study or gather information, may refer the dispute in writing to the Secretary of the Commission for resolution and to the Applicant and any affected resource agency or Tribe. The FERC will provide a decision in writing on any disputed studies based on two criteria: whether the requested study is reasonable and necessary in relation to the resource goals and management objectives of the resource agencies, and whether it is generally accepted practice to use the study method requested by the agency or tribe. In the event the FERC finds a study unreasonable, unnecessary or does not follow generally accepted practice, any agency, tribe, or member of the public may decide to conduct the study independently.

3.0 STUDY REPORTING

Reports for studies implemented during the 2019, and if needed 2020, field season will be filed with the FERC and provided to agencies and stakeholders for review and comment. The Initial Study Report is scheduled for preparation following the 2019 field season. KEI (Maine) will schedule the initial study report meeting once the date for the availability of the Initial Study Report is known. Should study efforts extend to the 2020 field season, the results will either be provided as an Updated Study Report or incorporated into the DLA and/or FLA depending upon the timing of completion of the 2020 studies.

4.0 INDIVIDUAL STUDY PLAN PROPOSALS

Based upon study requests submitted by agencies and stakeholders, KEI (Maine) proposes to conduct the studies to inform the DLA and FLA with respect to baseline environmental conditions and potential effects from continued operation of the Upper Barker Project.

4.1 DESKTOP ENTRAINMENT AND SURVIVAL STUDY

4.1.1 GOALS AND OBJECTIVES

KEI (Maine) will evaluate the impingement, entrainment, and turbine passage survival of adult Atlantic salmon, Atlantic salmon smolts, adult American shad, adult American eel, adult sea-run alewives, juvenile sea-run alewives, and juvenile American shad (i.e., target species) to assess the potential effects of the Upper Barker Project on migratory fish species. Study results will be reported to agencies and utilized to assess the potential need and scope of future field studies.

4.1.2 KNOW RESOURCES MANAGEMENT GOALS

The Atlantic States Marine Fisheries Commission has developed two documents related to the management of American eel:

- Interstate Fishery Management Plan for American Eel. April 2000. Atlantic States Marine Fisheries Commission.
- Addendum II to the Fishery Management Plan for American Eel. Atlantic States Marine Fisheries Commission. Approved October 23, 2008.

The Atlantic States Marine Fisheries Commission has developed several documents related to the management of American shad, and river herring (blueback herring and alewife). The MDMR and the MDIFW have developed a draft Fisheries Management Plan for the Lower Androscoggin River, Little Androscoggin River, and Sabattus River that includes the restoration of fishery resources that currently and historically resided in the Little Androscoggin River watershed.

4.1.3 PROJECT NEXUS

Operation of the Upper Barker Project has the potential to adversely affect fish species migrating through the watershed.

4.1.4 METHODOLOGY

Per recommendations from the agencies, the methods of this study are based on studies recently completed for the Vernon, Wilder, and Bellows Falls hydroelectric projects. The potential for impingement and entrainment will be characterized qualitatively for target species and life stages based on site-specific intake characteristics, swim speed, and life history characteristics. Site-specific factors that influence the potential for entrainment or impingement include fish behavior, body morphology and size, seasonal run timing, intake location, depth of intakes, degree of water-level fluctuations, hydraulic capacity, and intake velocities. The assessment of intake velocities will be calculated using the equation $Q = V \cdot A$ where Q = flow rate (cfs), V = velocity (feet per second) and A = area (square feet). Life history characteristics and species-specific swim speed information for target fish species will be obtained from existing peer-reviewed and white-paper literature.

EPRI (1997) summarized entrainment rate data for hydroelectric projects, which relied on full-flow tailrace netting to sample the entire flow passing from one or more units at a project. Each of the 43 projects contained in the EPRI (1997) data compilation will be reviewed for similarity in project characteristics to the Upper Barker Project. Following determination of appropriate project(s) for use as surrogates, available entrainment rate data will be summarized for the fish species-life stages of interest. Surrogate species may be needed if the EPRI data set does not contain representative species (e.g., for juvenile herring). Literature-obtained entrainment rates will be combined with project-specific discharge data to generate qualitative assessments of the potential for entrainment of target species at Upper Barker.

Turbine passage survival for target fish species will be estimated using data from survival studies conducted at hydroelectric projects in the EPRI database or other literature sources, other hydroelectric facilities with similar characteristics, or the Franke blade strike probability equation (Franke et al., 1997). Estimates of total project survival will be obtained based on the assumption that fish passage will be equal to the distribution of flow through all downstream passage routes available (spill, turbines, fishway). An estimate of total project survival for each applicable species-life stage combination will be calculated. Passage survival via spill and the downstream bypass will be based on study results reported at other sites in the northeast (e.g., Kennebec River, Penobscot River studies).

KEI (Maine) will use the following downstream migration seasons for each species and life stage to represent peak outmigration periods and evaluate typical river flow conditions at the site:

- Adult Atlantic salmon: Nov. 1 – Ice in; Ice-out – April 15
- Atlantic salmon smolts: May 1 – May 31
- Adult American shad: July 1 – July 31
- Adult sea-run alewives: June 15 – July 15
- Adult American eel: Sept 15 – Oct 15
- Juvenile sea-run alewives: July 1 – July 31
- Juvenile American shad: July 15 – August 15

4.1.5 CONSISTENCY WITH GENERALLY ACCEPTED SCIENTIFIC PRACTICE

A desktop approach is a widely accepted technique for the assessment of impingement, entrainment, and turbine survival at FERC-regulated hydropower projects.

4.1.6 DELIVERABLES AND SCHEDULE

A report will be provided to the stakeholders by approximately February 1, 2020.

4.1.7 COST AND LEVEL OF EFFORT

The estimated cost for this study is \$30,000.

4.1.8 REFERENCES

- EPRI (Electric Power Research Institute). 1997. Turbine Entrainment and Survival Database—Field Tests. Prepared by Alden Research Laboratory, Inc. EPRI Report No. TR-108630. 13 pp.
- Franke, G.F., D.R. Webb, R.K. Fisher, D. Mathur, P.N. Hopping, P.A. March, M.R. Headrick, I.T. Laczó, Y. Ventikos, and F. Sotiropoulos. 1997. Development of Environmentally Advanced Hydropower Turbine System Design Concepts. Contract DE-AC07-94ID13223. Prepared for U.S. Department of Energy, Idaho Operations Office.

4.2 TAILWATER TEMPERATURE AND DO STUDY

MDEP requested a water temperature and dissolved oxygen (DO) study downstream of the Upper Barker dam.

4.2.1 STUDY OBJECTIVES

The objective of this study is to collect contemporary water temperature and dissolved oxygen data to determine if the Little Androscoggin River downstream of the Upper Barker Project (Figure 1) attains Class C water quality standards. Impoundment water quality monitoring was conducted in concert with 2015 surveys for the Lower Barker Project.

4.2.2 KNOWN RESOURCE MANAGEMENT GOALS

Maine statute 38 MRSA §464-470 establishes the state of Maine's classification system for surface waters. The lower section of the Little Androscoggin River from South Paris, Maine, to the confluence with the Androscoggin River is a Class C waterway (MRS 1989). The quality of Class C waters must support the designated uses of drinking water supply after treatment, fishing, agriculture, recreation in and on the water, industrial process and cooling water supply, hydroelectric power generation, and habitat for fish and other aquatic life. Discharges in Class C waterways are permitted to cause some changes to aquatic life, provided that the receiving waters remain of sufficient quality to support all species of fish indigenous to the receiving waters and to maintain the structure and function of the resident biological community (MRS 1989). The state of Maine has established and proposed Class C water quality standards for several parameters (Table 1).

TABLE 1 ESTABLISHED AND PROPOSED MAINE WATER QUALITY STANDARDS FOR SELECT PARAMETERS^A

PARAMETER	CRITERIA	WATER CLASSIFICATION
Dissolved Oxygen	>5 mg/L or 60% saturation; 30-day average of 6.5 mg/L	Class C
Iron ^b	1000 µg/L or 1 mg/L	Statewide
Chloride ^b	230,000 µg/L or 230 mg/L	Statewide
Aluminum ^b	87 µg/L or 0.087 mg/L	Statewide
Total Phosphorus ^c	≤ 33 µg/L (0.033 mg/L)	Class C
Water Column Chlorophyll-a ^c	≤ 8 µg/L (0.008 mg/L)	Class C
Secchi Disk Depth ^c	≥ 2.0 m	Class C
pH ^c	6.0 – 8.5	Class C

^aMRS 1989

^bMDEP 2012a values refer to the criterion continuous concentration which is an estimate of the highest concentration of the substance in surface water to which an aquatic community can be exposed indefinitely without resulting in an unacceptable effect.

^cMDEP 2012b

4.2.3 BACKGROUND AND EXISTING INFORMATION

Water quality monitoring was completed in the Upper Barker Project impoundment and at the downstream Lower Barker Project in summer 2015. Monitoring results from the Upper Barker impoundment demonstrated attainment of Class C water quality standards for trophic state indicators and DO. Furthermore, MDEP concluded that the Little Androscoggin River immediately upstream and downstream of the Lower Barker dam attains Class C water quality standards and provides for the designated uses of the waterway (i.e., recreation in and on the water and habitat for fish and aquatic life). There is not any recent water temperature or DO data from the Upper Barker tailrace.

4.2.4 PROJECT NEXUS

Operation of the Upper Barker Project may affect water quality downstream of the dam. The data collected in this study will be used to determine if the Little Androscoggin River in the project area meets Maine's Class C water quality standards.



FIGURE 1 PROPOSED APPROXIMATE LOCATIONS FOR THE 2019 STUDY SITES AT THE UPPER BARKER PROJECT.

4.2.5 METHODOLOGY

KEI (Maine) will monitor water temperature and DO downstream of the Upper Barker powerhouse with a submersible Onset Hobo datasonde (or similar) in accordance with MDEP's 2018 Sampling Protocol for Hydropower Studies (MDEP 2018). The datasonde will be installed approximately 100 to 500 feet downstream of the powerhouse at a location representative of the main flow (Figure 1). The datasonde will be programmed to continuously measure water temperature and DO every hour during July and August to sample the low flow, high temperature period. The instrument will be calibrated at the beginning of the monitoring period and at periodic intervals, as needed, per the manufacturer's specifications. The equipment will be checked, and the data will be downloaded every other week.

Prior to deploying the datasonde, KEI (Maine) will measure water temperature and DO at quarter points along a transect approximately 100-500 feet downstream of the dam. If there is no violation of DO criteria and no significant (<0.4 mg/L) difference in concentration among the quarter points, the datasonde will be deployed at a location representative of the main flow. If there is more than a 0.4 mg/L difference in the DO measurements, the datasonde will be placed in the location of the lowest concentration and the location of the main flow below the powerhouse. The licensee will consult with MDEP regarding the sample location prior to beginning the monitoring.

4.2.6 CONSISTENCY WITH GENERALLY ACCEPTED SCIENTIFIC PRACTICE

This study employs widely accepted methods for evaluating water quality at hydroelectric projects in Maine. The sampling method is based on protocols developed by the MDEP.

4.2.7 DELIVERABLES AND SCHEDULE

The field work will be conducted in July and August, 2019. A report summarizing the data and results will be provided to the stakeholders by approximately February 1, 2020.

4.2.8 COST AND LEVEL OF EFFORT

The estimated cost for this study is \$15,000.

4.2.9 REFERENCE

- Maine Department of Environmental Protection (MDEP). 2012a. Chapter 584 Surface Water Quality Criteria for Toxic Pollutants. July 29, 2012. Accessed February 27, 2019. [Online] <http://www.maine.gov/dep/water/wd/general.html>.
- Maine Department of Environmental Protection (MDEP). 2012b. Draft Chapter 583 Nutrient Criteria for Surface Waters. June 12, 2012. Accessed February 27, 2019. [Online] <http://www.maine.gov/dep/water/nutrient-criteria/index.html>.
- Maine Department of Environmental Protection (MDEP). 2018. DEP Sampling Protocol for Hydropower Studies – Rivers and Streams.
- Maine Revised Statutes (MRS). 1989. Title 38 Chapter 3 Subchapter 1 Article 4-A §465 & §467. Standards for Classification of Fresh Surface Waters and Classification of major river basins. Available online: <http://legislature.maine.gov/statutes/38/title38sec465.html> [Accessed February 27, 2019].

4.3 BENTHIC MACROINVERTEBRATE STUDY

MDEP requested that KEI (Maine) conduct a benthic macroinvertebrate (BMI) study downstream of the Upper Barker dam.

4.3.1 GOALS AND OBJECTIVES

The goal of this study is to assess whether the Little Androscoggin River attains habitat and aquatic life criteria at the Upper Barker Project based on the composition of the benthic macroinvertebrate community. The study will evaluate whether the current operating regime and minimum flow requirements for the Upper Barker Project are maintaining the structure and function of the resident benthic macroinvertebrate community.

4.3.2 KNOWN RESOURCE MANAGEMENT GOALS

MDEP is responsible for water quality certification and implementing water quality programs under the Clean Water Act and state law to manage, protect, and enhance the quality of Maine's water resources. According to 38 MRSA §464(9) and (10), existing hydropower impoundments classified as Great Ponds or as river and streams, and downstream river and stream reaches influenced by hydropower projects must only meet the requirements of MRSA §465 (4)(C) of Class C waters, i.e., "maintain structure and function of the residential biological community."

4.3.3 BACKGROUND AND EXISTING INFORMATION

Benthic macroinvertebrate community characteristics are used as an indicator of overall stream health and changes in species metrics often occur because of deterioration or improvements to water quality. In general, an unpolluted waterbody has a higher percentage of taxa from the orders Ephemeroptera (mayflies), Plecoptera (stoneflies), and Trichoptera (caddisflies), whereas low quality waters tend to be dominated by pollution tolerant taxa (e.g., chironomids - midge flies).

MDEP sampled the macroinvertebrate communities at two sites 7.7 and 8.3 river miles upstream of the Upper Barker Project in 2014 and 2016. MDEP concluded that the macroinvertebrate communities at the two sites met Class B aquatic life standards which is one statutory class higher than the designated class (Class C) for this reach of the Little Androscoggin River (MDEP

2014, 2016). KEI (Maine) conducted benthic macroinvertebrate monitoring in the bypassed reach and tailwater of the Lower Barker Project in 2015. MDEP concluded that the macroinvertebrate community downstream of the Lower Barker Dam attains Class C aquatic life standards and maintains the structure and function of the resident benthic macroinvertebrate community.

4.3.4 PROJECT NEXUS

Diverting water for generation at the Upper Barker Project has the potential to affect existing benthic macroinvertebrate communities downstream of the dam.

4.3.5 METHODOLOGY

KEI (Maine) will employ a qualified sub-contractor to sample the benthic macroinvertebrate community in the riffle area downstream of the Upper Barker powerhouse. The sampling will be conducted in accordance with the MDEP Methods for Biological Sampling and Analysis (Davies and Tsomides 2014). The sub-contractor will install rock-filled wire baskets/mesh bags, cone samplers, or other suitable samplers for a period of 28 day +/- four days during the late summer, low flow period (July 1 to September 30). The sub-contractor will select specific sample locations in the field using best professional judgment; the sites will be approximately 200 feet to 500 feet downstream of the dam (Figure 1). Collected benthic macroinvertebrates will be sorted and identified by taxa. Because of the complexity of BMI communities, evaluation of monitoring data is done by using the characteristics of the community as a whole, rather than evaluating individual species. The sub-contractor will determine whether the benthic macroinvertebrate community is representative of Class C water based on best professional judgment, and the BMI data will be submitted to the MDEP for validation.

4.3.6 CONSISTENCY WITH GENERALLY ACCEPTED SCIENTIFIC PRACTICE

This study employs generally accepted practices for biological sampling and analysis of Maine's rivers and streams.

4.3.7 DELIVERABLES AND SCHEDULE

The study will be conducted during the approximate period of July 1 - September 30, 2019, in accordance with MDEP guidelines for aquatic invertebrate community sampling. Data analysis and technical reporting will begin after the completion of monitoring, and a report will be provided to the stakeholders and agencies by February 1, 2020.

4.3.8 COST AND LEVEL OF EFFORT

The estimated cost for this study is \$7,500.

4.3.9 REFERENCES

- Davies, S. P. and L. Tsomides. 2014. Methods for Biological Sampling and Analysis of Maine's Rivers and Streams. Maine Department of Environmental Protection, Bureau of Land and Water Quality/ DEP LW0387-C2014, Revised April 2014.
- Maine Department of Environmental Protection (MDEP). 2014. Biological Monitoring Program. Station S-1033 Little Androscoggin River Log Number 2260. Accessed January 22, 2018. [Online] <http://www.maine.gov/dep/water/monitoring/biomonitoring/data.htm>.
- Maine Department of Environmental Protection (MDEP). 2016. Biological Monitoring Program. Station S-1104 Little Androscoggin River Log Number 2520. Accessed February 5, 2018. [Online] <http://www.maine.gov/dep/water/monitoring/biomonitoring/data.htm>.

5.0 REQUESTED STUDIES MODIFIED OR NOT ADOPTED

The following discussion explains why certain information and/or study requests put forth have been modified or excluded from the draft study plans contained in Section 4.0 of this document.

5.1 EEL PASSAGE FACILITY DESIGN AND SITING STUDY

USFWS, NMFS, MDMR

The goal of the study is to determine appropriate designs and locations for upstream American eel passage facilities, and to help determine the operating criteria for the Project. This study request is intended to provide data necessary to develop reasonable and prudent conservation measures to provide safe, timely, and effective passage for adult American eel.

KEI (Maine) does not oppose this study but does not propose to conduct it in 2019. As demonstrated at Lower Barker, a limited number of eel (<50 individuals in 2015) are attempting to pass upstream in the Little Androscoggin River. In the Final Environmental Analysis issued by FERC in February 2019, FERC concluded that a specific date for installation and operation of an upstream passage facility “is uncertain and dependent on variables beyond the control of the Commission and the licensee.” The uncertainty of timing is even greater at Upper Barker, therefore KEI (Maine) plans to define an appropriate timeframe for conducting this study when there a clearer and more certain timeframe for upstream passage implementation downstream.

5.2 DOWNSTREAM PASSAGE ROUTE AND PROJECT SURVIVAL, RESPECTIVELY, FOR ADULT ALEWIFE AND ADULT AMERICAN EEL

MDMR proposes the use of a combination of radio-telemetry and balloon tagging to evaluate downstream passage route and project survival, respectively, for adult alewife and adult American eel. Specific objectives are to 1) determine the proportion of fish that utilize the existing routes of downstream passage (i.e., powerhouse, fish passage facility, spillway); 2) estimate the survival for each route of passage; 3) estimate transit time through the headpond, past the project, and through defined reaches downstream.

Given the level of cost associated with this form of study and all the unknowns raised in comment as to passage routes, entrainment and mortality rates, and project operations, KEI (Maine) is proposing a phased approach to fish passage studies. 2019 studies will include upstream eel passage to document upstream migrating eels to inform locating future passage facilities. The desktop entrainment and mortality and survival study will be used to better understand how downstream migrating anadromous fish pass the facility during typical operations conditions and

to inform potential need and appropriate scope of field studies in 2020 or in conjunction with fish passage implementation measures in the future.

5.3 FISH PASSAGE OPTIONS

Maine Rivers, ASF, Maine Council of Trout Unlimited

This study would examine relative merits of the different technical options for implementing effective fish passage. Specific goals and objectives include:

- *Define technical options for implementing fish passage at Upper Barker.*
- *Compare the relative expected effectiveness of each option as it specifically applies to the project.*
- *Compare the expected initial and long-term costs of each option as it specifically would apply to the project.*

KEI (Maine) is not proposing a review of technical options for fish passage as part of the proposed studies for 2019, but fully expects to conduct such an evaluation when timing for fish passage within the Little Androscoggin River overall is better defined based upon realistic and appropriate restoration projections.

5.4 ECONOMIC VIABILITY

Maine Rivers, ASF, Maine Council of Trout Unlimited request a detailed economic analysis that accounts for these factors (increases in minimum flows comparable to what will be required at Lower Barker; other measures to provide safe, timely, effective upstream and downstream passage for diadromous fish species).

We request that the Applicant submit information covering the life of the renewal period that assesses potential profitability in the face of rising competition from other sources of renewable energy, and fully considers the costs of amortizing the funding required to implement fish passage, monitor fish passage, and modify fish passage if passage targets are not met, based on the expected capacity that the expected range of minimum flow rates study will help define.

FERC requires financial information sufficient to conduct the NEPA analysis and evaluation of the balance between resources and power production. This information will be provided in the Draft and Final License Applications. The level of detail contained in the request would compromise confidential financial information and business strategies.

5.5 AMERICAN EEL AND ADULT ALEWIFE SURVIVAL AND ROUTE SELECTION

The USFWS request a two-part study to determine the downstream passage routes and survival at multiple river flows and operating conditions to inform safe, timely, and effective passage measures at the project. This study will require capture of adult alewife and American eels. Part 1 will help determine downstream passage routes for these two species and specimens will be tagged for telemetry and released in the impoundment. Part 2 will help determine survival through the downstream bypass and turbines and specimens will be implanted with balloon tags and released directly into the downstream bypass pipe or entrained into the turbine and collected at the downstream end.

Part 1 of this study should be conducted using radio telemetry, with a study design that specifies sample size and tag and receiver configurations.

Part 2 of this study will use a subset of test fishes. Both alewife and American eels will be implanted with balloon tags.

As noted above, given the level of cost associated with this form of study and all the unknowns raised in comment as to passage routes, entrainment and mortality rates, and project operations, KEI (Maine) is proposing a phased approach to fish passage studies. 2019 studies will include upstream eel passage to document upstream migrating eels to inform locating future passage facilities. The desktop entrainment and mortality and survival study will be used to better understand how downstream migrating anadromous fish pass the facility during typical operations conditions and to inform potential need and appropriate scope of field studies in 2020 or in conjunction with fish passage implementation measures in the future.

6.0 COMMENTS ADDITIONAL INFORMATION REQUESTED

In comments submitted on the PAD and study requests provided by agencies, a number of comments, clarifications and fish passage related recommendations. A summary of comments is contained in Appendix A, with notation of those that will be addressed in the Draft License Application.

APPENDIX A

RESPONSE TO COMMENTS ON THE PAD

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
MDIFW	Sec. 5.3 Fish & Aquatic Resources	This section speaks of several lakes being stocked with brook trout, brown trout, and landlocked salmon. However, MDIFW does not stock all lakes with all three species. For example, Worthley, Hobbs, and the Range Ponds are not stocked with landlocked salmon. This should be corrected to accurately reflect MDIFW stocking programs.	To be corrected in Exhibit E of the Draft License Application
MDIFW	Sec. 5.3 Fish & Aquatic Resources/General Comment	MDIFW supports any fish passage requests at this facility made by State and Federal resource agencies; however, a fish sorting facility must be employed in the lower Little Androscoggin River to prevent invasive species from colonizing the upstream drainage.	Comment acknowledged.
MDIFW	Sec. 5.7 Recreation & Land Use	In Maine, the MDIFW stocks coldwater species at many bypass and tailrace areas associated with hydropower projects when public access and minimum flows are suitable to support stocking programs. These stockings are typically very popular and can provide seasonal or year-round angling for coldwater or resident warmwater fish species close to developed communities where stream fishing opportunities are often limited. In addition, hydropower impoundments offer recreational boating and angling for resident warmwater species. Consequently, MDIFW will be advocating for improved access to the tailrace and impoundment, including parking, signage, and a boat launch for impoundment throughout this relicensing process.	Comment acknowledged.
MHPC	Sec. 5.9 Cultural Resources	<p>At this time, I wish to bring to the FERC's attention a deficiency in the statement about historic properties in proximity to the Project that appears on page 5-72, Section 5.9.2 of the Pre-Application Document. In a letter dated July 17, 2018 from Patrick W. O'Bannon (attached), Gray & Pape Heritage Management expressed its opinion that the Lower Barker Dam is eligible for listing in the National Register of Historic Places under Criteria A and C. The Maine Historic Preservation Commission agrees with this conclusion.</p> <p>We expect that future documents relating to cultural resources in the subject relicensing matter will acknowledge the National Register eligibility of the Lower Barker Dam, and that it will be given due consideration in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended.</p>	To be corrected in Exhibit E of the Draft License Application

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
MDMR	Sec. 4.1 Existing Project Facilities pg 4-5	<p>Page 4-5 of the PAD states that "A Commission Order Approving Minimum Flow Requirement dated June 7, 1990 amended Article 21 to reflect a continuous minimum flow of 82 cfs or inflow, whichever is less, must be discharged to protect fishery resources (FERC 2009)." In section 4.6.1 Current License Requirements, page 4-15 of the PAD, this flow requirement is reported as, an interim continuous minimum flow at the Project of 20 cfs or inflow to the project reservoir, whichever is less." An order amending licenses from FERC was submitted June 23, 2014. In the order, article 21 of the Barker Mill Upper Project license was revised to read as follows: "Article 21. The licensee shall operate the project in run-of-river mode whereby outflow equals inflow to the project reservoir for the protection of water quality, fishery, wildlife, and visual resources." This order is included in the PAD in Section 5.2.4 Existing Instream Flow Uses, page 5-14.</p> <p>Please amend the language in the PAD to accurately describe that the 82 cfs flow requirement was amended by 2014 FERC order. Also amend Section 4.6.1 to correctly represent article 21 of the 2014 FERC order.</p>	To be corrected in Exhibit E of the Draft License Application
MDMR	Sec. 4.1 Existing Project Facilities pg 4-5	<p>Additionally, a minimum flow of 20 cfs does not comply with the US Fish and Wildlife Service's Fish Passage Manual. The Fish Passage Manual states that an attraction flow must be a minimum of 5% of the maximum station hydraulic capacity (48 cfs based on hydraulic capacity of 960 cfs reported in the PAD) or 25 cfs, whichever is larger, and to pass this flow under all headpond levels and station operating conditions that occur during the migration season. Please review and correct the minimum flow requirements to reflect the most recent license requirements on record and to comply with the USFWS Fish Passage Manual.</p>	Comment acknowledged.

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
MDMR	Sec. 4.2 Proposed Project Facilities	<p>The proposed studies included in this document will provide important information regarding the current overall Project survival and aid in determining whether additional downstream facilities are needed. If current overall Project survival does not meet standards, MDMR would request an alternative downstream passage system to be considered. The concept for the alternative downstream passage system is as follows: (1) a surface weir that produces gradually accelerating discharge; (2) with a flow adequate to attract and convey migrants over the surface weir without contacting the concrete surface; (3) the flow through the surface weir shall fall into an adequately-sized plunge pool at the toe of the spillway that then discharges to flowing water in the Project bypass reach; and (4) a full-depth trash rack with one-inch clear space to exclude the majority of downstream migrants. The design, operation, and maintenance of this alternative would be consistent with the USFWS's Fish Passage Manual or an updated version.</p>	Comment acknowledged.
MDMR	Sec. 4.4.1 Normal Operations	<p>The PAD states that there is no dam monitoring instrumentation installed at the Project. To design upstream fish passage for alewife, American eel, and Atlantic salmon that is safe, timely, and effective MDMR will need to know the following: (1) current headwater and tailwater elevations, and (2) water velocity and water depth at different flows in the bypass, spillway, and tailrace during the upstream migration season or at flows that would be experienced during the migration season. If this data has already been collected for the project, we request the data be included in the PAD. If data is not available, MDMR requests the Licensee to consult the USFWS, NOAA, and MDMR to agree on an adequate study. Such a study would be a low level of effort, could be completed in a single season, and</p>	Comment acknowledged.

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
		the field work probably could be completed in a week or less.	
MDMR	Sec. 4.5 Proposed Project Operations	The Licensee does not propose any changes to current operations in the PAD. As a reminder FERC has recommended that KEI Power provide a year-round flow of 113 cfs or inflow, whichever is less, in the bypassed reach of the Lower Barker Project. Also, the project boundary for the Lower Barker Project extends upstream to the base of the Upper Barker Dam. For the required minimum flows at Lower Barker Project to be met, the minimum flows at Upper Barker should also be set at 113 cfs.	Comment acknowledged.

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
MDMR	Sec. 6.2.3 Fish & Aquatic Resources	<p>KEI (USA) states in the PAD that sufficient baseline fisheries resource information is available to assess project effects. It is our understanding that the effectiveness of this downstream passage facility has never been tested, but a fish kill was recorded by MDMR on November 15-16, 2001 (Accession# 20001206-0103). MDMR is not aware of any existing information regarding the timing of upstream and downstream eel migration, size distribution of eels or the behavior of migrants at the Project.</p> <p>In order to provide background information that will inform all parties regarding what forms of upstream and downstream passage will be needed at the Project and where to build them, surveys must be conducted to determine the best location for the installation.</p>	Comment acknowledged.
MDMR	Sec. 6.4 Relevant Resource Management Plans	<p>The PAD references the 2010 Androscoggin River Anadromous Fish Restoration Program Plan as the only relevant fisheries resource management plan. Please add the most recent fisheries management plan (Draft Fisheries Management Plan for the Lower Androscoggin River, Little Androscoggin River and Sabattus River) to section 6.4 of the PAD. This document specifically includes the Little Androscoggin river and should be included as a relevant resource management plan in this section</p>	<p>Comment acknowledged. KEI notes that the Draft Fisheries Management Plan for the Lower Androscoggin River, Little Androscoggin River and Sabattus River is not a FERC approved management plan, nor has it been subject to public notice or hearing.</p>

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
NMFS	Scoping Comments	<p>The National Environmental Policy Act (NEPA) review documents should include a cumulative effects analysis that analyzes the benefits of upstream and downstream safe, timely and effective passage at the project, as well as the costs of delaying restoration.</p> <p>A cumulative effects analysis should be included in the NEPA analysis to evaluate the benefits of safe, timely and effective passage at the Upper Barker Project and the four downstream FERC licensed projects: Lower Barker (P-2808), Worumbo (P-3428) Pejepscot (P-4784) and Brunswick (P-2284).</p> <p>As part of the balancing of non-power interests, the NEPA analysis should consider the benefits of safe, timely and effective passage for migratory species and the costs associated with delaying the restoration of those species.</p>	Comment acknowledged.
NMFS	Sec. 4.1 Existing Project Facilities Project Structures	The PAD describes the spill gates as tainter gates and slide gates. We recommend KEI indicate whether the gates are operated using a radial arm or vertical slide actuator and refer consistently throughout the document.	To be corrected in Exhibit E of the Draft License Application
NMFS	Sec. 4.1 Existing Project Facilities Project Structures	In Table 4.1, the listed dam height is 24 feet which is actually the spillway height. The spillway and dam heights should be listed.	To be corrected in Exhibit E of the Draft License Application
NMFS	Sec. 4.1 Existing Project Facilities Powerhouse	<p>The PAD does not include a description of the powerhouse. This sub-section briefly describes the flood gates. A description of the powerhouse should be provided including the following information:</p> <ul style="list-style-type: none"> • Trash rack angle, dimensions, and clear spacing; and • Turbine unit dimensions, rotational speed, and number of blades. 	To be corrected in Exhibit E of the Draft License Application, although trashrack and unit specifications will be included in the proposed desktop study.

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
NMFS	Sec. 4.1 Existing Project Facilities Fish Passage	<p>The PAD does not describe the design of the downstream bypass facility. We have observed significant debris accumulated in front of the trashrack in the headpond (Figure 1). Therefore, we recommend the following information be provided:</p> <ul style="list-style-type: none"> • A complete description of the design, including discharge through the bypass pipe and water depth at the drop box structure; and • A description of how the downstream bypass is operated, maintained, and kept free of debris. 	To be corrected in Exhibit E of the Draft License Application, although some of the identified information and specifications will be included in the proposed desktop study.
NMFS	Sec. 4.2 Proposed Project Facilities	We continue to discuss implementation of fish passage at the Upper Barker Project with the Licensee. Our goal is restoration of a diadromous fishery in the Little Androscoggin River that meets a comprehensive development standard for the waterway while supporting sustainable energy production. Pending the results of our requested studies for this licensing process, there may be additional modifications to the project facility that improve downstream fish passage effectiveness in addition to installation of upstream fish passage facilities.	Comment acknowledged.
NMFS	Sec. 4.4 Existing Project Operation	<p>The PAD focuses the description of existing project operation on run-of-river mode and dam safety. During site visits, we have observed debris loads of varying degrees impinged on the trash racks and partially blocking the downstream fish passage entrances. In addition, the flashboards need replacement seasonally. To better understand project operations, we request additional information that describes the following:</p> <ul style="list-style-type: none"> • A description of how debris is managed at the facility, including the debris management protocol and the times of the year that debris accumulates on the trash rack; • Frequency the flashboard system fails due to high water or debris load; • Protocols for repairing the flashboard system, including the times of the year that flashboards require maintenance; and • Downstream bypass facilities operation plan, including the time of year for operation, stop log management, and frequency the system is checked for downstream migrants or debris entrainment/blockage 	To be corrected in Exhibit E of the Draft License Application, although some of the identified information and specifications will be included in the proposed desktop study.

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
NMFS	Sec. 4.4.1 Normal Operations	In Table 4-2, the maximum flow is 32,871 cfs, yet in Table 4-1, the flood of record is listed as 16,500 cfs. This is either a typo or it reflects the lack of accuracy in prorating the South Paris gage (U.S.G.S. Gage 01057000) to the drainage area of the Upper Barker Project. The footnote reference in Table 4-2 briefly describes the hydrologic methods used to determine the flow duration curves and statistics for the PAD. Based on our analysis, developing hydrologic statistics for the project using the South Paris gage results in a high degree of uncertainty because of the unique attributes of each drainage area. Therefore, we recommend using the discontinued Auburn gage (U.S.G.S. Gage 01058500) period of record for 1970 through the date discontinued to determine representative flows at the Upper Barker Project.	Comment acknowledged.
NMFS	Sec. 5.1.1 Existing Geological Features	Shackley Hill is 1,122 feet high, not 11,222 feet high.	To be corrected in Exhibit E of the Draft License Application
NMFS	Sec. 5.2.2 Streamflow, Gage Data, and Flow Statistics	We recommend using the discontinued Auburn gage (U.S.G.S. Gage 01058500) period of record to determine representative flows at the Upper Barker Project. Based on our understanding of hydroclimatic changes in the northeast U.S. after 1970, we recommend the period of flow include 1970 – 1982 (year the gauge was discontinued) (Armstrong et al. 2012).	Comment acknowledged.
NMFS	Sec. 5.3.1 Fish Species and Habitats	This section does not discuss the absence of anadromous species that historically utilized the habitats upstream of the Upper Barker Project including American eel, sea lamprey, American shad, blueback herring, alewife and Atlantic salmon. As required by 18 CFR 5.6(d)(3)(iv), this section should include species and life stage composition, the temporal and spatial distribution, migration timing, and extents of spawning, rearing, feeding, and wintering habitat.	To be corrected in Exhibit E of the Draft License Application, although some of the identified information will be included in the proposed desktop study.

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
NMFS	Sec. 5.3.1 Fish Species and Habitats	The PAD states the number of eels that were observed as part of a relicensing study in 2015 for the Lower Barker Project. That study for the Lower Barker Project was not designed to estimate the eel population below the project; rather was used to indicate where an upstream eelway might be located. Upstream eel migration can be intermittent with the fish responding to a variety of environmental conditions. Returning eel populations also vary from year to year. The 2015 study documented the presence of eels. Eels are present in the Little Androscoggin River, therefore we anticipate the project will be required to provide safe, timely and effective upstream and downstream passage for American eel.	Comment acknowledged.
NMFS	Sec. 5.3.2 Existing Fish Passage Measures	The PAD briefly describes the existing downstream fish bypass. The PAD does not provide any information regarding the project impacts on downstream migrating fish such as the scale of delay and mortality that the project imposes on migrants. During the fall of 2000, staff from the Maine Department of Marine Resources documented a substantial fish kill at the Upper Barker Project (Accession Number 20010117-0413). At the time, the downstream fishway was operated as designed. This indicates potential operational or design constraints do not mitigate project related impacts. While no other fish kills have been documented at the project, agency staff do not have the time to routinely check for project mortality, and public access is limited.	Comment acknowledged.
MDEP	Sec. 5.2.8 WQ Standards	The classification standard for Class C waters, such as the Little Androscoggin River, requires that Class C waters must be suitable for recreation in and on the water, including swimming. As such, there can be no algae blooms, which are defined a planktonic growth of algae which causes a Secchi disk transparency measurement of less than 2 meters, per Chapter 581 of Department rules. Therefore, Secchi disk depth criteria are not draft.	Comment acknowledged.
MDEP	Sec. 5.2.8 WQ Standards Table 5-3	<i>Dissolved oxygen > 5 mg/l or 60% saturation; 30-day average of 6.5 mg/l in salmonid spawning areas Class C</i> The Department notes that the 30-day average applies to all Class C waters, and is not limited to salmonid spawning areas of Class C waters. Further, MDIFW has indicated that there are no known salmonid spawning areas in the project area.	Comment acknowledged.

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
MDEP	General Comment	Throughout the document, the applicant references the bypass reach and tailrace, however no photo or figure indicating the location of these features is included in the PAD.	The project does not have a traditional bypass reach. These characteristics will be more clearly described in the Draft License Application.
MDEP	Sec. 5.3.4 Aquatic Habitat	<i>A small riffle occurs just downstream of the Upper Barker Dam (Photo 5-2).</i> There is no mention of the distance to the Lower Barker impoundment. Depending on the distance to the Lower Barker impoundment, and in conjunction with Comment #3 above, the Department may require a Habitat and Aquatic Life study.	Additional detailed description will be developed and provided to MDEP to assess if a Habitat and Aquatic Life study is necessary.
MDEP	General Comment	It should be noted that if changes are proposed to the run-of-river operational mode, additional studies may be required to demonstrate conformance with State Water Quality Standards.	
Maine Rivers, ASF, Maine Council of Trout Unlimited	General Comment	We believe that the key issue in this proceeding, like the Barker's Mill Project, is whether the Upper Barker Project is economic now and in the future when changes in minimum flows and construction and operation of fish passage are likely required....As with the Lower Barker Project, we question the economic viability of this Project and also believe that there are compelling economic, environmental, and community benefits associated with dam removal that need to be analyzed and considered by the Commission.	Comment acknowledged.
Maine Rivers, ASF, Maine Council of Trout Unlimited	General Comment	...We also believe that this analysis should incorporate a wider geographic area than just the immediate project vicinity.....We believe that FERC's environmental assessment for this relicensing should take the form of a comprehensive Environmental Impact Statement; this is appropriate and reasonable given the impact of this and other FERC-regulated projects on numerous diadromous fish species and dependent bird and wildlife species, water quality and flow, aquatic habitat, and other environmental and social considerations over a large geographic area...	Comment acknowledged.

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
Maine Rivers, ASF, Maine Council of Trout Unlimited	General Comment - minimum flow	Additionally, the PAD states: “The Licensee is not proposing any changes to current operations.” It goes on to quote provisions of the amended FERC license the project is operating under: “the Licensee to release an interim continuous minimum flow at the Project of 20 cfs or inflow to the project reservoir, whichever is less.” Given the continuing controversy over minimum flow requirements for the Barker’s Mill Project, we ask that care is taken to ensure that the language that regulates the operation of the Upper Barkers Project is consistent with the prescribed minimum flows for the Barker’s Mill Project and does not allow Upper Barkers to operate in a manner that circumvents the intent of the minimum flow requirements for the Barker’s Mill Project.	Comment acknowledged.
Maine Rivers, ASF, Maine Council of Trout Unlimited	General Comment	The Applicant has yet to show any economic benefit from either project to offset the ecological damage done by them. Accordingly, we see removal of both the Upper and Lower Barker Dams as the best option for the ecological health of the larger Androscoggin River watershed and restoration of its historical diadromous fish species. We therefore request that the Commission fully consider and analyze project decommissioning and dam removal in this proceeding.	Comment acknowledged.
Maine Rivers, ASF, Maine Council of Trout Unlimited	General Comment	We strongly support the Study Requests submitted by the National Marine Fisheries Service: Upstream American Eel Siting Study, Downstream Telemetry Study, and Project Survival Study. We strongly feel that these studies are essential to determine the measures necessary to protect and restore historic diadromous fish species to the Androscoggin Watershed.	Comment acknowledged.

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
USFWS	Table 4-1, Page 4-2	<p>Table 4-1 provides some information regarding the dam, generation, and flows. The Service requests the following information be provided:</p> <ol style="list-style-type: none"> 1. What type of turbine is installed; 2. Number of blades; 3. Runner diameter; 4. Runner height; 5. Turbine discharge; 6. Net head in feet; 7. Turbine speed in revolutions per minute; 8. Horse power; 9. Runner diameter at inlet and discharge; and 10. Trash rack angle, dimensions, and clear spacing. 	To be corrected in Exhibit E of the Draft License Application, although trashrack and unit specifications will be included in the proposed desktop study.
USFWS	Sec 4.2 Proposed Project Facilities Comment	We continue to discuss implementation of fish passage at the Upper Barker Project with the Licensee. Our goal is restoration of a diadromous fishery in the Little Androscoggin River that meets a comprehensive development standard for the waterway while supporting sustainable energy production. Pending the results of our requested studies for this licensing process, there may be additional modifications to the project facility that improve downstream fish passage effectiveness in addition to the installation of upstream fish passage facilities.	Comment acknowledged.
USFWS	Sec 4.4 Existing Project Operations	The PAD states that there is no dam monitoring instrumentation installed at the Project though some data are collected by the Supervisory Control and Data Acquisition system. It is unclear what data are collected and available to the resource agencies, please provide this list. As a reminder, in the future, the Service will need to know headpond and tailwater elevations for fishway construction.	Comment acknowledged.

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
USFWS	Sec 4.4.1 Normal Operations	The PAD states that inflows to the Project exceed the maximum capacity (plus minimum flow requirements, totaling 180 cfs) approximately 35 percent of the time, on average, and although there are no minimum flow requirements, the Licensee provides 20 cfs (or inflow, whichever is less) to the downstream bypass pipes at all time. This approximation does not appear to agree with the general data provided in Table 4-2. In addition, the Annual Flow Duration Curve on page 186 in Appendix C puts this value at about 19 percent. Please review and correct whichever value is incorrect.	To be corrected in Exhibit E of the Draft License Application, although trashrack and unit specifications will be included in the proposed desktop study.
USFWS	Sec 5.3.1 Fish Species Habitat	This section does not discuss the absence of diadromous species that historically utilized the habitats upstream of the Upper Barker Project including the American eel (<i>Anguilla rostrata</i>), the Sea Lamprey (<i>Petromyzon marinus</i>), the American shad (<i>Alosa sapidissima</i>), the blueback herring (<i>Alosa aestivalis</i>), the alewife (<i>Alosa pseudoharengus</i>), and the Atlantic salmon (<i>Salmo salar</i>). As required by 18 CFR 5.6(d)(3)(iv), this section should include species and life stage composition, the temporal and spatial distribution, migration timing, and extents of spawning, rearing, feeding, and wintering habitat.	To be corrected in Exhibit E of the Draft License Application, although trashrack and unit specifications will be included in the proposed desktop study.
USFWS	Sec 5.3.1 Fish Species Habitat Comment	While we support the State of Maine's alewife stocking efforts which collects fish at the Brunswick project (FERC No. 2284) this is not a sustainable restoration strategy for the full suite of migratory fish. Nor does it require the Licensee to mitigate the Project effects on the public resource. We anticipate prescribing upstream diadromous fishways at this project at the time of the National Environmental Policy Act review to facilitate the restoration of our trust species.	Comment acknowledged.
USFWS	Sec 5.3.1 Fish Species Habitat Comment	The PAD states that downstream passage measures are in place at some of the dams, including Upper Barker, Lower Barker, and Marcal. While this is correct, downstream facilities are present, they have never been tested and by 2021 the downstream facility at Lower Barker will be rebuilt because it does not comply with the Service's Fish Passage Manual.	Comment acknowledged.

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
USFWS	Sec 5.3.1 Fish Species Habitat Comment - Eel	<p>The PAD states the number of American eels that were observed (44) as part of a relicensing study in 2015 for the Lower Barker Project. This study for the Lower Barker Project, was not designed to estimate the American eel population below the project; rather it was used to indicate where an upstream eelway might be located. Upstream American eel migration can be intermittent with the fish responding to a variety of environmental conditions. Returning American eel populations also vary from year to year. The 2015 study documented the presence of American eels and American eels are present in the Little Androscoggin River, therefore we anticipate the project will be required to provide safe, timely and effective upstream and downstream passage for American eels.</p> <p>The PAD states that the Licensee is planning to install an upstream American eel passage system as part of the new license implementation for the Project. The Service is glad to hear this but notes that in order to install an effective eelway, surveys must be conducted to determine the best location for the installation. Because of this, the Service is recommending the Licensee conduct an upstream American eel passage assessment (See Study #1).</p>	This study is included in the Proposed Study Plan
USFWS	Sec 5.3.2 Existing Fish Passage Measures Comment	<p>The PAD briefly describes the existing downstream fish bypass. The PAD does not provide any information regarding the project impacts on downstream migrating fish such as the scale of delay and mortality that the project has on migrants. During the fall of 2000, staff from the Maine Department of Marine Resources documented a substantial fish kill at the Upper Barker Project (Accession Number 20010117-0413). At the time, the downstream fishway was operated as designed. This indicates that operational or design constraints exist and therefore the need for testing to determine how best to reduce these project related impacts. No other fish kills have been documented at the project, but agency staff do not have the time to routinely check for project mortality, and public access is limited.</p>	Comment acknowledged.

COMMENTING ENTITY	DOCUMENT REFERENCE	COMMENT	RESPONSE
USFWS	Sec 5.6.2 T & E Comment	The PAD states that no rare plant species or unique plant communities are known to occur within the Lower Barker Project area and request that no botanical studies be conducted. The project area occurs within the known range of small whorled pogonia (<i>Isotria medeoloides</i>) in Maine and at this time, the Service has no information regarding the occurrence of the small whorled pogonia in the Project area. Once the project parameters are further defined, the Service will be able to provide a recommendation on whether or not consultation is needed for the small whorled pogonia.	Comment acknowledged.
USFWS	Sec 5.6.2 T & E Comment	(<i>Lasionycteris noctivagans</i>) could occur in the Project area but request no bat studies as part of the relicensing. If there are any proposed actions that involve tree cutting or may otherwise affect the federally threatened northern long-eared bat, the Licensee (the FERC designated non-Federal representative) would need to initiate section 7 consultation with the Service and could use the Service's optional streamlined consultation framework. If you have any questions, please contact Wende Mahaney of the Service at Wende_Mahaney@fws.gov	Comment acknowledged.
USFWS	Sec 6.4 Resource Mgmt Plans	The PAD only mentions one fisheries management plan, the 2010 Androscoggin River Anadromous Fish Restoration Program written by the Maine Department of Marine Resources (MDMR). More recently, the MDMR and the Maine Department of Inland Fisheries and Wildlife (MDIFW) have issued the Draft Fisheries Management Plan for the Lower Androscoggin River, Little Androscoggin River and Sabattus River ² (Draft Plan). This document specifically includes the Little Androscoggin River and should be included as a relevant resource management plan.	See response to MDMR comment about the draft management plan.
USFWS	Sec 6.2.3 Fish & Aquatic Resources Comment	The Licensee is not proposing to conduct any studies related to fish and aquatic resources.	Comment acknowledged.

IN COUNCIL REGULAR MEETING MAY 6, 2019 VOL. 35 PAGE 43

Mayor Levesque called the meeting to order at 7: 05 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. Consent Items

1. Order 49-0506019*

Confirming the date for the Special Municipal Referendum Election (new high school construction) to be held on June 11, 2019 in conjunction with the School Budget Validation Referendum Election.

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

Passage 7-0.

II. Minutes

- April 16, 2019 Regular Council Meeting

Motion was made by Councilor Fournier and seconded by Councilor Walker to approve the minutes of the April 16, 2019 Regular Council meeting. Passage 7-0 .

- April 22, 2019 Special Council Meeting

Motion was made by Councilor Young and seconded by Councilor Fournier to approve the minutes of the April 22, 2019 Special Council meeting. Passage 7-0.

- April 24, 2019 Special Council Meeting

Motion was made by Councilor Fournier and seconded by Councilor Walker to approve the minutes of the April 24, 2019 Special Council meeting. Passage 7-0.

- April 29, 2019 Special Council Meeting

Motion was made by Councilor Gerry and seconded by Councilor Walker to approve the minutes of the April 29, 2019 Special Council meeting.

Passage 6-0-1 Hayes abstained (he was not present for the April 29, 2019 meeting).

III. Communications, Presentations and Recognitions

Proclamation and Recognition – Central Maine Community College's Lady Mustangs were recognized for winning their second USCAA National Title.

IV. Open Session

Dan Thayer, 1400 Hotel Road property owner commented on the draft marijuana ordinance.

Larry Morrisette, 11 Baird Street, commented on the city agenda, open session and time allotted for the public to speak.

Larry Pelletier, 129 Second Street commented on Spring clean-up.

V. Unfinished Business - None

VI. New Business

1. Order 50-05062019

Approving the request to waive the business licensing fees for the Auburn Suburban Baseball and Softball, a non-profit organization for the 2019 season.

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

Public comment – no one from the public spoke.

Passage 7-0.

2. Order 51-05062019

Adopting the FFY2018 CDBG Action Plan. *Public hearing and vote.*

Motion was made by Councilor Gerry and seconded by Councilor Fournier for passage.

Public hearing – no one from the public spoke.

Passage 7-0.

3. Order 52-05062019

Approving TIF #24 (Gracelawn). *Public hearing and vote.*

Motion was made by Councilor Walker and seconded by Councilor Fournier.

Public hearing – no one from the public spoke.

Passage 7-0.

4. Order 53-05062019

Appointing Adam S. Boss to the Conservation Commission with a term expiration of 6/1/2022.

Motion was made by Councilor Gerry and seconded by Councilor Young for passage of Orders 53-05062019 through 64-05062019.

Passage 7-0.

5. Order 54-05062019

Appointing Alfreda Fournier to the Age Friendly Community Committee with a term expiration of 6/1/2020.

6. Order 55-05062019

Appointing Sally Gagnon to the Age Friendly Community Committee with a term expiration of 6/1/2020.

7. Order 56-05062019

Appointing Diane Vincent to the Age Friendly Community Committee with a term expiration of 6/1/2020.

8. Order 57-05062019

Appointing Cynthia Larrabee to the Age Friendly Community Committee with a term expiration of 6/1/2021.

9. Order 58-05062019

Appointing Dana Morrell to the Age Friendly Community Committee with a term expiration of 6/1/2021.

10. Order 59-05062019

Appointing Mamie Ney to the Age Friendly Community Committee with a term expiration of 6/1/2021.

11. Order 60-05062019

Appointing Larry Pelletier to the Age Friendly Community Committee with a term expiration of 6/1/2021.

12. Order 61-05062019

Appointing Jan Biron to the Age Friendly Community Committee with a term expiration of 6/1/2022.

13. Order 62-05062019

Appointing Belinda Gerry to the Age Friendly Community Committee with a term expiration of 6/1/2022.

14. Order 63-05062019

Appointing Leroy Walker, Sr. to the Age Friendly Community Committee with a term expiration of 6/1/2022.

15. Order 64-05062019

Appointing Frank Pippen to the Age Friendly Community Committee with a term expiration of 6/1/2022.

VII. Reports

Mayor Levesque - reported that he attended the grand opening of Main Street Music in New Auburn and Side by Each Brewery and Pinky D's on Minot Avenue. He attended the Maine

State Convention for the Daughters of the American Revolution where he presented a proclamation. He reported on the Parade to be held at 10:00 AM on May 27, 2019 (Memorial Day weekend). He noted that he will be in Washington DC Wednesday through Friday. He reported on the Federal Resource Summit and last, noted that he will be attending the Mayor's Conference on Entrepreneurship on May 20, 21, 22, 2019.

Councilor Gerry – no report, however she asked for clarification on CIP money and carry over when funds are not spent.

Councilor Lasagna – This Thursday at 6:00 PM the School Building Committee will be meeting with the marketing team that has been hired.

Councilor Hayes – no report

Councilor Titus – reported on the Sewer and Water District meetings, and the County Commissioners meeting. He visited the LA911 facility, and also had an opportunity to tour Sherwood Heights School, Auburn Middle School, and he attended the Federal Forum on investment of capital gains/opportunity zones.

Councilor Fournier – reported on the School Committee meeting, on the Memorial Day Parade, and the upcoming Library Auction adding that they are still accepting donations. Last, she reported that she and Councilor Walker attended the Maine Educator's Association's Retiree Convention.

Councilor Walker – reported on the new music house in New Auburn that the Mayor reported on. On May 19th there will be an egg hunt at Walton Field starting at noon. Last, he reported that tomorrow night the Age Friendly Committee Meeting is scheduled at the Senior Center.

Councilor Young – reported on the Knight House and Androscoggin Historical Society information provided in packet, the St. Mary's Commit to Get Fit event which he attended, and the ELHS home track meets he attended adding that photos are available for viewing at mainerunningphoto's.com.

City Manager Report – Reported that staff are now holding regular meetings with Sid Hazelton (Auburn Water and Sewer District Superintendent). The meetings will be held on a monthly basis in order to help with communications. He reported on the FY20 budget which is at 1.25% in terms of the tax increase. He reported on the Employee Recognition event that was held last week, the Federal Summit, and the School Building Committee that is scheduled to be held on Thursday in Council Chambers.

Assistant City Manager – provided an update on the Strategic Plan.

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

IX. Executive Session

1. Poverty abatement, pursuant to 36 MRSA Sec. 841 with possible action to follow.

Motion was made by Councilor Gerry and seconded by Councilor Lasagna to enter into executive session. Passage 7-0, time 9:02 PM.

Council was declared out of executive session at 9:16 PM.

2. Poverty abatement, pursuant to 36 MRSA Sec. 841 with possible action to follow.

Motion was made by Councilor Fournier and seconded by Councilor Walker to enter into executive session. Passage 7-0, time 9:16 PM.

Council was declared out of executive session at 9:28 PM.

Motion was made by Councilor Gerry and seconded by Councilor Fournier for passage of Order 65-05062019 approving an abatement in the amount of \$1,837.57 for case number 2019-002, in accordance to Title 36 M.R.S.A. §841 (2). Passage 5-2 (Councilors Hayes and Titus opposed).

Motion was made by Councilor Gerry and seconded by Councilor Fournier for passage of Order 66-05062019 approving an abatement in the amount of \$2,412.99 for case number 2019-003, in accordance to Title 36 M.R.S.A. §841 (2). Passage 5-1-1 (Councilor Titus opposed, and Councilor Hayes abstained).

3. Economic development (AIP – Auburn Industrial Park), pursuant to 1 MRSA, Sec 405(6)(C)

Motion was made by Councilor Gerry and seconded by Councilor Fournier to enter into executive session. Passage 7-0, time 9:30 PM.

Council was declared out of executive session at 9:40 PM.

4. Personnel matter, pursuant to 1 MRSA Sec. 405(6)(A).

Motion was made by Councilor Fournier and seconded by Councilor Walker to enter into executive session. Passage 6-0 (Councilor Gerry was not in the room for the vote), time 9:41 PM.

Council was declared out of executive session at 10:20 PM.

5. Labor negotiations, pursuant to 1 MRSA Sec. 405(6)(D).

Motion was made by Councilor Fournier and seconded by Councilor Hayes to enter into executive session. Passage 6-0 (Councilor Gerry was not in the room for the vote), time 10:21 PM.

Council was declared out of executive session at 10:55 PM.

X. Adjournment

Motion was made by Councilor Lasagna and seconded by Councilor Walker to adjourn. All were in favor, the meeting adjourned at 10:55 PM.

A TRUE COPY

ATTEST



Susan Clements-Dallaire, City Clerk

IN COUNCIL SPECIAL MEETING MAY 13, 2019 VOL. 35 PAGE 49

Mayor Levesque called the meeting to order at 7:20 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All City Councilors were present.

I. New Business

1. Order 67-05132019 – Adopting the FY20 School Budget

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

Public comment – no one from the public spoke.

Passage 7-0.

II. Adjournment – Motion was made by Councilor Lasagna and seconded by Councilor Titus to adjourn. All were in favor and the meeting adjourned at 7:25 PM.

A TRUE COPY

ATTEST *Susan Clements-Dallaire*

Susan Clements-Dallaire, City Clerk

OFFICE OF THE MAYOR
CITY OF AUBURN



PROCLAMATION
MAINE ARBOR WEEK

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and this holiday called Arbor Day was first observed with the planting of a million trees in Nebraska; and

WHEREAS, May 19th to May 24th, 2019 is Maine Arbor Week; and

WHEREAS, trees can reduce the erosion of our precious topsoil, cut heating and cooling cost, moderate the temperature, clean the air, provide life-giving oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE I, Jason Levesque, Mayor of the City of Auburn, by virtue of the authority vested in me, do hereby proclaim May 19th to May 24th, 2019 as the celebration of Maine Arbor Week in the City of Auburn, and I urge all citizens to celebrate Maine Arbor Week and support efforts to protect our trees and woodlands.

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

IN WITNESS WHEREOF, I have hereunto
set my hand and caused the Seal of the
City of Auburn, Maine
to be fixed this 20th day of May, 2019

Mayor Jason Levesque



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 20, 2019

Author: Kelsey L. Earle, Deputy City Clerk

Subject: Mass Gathering Application – Liberty Festival

Information:

The organizers of the Liberty Festival have applied for their Mass Gathering Permit. City Ordinance states the following:

Sec. 14-252. - Clerk's notification to council.

As soon as the city clerk or designee receives an application to hold a mass gathering, the clerk shall give public notice by notifying the city council. Such notification shall appear as a formal communication on the agenda of the next regularly scheduled council meeting.

A Mass Outdoor Gathering is defined by ordinance as any gathering held outdoors with the intent to attract the continued attendance of 1,000 or more persons for two or more hours.

The public hearing and vote will occur at a City Council meeting in June.

City Budgetary Impacts: \$10,000 (under the Recreation Department under Community Programs)

Staff Recommended Action: Acknowledge the communication

Previous Meetings and History: This is a yearly event that has taken place in the Auburn/Lewiston communities for over 20 years.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Cuddeback".

Attachments:

Application and Map

Date received: _____

Date approved: _____



CITY OF AUBURN SPECIAL EVENT/MASS GATHERING APPLICATION

For any Special Event on City property that will attract up to 1,000 people, or any outdoor event with continued attendance of 1,000 or more persons for 2 or more hours.

Applications must be submitted to the Clerk at least 45 days prior to the event if the gathering is expected to attract up to 5,000 people.

Application must be submitted at least 90 days prior to the event if the gathering is expected to attract more than 5,000 people.

Date of Application: 5/7/19

SPONSOR INFORMATION

Name of Sponsoring Organization: Liberty Festival/Independence Day Committee

Name of Contact Person for Event: Cathy McDonald

Title of Contact Person: President

Mailing Address: PO Box 97, Lewiston, Me 04240

Daytime Telephone: 207-786-3088 Cell Phone: 207-212-8227

Email Address: liberty.festival@aol.com

Contact Name and Cell Phone Number DURING the Event: Cathy McDonald - 207-212-8227

Is your organization incorporated as a non-profit organization? Yes ☐ No ☐

Non-Profit Number: 04-3358113

EVENT INFORMATION

Name of Event: Liberty Festival

Type of Event (walk, festival, concert, etc.): festival

Date of Event: July 4th, 2019 Rain Date: July 5th, 2019

Times of Event: Start Time including set-up: 7am Ending time including clean up: 1am

Actual Event Start Time: 4pm Actual Event End Time: 11pm

Estimated Attendance: 2000

Location of Event: Great Falls, Festival Plaza and surrounding areas

Have you held an event at this location within the last 12 months? Yes ☒ No ☐

If the location is a city park, have you applied for use of the property with the Parks & Recreation Department and has your request been approved?

Yes ☐ No ☒ Pending ☐ Date submitted to the Recreation Department: _____

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Separate fee & application, conditions & restrictions may apply	Banner across Court Street Non-profit groups only, \$250 fee per week, 2 week maximum. First come first serve basis, proof of insurance required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	FOOD – Will food or beverages be sold? If yes, list what types of food or beverages: food vendors Note - A food service license may be required and must be submitted 14 days prior to the event. Other requirements and/or restrictions may apply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: t-shirts and novelty items Note - A peddler permit may be required and must be submitted 14 days prior to the event.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe: DJ in the Great Falls Plaza area and Auburn Community Band in Festival Plaza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	ALCOHOL – Will alcoholic beverages be sold? Note – Vendor must hold a valid State of Maine liquor license and submit an Off Premise Catering Event application 14 days prior to the event.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	PARADE – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc? If yes, describe route:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate permit	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

required	Note - A permit from the Fire Department is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	TENT/CANOPY - Will you be setting up a tent or canopy? If yes, list number and sizes: Small Pop up canopy tents around vendors and staging area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	ELECTRICAL POWER/EQUIPMENT - Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment? vending booths, musical equipment and stage lighting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	ROAD/INTERSECTION CLOSURE - Will any roads need to be closed to accommodate your event? If yes, please list: Main, Court Street, Longley Bridge, Great Falls Plaza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	MAP/DIAGRAM - Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a <u>mandatory</u> requirement for this application and must be included. attached	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	PARKING ACCOMODATIONS - What will be the anticipated need for parking and what is your parking plan? Great Falls lots, Auburn City Hall garage. We will be manning donation requested lots	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	TOILETS - Please list amount at event and/or nearest location: 10 Regular and 2 handicap units between Lewiston and Auburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	WASTE DISPOSAL - Please list process and location: City provided trash cans and liners	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	HAND WASHING FACILITIES - Please list amount at event and/or nearest location: 1 at port-a-potties and 1 portable at each vending station	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	POTABLE WATER - Please list amount at event and location: 1 hook up from TD Bank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	FIRST AID FACILITIES - Please list location at event: United Ambulance and Auburn Fire at Great Falls Plaza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$	TOTAL FEE AMOUNT INCLUDED - Checks payable to the <u>City of Auburn</u>			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT
<p>For an event such as a walk-a-thon, race, festival, concert, etc. the City requires insurance coverage - general liability. The City of Auburn is to be named as additionally insured in regards to the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received at least 30 days before the event and before permits can be issued. Please have the <u>City of Auburn</u> listed as additional insured on the Certificate of Insurance (minimum coverage \$1,000,000 Bodily Injury or Death, per occurrence, and \$300,000 Property Damage, per occurrence). It should contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the City. Please have your insurance company fax a copy to: City Clerk 207-333-6623.</p>

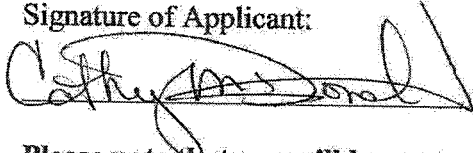
DESCRIPTION OF EVENT - Please describe what will occur during your event

We will begin set up on July 3rd for the festival. The event will take place on July 4th (rain date July 5th)

and include fireworks, food and novelty vendors and a variety of entertainers.

Clean up will be completed on 7/5 (rain date 7/6)

Signature of Applicant:



Printed Name:

Cathy McDonald

Date Submitted:

5/7/19

Please note that you will be contacted by City Staff if you require additional permitting.

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office
60 Court Street, Suite 150
Auburn, ME 04210
FAX: 207-333-6623
EMAIL: sdallaire@auburnmaine.gov
PHONE: 207-333-6600

****FOR STAFF USE****

DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector				
Code Officer/Land Use & Zoning				
Fire Department				
Police Department				
Public Works Department				
Recreation Department				

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: _____

License Approved/Denied: _____ Date applicant notified: _____

PYROTECHNIC
LAUNCH
SITE

1

PARKING

2

3

STAGE

4
84 Court
vending area

DOORS

PARKING

5

second
possible
Vending /
entertainment
area

LONGLEY MEMORIAL
BRIDGE

TURN
ER ST

HAMPSHIRE
RE ST

GREAT
FALLS PLZ

TURN
ER ST

MECHANICS
ROW

COURT
ST

MAIN
ST

NORTH
MILLER ST

HIGH
ST

MAIN
ST

MILL
ER ST

NOT TO SCALE



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 20, 2019

Resolve: 06-05202019

Author: Sue Clements-Dallaire

Subject: Resolve on the formation of a Recycling Ad-hoc Committee

Information: In follow up to the discussion on recycling during the 5/13/2019 Council workshop, a resolve has been prepared supporting the formation of an ad-ho committee as suggested by the Mayor and members of the Council.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage of the resolve

Previous Meetings and History: 5/13/2019 Workshop discussion

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Cusack", is written over a horizontal line.

Attachments: Resolve 06-05202019

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

RESOLVE 06-05202019

RESOLVE, that the City Council hereby establishes a Recycling Ad-hoc Committee

Whereas, we are at a key point in the recycling program and need to determine the environmental impact of the program as it currently exists; and

Whereas, we need to compare our current model to the different models that we could adopt; and

Whereas, it is important to do a cost/benefit analysis, including the financial and environmental costs that are avoided by the production of post-recycled consumer goods; and

Whereas, we know there are increased recycling costs and a portion of previously recycled materials are going to landfills and incinerators; and

Whereas, we need to adapt to a changing marketplace and share strategies on how other municipalities have responded to these new challenges; and

Whereas, the goal of developing an appropriate and cost-effective recycling program can be furthered by the creation of an *Ad-hoc Committee on Recycling* that will meet for a period of 12 months; and

Whereas, the *Ad-hoc Committee* will work with city staff to develop an education plan for the community, which includes the current recycling practice or any adopted changes;

Now, therefore, be It Resolved by the City Council of the City of Auburn that the City Council supports the concept of a Recycling Ad-hoc Committee with the mission, purpose, and structure to be approved by the City Council.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 20, 2019

Order: 68-05202019

Author: Jill M. Eastman

Subject: Adoption of 5 Year Capital Improvement Plan

Information: The City Manager and School Superintendent presented a 5 Year Capital Improvement Plan. By Charter, the City Council has to adopt the Capital Plan before the end of the current fiscal year.

City Budgetary Impacts: This action is just adopting the plan.

Staff Recommended Action: Adoption of the 5 Year Capital Improvement Plan

City Manager Comments:

The 5 Year Capital Improvement Plan is a conceptual plan for the City's long-term capital improvement program which is subject to change due to changing circumstances. I concur with the recommendation.

Signature: 

Previous Meetings and History: Joint Workshop with City Council and School Committee on March 25, 2019.

Attachments:

CIP 5 Year Plan

2019–2020 CIPBUDGET

City of Auburn, Maine



March 25, 2019

Honorable Mayor Jason Levesque
Auburn City Council Members

RE: Five Year Capital Improvement Program Plan

Dear Mayor and Councilors:

The Five-Year City of Auburn Capital Improvement Program is hereby submitted for your review in accordance with the provisions of the City Charter.

CAPITAL IMPROVEMENT

Introduction

My preliminary draft recommendations for the FY20 Capital Improvement Plan will be presented for your review at the City Council meeting on April 8th. The City of Auburn Capital Improvement Plan, updated annually, is a five-year plan that serves as a multi – year planning instrument. The expectation is that looking longer-term will bring stability to requests over time. While the long-term CIP Plan takes a five year look at the needs of the city, the focus will be on the projects requested for the upcoming fiscal year. Finally, the initial presentation of the CIP includes all needs of the City to sustain operations.

As usual the CIP includes a spreadsheet for FY 2020 by expenditure and department, including the intended source of funds. There is also a more detailed sheet of expenditures planned for this year.

Charter Requirements

1. A clear general summary of its contents;
2. Identification of the long-term goals of the community;
3. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity of each;
4. Cost estimates and recommended time schedules for each improvement or other capital expenditures;
5. Method of financing upon which each capital expenditure is to be reliant;
6. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
7. A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
8. Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

Long-term Goals

The goals of the City of Auburn focus on these 4 general areas. These are not in any particular order of importance:

1. Economic Development
2. Education
3. Citizen Engagement
4. Strong Neighborhoods.

The FY20 Work Plan recognizes that there are also other goals that serve as a "catch-all" for items outside of these 4 areas.

Of course, we must remain aware of the overall cost of services and taxes. And we must also acknowledge that there is a limit to the amount of spending and debt service the City can afford. This leads me to suggest that the CIP has a final, general goal, "to assure that the assets of the City are maintained in a fiscally responsible manner." Following this approach recognizes that neglect or underfunding the capital needs of the City results in long-term increased costs.

Cost and Schedule

Please see attached spreadsheet at the end of the memo.

Status

CAPITAL IMPROVEMENT PROGRAM - Fund 3000							
CURRENT STATUS OF BONDED PROJECTS							
FY 18-19							
			FY 18	FY 19			Unexpended
Description	Original	Revised	Actual	To Date	Total Exp	Encumbered	(Over exp)
	Budget	Budget		2/28/2019			
2017 GO BONDS (FY 17-18)							
Kitchen Hood & Suppression	20,000.00	20,000.00		18,596.25	18,596.25	403.75	1,000.00
Chiller Replacement-Auburn Hall	214,000.00	214,000.00	197,550.00	12,143.00	209,693.00	4,307.00	-
PW Roof Replacement Phase I	100,000.00	100,000.00	72,395.70	4,926.80	77,322.50	14,252.00	8,425.50
Dangerous Buildings	75,000.00	75,000.00			-		75,000.00
Airport Landside Parking	325,000.00	325,000.00		175,000.00	175,000.00		150,000.00
IT Upgrade Operating Systems	200,000.00	200,000.00	146,610.95	6,398.69	153,009.64	18,569.62	28,420.74
Code Compliance Survey	80,000.00	80,000.00	35,196.97	8,011.00	43,207.97		36,792.03
Major Drainage	300,000.00	300,000.00	53,029.48	28,852.63	81,882.11	38,117.89	180,000.00
Reclamation/Resurfacing	1,000,000.00	1,000,000.00	641,019.09	317,324.37	958,343.46	41,656.54	-
Road Reconstruction	800,000.00	800,000.00	133,229.08	607,114.22	740,343.30	59,656.70	0.00
Sidewalks	100,000.00	100,000.00	644.97	56,495.14	57,140.11	11,657.61	31,202.28
MDOT Match	500,000.00	500,000.00	138,591.22	359,543.38	498,134.60	1,865.40	0.00
Minot Ave/South Goff Engineering	125,000.00	125,000.00			-		125,000.00
Roadway Lighting Upgrades	155,000.00	155,000.00	9,613.15		9,613.15		145,386.85
Main St Electrical Service	60,000.00	60,000.00		31,350.00	31,350.00	8,700.00	19,950.00
Traffic Signal Upgrade	35,000.00	35,000.00			-		35,000.00
Police Vehicles	250,000.00	250,000.00	246,807.46	1,667.18	248,474.64	1,525.36	0.00
School Department	1,300,000.00	1,300,000.00	383,225.45	916,774.55	1,300,000.00		-
Subtotal 2017 Bonds	5,639,000.00	5,639,000.00	2,057,913.52	2,544,197.21	4,602,110.73	200,711.87	836,177.40
2018 GO BOND (FY 18-19)							
Contingency	33,200.00	33,200.00		-	-		33,200.00
Airport Motor Vehicle Fuel Pump	80,000.00	80,000.00			-		80,000.00
Runway Reconstruction	10,000.00	10,000.00		10,000.00	10,000.00		-
Wildlife Control Equipment	150,000.00	150,000.00		150,000.00	150,000.00		-
New Auburn Village Revitalization	206,800.00	206,800.00		9,050.21	9,050.21		197,749.79
Dangerous Building Demolition	100,000.00	100,000.00			-		100,000.00
Comp Plan Property Acquisition	100,000.00	100,000.00			-		100,000.00
Downtown Parking and Walkability	100,000.00	100,000.00			-		100,000.00
Street Light Purchase	800,000.00	800,000.00			-		800,000.00
Paving Parking Lots (Central & Center)	140,000.00	140,000.00			-		140,000.00
Upgrade Operating Systems	200,000.00	200,000.00		187,193.13	187,193.13	6,466.52	6,340.35
Bus Replacement	50,000.00	50,000.00			-		50,000.00
Virtualization Hardware Refresh	85,000.00	85,000.00		85,000.00	85,000.00		-
Radio Replacement Project	403,000.00	403,000.00		403,500.00	403,500.00		(500.00)
Capital Campaign	25,000.00	25,000.00		25,000.00	25,000.00		-
Police Vehicle Replacement	172,000.00	172,000.00		146,871.23	146,871.23		25,128.77
Mobile Data Terminal Replacement	90,000.00	90,000.00			-	97,191.00	(7,191.00)
Police Station Improvements	100,000.00	100,000.00			-		100,000.00
Reconstruction	900,000.00	900,000.00			-	45,700.18	854,299.82
Reclamation/Resurfacing	800,000.00	800,000.00		1,890.00	1,890.00	1,090,480.67	(292,370.67)
Major Drainage	300,000.00	300,000.00		66,809.11	66,809.11	4,384.96	228,805.93
MDOT Match	750,000.00	750,000.00		(211,689.63)	(211,689.63)	283,804.53	677,885.10
Sidewalks	50,000.00	50,000.00		4,659.00	4,659.00		45,341.00
7 Yard Plow Trucks	410,000.00	410,000.00			-	391,956.00	18,044.00
Warm Storage Building	500,000.00	500,000.00			-		500,000.00
One Ton Truck	40,000.00	40,000.00		25,912.00	25,912.00		14,088.00
Skid Steer	110,000.00	110,000.00		90,606.25	90,606.25	19,935.00	(541.25)
Security Cameras Pettengill Park	25,000.00	25,000.00		20,709.00	20,709.00		4,291.00
Senior CC Phase II (Kitchen)	45,000.00	45,000.00		15,782.50	15,782.50	17,196.00	12,021.50
School Department	1,600,000.00	1,600,000.00			-		1,600,000.00
Subtotal 2018 Bonds	8,375,000.00	8,375,000.00		1,031,292.80	1,031,292.80	1,957,114.86	5,386,592.34

Outcomes and Performance

PERFORMANCE MEASURES			
MEASURE	GOALS	FY 2017	FY 2018
Bond Funding Management	100% of all items funded in prior year are started (meaning done, out to bid, or pending)	100%	64%
Bond Rating	Bonds were secured and the City sustained its current bond rating	Aa3	Aa3

Sustainability

Sustainability has two concepts that must be acknowledged. The first is the core principal that assets are maintained such that they do not deteriorate to the point of being destroyed or beyond repair. The second concept identifies that the City of Auburn can only afford to sustain a certain annual expense. The job of the staff and Council is to strike that balance the best way possible.

The following chart shows the amount of debt issued and retired over the last twelve years.

Debt Service Analysis				
	Outstanding			Outstanding
	Debt at Beginning	Debt	Debt	Debt at End of
	of Fiscal Year	Issued	Retirement	Fiscal Year
FY 07-08	\$73,374,801	\$6,000,000	\$8,489,239	\$70,885,562
FY 08-09	\$70,885,562	\$6,430,000	\$8,895,484	\$68,420,078
FY 09-10	\$68,420,078	\$6,500,000	\$8,575,483	\$66,344,595
FY 10-11	\$66,344,595	\$8,344,565	\$8,535,485	\$66,153,675
FY 11-12	\$66,153,675	\$4,500,000	\$8,816,077	\$61,837,598
FY 12-13	\$61,837,598	\$5,600,000	\$8,421,077	\$59,016,521
FY 13-14	\$59,016,521	\$5,625,000	\$8,368,864	\$56,272,657
FY 14-15	\$56,272,657	\$6,800,000	\$8,455,732	\$54,616,925
FY 15-16	\$54,616,925	\$5,700,000	\$8,684,488	\$51,632,437
FY 16-17	\$51,632,437	\$5,030,000	\$8,739,866	\$47,922,571
FY 17-18	\$47,922,571	\$8,500,000	\$7,864,866	\$48,557,705
FY 18-19	\$48,557,705	\$7,655,000	\$8,538,518	\$47,674,187
	\$60,419,594			
Average Debt Issued FY 08 - FY 19		\$6,390,380		

Since FY10 the City's total outstanding debt has been reduced by **\$18,670,408**. It is my goal to keep the debt service payments at 12% - 14% of the total operating budget as

recommended by our bond advisors. This is the range that bond rating agencies look favorably on. Less than this and the bond rating agencies will feel that we are not addressing our infrastructure needs. And more than this will make them concerned about our ability to repay the debt. These efforts in conjunction with other sound management policies should continue to support or improve the City's bond rating.

Below is a table that shows what the City of Auburn's legal debt limitation is currently. This statutory analysis needs to be reviewed with the understanding of the City's capacity to meet debt service payments.

CITY OF AUBURN, MAINE
Legal Debt Management
Last Ten Years
Computation of Legal Debt Margin
June 30, 2018

Total State Valuation	\$ 1,981,700,000				
Legal Debt Limitation:					
15% of State Valuation	297,255,000				
Debt Applicable to Debt Limitation:	Bonded General Obligation Debt				
	Legal Maximum		Dollar Amount	As a Percent of	
Purpose	Percentage	Amount		Legal Maximum	State Valuation
Municipal & School	15.0%	\$ 297,255,000	48,883,662	16.45%	2.47%
Margin for Additional Borrowing:			\$ 248,371,338		

Historical Legal Debt Margin
Last Ten Fiscal Years

	Legal Debt Limit	Debt Outstanding	Legal Debt Margin	Debt Outstanding/ Legal Debt Limit
2009	297,240,000	67,925,000	229,315,000	22.9%
2010	308,167,500	65,973,000	242,194,500	21.4%
2011	298,770,000	65,461,000	233,309,000	21.9%
2012	297,037,500	61,239,000	235,798,500	20.6%
2013	293,160,000	59,534,323	293,160,000	20.3%
2014	288,930,000	56,826,591	288,930,000	19.7%
2015	294,532,500	55,170,858	239,361,642	18.7%
2016	294,015,000	52,225,126	241,789,874	17.8%
2017	297,592,500	48,634,394	248,958,106	16.3%
2018	297,255,000	48,883,662	248,371,338	16.4%

The most significant impact to the City of Auburn's debt service being sustainable is investment in road infrastructure. Auburn's local roads currently have zero funding in the operating budget and the \$7.6 million recommended in engineering is part of a

five-year plan that will reconstruct or reclaim only 10% of the roads over the next 10 years. That results in 90% of Auburn roads seeing no pavement or construction.

In order to become sustainable Auburn must strategically budget more operating funds for surface maintenance. Surface maintenance would entail dragging and shimming a road, and then placing a surface coat of pavement approximately 3.4" to 1" thick. This type of work will sustain roads while reconstruction or reclamation projects are scheduled. Additionally, maintenance funds utilized for the next ten years can be used after the ten years to protect and sustain the reconstruction and reclamation projects done today.

Public Works Director Dan Goyette has said a maintenance program that would stabilize the remaining 90% of local roads would require \$1,000,000 per year. Due to both staff capacity and financial availability this is too much to add to the operating budget in one year. In addition, the City cannot afford the full funding of \$7.6 million in road construction bonding and still be able to sustain the remaining capital assets. Overall, the City of Auburn can only sustain a total general obligation debt service of \$5-\$9 million per year, totaling approximately \$70 million.

Finally, I would like to thank the City Finance Director Jill Eastman for her major contribution to the preparation of this memo and her overall assistance with the Five-Year CIP Plan, the FY20 CIP, and the FY20 Budget. The City of Auburn has a capable and dedicated team with sound financial management.

Sincerely,



Peter J. Crichton, City Manager

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 20-FY 24

Description	FY20	FY21	FY22	FY23	FY24
AUBURN-LEWISTON AIRPORT					
Replace Wheeled Bucket Loader		\$ 200,000			
Runway Maintenance - Runway 04/22 (FAA/MDOT 95% eligible)	\$ 200,000				
Reconstruct Airport Parking Apron FBO		\$ 300,000	\$ 10,000		
Construct New Fuel Farm	\$ 400,000				
Compact Tractor	\$ 30,500				
Rconstruct East Side Airport Parking Apron			\$ 10,000		
Airport Hangar (Nested)				\$ 375,000	
Airport Hangar (Corporate)				\$ 500,000	
Update Airport Master Plan					\$ 15,000
TOTAL AUBURN-LEWISTON AIRPORT	\$ 630,500	\$ 500,000	\$ 20,000	\$ 875,000	\$ 15,000
CITY CLERK					
Record Restoration	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
TOTAL CITY CLERK	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
ECONOMIC AND COMMUNITY DEVELOPMENT					
<u>Economic Development & Planning</u>					
New Auburn Village Center Revitalization	\$ 500,000	\$ 100,000	\$ 100,000	\$ 100,000	
Dangerous Building Demolition	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000
Comprehensive Plan Property Acquisiton Program	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000
Great Falls Plaza Redevelopment	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000
Inspection Vehicle Replacement			\$ 20,000		
Downtown Parking and Walkability	\$ 270,000	\$ 200,000	\$ 200,000		
<u>Electrical</u>					
Electrical Vehicle-Replacement (Service Van)		\$ 35,000			
Main Street Underground Electrical Replacement	\$ 6,000				
Special Event-Portable Electrical Equipment	\$ 6,000				
Installation of Split System Heat Pump-Electrical Shop	\$ 7,000				
Municipal Roadway Lighting Invetory	\$ 25,000	\$ 10,000	\$ 5,000	\$ 5,000	\$ 5,000
Traffic Signal preemption upgrades	\$ 5,000	\$ 5,000			
LED Upgrade to City walking paths and Industrial Park Lighting	\$ 10,000	\$ 10,000			
Electrical Division bucket truck replacement		\$ 97,500	\$ 97,500		
TOTAL ECONOMIC AND COMMUNITY DEVELOPMENT	\$ 1,929,000	\$ 1,557,500	\$ 1,522,500	\$ 1,205,000	\$ 1,105,000
FACILITIES					
Public Works Roof Replacement Phase II	\$ 225,000				
Central Fire Install Fire Sprinkler and Fire Alarm System		\$ 120,000			
Central Fire Replace Air Handlers			\$ 130,000		
Central Fire Boiler Replacement	\$ 50,000				
Public Works Life Safety/ Code Compliance Corrections	\$ 50,000	\$ 75,000			
Central Fire Life Safety/ Code Compliance Corrections	\$ 25,000	\$ 25,000		\$ 50,000	
Auburn Hall	\$ 33,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000
Auburn Hall Building envelope repairs					\$ 90,000
Intermodal Facility		\$ 5,000		\$ 10,000	

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 20-FY 24

Description	FY20	FY21	FY22	FY23	FY24
Engine 5 Reception Area Renovations and Code Compliance Survey			\$ 35,000		
Auburn Hall Lighting Conversion to LED		\$ 50,000			
Public Works Repoint Brick					\$ 42,000
Engine 2 Replacement Study		\$ 20,000			
Auburn Hall-Police Station Improvements	\$ 150,000				
Central Fire Window Replacement			\$ 75,000		
Engine 5 Air Conditioning and ventilation				\$ 75,000	
Hasty HVAC/Efficiency Upgrade				\$ 130,000	
Engine 5 Window Replacement			\$ 40,000		
TOTAL FACILITIES	\$ 533,000	\$ 335,000	\$ 320,000	\$ 305,000	\$ 172,000
FINANCE					
Vehicle for Assessing Staff	\$ 5,000				
TOTAL FINANCE	\$ 5,000	\$ -	\$ -	\$ -	\$ -
FIRE DEPARTMENT					
Fire					
Apparatus Replacement	\$ 650,000	\$ 105,000	\$ 650,000		\$ 1,200,000
Exhaust Management (South Auburn Station)	\$ 25,000				
Total Fire	\$ 675,000	\$ 105,000	\$ 650,000	\$ -	\$ 1,200,000
EMS					
Ambulance Replacement		\$ 240,000			\$ 124,000
Stretcher Replacement				\$ 21,000	\$ 21,000
Video Intubation equipment	\$ 10,000				
Training simulator maniquin			\$ 30,000		
Cardiac monitors	\$ 30,000	\$ 30,000	\$ 30,000		
Total EMS	\$ 40,000	\$ 270,000	\$ 60,000	\$ 21,000	\$ 145,000
TOTAL FIRE DEPARTMENT	\$ 715,000	\$ 375,000	\$ 710,000	\$ 21,000	\$ 1,345,000
LATC (Auburn's share)					
Bus Replacement	\$ 50,000	\$ 50,000	\$ 50,000		
TOTAL LATC	\$ 50,000	\$ 50,000	\$ 50,000	\$ -	\$ -
LA911 (Auburn's share)					
Radio Replacement Project	\$ 2,050,000				
Mobile & Portable Radios - Police and Fire	\$ 735,000				
Station Alerting & Fire Alarm Box Control	\$ 62,500				
Radio System Connectivity	\$ 45,000				
Virtualization Hardware Refresh	\$ -		\$ 100,000	\$ -	
TOTAL LA911	\$ 2,892,500	\$ -	\$ 100,000	\$ -	\$ -
MUSEUM LA					
Capital Campaign	\$ 30,000				
	\$ 30,000	\$ -	\$ -	\$ -	\$ -
POLICE DEPARTMENT					
Vehicle Replacement	\$ 240,000	\$ 192,000	\$ 240,000	\$ 240,000	\$ 240,000
Firearms Replacement	\$ 70,800				
Cruiser Lightbar Replacement		\$ 58,500			

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 20-FY 24

Description	FY20	FY21	FY22	FY23	FY24
Radar/Message Sign Trailer	\$ 25,000				
Ballistic Shield Replacement		\$ 25,000			
Rifle Replacement		\$ 43,000			
Cruiser Camera System Replacement		\$ 130,000			
Body worn Cameras			\$ 180,000		
Gym Equipment Replacement			\$ 25,000		
Mobile Printers & Fingerprint Readers				\$ 36,000	
Emergency Operations Center Upgrade				\$ 50,000	
TASER Upgrade					\$ 88,000
Mobile Data Terminal Replacement					\$ 108,000
TOTAL POLICE DEPARTMENT	\$ 335,800	\$ 448,500	\$ 445,000	\$ 326,000	\$ 436,000
<u>PUBLIC WORKS</u>					
Engineering					
Reconstruction	\$ 2,600,000	\$ 3,000,000	\$ 2,000,000	\$ 3,000,000	\$ 3,000,000
Reclamation	\$ 2,400,000	\$ 2,000,000	\$ 3,000,000	\$ 2,000,000	\$ 2,000,000
Major Drainage	\$ 500,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
MDOT Match	\$ 750,000	\$ 500,000	\$ 500,000	\$ 800,000	\$ 1,000,000
Resurfacing	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Sidewalks	\$ 250,000	\$ 200,000	\$ 100,000	\$ 100,000	\$ 100,000
Bridge Maintenance	\$ 100,000	\$ -	\$ 100,000		
Total Engineering	\$ 7,600,000	\$ 7,700,000	\$ 7,700,000	\$ 7,900,000	\$ 8,100,000
Public Works					
Replace 7 yard plow trucks (plowing/sanding and roadway maintenance)	\$ 418,000		\$ 209,000		\$ 418,000
Replace 12 yard plow trucks (plowing/sanding and roadway maintenance)	\$ 464,000	\$ 232,000	\$ 232,000	\$ 232,000	
Replace front end loader (loading materials and snow removal)		\$ 255,000			
Replace Street Sweeper (sand and debris removal from roadways)	\$ 235,000			\$ 235,000	
Grader (used)			\$ 250,000		
Portable Lift System	\$ 63,000				
Replace One Ton Trucks (parks and roadway maintenance)	\$ 67,000	\$ 124,000	\$ 124,000		
Replace Pickups (parks and roadway maintenance)		\$ 67,000			
Hot Box Pavement Reclaimer	\$ 46,000				
Backhoe		\$ 140,000			
Replace tracked excavator (drainage/roadway maintenance)	\$ 225,000				
Replace multi-use tractor (sidewalk maintenance and mowing)	\$ 175,000		\$ 170,000		
14' Dump Body Replacement				\$ 30,000	
Slope Mower	\$ 33,000				
Trench Box	\$ 21,000				
Sander			\$ 30,000		
Replace bucket truck		\$ 300,000			
Replace catch basin cleaning/storm drain flushing truck	\$ 405,000				
Replace trailer mounted sign	\$ 28,000				
Sidewalk plow equipment	\$ 16,000				

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 20-FY 24

Description	FY20	FY21	FY22	FY23	FY24
Replace tractor (haul)			\$ 150,000		
Total Public Works	\$ 2,196,000	\$ 1,118,000	\$ 1,165,000	\$ 497,000	\$ 418,000
TOTAL PUBLIC WORKS	\$ 9,796,000	\$ 8,818,000	\$ 8,865,000	\$ 8,397,000	\$ 8,518,000
RECREATION & SPORTS FACILITIES					
Union St. Park/Chestnut Park Upgrades (B-Ball Courts, Playground, Parking, Storage)	\$ 60,000	\$ 25,000			
Municipal Beach (Non-swimming updates)	\$ 25,000	TBA	TBA		
Tot Lot Upgrades (Roof, Playground, Rental Hall)	\$ 50,000				
Tables & Chairs	\$ 10,000	\$ 10,000			
Security Keyless Entry for all facilities	TBA				
Department Re-Brand (Signs, Gyms, Floor, etc...)	\$ 15,000	\$ 10,000	\$ 10,000	\$ 10,000	
Pettengill Baseball Field Renovation	\$ 90,000	\$ 90,000			
Fitness Room Equipment	\$ 25,000				
Dog Park	\$ 20,000				
Connecting Hasty and Ingersoll Facilities		TBA	TBA		
Athletic Field Complex Phase I		TBA	TBA	TBA	TBA
New Community Center (Gym, Walking, Track, Pool, Meeting Space, etc)				TBA	TBA
Senior CC Phase III	\$ 100,000	TBA			
Parking		TBA	TBA		
Scissor Lift	\$ 14,000				
Rubberized Flooring	\$ 11,000				
Mezzanine Viewing Area		\$ 66,000			
Facility Add-On (Batting Cage Area)		TBA			
AC Central Air System			TBA		
Roof Repair			TBA		
Outside Door Covers/Canopy				TBA	
Portable Stage	\$ 180,000				
Event Lighting Rink #1 & #2	\$ 15,000				
Rink #2-Removal and Reinstallation	\$ 30,000				
Rubber Flooring replacement (Locker Rooms/Hallway/Front Lobby)		\$ 100,000			
RO Water Treatment System		\$ 35,000			
Replace Mezzanine Furniture		\$ 10,000			
Jet Ice Paint Cart		\$ 4,000			
Parking Lot Striping			\$ 10,000		
Zamboni Electric Edger			\$ 10,000		
New Ice Resurfacer				\$ 150,000	
Additional Ice Sheet Facility with Convention Space					TBA
TOTAL RECREATION & SPORTS FACILITIES	\$ 645,000	\$ 350,000	\$ 30,000	\$ 160,000	\$ -
EDUCATION (See attached list)					
TOTAL CIP	\$ 17,661,800	\$ 12,534,000	\$ 12,162,500	\$ 11,389,000	\$ 11,691,000

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 68-05202019

ORDERED, that the City Council hereby adopts the 5 year Capital Improvement Plan, presented to the City Council and School Committee by the City Manager and School Superintendent on March 25, 2019.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 20, 2019

Order: 69-05202019

Author: Jason Moen, Auburn PAL President

Subject: Fee Waiver Request by Auburn PAL (Police Activities League)

Information: The Auburn PAL, a non-profit group that provides after-school and summer mentored activities for children between the ages of 5 through 18 who live in the City of Auburn, is requesting the City of Auburn Food Service Establishment Prepackaged Only license fee of \$150.00 be waived.

Canned preserves (jams, jellies, pickles, beets, etc.) made by children at the PAL Center –under the supervision of a State of Maine Master Gardener and Preservationist, will be sold at local farmers markets and other fund-raising events to benefit the PAL Center. The Auburn PAL has been issued a State of Maine Mobile Vendor License.

Sec. 14-31. Fees; waiver. The fees for business licenses shall be paid by the owner or his agent in accordance with the business fee schedule established by the City Council. The City Council is the only authority allowed to waive fees prescribed by ordinance. An application for waiver of any fees must be presented in writing to the city clerk to be brought to the City Council at its next available meeting.

City Budgetary Impacts: \$150.00

Staff Recommended Action: Consider waiving the FSE license fee.

Previous Meetings and History: None

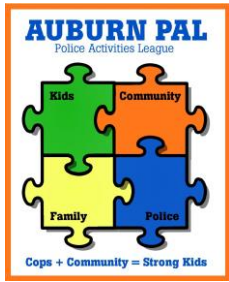
City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Calkins".

Attachments:

- Letter from Auburn PAL Board of Directors
- City of Auburn Business License Application
- Copy of State of Maine License
- Copy of State of Maine Inspection
- Order



Auburn Police Activities League (PAL)

Mailing address: c/o Auburn Police Department | 60 Court Street | Auburn | Maine | 04210

Executive Board

Jason D. Moen
President

Wendy Berube
Vice President

Phillip Doucette
Treasurer

Rita Beaudry
Secretary

May 14, 2019

Auburn Mayor & City Council
60 Court Street
Auburn, ME 04210

Dear Mayor Levesque and members of the Council:

On behalf of the Auburn PAL Board of Directors, I would like to respectfully request a waiver of the City of Auburn \$150 Business License Application Food Service Establishment Prepackaged Only license fee.

The Auburn PAL Center, located at 24 Chestnut Street, is a non-profit organization dedicated to providing impoverished children with mentored after-school and summer activities in an effort to reduce crimes committed by and against children.

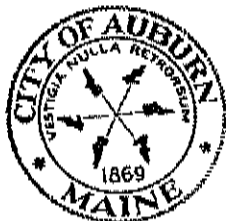
Among many activities offered at the PAL Center, children are being taught how to eat and prepare healthy foods as well as learning life-long skills in the art of canning and preserving food. Children are gardening - growing fruits and vegetables from seedlings. In cooperation with the Good Shepherd Food Bank, we purchase larger quantities of food at a minimal cost to supplement this activity and keep the children engaged.

Under the supervision of a State of Maine Master Gardner and Preservationist, children are canning and preserving jams, jellies, pickles, beets, etc. Products will be sold at local farmers markets and other fund-raising events to benefit the PAL Center. The Auburn PAL Center has undergone a Retail Food Inspection and was issued a State of Maine Mobile Vendor License.

Thank you for your consideration.

Sincerely,

Jason D. Moen
Auburn PAL President



CITY OF AUBURN

BUSINESS LICENSE APPLICATION

☒ NEW ☐ RENEWAL Expires: _____

Office of the City Clerk

60 Court St, Auburn, ME 04210

207.333.6600

www.auburnmaine.gov

Kelsey Earle - License Specialist - kearle@auburnmaine.gov

Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

Please check the boxes for all licenses you are applying for:

There is a late fee of \$25.00 for renewals that are 30-45 days late, \$50.00 for more than 46 days late, and \$100.00 for reoccurring

Food Service Establishments:

- ☐ *FSE Mobile Food distribution Unit.....
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use of location.

☐ 3 Month \$100
☐ 6 Month \$125
☐ 12 Month \$150

- ☐ *FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I)..... Sq ft: Fee:

☐ 1-2999 \$500
☐ 3000-5999 \$600
☐ 6000+ \$700

Public hearing required for new license- \$100 fee
Background check must also be included.

- ☐ *FSE Serving Malt and/or Vinous.....

Sq ft: Fee:
☐ 1-2999 \$300
☐ 3000-5999 \$400
☐ 6000+ \$500

Public hearing required for new license- \$100 fee
Background check must also be included.

- ☐ *FSE with Sit Down, no Alcohol.....

Sq ft: Fee:
☐ 1-2999 \$150
☐ 3000-5999 \$200
☐ 6000+ \$250

- ☐ *Bottle Club/BYOB.....

Sq ft: Fee:
☐ 1-2999 \$150
☐ 3000-5999 \$200
☐ 6000+ \$250

Public hearing required for new license- \$100 fee
Background check must also be included.

- ☐ *Temp FSE (Per event max 7days) \$60

*All above licenses: include copy of floor plan, menu/draft menu, certified food handler certificate and a copy of all State licenses applicable.

- ☐ FSE Off Premise/Retailer-Malt Liquor/Table Wine.....

Sq ft: Fee:
☐ 1-2999 \$150
☐ 3000-5999 \$200
☐ 6000+ \$250

- ☒ FSE Prepackaged Only

Sq ft: Fee:
☒ 1-2999 \$150
☐ 3000-5999 \$200
☐ 6000+ \$250

Other Business Licenses Applying for:

- ☐ *Special Amusement \$125

Public hearing required for new license- \$100 fee
Please fill out supplemental questionnaire (pg 4).

- ☐ *Pawnshop/Pawn Broker \$100

- ☐ *Secondhand Dealer \$85

- ☐ *Massage Establishment/Therapist..... \$150

State license #: _____

Massage: Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

- ☐ *Tattoo Artist..... \$150

*Above licenses: Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application. You can do it yourself on-line here: <http://www5.informe.org/online/pcr/>

- ☐ Bowling Alley (fee per lane)..... \$85

of lanes: _____

- ☐ Roller Skating Rink.....

☐ Partial Kitchen: \$60

☐ Full kitchen: \$120

- ☐ Coin-Op Devices (fee per device).....

\$50 per device up to 10 devices/\$30 per device 10 or more
of devices: _____

(Please provide list of devices)

- ☐ Motion Picture Theater (fee per screen)..... \$50

of screens: _____

- ☐ Juke Box (each)..... \$30

of boxes: _____

- ☐ Lodging House..... # of rooms: _____

10 rms or less: \$75

More than 10: \$150

- ☐ Pool Hall (fee per table)..... \$50

of tables: _____

Seating: _____ Occupancy load: _____

LICENSEING FEE(S) TOTAL DUE: \$ 150.00

NAME OF BUSINESS: AUBURN PAL BUSINESS ADDRESS: 24 CHESTNUT ST.
 BUSINESS MAILING ADDRESS: 60 COURT STREET AUBURN
 OWNER'S NAME (LOCAL/ONSITE): NON-PROFIT DOB: _____ PHONE: _____
 OWNER'S ADDRESS: _____ MAILING ADDRESS: _____
 PREFERRED EMAIL: JMOEN@AUBURNMAINE.GOV JASON MOEN, PRESIDENT
 MANAGER'S NAME: SHAWN BOYD PHONE #: 333-6650 DOB: _____
X 2041
 PREFERRED CONTACT NAME: _____ PHONE #: _____
 EMAIL ADDRESS: Sboyd@auburnmaine.gov
 DESCRIPTION OF BUSINESS: POLICE ACTIVITIES LEAGUE - AFTER SCHOOL / SUMMER
ACTIVITIES.
 TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): N/A

FORM OF BUSINESS ORGANIZATION: ☐ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ LLC ☒ Other SOIC 3

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	Print Clearly Address Previous 5 years	Birth Date	% of Stock	Title

OWNER OF BUILDING/UNIT: _____ PHONE # _____

OWNER'S ADDRESS: _____

HOURS OF OPERATION: Mon: 2:30-6:00 Tues: 2:30-6:00 Wed: School DISMISSAL Thurs: 2:30-6:00
 Fri: 2:30-6:00 Sat: _____ Sun: _____

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? ☐ Yes ☒ No (If yes, complete the following)

Name: _____ Date of conviction: _____

Offense: _____ Location: _____

Disposition: _____

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials
Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

****READ CAREFULLY BEFORE SIGNING****

I, JASON MOEN, Owner/Operator of the business, hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature:

Date: 5.14.19

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

<u> </u> Approved	<u> </u> Denied	FIRE INSPECTOR _____
<u> </u> Approved	<u> </u> Denied	CODE ENFORCEMENT OFFICER _____
<u> </u> Approved	<u> </u> Denied	POLICE _____
<u> </u> Approved	<u> </u> Denied	FINANCE _____

Comments:

Application date: _____ License issued on: _____

Fees paid: License fee(s) _____ Public hearing fee _____ Background fee _____ Late fee _____

Total amount paid = \$



State of Maine

Department of Agriculture, Conservation & Forestry
Division of Quality Assurance & Regulations
28 State House Station, Augusta, ME 04333-0028
(207) 287-3841

SERIAL NUMBER

122898

2-34403

February 14, 2019

March 14, 2020

LICENSE NUMBER

DATE OF ISSUE

DATE OF EXPIRATION

This certifies that:
Auburn Police Dept PAL Center
Auburn PAL Center c/o Auburn
Police Dept
24 Chestnut ST
Auburn, ME 04210-

MOBILE VENDOR

Location: 24 Chestnut ST, Auburn

This certificate is valid only between the date issued and expiration date appearing herein. Only the named holder at the location for which issued may use it.

The person named herein is authorized to sell or manufacture food products, fuel and/or sell or repair weighing and measuring devices as permitted by law for the listed authorizations.

This certificate and/or each type of authorization represented is subject to suspension, revocation or cancellation as authorized by Maine Revised Statutes.

LICENSE TYPE

DESCRIPTION OF LICENSE AUTHORIZATIONS

FEE

License Type	Authorizations	Fee
Mobile Vendor	Prepackaged Food	20.00
Commercial Food Processor	Breads, Rolls Cakes, Pies Jams, Jellies	50.00
	TOTAL:	70.00

Department of Agriculture, Conservation &
Forestry

Amanda Beal

Commissioner

Division of Quality Assurance

Collette Franklin

Director



COFF

Maine Department of Agriculture, Conservation & Forestry
Division of Quality Assurance and Regulations
28 State House Station
Augusta, Maine 04333-0028
Phone: 207-287-3841 Fax: 207-287-5576



RETAIL FOOD INSPECTION REPORT

Establishment Name:	Auburn Police Dept PAL Center				Fee:				
Street Address:	24 Chestnut ST				License #:	2-34403	Expiration:	March 14, 2020	
City:	Auburn	State:	ME	Zip:	04210-	Type of Inspection:	Initial		
Telephone:	207.333.6650				Reason for Inspection:	Scheduled			
Email:	sboyd@auburnmaine.gov				Admin. Action Requested		N	Follow-up Date:	
Date:	03/11/2019	Time In:	10:55	Time Out:	10:55	Report #:	649390		

CRITICAL DEFICIENCY POINTS : 0

TOTAL POINTS : 0

Critical Deficiencies

Non-Critical Deficiencies

Comments: OK to issue mobile vendor license for prepackaged food. We discussed offering samples in a hygienic manner.

Inspector: Lindsay Werner

Received By: Shawn

Signature:

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 69-05202019

ORDERED, that the City Council hereby approves the request by the Auburn PAL (Police Activities League), located at 24 Chestnut Street, to waive the City of Auburn Food Service Establishment Prepackaged Only license fee of \$150.00.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 20, 2019 **Order:** 70-05202019

Author: Zachary Lenhert

Subject: Mutual Cooperation Agreement between the Cities of Auburn and Lewiston

Information: Three years ago, the Cities of Auburn and Lewiston entered into a contract, a Mutual Cooperation Agreement, to renew the Auburn-Lewiston HOME consortium. The consortium is the only mechanism by which either city can receive HOME Investment Partnerships Program funds. The funds bring in about \$320,000 annually to be shared by the consortium. The City of Auburn is the lead agency in the consortium. The Mutual Cooperation Agreement expires on June 30, 2019. The Agreement describes the responsibilities of the representative member (lead) as well as that of the member.

City Budgetary Impacts: Allows City of Auburn to receive HOME funds administered through HUD. Auburn would not be eligible for funds on its own

Staff Recommended Action: Authorize City Manager to sign the Mutual Cooperation Agreement.

Previous Meetings and History: An agreement has been in effect since 2002.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, reading "Peter J. Caulton".

Attachments: 2019 Mutual Cooperation Agreement

AL (AUBURN-LEWISTON) CONSORTIUM
MUTUAL COOPERATION AGREEMENT
TO FORM A CONSORTIUM UNDER THE
HOME INVESTMENT PARTNERSHIPS PROGRAM

MUTUAL COOPERATION AGREEMENT made this ____ day of ~~May~~, ~~2016~~2019, by and between the City of Auburn and the City of Lewiston (units of general local government) organized and existing under the laws of the State of Maine.

WHEREAS, the Congress of the United States of America has enacted the Cranston-Gonzalez National Affordable Housing Act, HOME Investment Partnerships Program; and

WHEREAS, the U.S. Department of Housing and Urban Development (hereinafter, "HUD") has promulgated regulations, notices, and requirements as now or hereafter in effect, allowing units of general local government to enter into mutual cooperation agreements to form a consortium or continue an existing consortium for the purpose of obtaining funding as a participating jurisdiction under the HOME Investment Partnerships Program (hereinafter, "HOME Program"), and

WHEREAS, the signatory units of general local government intend hereby to establish a consortium to cooperate in undertaking or assisting in pursuing housing assistance activities through the HOME Investment Partnerships Program, as it may be amended, and

WHEREAS, the signatories to this agreement agree to comply with all requirements of HUD regulations and requirements as now or hereafter in effect for eligibility to participate to the maximum extent possible in the HOME Program to create or improve affordable housing for their low and moderate income residents.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties to this agreement do agree as follows:

SECTION 1 - DEFINITIONS

a. "Member" means a unit of local government that is a signatory to this Agreement and therefore a member of the Consortium for the purpose of carrying out eligible activities under HUD regulations and requirements as now or hereafter in effect.

b. "Representative Member" means a unit of local government designated hereafter as the one member to act in a representative capacity for all members for the purposes of this Agreement, as defined in HUD regulations and requirements as now or hereafter in effect.

c. "Subrecipient" is a public agency or non-profit selected by the member to ~~administer~~administer all or a portion of the member's HOME Program.

d. “Consolidated Strategy and Plan” means a Consolidated Plan, as defined in HOME Program Regulation 92.2 and required by HUD regulations and requirements as now or hereafter in effect.

e. “CHDO” means a Community Housing Development Organization, as defined in HUD regulations and requirements as now or hereafter in effect.

f. “HUD Regulations and Requirements” means those HUD regulations and requirements which are applicable to the HOME Investment Partnerships Program.

g. “Commitment” means the member has executed a legally binding agreement with a recipient or a subrecipient to use a specific amount of HOME funds to produce affordable housing or provide tenant-based rental assistance; or has executed a written agreement reserving a specific amount of funds to a community housing development organization; or has met the requirements in the regulations to commit to a specific local project, including project underwriting according to Notice CPD-15-11 or other HOME Investment Partnerships guidance with respect to project/program review.

h. “Program Income” means gross income received by the member or subrecipient directly generated from the use of HOME funds or matching contributions. When program income is generated by housing that is only partially assisted with HOME funds or matching funds, the income shall be prorated to reflect the percentage of HOME funds used.

SECTION 2 - DESIGNATION OF REPRESENTATIVE MEMBER; POWERS AND DUTIES OF REPRESENTATIVE MEMBER

- a.** The City of Auburn, acting through its Community Development Director for the Community Development Department, hereinafter Consortium Administrator, will be designated as and agrees to assume overall responsibility as the Representative Member for this consortium for the purposes of the HOME Program, in compliance with HUD HOME Program statutes, regulations, and instructions, now or hereafter in effect, for the duration of this Agreement.
- b.** The Representative Member shall have access to all Member records related to the use of HOME program funds for the purpose of ensuring compliance with HUD regulations.
- c.** The Representative Member shall establish and maintain the local HOME Investment Trust Fund required by HUD regulations and requirements as now or hereafter in effect.
- d.** The Representative Member shall establish, with the prior consent of the Member units, such administrative procedures as may be necessary to facilitate the application for and distribution of HOME program funds.
- e.** Representative Member may provide technical assistance to the Members upon request. Said assistance shall not relieve each Member from compliance with all relevant HOME regulations, nor unduly burden the Representative Member.

- f.** The Representative Member may withdraw funds from the HOME Investment Trust Fund for a particular Member or Member's project only upon receipt of a written requisition signed by the Member requesting the disbursement.
- g.** The Representative Member may amend this Mutual Cooperation Agreement on behalf of the consortium to add new members to the consortium. When members are added, the funding formula shall be revised and agreed upon by all Members including the new Member.

SECTION 3 - DUTIES OF MEMBER UNITS OF LOCAL GOVERNMENT

- a.** Each Member agrees to cooperate in undertaking or assisting in the pursuit of housing assistance activities for the HOME Investment Partnerships Program.
- b.** The Consortium collectively acting through its Representative Member and each of its Members, acting through its Community Development Director (or other individual designated by each Member's chief executive officer), agrees to carry out eligible activities in accordance with the requirements of HUD regulations and requirements as now or hereafter in effect.
- c.** Each Member shall be responsible for obtaining the necessary local approvals for acceptance and allocation of HOME program funds.
- d.** Each Member shall be responsible for submitting to the Representative Member all information necessary for participation in the consortium as defined in HUD regulations, requirements, and schedules as now or hereafter in effect. This includes, but is not limited to, information necessary for the Consolidated Plan, Annual Plan, description of the use of HOME funds, the HOME Program Description including tasks to be performed, a schedule for completing the tasks, budget, and certifications, HOME Agreements executed with subrecipients, and performance reports.
- e.** Each Member shall be responsible for obtaining matching funds or matching fund credits for all of its projects as required by HUD regulations and requirements as now or hereafter in effect.
- f.** Project Management.
 - (i)** Each Member shall be responsible for project management and shall perform all procedures and tasks necessary to develop, design, implement and monitor each specific project and shall fully comply with uniform administrative requirements as stated in HOME Program regulation 92.505. The Member shall describe how each proposed project and site satisfy all applicable HOME Program regulations and the requirements of this Agreement and shall record these determinations in each project/site file together with an official approval memorandum signed by Member's responsible HOME Program staff. For multiple site programs the Member shall provide the proposed program guidelines and any amendments to the same to the Representative Member for review.
 - (ii)** Unless agreed to in advance, Members shall be responsible to utilize Community Housing

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Development Organization (CHDO) reserve on an annual basis.

- (ii) Members shall assure that its share of the 24-month commitment requirement under the HOME Investment Partnerships Program regulations is met. Once projects are committed, each Member shall submit a commitment letter with the Consortium.

SECTION 4 - FUNDING

a. The Representative Member shall be entitled to an amount of 4% of HOME Program funds for administration of the Consortium which shall be deducted from the annual allocation. Each Member will then share the remaining 6% for administration funds permitted under the cap allowance pro-rata in relation to the percentage of HOME Program funds received by each member annually.

b. After the set aside for administration, each Member will share equally HOME Program funds allocated to the Consortium each year. A Member may voluntarily relinquish a portion or all of its HOME allocation, in writing, to another Member of the Consortium.

c. HOME funds will be deposited into and disbursed from the Consortium HOME Investment Trust account established by the Representative Member consistent with HOME Program regulation 92.500 the HOME Investment Trust Fund and 92.502 Program disbursement and information system. All loan repayments, interest, or other returns on investments shall be deposited into this account on a quarterly basis.

d. Reservation of HOME Funds.

- (i) Each Member shall be responsible for establishing its own projects and meeting its 50% share of the mandatory 24-month commitment of funds according to 92.500(d)(1) of the HOME rule and CPD-15-09. In January of each year, Representative Member shall communicate in writing with Member the status of the required commitment, and each shall identify in writing how commitment shares will be met. In May of same year, if either Member or Representative Member has not met the required level of commitment, then Member or Representative Member shall offer the uncommitted amount to the other, who may or may not accept responsibility for committing these funds. There will be no obligation to accept or repay a transfer of funds. If transfer is not accepted by Member or Representative Member and funds are lost, then the loss shall remain with the original Member or Representative Member.

- (iii) Project Set-Up in IDIS. Each Member may request that the Representative Member "set up" in the federal Integrated Disbursement and Information System (IDIS) or any successor system, i.e. establish an activity and reserve funds for each particular site or eligible activity, after meeting all the requirements of the Mutual Cooperation Agreement.-.

- (ii) Member shall forward a Set-Up Request in writing to the Representative Member, enclosing a

HUD Project Set-Up Report together with the Auburn-Lewiston Consortium Project Compliance Checklist (AL Checklist), completed through the project initiation stage. -The Representative Member will not establish an activity in the IDIS System if one or more of the following conditions occur: HUD Set-Up Report is incomplete; the data on the HUD Set-Up Report or other site data are inconsistent with HOME Program requirements;-; there is no evidence of local project approval; the environmental review requirements have not been met; or there is incomplete project underwriting.

(iv)The Representative Member agrees to provide the Member - with HOME Program funds in the amounts as stated in the executed HOME - Agreements, as they may be amended from time to time, for the purposes described in said - Agreements, provided that the Member has complied with all requirements of the HOME Program and this Agreement.

e. HOME Agreements.

(i) Prior to disbursing HOME Program funds each Member shall enter into a HOME agreement with the recipient including all provisions described in HOME Program regulation 92.504, or its successor.

(ii) The Member shall include in each such HOME agreement additional provisions as may be required by HUD and such reasonable requirements as may be requested by the Representative Member consistent with HOME Program regulations and this Agreement.

f. Review of Project Funding Instruments. Members shall transmit any proposed funding instruments and agreements to the Representative Member for review consistent with the applicable Consortium guidelines, as they may be amended from time to time. Once guidelines and funding instruments have been approved by the Representative Member, the Member may execute such funding instruments without further review by the Representative Member. Each Member must keep originals or certified copies of all case-specific funding instruments and related documents in project files.

g. Expenditures. The Member shall meet the principles and standards of cost allowability stated in the current OMB Circular A-87, "Cost Principles for State and Local Governments."

h. Processing and Release of Project Funds.

(i) Pre-Release Requirements.

(A) Funding Instruments. HOME - Agreement and funding agreements with subrecipients must be executed prior to set-up and/or drawdown. Closing documents with recipients must be executed or a specific closing scheduled prior to drawdown. No funds will be authorized or released for work done prior to the effective date of this Agreement and the applicable Consortium-Member HOME - Agreement.

(B) Environmental clearance. A Release of Funds, if applicable, must have been received

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from HUD for this project or activity.

- (C) Set-up Request. The site shall be set-up in the HUD IDIS system as provided in Section 4 - Funding, paragraph d, herein.
- (ii) Disbursement Procedure. The Representative Member shall draw down and release HOME funds on a reimbursement or “pay as you go” basis to the Member or on behalf of the Member to such designated subrecipient, vendor or other recipient as mutually approved by the Representative Member and Member consistent with the following procedure:
- (A) Invoice. An invoice requesting payment shall be submitted to the Representative Member on a quarterly basis by the entity to be paid or reimbursed. Invoices must appear on the letterhead of the entity or another standard invoice form approved by the Representative Member, be signed by an individual authorized by the entity, and be submitted by the 15th day of the month immediately following each quarter-Requests for payment shall be limited to the amount currently needed for the payment of eligible costs consistent with HOME Program regulation 92.504(c)(2)(vi), corresponding to expenses already having been paid by the City of Lewiston. Requests for payment shall include:
- 1) An invoice detailing the amount being requested for reimbursement against the established budget signed by the program manager;
 - 2) All pertinent back-up documentation for the charges including payroll records, time sheets, financial expense reports, and copies of source documentation; and
 - 3) A spreadsheet that ties the invoice to the expense report including a summary the salary expenses by project.
- (B) Approval by Member. Each invoice submitted shall have been reviewed and approved by the Member for accuracy, quantity and quality of work, materials or services provided, consistency with contractual terms, and compliance with all applicable HUD and HOME Program regulations. As required by HOME Program regulation 92.504(c)(2)(vi) the Member shall limit the requested disbursement of project funds to the amount presently needed for payment of eligible costs.
- (D) Processing Requisition and Checks. The Representative Member will process all approved requisitions for payment in a manner consistent with Auburn accounts payable procedures. Incomplete or non-conforming requisitions will be returned to the Member. Checks will be mailed to the designated payee unless alternative arrangements have been made with the Representative Member.
- (E) General. The Representative Member reserves the right to modify procedures herein as needed to comply with HUD and Auburn requirements. In such case, advance notification will be provided to the Members. Considerations unique to specific projects including but

not limited to construction retainage, contingencies, retainage for compliance, and other aspects will be addressed on a case by case basis in a manner mutually acceptable to the Representative Member and Member and shall be described by the Member in a specific Project Description and attached to a HOME Project Funding Agreement.

- i. Reversion of Assets. Upon expiration of this Agreement, each Member shall transfer to the Consortium HOME Investment Trust any HOME funds on hand at the time of expiration and accounts receivable attributable to the use of HOME funds per HOME Program regulations 92.503 and 92.504(c) and HUD Notice CPD 97-09. In the event the Consortium is dissolved, HOME funds and receivables shall remain in the custody of the Member, unless otherwise provided by HUD.

SECTION 5 - SETASIDE FOR COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS

Each Member is responsible for reserving not less than 15 percent of its HOME funds for investment only in housing to be developed, sponsored, or owned by community housing development organizations (CHDOs), in accordance with the Consortium's Program Administration Guidelines and HOME Program regulations 92.300 - 92.303, as they may be amended from time to time. If one Member is able to fulfill the entire amount of this requirement, the other Member will not be required to also have a CHDO project. Members will coordinate this by January of each year prior to submission of the Annual Action Plan.

SECTION 6 - TERM OF AGREEMENT AND RENEWAL

- a. This Agreement shall commence on July 1, ~~2016-2019~~ and remain in effect during the period necessary to complete all activities funded by Federal Fiscal Year (FFY) ~~2017-2020~~, ~~2018-2021~~, and - ~~2019-2022~~ HOME Program grants or until the Consortium's status as a participating jurisdiction in the HOME Program is revoked by HUD, whichever occurs first. Members of the Consortium agree to a program year of July 1 to June 30 for the purposes of HOME.

- b. Nothing in this Agreement obligates a Member to become a signatory to a future agreement to continue the Consortium for HOME Program grants subsequent to FY ~~2019-2021~~. Each Member shall notify the Representative Member at least 60 days before the effective date of such future agreement if it intends not to become a signatory. Notwithstanding the foregoing, if the following FFY grant information is not available 60 days before the effective date, a Member shall use best efforts to notify the Representative Member as soon as possible after it receives the grant information.

SECTION 7 - REPAYMENT OF FUNDS AND PENALTIES

- a. Repayment of HOME Funds to HUD. In the event that HUD requires the Representative Member to repay HOME funds disbursed to the Consortium for failure to meet affordability requirements as set forth in applicable HUD regulations, or for any other reason, each Member shall reimburse the Representative Member for the amount of funds required to be repaid on account of that Member's use of HOME funds. Consistent with the foregoing, the Representative Member, when acting as a Member

shall remain solely liable to HUD for repayment of HOME funds originally awarded to the Representative Member, if required on account of the Representative Member's use of such HOME funds as a Member.

b. Cancellation. Each Member agrees to repay the Consortium HOME Investment Trust all HOME funds released to the Member attributable to a project in the event such project is cancelled for any reason. Such repayment shall be made within the time period specified by HUD or other reasonable time period agreed to by the Representative Member.

c. Violations. Each Member who continues to violate any HOME Program regulation, provision of this Agreement, or provision of a HOME - Agreement, after having an opportunity to cure, shall repay to the Consortium HOME Investment Trust Account any HOME funds disbursed directly to recipients or subrecipients, with respect to the site or sites where the violation has occurred, or such amount as HUD determines.

d. Penalties.

(i) Member. Each Member shall reimburse the Representative Member the full amount of any penalties assessed against the Representative Member by HUD as a result of that Member's use of HOME funds pursuant to this Agreement.

(ii) Representative Member. The Representative Member shall reimburse the Consortium the full amount of any penalties assessed against the Consortium by HUD as a result of the Representative Member's failure to comply with HUD regulations.

e. Restriction on Future Funds. The Representative Member may withhold and restrict a Member's access to HOME funds if the Member fails to cure a violation, fails to repay HOME funds or fails to pay the penalties provided for above. Funds withheld in the amounts necessary to repay HOME funds or penalties should be charged against the Member's HOME funds in the following order:

(i) First against the funds for the project or projects in which the violation occurred or which are the subject of dispute between the Representative Member and Member;

(ii) Second against any other HOME funds allocated to the Member in the same fiscal year;

(iii) Finally against HOME funds allocated to such Member in future fiscal years.

If HUD subsequently determines that no violation has occurred, the Representative Member shall make the withheld funds available to the Member for HOME projects. Otherwise such funds are retained for the benefit of the Consortium or in the case of penalties to reimburse the Representative Member or Consortium as the case may be.

SECTION 8 - OPPORTUNITY TO CURE OR DISPUTE VIOLATIONS, LEGAL RECOURSE AND INDEMNIFICATION

a. Opportunity to Cure. The Representative Member shall provide a written notice to a Member of the violation of any provisions of this Agreement-, or applicable HUD regulations. The notice shall set forth a description of the violation, the steps which must be taken to cure the violation and a reasonable time period established by mutual consent of the parties within which to effect the cure. However, if the parties are unable to agree to a deadline for full compliance, the Representative Member shall establish said deadline. The Representative Member may extend the time for cure if the Member proves its failure to cure was for circumstances beyond its control.

b. Disputing a Violation. If the Member and Representative Member disagree as to whether a violation has occurred, either may request HUD' determination of whether a violation exists. The Member disputing the Representative Member's finding of a violation may expend the subject funds, subject to repayment, unless the Representative Member chooses to withhold the funds.

c. Legal Recourse. In the event that any Member, including the Representative Member acting in its representative capacity, fails to comply with this Agreement, -, or a HOME Program or other HUD regulation or finding or fails to cooperate with any other Member, the Representative Member or the Consortium in complying with a HUD finding, the Representative Member or any other Member may take any steps necessary to fulfill its obligations to HUD and under this Agreement, including but not limited to legal action.

d. Indemnification for Violations. Each Member shall hold harmless the Representative Member, the Consortium and the other Members from and against all claims for repayment of HOME project funds attributable to such Member's failure to comply with applicable HUD regulations, this Agreement, - and from penalties, costs and attorneys' fees related to such failure.

SECTION 9 - FAIR HOUSING

a. Each Member agrees to affirmatively further fair housing in accordance with applicable Federal Law, Consolidated Strategy and Plan and with 24 CFR 570.904(c).

b. Affirmative Marketing. The Representative Member shall adopt and implement an Affirmative Marketing Plan including affirmative marketing procedures for HOME assisted housing containing 5 or more housing units consistent with the requirements of HOME Program regulations 92.351. Each Member shall summarize these procedures in an affirmative marketing plan for each project. Documentation of action taken to carry out said site-specific plans shall also be placed in said files.

SECTION 10 – HOME/GENERAL PROVISIONS

a. Federal Regulations. The provisions of 24 CFR Part 92, HOME Investment Partnerships Program, Final Rule, 24 CFR Part 92 dated September 16, 2003 (hereinafter "HOME Program regulations") and all future amendments and revisions to the same are hereby incorporated into and made a part of this Agreement. The Representative Member and Members shall at all times comply with said HOME Program regulations, and shall comply with other related Federal and state statutes and regulations,

Executive Orders, OMB Circulars, and all future revisions and amendments to the same. The Members shall become thoroughly familiar with all of the foregoing requirements as applicable and shall ensure that all projects comply in all respects.

b. Environmental Review. The release of funds for all HOME assisted projects and activities is subject to environmental review as set forth in HOME Program regulation 92.352 and 24 CFR 58. Each Member shall prepare and provide to the Representative Member all information necessary to obtain Release of Funds from HUD and documentation to establish specific site clearance consistent with Consortium procedures.

c. Equal Opportunity. Each Member shall comply with all applicable Federal and State laws governing discrimination and equal opportunity. In particular, each Member shall ensure compliance with HOME Program regulations 92.350 and the following statutes and executive orders pertaining to Equal Opportunity: Fair Housing Act; Executive Order 11063 (Equal Opportunity in Housing); Civil Rights Act of 1964, Title VI (Nondiscrimination in Federally Assisted Programs); Age Discrimination Act of 1975; Rehabilitation Act of 1973, Section 504; Executive Order 11246 (Equal Employment Opportunity); Housing and Urban Development Act of 1968, Section 3; Executive Orders 11625 and 121432 (Minority Business Enterprise); Executive Order 12138 (Women's Business Enterprise).

d. Labor Standards. Each Member shall comply with and/or ensure compliance with all applicable state and federal labor laws, including but not limited to the Davis/Bacon Act, 40 U.S.C. 276a-5 et. seq., as applicable pursuant to HOME Program regulations 92.354. In particular, each Member shall comply with and/or ensure compliance with all applicable federal laws and regulations pertaining to labor standards and HUD Handbook 1344.1 (Federal Labor Standards Compliance in Housing and Community Development Programs), and all future amendments and revisions thereto. Each Member shall require certification as to compliance with the provisions of this paragraph as required by HOME Program regulation 92.354.

e. Records. Each Member shall maintain all applicable records for its project(s) consistent with HOME Program regulations 92.508 Record-keeping. In addition each Member shall make available copies of all such records as may be requested by the Representative Member for administration of the Consortium.

f. Reports. The Representative Member shall, on behalf of the Consortium submit such reports (with full and complete copies to the Member) as may be required pursuant to HOME Program regulations 92.509 Performance Reports. Each Member shall cooperate with the Representative Member in providing all data and information specific to each community and projects in such formats and time frame as required by HUD and the Representative Member. In addition, each Member shall prepare and submit to the Representative Member the project completion reports required by HOME Program regulation 92.502(d) Submission of project completion reports. This report shall be submitted to the Representative Member within 45 days of the final requisition for HOME funds together with a fully completed AL Consortium Project Compliance Checklist. Following review of the above for completeness, the Representative Member shall transmit the Project Completion Report on behalf of the Consortium to HUD as required by 92.502(d).

g. Religious Organizations. Each Member shall ensure that HOME funds are not disbursed to a primarily religious organization as prohibited by HOME Program regulations 92.257. In addition, each Member shall comply with the provisions of the above regulation with respect to assisting wholly secular organizations established by religious organizations which may be eligible to participate in HOME funded projects.

h. Conflict of Interest.

(i) In accordance with HOME Program regulation 92.356, the procurement of property and services by the Consortium, its Members and subrecipients is governed by the conflict of interest provisions stated in 24 CFR 85.36 and 24 CFR 84.42. Each Member shall comply with all applicable federal and state conflict of interest rules and shall endeavor to ensure the compliance with the same by all subrecipients as defined in HOME Program regulations 92.2 or other persons designated to receive HOME funds pursuant to this Agreement. At a minimum, each Member shall make a copy of all applicable conflict of interest provisions available to all recipients of HOME Program funds.

(ii) The conflict of interest provisions of part (i) of this section shall apply to the following persons: any person who is an employee, agent, consultant, officer, elected or appointed official of the Representative Member, or of the Members designated herein, or any state recipient, or subrecipient of HOME funds. None of the foregoing who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a financial interest or benefits from a HOME assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Any exceptions to the conflict of interest provisions stated or cited herein must be approved by HUD in accordance with HOME Program regulation 92.356(d). Each Member shall advise the Representative Member in writing as to any such exceptions granted by HUD.

i. HOME Project Requirements. Each Member shall perform and carry out the projects as described in the Consolidated Plan and Annual Action Plan approved by HUD during the period covered by this Agreement and funded pursuant to Consortium-Member HOME -Agreements consistent with specific Project Descriptions and in compliance with the requirements of HOME Program regulations Subpart F, Project Requirements, as applicable, depending upon the type of project assisted. Each Member shall comply with requirements contained in Subparts E and F specifically in HOME Program regulations 92.205 to 92.215 concerning eligible and prohibited activities, income targeting requirements in regulations 92.216 and 92.217, unit subsidy limits, and all other applicable requirements stated in regulations 92.250 through 92.258. Written agreements executed with a subrecipient or other entity shall contain provisions requiring compliance with the regulations cited herein.

j. Ownership, Use, and Disposition of Property. Each Member shall comply with the affordability provisions referenced in HOME Program regulations 92.252 - 92.256, as applicable, which include income targeting, use requirements, initial and subsequent sale restrictions. For rental projects assisted with HOME funds, each Member shall require that the affordability requirements of HOME Program regulation section 92.252 be enforced by deed restriction or by restrictive covenants running with the land in accordance with HOME Program regulation 92.252(e). If a Member fails to comply with any of the requirements of this provision, the Member shall be required to repay HOME funds disbursed pursuant to this Agreement, consistent with HOME Program regulation 92.503(b).

k. Post-Completion Requirements. Upon completion of a project, each Member shall enforce all applicable short and long-term special requirements. Such requirements include, but are not limited to: compliance with housing affordability requirements (see HOME Program regulations 92.252 – 92.255 and 92.504(c)), and compliance with the Housing - Standards (see regulation 92.251 and 92.504(c)&(d)). Each Member shall require owners of HOME assisted housing to comply with the requirements stated above and all applicable requirements for the duration of the applicable period of affordability and shall incorporate such time period into the duration of agreements executed with recipients of HOME funds. Prior to the anticipated completion date for each site, each Member shall prepare a plan for each post-completion enforcement responsibility by site and shall include such plans in each site file. Each file shall include a Certificate of Final Inspection indicating compliance with applicable housing standards. Each Member shall notify the Representative Member of compliance with this requirement by completing the Post-completion Plan item on the ALConsortium Project Compliance Checklist for each site.

l. Other Federal Regulations and Provisions. Each Member shall comply with Federal regulations incorporated in HOME Program regulation Subpart G, sections 92.300 through 92.303, Subpart H, sections 92.350 through 92.357, and all other applicable HOME regulations as well as all project requirements per this Agreement, provided that a Member's responsibilities with respect to environmental review contained in Subpart H shall be as stated in SECTION 10 – HOME GENERAL PROVISIONS, paragraph b., Environmental Review above.

m. Lead-Based Paint. Each Member shall remain solely responsible for ensuring that all projects at all times comply with applicable requirements of the Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4821, et. seq.; Lead-Based Paint Regulations 24 CFR Part 35 and all future revisions and amendments to the same. Each Member shall also ensure that all projects comply with such Lead-Based Paint regulations as may be adopted pursuant to HOME Program regulation 92.355, and with the applicable requirements of the Maine Lead Paint Statute, and all future revisions and amendments to the same.

n. Audit and Monitoring.

- (i) General. Consortium and Member records shall be audited consistent with 24 CFR 44 (OMB A-128; Government entities) and non-profit subrecipient records shall be audited consistent with OMB A-133. Each Member shall be responsible for the cost of all audits performed on its records and operations pursuant to this section and may use designated HOME administrative funds. Other entities shall be responsible for the cost of their audits,

respectively, and shall not use HOME funds for any portion of the cost of such audits unless expressly approved by a Member and included as an authorized cost in the Project Budget. Each Member and/or its subrecipient shall make available all such records and documents as requested by the Representative Member, HUD, and/or the Comptroller General of the United States. Such parties may examine and make copies, excerpts or transcripts from such records and may audit all contracts, procurement records, invoices, materials, payrolls, personnel records, conditions of employment, and all documents relating to all matters covered by this Agreement.

- (ii) HUD Performance Reviews and Monitoring. HUD may conduct performance reviews and monitoring of the Consortium and of the Members as provided in HOME Program regulations 92.550 - 92.552. Each Member agrees to cooperate with HUD and the Representative Member to undertake such remedial action as may be required pursuant to HOME Program regulation 92.551, Corrective and remedial actions.

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- (iii) Monitoring. Each Representative Member and Member shall each monitor their own recipients- to ensure full compliance with all applicable requirements. All monitoring shall be performed in accordance with applicable HUD monitoring guidelines and on forms agreed to by the Representative Member and Member. Monitoring shall occur between January and June of even years starting with 2018. Representative Member and Member - shall be responsible to follow through to resolve and clear any monitoring findings with respect to their own projects.

- (iv) In January of each year in which monitoring is scheduled to occur, Member and Representative Member shall determine who will undertake monitoring of Member recipients. Member and Representative Member shall state their intentions in writing. If either Member is unable to complete monitoring by June 30 of that same year, then Representative Member shall take responsibility for monitoring and charge Member for the time spent on monitoring to its completion at the cost based on the current hourly rate of pay and fringe benefit costs for the staff(s) undertaking the effort.

o. Indemnification.

- (i) Disclaimer. Each Member shall hold harmless and defend the Representative Member, the Consortium, and the other Members from and against all claims arising from any latent, or patent defects in any work performed or services provided with respect to each Member's projects pursuant to this Agreement and any duly executed Consortium-Member HOME - Agreement.
- (ii) Indemnification. Each Member shall indemnify, hold harmless and defend the Representative Member, the Consortium, and its agents, from and against all claims, damages, losses, and expenses including, but not limited to, attorneys' fees arising out of or resulting from the use of HOME funds disbursed pursuant to this Agreement with respect to each Member's projects,

provided that any such claim, damage, loss or expense is (1) attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, and (2) is caused in whole or in part by any negligent act or omission of a Member, anyone directly or indirectly employed by a Member, or anyone for whose acts the a Member may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder.

p. Insurance. Each Member shall require that all owners, contractors and subrecipients of HOME assisted projects shall at all times maintain certain types of insurance coverage consistent with the character of the project and shall ensure compliance with the following as applicable.

- (i) Certificate of Insurance. At time of closing of a grant or loan providing assistance, each Member shall obtain a certificate of insurance covering the assisted premises. Said certificate shall provide coverages of the types and amounts stated in subparagraphs (A) and (B) herein. The insurance provided shall be maintained for the duration of the note, mortgage or the affordability period, whichever is longer.

(A) The certificate of insurance shall provide, at a minimum, comprehensive general liability insurance and property insurance with an arrangement of coverage specifying the premises. The certificate shall name the Member as loss payee. Any changes from the standard required coverages and amounts as stated below must be mutually agreed to in advance and in writing by the Member and Representative Member.

(B) Minimum Requirements. Typically, the following coverage will be required at the minimum amounts indicated:

Property Insurance: Minimum Amount = 100% of market replacement value or amount of HOME funds invested and all senior indebtedness, whichever is greater.

Liability Insurance: Minimum Amount = HOME funds and all senior indebtedness.

- (ii) Flood insurance. All HOME - assisted projects are subject to the Federal Flood Disaster Protection Act and associated regulations. Each Member shall ensure compliance with the applicable requirements, including ensuring the provision of flood insurance protection coverage, when required. At time of closing for providing assistance, each Member shall obtain a certificate of insurance covering the assisted premises. Said certificate shall provide the following minimum coverage: Minimum Amount = HOME funds and all senior indebtedness.
- (v) Construction Insurance. Prior to the commencement of work on any HOME-assisted site, each Member shall obtain a certificate of insurance covering the work to performed. Said certificate shall provide coverages for premises, operations, contractual liability, completed operations, automobile liability, employers liability, workers' compensation and professional liability (where applicable). Minimum amounts are stated in subparagraphs (A) and (B) below. The insurance shall be maintained for the duration of the work to be

performed.

(A) Minimum Requirements. Typically, the following coverages will be required at the minimum amounts indicated:

Workmens' Compensation:	Statutory coverage.
Employer's Liability:	\$100,000 Coverage B
Comprehensive General Liability:	\$300,000 each occurrence
Bodily Injury:	\$500,000 each occurrence
Property Damage:	\$100,000 each occurrence
	\$300,000 aggregate

(B) Automobile Liability (case by case basis, subject to determination by Member and Representative Member) for owned and non-owned vehicles:

Property Damage:	\$100,000 each occurrence
	\$100,000 aggregate
Bodily injury	\$250,000 each occurrence
	\$500,000 aggregate

q. Displacement and Relocation.

- (i) General. Each Member shall take all reasonable steps to minimize displacement of persons consistent with the requirements of HOME Program regulation 92.353. In the event that displacement cannot be avoided, each Member shall ensure compliance with HOME Program regulation 92.353, including the provision of relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, hereinafter "URA", as amended. In addition, the Member shall ensure compliance with the most current edition of HUD Handbook 1378 "Tenant Assistance, Relocation and Real Property Acquisition".
- (ii) Use of Community Development Block Grant funds (CDBG). If CDBG funds are utilized in the HOME assisted project for optional relocation costs (not administrative or planning costs) and/or for any project based costs, including staff project delivery costs, each Member shall ensure compliance with all applicable provisions of the Housing and Community Development Act of 1974, and applicable implementing regulations set forth in 24 CFR 570.
- (iii) Responsibility of Member. Each Member shall prepare and maintain all necessary displacement and relocation plans and documentation, including, but not limited to site-by-site relocation plans, determinations of comparable housing, amounts and types of relocation assistance proposed, etc. as required by the URA. Each Member shall record compliance with all applicable relocation requirements on the AL Consortium Project Compliance Checklist.

r. Acquisition. The acquisition of real property for a HOME project is subject to HOME Program regulation 92.353, the URA and the requirements of 49 CFR 24, Subpart B. Each Member shall ensure compliance with all of the foregoing, and shall prepare and maintain all necessary acquisition documentation, including, but not limited to: appraisals, offer letters, required notices, checklists, and any related materials.

s. Procurement. Each Member agrees to fully comply with applicable requirements as referenced in 24 CFR 85.36 and related HUD Notices and will ensure compliance with 24 CFR 84.40 to 84.48 for nonprofit subrecipient organizations. Procurement steps must satisfy all applicable advertisement, competitive pricing, minority outreach, award, documentation and related requirements. Note that 24 CFR 24 prohibits the use of debarred firms and requires certain certifications for transactions consistent with 24 CFR 24, Appendix B.

t. Loan Servicing. In the event a loan or loans are issued with HOME funds, the Representative Member and each Member shall work out appropriate arrangements for the financial servicing of said loan(s) satisfactory to the parties. Each Member shall establish and maintain accounting records and procedures consistent with 24 CFR 85.20, HOME Program regulations 92.505 and 92.508(a)(6), including but not limited to individual loan case files, loan account histories, posting of payments and/or deferrals, account maintenance and updates, recording of loan discharge documents, preparation of IRS reports as applicable, loan portfolio reports, loan receivables control, loan repayment and interest reports, and related loan management documents. Loan payments, repayments and recaptures shall be handled in accordance with 92.503.

u. Assignability. Neither any Member nor the Representative Member shall assign any interest in this Agreement and shall not transfer any interest in the same whether by assignment or novation.

v. Liens.

- (i) General. Each Member shall ensure that any property benefiting through a HOME-assisted activity is free from any attachments, tax liens, mechanics' liens or any other encumbrances except as provided in paragraph (ii) below.
- (ii) A property assisted with HOME funds may have multiple mortgages subject to the discretion of each Member, and subject to loan underwriting analysis confirming sufficient equity is available to secure such HOME loan as may be secured by said property.

SECTION 11 - CHANGES

In the event that changes in this Agreement become necessary, a Member initiating such changes shall notify the Representative Member in writing describing the subject changes. Upon mutual consent regarding the requested changes, the Representative Member shall prepare an amendment to this Agreement incorporating said changes which shall become effective following execution of the respective authorized signatories of the Members.

SECTION 12 - APPLICABLE LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Maine and all applicable HUD regulations. HUD HOME Program regulations (primarily at 24 CFR Part 92) and requirements, as now or hereafter in effect, are incorporated by reference and shall take precedence for determining any issues that may arise concerning the Consortium.

SECTION 13 - SEVERABILITY

- a.. The provisions of this Agreement are severable. In the event that any provision herein is declared void or unenforceable, all other provisions shall remain in full force and effect.
- b. This Agreement is executed in two (2) counterparts, each of which shall be deemed to be an original and constituting together one and the same instrument, this being one of the said counterparts.

SIGNATORIES

IN WITNESS WHEREOF the parties hereto have executed this Agreement in two counterparts, as of the date first written above.

Representative Member:

City of Auburn, by its
City Manager
~~Howard Kroll~~ Peter Crichton

Member:

City of Lewiston, by its
City Administrator
Edward A. Barrett

Witness

Witness

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Project Compliance Checklist

RENTAL HOUSING

- *Local project approval*
- *Environmental Review/Assessment*
- *Commitment letter with designation of HOME units*
- *IDIS HOME Set-up Form*
- *HOME underwriting/subsidy layering*
- *HOME Agreement*
- *Section 3 Reporting*
- *Certification/property standards*
- *Construction project inspections*
- *Affirmative Marketing Plan*
- *HOME Closeout/Match credit*

Homebuyer

- *Local Project approval*
- *Commitment Letter with designation of HOME units, if any*
- *Inspection Report*
- *IDIS HOME Set-up Form*
- *HOME Agreement*
- *HOME underwriting/subsidy layering*
- *Certification/property standards*
- *HOME Closeout/Match credit*

Homeowner Rehabilitation

- *Local project approval*
- *Environmental Review*
- *Home underwriting/subsidy layering*
- *IDIS Home Set-up Form*
- *Inspection Report*
- *HOME Agreement*
- *Certification/property standards*
- *Construction project inspections*
- *HOME closeout/Match credit*

Security Deposit

- *Local project approval*
- *HOME Loan Agreement*
- *IDIS Home Set-up Form*

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 70-05202019

Title: 2019 Mutual Cooperation Agreement between the Cities of Auburn and Lewiston

ORDERED, that the City Council hereby authorizes the City Manager to sign the 2019 Auburn-Lewiston Consortium Mutual Cooperation Agreement to renew the consortium between the City of Auburn and City of Lewiston under the HOME Investment Partnerships Program for a three-year period.



**City of Auburn
City Council Information Sheet**

Council Workshop Meeting Date: May 20, 2019

Order: 71-05202019 & **Ordinance:** #'s 03-05202019 through 09-05202019

Author: Phil Crowell, Assistant City Manager

Subject: Adult Use and Medical Marijuana Business Ordinance

Information: The marijuana workgroup has been meeting regularly since the City Council meeting on February 5, 2018 to consider local impacts relating to adult use and medical marijuana businesses.

The workgroup has completed their work and have presented the proposed ordinance changes to the council at four workshops. A great deal of involvement was done to prepare an ordinance which best meets the needs of the community. The city council will need to determine if the city will be opting in for Adult Use Marijuana for the City of Auburn. The city council will then need to adopt the first reading of the new ordinance and the amended ordinances.

Staff will have a great deal of administrative work to accept licenses for existing and new businesses. In the order, we have proposed the Adult Use and Medical Marijuana Business ordinance to take effect July 1, 2019. For the month of July, the City of Auburn will except applications for existing city approved medical marijuana businesses. Effective August 1, 2019, the City of Auburn will be accepting all new medical marijuana businesses. Adult use marijuana business applications will only be received upon having a conditional license approved by the State of Maine. While the "Marijuana Legalization Act" has already been approved, the rulemaking has yet to be completed.

City Budgetary Impacts: New revenue and new expenses will occur with the adoption of this ordinance. The estimated financials were reviewed at the April 11, 2019 workshop meeting.

Staff Recommended Action: If the city council votes to "opt-in" to allow marijuana businesses – staff recommends the city council approve the new and amended ordinances as outlined in the attachments.

Previous Meetings and History: December 5, 2016, January 23, 2017, February 5, 2018, June 4, 2018, and November 19, 2018. Presented to the City Council during the March 18, 2019, April 1, 2019, April 16, 2019, and May 6, 2019 workshop.

City Manager Comments:

A handwritten signature in blue ink, appearing to read "Peter J. Crowell".

I concur with the recommendation. Signature:

Attachments:

Chapter 14, Business Licenses and Permits for an *Adult Use and Medical Marijuana Businesses Ordinance*, and associated Chapter 60, Zoning Ordinance amendments to Section 60-145(a), Section 60-499(a), Section 60-525(a), Section 60-554, Section 60-578(a) and Section 60-1038 Odors.

CITY OF AUBURN
PUBLIC NOTICE

Notice is hereby given that the City Council of the City of Auburn, Maine will hold public hearings on May 20, 2019 at 7:00 p.m. or as soon as possible thereafter at the City Council Chambers in the Auburn Hall Building at 60 Court Street, Auburn, Maine for purposes of receiving public comments on the following:

Public Hearing for a proposed amendment to Chapter 14, Business Licenses and Permits for an *Adult Use and Medical Marijuana Businesses Ordinance*, and associated Chapter 60, Zoning Ordinance amendments to Section 60-145(a), Section 60-499(a), Section 60-525(a), Section 60-554, Section 60-578(a) and Section 60-1038 Odors.

All relevant materials are on file with the City Clerk. All interested parties will be heard at the Public Hearing.

To be placed in the Lewiston Sun Journal on Wednesday, May 8, 2019 and Monday, May 13, 2019

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 71-05202019

Opt-In Order language

ORDERED, that the City Council hereby authorizes the following marijuana businesses to operate in the City of Auburn in accordance with applicable state and local laws, ordinances and regulations, effective July 1, 2019: registered caregiver retail stores, registered dispensaries, medical marijuana testing facilities, medical marijuana manufacturing facilities, adult use marijuana cultivation facilities, adult use marijuana products manufacturing facilities, adult use marijuana testing facilities and adult use marijuana stores. Registered caregiver retail stores, registered dispensaries, medical marijuana testing facilities and medical marijuana manufacturing facilities that were operating with City approval prior to December 13, 2018 may continue to operate, provided they comply with any and all state and local laws, ordinances and regulations.

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 03-05202019

TITLE: Adopting the proposed amendment to Chapter 14, Business Licenses and Permits for an Adult Use and Medical Marijuana Businesses Ordinance.

WHEREAS, implementing a system for the regulation of stores, dispensaries, cultivation, manufacturing, and testing for the production and sale of marijuana, is a complex function with significant administrative demands on the City of Auburn; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a medical marijuana patient card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of marijuana; and

WHEREAS, the City of Auburn believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to adult use and medical use of marijuana throughout the City of Auburn; and

BE IT FURTHERED ORDERED, the Adult Use and Medical Marijuana Business ordinance will take effect July 1, 2019. For the month of July, the City of Auburn will except applications for existing city approved medical marijuana businesses. Effective August 1, 2019, the City of Auburn will be accepting all new medical marijuana businesses. Adult use marijuana business applications will only be received upon having a conditional license approved by the State of Maine. All Registered Caregivers operating out of their residence, the City of Auburn will begin accepting applications on July 1, 2019.

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. §101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. §2421 et seq.; and the City's home rule authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S. §3001 et seq., and 30-A M.R.S. §4301 et seq.

CITY OF AUBURN

Adult Use and Medical Marijuana Businesses Ordinance

ENACTED: _____, 2019

CERTIFIED BY: _____
Sue Clements-Dallaire

City Clerk
Title

Affix Seal

City of Auburn
Chapter 14 – Business Licenses and Permits
Table of Contents

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Adult Use and Medical Marijuana Businesses Ordinance
Chapter 14 – Business Licenses and Permits

14-650 Title:

This ordinance shall be known and cited as the “City of Auburn Adult Use and Medical Marijuana Businesses Ordinance” and will be referred to hereinafter as “this Ordinance”. This Ordinance limits all subject Adult Use and Medical Marijuana Businesses to the zoning districts specified under the Auburn Zoning Ordinance, prescribes definitions of Adult Use and Medical Marijuana Businesses, and provides for permitting/licensing and regulation of Adult Use and Medical Marijuana Businesses, and provides performance standards for Adult Use and Medical Marijuana Businesses.

14-651 Authority and Applicability:

WHEREAS, implementing a system for the regulation of stores, dispensaries, cultivation, manufacturing, and testing for the production and sale of marijuana, is a complex function with significant administrative demands on the City of Auburn; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a medical marijuana patient card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of marijuana; and

WHEREAS, the City of Auburn believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to adult use and medical use of marijuana throughout the City of Auburn; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. §101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. §2421 et seq.; and the City’s home rule authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S. §3001 et seq., and 30-A M.R.S. §4301 et seq.

14-652 Purpose:

It is the purpose of this Ordinance to regulate Adult Use and Medical Marijuana Businesses in order to promote the health, safety, and general welfare of the citizens of Auburn, and to establish reasonable and uniform regulations for the appropriate location of Adult Use and Medical Marijuana Businesses in Auburn.

Persons or entities wishing to establish an Adult Use or a Medical Marijuana Business within the City of Auburn shall first obtain a license from the Auburn City Council (hereinafter “the City Council”) and shall be subject to the provisions of this Ordinance. This Ordinance may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

14-653 Conflict with Other Ordinances; State Law:

Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply. Nothing herein is intended to conflict with State law; whenever a provision of this Ordinance conflicts with State law the more restrictive provision shall apply. All applicants and licensees shall comply with all applicable State laws.

14-654 Effective Date:

The effective date of this Ordinance, and the business licensing thereunder, shall be the date of adoption by the City Council.

14-655 Validity and Severability:

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

14-656 Definitions:

Adult Use Cultivation facility: a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to Adult Use Products Manufacturing Facilities, to Adult Use Marijuana Stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to Adult Use Marijuana Stores.

Adult Use Marijuana Nursery Cultivation Facility: a facility licensed under this ordinance to cultivate not more than 1,000 SF of plant canopy pursuant to 28-B M.R.S. §501.

Adult Use Marijuana Store: a facility licensed under this ordinance to purchase adult use marijuana, immature marijuana plants and seedlings from an Adult Use Cultivation Facility, to purchase adult use marijuana and adult use marijuana products from an Adult Use Products Manufacturing Facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult Use Marijuana Testing Facility: a facility licensed under this ordinance to develop, research and test adult use marijuana, adult use marijuana products and other substances.

Adult Use Products Manufacturing Facility: a facility licensed under this ordinance to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Cultivation or Cultivate: the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale.

Harvested Marijuana: the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested marijuana" includes marijuana concentrate and marijuana products.

Immature marijuana plant: a marijuana plant that is not a mature marijuana plant or a seedling.

Manufacture or Manufacturing: the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

"Marijuana" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

Marijuana Business: Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Testing Facility, Registered Dispensary, Registered Caregiver Retail Store, Adult Use Marijuana Cultivation Facility, Adult Use Marijuana Products Manufacturing Facility, Adult Use Testing Facility, or Adult Use Marijuana Store licensed under this Ordinance.

Medical Marijuana Cultivation Facility: a facility licensed under this ordinance to cultivate, prepare and package medical marijuana at a location that is not the residence of the Registered Caregiver or Qualifying Patient.

Medical Marijuana Manufacturing Facility: a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F.

Medical Marijuana Testing Facility: a public or private laboratory that:

A. Is authorized in accordance with 22 M.R.S. §2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and

B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the State of Maine.

Medical Use: the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.

Plant Canopy: the total surface area within the licensed premises of an Adult Use Marijuana Cultivation Facility that is authorized for use at any time by the cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of non-contiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

Qualifying patient: a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

Registered caregiver: a person or an assistant of that person that provides care for a qualifying patient and who is registered by the State of Maine pursuant to 22 M.R.S. § 2425-A.

Registered Caregiver Retail Store: a facility licensed to sell harvested marijuana to qualifying patients for the patients' medical use.

Registered Dispensary: an entity registered under 22 M.R.S. § 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Testing or test: the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency.

14-657 License Required:

No person may establish, operate or maintain a Marijuana Business without first obtaining a license from the City Council.

It is a violation of this Ordinance for any person to operate a Marijuana Business without a valid Marijuana Business license issued by the City pursuant to this Ordinance.

Pursuant to 28-B M.R.S. § 402, an applicant seeking to operate an Adult Use Marijuana Business may not submit an application for a license unless the applicant has been issued a conditional license by the State of Maine to operate the Adult Use Marijuana Business.

Marijuana Business Licenses shall be administered on a first come, first served basis based upon the date the application is deemed complete.

Registered Caregivers operating out of their residence shall apply for and obtain a permit for a home occupation in accordance with Article IX of the Auburn Zoning Ordinance and shall comply with all standards set forth in the article. Registered Caregivers who cultivate medical marijuana only for themselves and/or members of their household are exempt from this requirement and are not required to obtain a permit or license.

The cultivation, manufacturing, testing or sale of adult use marijuana from a residence is prohibited, unless it is for personal use in accordance with 28-A M.R.S. § 1502. Home cultivation of adult use marijuana for personal use is exempt from the licensing requirements of this Ordinance. Provided, however, that outdoor cultivation of adult use marijuana for personal use is prohibited, unless the residence is located in an agricultural zoning district.

14-658 Application Procedure:

- A. An application for a license must be made on a form provided by the City.
- B. All applicants must be qualified according to the provisions of this Ordinance. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this Ordinance.
- C. Application to establish a Marijuana Business
 - 1. If the applicant who wishes to operate a Marijuana Business is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a Marijuana Business is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.
 - 2. The completed application for a Marijuana Business license shall contain the following information and shall be accompanied by the following documents:
 - a. If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty-one (21) years of age.
 - b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.

- c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.
- d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.
- e. If the applicant intends to operate the Marijuana Business under a name other than that of the applicant, they must state the Marijuana Business' name and submit the required registration documents.
- f. If the applicant, an officer, member or employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
- g. If the applicant has had a previous license under this Ordinance or other similar Marijuana Business license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the Marijuana Business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the Marijuana Business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
- h. If the applicant holds any other permits/licenses under this Ordinance or other similar Marijuana Business license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.
- i. The type of Marijuana Business for which the applicant is seeking a license.
- j. The location of the proposed Marijuana Business, including a legal description of the property, street address, and telephone number.
- k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the Marijuana Business

pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

- l. The applicant's mailing address and residential address.
 - m. Recent passport-style photograph(s) of the applicant(s).
 - n. The applicant's driver's license.
 - o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
 - p. A copy of a City Tax Map depicting: the subject property lines and the property lines of other properties containing any existing Marijuana Businesses within one thousand (1,000) feet of the subject property; and the property lines of any public or preexisting private school within seven hundred and fifty (750) feet of the subject property, measured in accordance with Section 14-659.
3. All applications for a Marijuana Business license shall be kept confidential by the City .
4. All applicants, including all individuals, officers, directors, managers, members, and partners, for any Adult Use Marijuana Business license, excepting Adult Use Marijuana Testing Facilities, must be residents of the State, as defined in 28-B M.R.S. §102, and a majority of shares, partnership interests, and membership interests, or other equity interests in corporate applicants must be held or owned by persons who are residents.

All applicants, including all individuals, officers, directors, managers, members, and partners, for any Medical Marijuana Business license must be residents of the State, as defined in 22 M.R.S. §2422.

5. If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents. This residency requirement does not apply to applicants for testing facility licenses.

E. Application and License Fees

All applications must be submitted with a \$500 fee. If an application is approved, the following license fees must be paid before the City will issue a license:

Marijuana Store: Annual Operation License Fee: \$5,000

Marijuana Manufacturing Facility: Annual Operation License Fee: \$2,500

Marijuana Testing Facility: Annual Operation License Fee: \$2,500

Adult Use Marijuana Cultivation:

Tier 1: 0 to 500 SF of plant canopy: Annual Permit/Licensing Fee: \$1,000.

Tier 2: 501-2,000 SF of mature plant canopy: Annual License Fee: \$1,500.

Tier 3: 2,001-7,000 SF of mature plant canopy: Annual License Fee: \$2,500.

Tier 4: greater than 7,000SF of mature plant canopy: Annual License Fee: \$5,000.

Medical Marijuana Cultivation: Annual Operation License Fee: \$1,000

Adult Use Marijuana Nursery Cultivation: Annual License Fee: \$1,000 (Plant canopies of individual Nursery Cultivations are permanently capped at 1,000 SF.)

Renewal applicants for Adult Use Marijuana Cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section.

Applicants for Adult Use Marijuana Cultivation licenses may not hold more than three (3) such licenses or a total combined plant canopy in excess of 30,000 SF.

14-659 Standards for License:

A. General

1. All Marijuana Businesses shall comply with applicable state and local laws and regulations.
2. Marijuana Businesses shall only be located within the zoning districts permitted in the Auburn Zoning Ordinance.
3. Marijuana Businesses may not be located on property within seven hundred and fifty (750) feet of the property line of a preexisting public or private school (K-12). For the purposes of this Ordinance, "school" includes a public school, private school, or public preschool program as defined in 20-A M.R.S. §1, or any other educational facility that serves children from prekindergarten to grade 12.

Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the property line of the parcel of land on which the Marijuana Business is located. If the Marijuana Business is located within a commercial subdivision, the required setback shall be measured from the front

door of the Marijuana Business to the property line of the school. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

4. Marijuana Businesses may not be located on property within one thousand (1,000) feet of the property line of a parcel containing one or more Marijuana Businesses. Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the property lines of the parcels of land on which the Marijuana Businesses are located. If the Marijuana Business is located within a commercial subdivision, the required setback shall be measured from the front door of each of the Marijuana Businesses. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

Notwithstanding the foregoing, more than one Marijuana Businesses may be located on the same parcel, provided all state and local requirements are met.

Adult Use and Medical Marijuana Cultivation Facilities and Adult Use and Medical Marijuana Manufacturing Facilities operating within the industrial zoning district are exempt from this setback requirement.

This setback requirement does not apply to properties with more than one Marijuana Business that are subdivided, as long as the Marijuana Business(es) located on the property were operating with City approval prior to December 13, 2018.

5. No outside cultivation or storage of marijuana, marijuana products, or related supplies is permitted, except that outdoor cultivation of marijuana in the Agricultural District is permitted.
6. Pursuant to 22 M.R.S. §2429-D(3), Registered Caregiver Retail Stores, Registered Dispensaries, Medical Marijuana Testing Facilities, and Medical Marijuana Manufacturing Facilities that were operating with City approval prior to December 13, 2018, are grandfathered in their current location and current use and shall be treated as legally non-conforming uses in accordance with Article III of the Auburn Zoning Ordinance if their location or use is not in conformance with this ordinance or applicable zoning ordinances, provided, however, that said Marijuana Businesses shall apply for and obtain a license.

Notwithstanding Section 60-79(4) of the Auburn Zoning Ordinance, the holder of a license for a Medical Marijuana Cultivation Facility or a Medical Marijuana Manufacturing Facility that complies with all applicable provisions of this Ordinance and the Auburn Zoning Ordinance, may exchange their license for an Adult Use Cultivation Facility or Adult Use Manufacturing Facility license in the same location, provided they meet all requirements and standards to operate an

Adult Use Cultivation Facility or Adult Use Manufacturing Facility, with the exception of the required setbacks between facilities and schools. Said holder must file an application and pay a \$500 fee.

Notwithstanding Section 60-79(4) of the Auburn Zoning Ordinance, the holder of a license for a Registered Caregiver Retail Store that complies with all applicable provisions of this Ordinance and the Auburn Zoning Ordinance may exchange their license for an Adult Use Marijuana Store license in the same location, provided they meet all requirements and standards to operate an Adult Use Marijuana Store. Said holder must file an application and pay a \$500 fee.

7. All Adult Use Marijuana Stores and Registered Caregiver Retail Stores must be operated from permanent locations, which may utilize telephone and internet orders as long as the buyer pays for and picks up such orders in the store on the day the order is made, an exception is made for Registered Caregiver Retail Stores whereas it may be a necessity for the business to deliver medical marijuana to a patient. These deliveries will be made by the business and no contracted/paid delivery service will be authorized. Delivery must be made directly to the Qualified Patient and proper identification is verified.
8. Adult Use Marijuana Stores and Registered Caregiver Retail Stores may not use vending machines for sales, may not have "drive-through" or "drive-up" window-serviced sales, and may not have internet-based sales with credit/debit card payment and delivery by USPS, UPS, FedEx, DHL, or any other global or local delivery service or courier.
9. Security measures at all Marijuana Business premises shall include, at a minimum, the following:
 - a. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with thirty (30) day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises; and
 - b. Door and window combination video and motion detector intrusion system with audible alarm and smart phone monitoring, maintained in good working condition; and
 - c. A locking safe permanently affixed to the premises that is suitable for storage of all marijuana, marijuana products, and cash stored overnight on the licensed premises; and
 - d. Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, that is either constantly on or activated by motion

detectors, and complies with applicable provisions of the lighting performance standards in the City of Auburn Zoning Ordinance; and

- e. Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks and bars; and
- f. Methods to ensure that no person under the age of twenty-one (21) shall have access to marijuana and marijuana products.

11. Ventilation

All Marijuana Businesses are required to be in compliance with the Odor Nuisance Control and Abatement Performance Standards in the City's Zoning Ordinance, and all Marijuana Cultivation facilities shall have odor mitigation systems and a plan.

12. Operating Plan

Marijuana Businesses which cultivate, test, and/or manufacture are required to submit an operation plan that at a minimum addresses the following:

- a. wastewater; and
- b. disposal of waste

13. Required Notices

There shall be posted in a conspicuous location inside each Marijuana Store, at least one legible sign containing the following information:

On-site consumption of marijuana is illegal; Open and public consumption of marijuana in the State of Maine is illegal; The use of marijuana or marijuana products may impair a person's ability to drive a car or operate machinery; No one under the age of twenty-one (21) may purchase marijuana or marijuana products, except a minor with medical marijuana card; Loitering prohibited.

14. Signs

All signs used by and all marketing and advertising conducted by or on behalf of the marijuana business may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age. The signs, marketing, or advertising is prohibited from making any health or physical benefit claims. All signage shall meet the City's Sign Ordinance and may use an image or images of the marijuana plant or plants, or parts thereof, as long as they do not exceed 20% of the sign face, but there shall be no pictorial representations of other marijuana products, by-products, or paraphernalia associated with the use or distribution of retail marijuana.

The exterior of all Marijuana Stores shall display a 1' x 1' image of any universal symbol for Medical or adopted by the State's Department of Administration and Financial Services.

B. Right of Access/Background Check/Inspection

Every Marijuana Business shall allow law enforcement officers and the Auburn Code Enforcement Officer ("CEO") to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this Ordinance. Every owner and employee of a Marijuana Business applying for a license, shall contact the Auburn Police Department for the purposes of fingerprinting and criminal background checking, and all premises managers for Marijuana Businesses shall submit emergency contact information to the Lewiston – Auburn 911 Communication Center.

Due to fire, explosion, and other hazards inherent in Marijuana Cultivation, Testing, and Manufacturing facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO² enrichment, extraction solvents (acetone, butane, propane, ethanol, heptane, isopropanol, CO², etc.), high-pressure extraction methods (CO², etc.), and flammable contents, the owners of all such facilities shall agree to be inspected annually by the Auburn Fire Department and have a Knox Box installed at the structure's exterior entrance for emergency access. Knox Boxes shall be obtained and installed in coordination with the Auburn Fire Department.

C. Indemnification

By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the City, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Marijuana Business owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules, or regulations.

By accepting a license issued pursuant to this Ordinance, the permittee/licensee agrees to indemnify, defend, and hold harmless the City, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a permitted/licensed Marijuana Business.

D. State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of Marijuana or Marijuana products, the additional or stricter regulation shall control the establishment or operation of any Marijuana Business in Auburn.

Compliance with all applicable State laws and regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with State laws or regulations shall be grounds for revocation or suspension of any license issued hereunder.

14-660 Enforcement

A. Violations

1. Any violation of this Ordinance, including failure to comply with any condition, may be enforced in accordance with 30-A M.R.S. §4452. Every day a violation exists constitutes a separate violation.
2. Commencement of any Marijuana Business without a City license for same shall be a violation of this Ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the Code Enforcement Officer (CEO). Upon such CEO notification, the City can pursue fines and/or penalties under 30-A M.R.S. §4452.

B. Law Enforcement Officer (“LEO”) and Code Enforcement

Law enforcement officers and the CEO may at any reasonable time conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to license approvals and shall investigate all complaints of alleged violations of the Ordinance.

1. If the LEO or CEO finds that any provision of this Ordinance is being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the City Council and be maintained as a permanent record.
2. The LEO or CEO shall keep a complete record of all essential transactions of the LEO or CEO, including Marijuana license applications submitted, permits/licenses granted or denied, training certifications, revocation actions, revocation of permits/licenses, appeals, court actions, violations investigated, violations found, and fees collected.

C. Legal Actions

When the above notification and/or inspection actions do not result in the voluntary correction or abatement of the violation by the subject Marijuana Business, the

City Council, upon receiving written notification from the LEO or CEO, may institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance.

The City Council, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.

D. Penalties/Fines

Any person, including but not limited to, a Marijuana Business owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or fails to comply with any of its requirements, shall be penalized in accordance with 30-A M.R.S. §4452.

14-661 Training:

- A. Individuals who sell marijuana and marijuana products, pursuant to a Marijuana Store business license, must complete responsible marijuana vendor sales practices training, if and when such training is available. This training may be completed on-line and an employee must be certified within 30 days of employment.

B. Recordkeeping.

Marijuana Store licensees shall maintain on the licensed premises, written records of the vendor training programs completed by individuals who sell marijuana and marijuana products and shall produce those records upon request by the CEO or LEO with the Auburn Police Department.

C. Failure to comply with the training requirements.

Failure to meet the training requirement imposed by §14-661 may result in the denial/revocation of a Marijuana Business license.

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 04-05202019

TITLE: Adopting the proposed amendment to Chapter 60, Section 60-145(a) Use regulations, permitted uses

Be it ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Section 60-145 (a) Use regulations, permitted uses (as attached).

ORDINANCE 04-05202019B

Sec. 60-145. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:
 - a. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.
 - b. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
 - c. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult Use and Medical Marijuana Cultivation, but not retail sales of any kind.
- (15) Marijuana Manufacturing accessory to a licensed cultivation site.

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Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 05-05202019

TITLE: Adopting the proposed amendment to Chapter 60, Section 60-499(a) Use regulations, permitted use

Be it ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Section 60-499 (a) Use regulations, permitted use (as attached).

ORDINANCE 05-05202019B

Sec. 60-499. - Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Wholesale bakeries.
- (12) Retail laundries and dry cleaners, but not plants.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Warehouses, wholesale offices, salesrooms and showrooms.
- (18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.
- (19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (20) Animal hospitals and pet shops, but no kennels.
- (21) Business equipment repair and business services.
- (22) Radio and television studios.
- (23) Printing shops, but not publishing plants.
- (24) Retail, service, office and commercial uses similar to the foregoing.
- (25) Carwashes.
- (26) Accessory uses, building and structures.
- (27) Shelters for abused persons.
- (28) Greenhouses and lawn maintenance services.
- (29) Temporary outdoor places of amusement.
- (30) Churches and temples.

(31) Adult Use and Medical Marijuana Stores subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances.

(32) Marijuana Cultivation accessory to a licensed retail store on the same property.

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Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 06-05202019

TITLE: Adopting the proposed amendment to Chapter 60, Section 60-525(a) Use regulations, permitted uses

Be it ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Section 60-525(a) Use regulations, permitted uses (as attached).

ORDINANCE 06-05202019B

Sec. 60-525. - Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Retail bakeries.
- (12) Retail laundries and dry cleaners.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Restaurants, dining rooms or lunchrooms.
- (18) Bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (19) Animal hospitals and pet shops, but not kennels.
- (20) Business equipment repair and business services.
- (21) Radio and television studios.
- (22) Printing shops, but not publishing plants.
- (23) Carwashes.
- (24) Accessory uses, buildings and structures.
- (25) Greenhouses.
- (26) Seasonal outdoor places of amusement.
- (27) Churches and temples.
- (28) Shelters for abused persons.
- (29) Adult Use and Medical Marijuana Stores subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances.
- (30) Marijuana Cultivation accessory to a licensed retail store on the same property.

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Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 07-05202019

TITLE: Adopting the proposed amendment to Chapter 60, Section 60-554 Form Base Code and Matrix

Be it ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Section 60-554-Form Base Code and Matrix (as attached).

ORDINANCE 07-05202019B**DIVISION 14. - FORM BASED CODE**

Sec. 60-554. - Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS 2)
Residential Type Use						
Single Family	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	P	P	P	P	1 sp/employee plus 1 sp/guest

Bed & Breakfast > 4 Rooms	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	S	S	S	P	½ sp/employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/Lodginghouse	P	P	P	S	X	1 sp/guestroom plus
						1 sp/employee
Office/Service Type Use						
Professional Offices	S	S	P	P	P	1 sp/400 sf
Medical and Dental Clinics	S	S	P	P	P	1 sp/400 sf
Personal Services	S		P	P	P	1 sp/400 sf
Retail Type Use						
General Retail	S	S	P	P	P	1 sp/400 sf
Age Restricted Retail (3)	S	S	S	S	S	1 sp/400 sf
Specialty Shops	S	P	P	P	P	1 sp/400
Restaurant up to 30 seats w/16 outdoor	X	S	P	P	P	1 sp/4 seats
Restaurant over 30 seats w/16 outdoor		S	S	P	P	1 sp/4 seats

Halls, Private Clubs, Indoor Amusement	S	S	S	P	P	1 sp/400 sf
Artist Studios, Performing Art Center	S	S	P	P	P	1 sp/400 sf
Civic						
Church or Places of Worship	S	S	P	P	P	1 sp/5 seats
Government Offices	X	X	P	P	P	1 sp/400 sf
Art Galleries	S	P	P	P	P	1 sp/400 sf
Transportation Facilities	X	X	S	S	S	1 sp/400 sf
Adaptive Reuse of Structures of Community Significance	S	S	S	S	S	To be determined by the planning board depending on use(s)

Notes:

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) *Parking requirements in T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to planning board approval.
- (3) Where more than 50% of floor space is devoted to age restricted goods. This may include licensed Adult Use or Medical Marijuana Stores.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017)

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David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 08-05202019

TITLE: Adopting the proposed amendment to Chapter 60, Section 60-578(a) Use regulations, permitted uses

Be it ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Section 60-578(a) Use regulations, permitted uses (as attached).

ORDINANCE 08-05202019B

Sec. 60-578. - Use regulations.

- (a) *Permitted uses.* The following uses are permitted, provided that the use proposed will not be noxious, offensive or detrimental to the neighborhood or to the city by reason of danger of fire or explosion; pollution of waterways or groundwater; vibration; emission of corrosive, toxic or unhealthful fumes, gas, smoke, soot obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics:
- (1) Farming of field crops, row crops, orchards and truck gardens.
 - (2) Plant and tree nurseries, wholesale nurseries, landscape services and greenhouses; on-premises sales permitted.
 - (3) Farm dwellings on premises actively farmed.
 - (4) Financial institutions.
 - (5) Office buildings.
 - (6) Post offices.
 - (7) Telephone exchanges or telephone business offices.
 - (8) Public transportation passenger stations.
 - (9) Churches or temples.
 - (10) Municipal uses buildings.
 - (11) Airports.
 - (12) Wholesale businesses, warehouses, trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious material.
 - (13) Manufacture, compounding, processing or packaging of foods and food products, except uses approved by resolution of the city council allowing review and recommendation of the planning board in the same manner as a special exception.
 - (14) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber textiles or cloth products, tobacco, or wood, bark or wood products.
 - (15) Manufacture of ceramic products, brick and cinder blocks.
 - (16) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products, office equipment.
 - (17) Building material sales yard and contractor's equipment storage yard and plant.
 - (18) Research, experimental or testing laboratories.
 - (19) Lumber yard, including planning, milling and other processing.
 - (20) Ice manufacturing and storage plant.
 - (21) Beverage bottling plants.
 - (22) Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants.
 - (23) Accessory uses and buildings, including but not limited to:
 - a. Retail sales of products manufactured on premises.

- b. Dwellings used as living quarters for caretakers or watchmen and their families.
 - c. Storage boxes or space trailers as defined in section 60-666(12) used for the storage of nonhazardous material by the commercial or industrial use which occupies the property.
- (24) Training schools.
 - (25) Uses similar to those in this subsection (a) and not elsewhere named in the following subsections, provided that the use will not be noxious.
 - (26) Any new or existing building proposed as a complex of three or more business and/or offices provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(27) Adult Use and Medical Marijuana Cultivation, Manufacturing and Testing Facilities subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances.

(28) Adult Use and Medical Marijuana Stores subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances, provided that the store is located on the same parcel of land as a Marijuana Cultivation Facility or Marijuana Manufacturing Facility.

- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:
 - (1) Uses similar to those found in subsection (a) of this section and not elsewhere named in the following subsection; that in the determination of the municipal officer charged with enforcement do not meet the requirements subsection (a) of this section.
 - (2) Automobile filling stations.
 - (3) Automobile and marine repair and service stations, automobile and marine paint and body repair shops.
 - (4) Restaurants and diners, including drive-in and carry-out restaurants.
 - (5) Retail food stores.
 - (6) Microwave, radio, radar, television or radio-telephone transmitting or broadcasting towers, including studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than 1½ times its height from the nearest property line.
 - (7) Motels and hotels.
 - (8) Automobile scrap yards.
 - (9) Off-street parking accessory, to a permitted use whether or not located on the same lot.
 - (10) Outdoor advertising.
 - (11) Junkyard.
 - (12) Airplane manufacture or assembly.
 - (13) Alcohol, methanol, or ethanol manufacture.
 - (14) Automobile or automotive manufacture or assembly.
 - (15) Brewery or distillery.

- (16) Manufacture, or bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
- (17) Machinery and machine tool manufacture.
- (18) Metal fabrication plant.
- (19) Municipal incinerator or sewage treatment plant.
- (20) Manufacture of cosmetics, toiletries and pharmaceuticals.
- (21) Asphalt batching plant.
- (22) Grain processing and storage.
- (23) Concrete or cement products manufacture.
- (24) Coal distillation and derivation of coal products.
- (25) Iron or steel foundry.
- (26) Meat products manufacture.
- (27) Packinghouse, including meat and poultry canning and curing, processing or freezing.
- (28) Plastic and pyroxylin manufacture.
- (29) Uses similar to the uses of this section and not elsewhere named in the following subsections.
- (30) Accessory uses building and structures, including but not limited to:
 - a. Retail sales of products manufactured on the premises and products accessory to the industry.
 - b. A single dwelling unit for security personnel. Such dwelling unit shall be located in the principal building.
- (31) Hospital.
- (32) Automobile and marine sales lots and agencies.
- (33) Child day care centers over 5,000 square feet (building area).
- (34) Outpatient addiction treatment clinics.
- (35) Any new building of 10,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 10,000 square feet or more.
- (36) Adaptive reuse of structures of community significance.

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Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 09-05202019

TITLE: Adopting the proposed amendment to Chapter 60, Section 60-1038 - Odors

Be it ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Section 60-1038 - Odors (as attached).

Sec. 60-1038. - Odors.

- ~~(a) For purposes of this section, the term "odor threshold" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the abutters of the property in question.~~
- ~~(b) No development in any zone may generate any odor that reaches the odor threshold, measured at the lot line of the enterprise generating the odor.~~

~~(Ord. of 9-21-2009, § 5.6E)~~

(a) Nuisance Control and Abatement

Statutory authority; administration and enforcement; severability.

1. Authorization. This article is adopted pursuant to 30-A M.R.S.A. § 3001 and the City's Home Rule Powers as provided for in Article VII-A of the Maine Constitution and Title 30-A M.R.S.A. §§ 2101 through 2109 and in accordance with the authority of the City to seek judicial remedies in order to protect the inhabitants of the City, the City as a municipal corporation, and individual residents of the City as provided for by the laws of the State of Maine, including, but not limited to 17 M.R.S.A. §§ 2702, 2705 and 2706; 30-A M.R.S.A. § 2002 and at common law.
2. Administration and enforcement. The Code Enforcement Officer of the City of Auburn shall administer and enforce this article.
3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

(b) Purpose.

The City finds that because most odorous pollutants have a complex chemical composition and may elicit a broad spectrum of responses by the receptors, special methods must be employed in their measurement and characterization. Although analytical data are more precise and may be useful in identifying a source, it is the human response or the sensory data that is most critical in determining the necessary degree of odor control. Analytical data may be used to specify permissible emission levels from a source, but sensory data must be employed to assess the impact in the surrounding community. The latter is the City's primary concern.

(c) Objectionable odor determination.

An odor will be deemed objectionable and is a public nuisance when any of the following occurs:

1. Creates a public nuisance at common law; or

2. The erection, continuance or use of any building or place for the exercise of trade, employment or manufacture which, by noxious exhalations or offensive smells, become injurious and dangerous to the health, comfort or property of individuals or the public; or
3. All members of a panel consisting of a representative from the Economic and Community Development Department, Police Department and Fire Department shall investigate complaints to determine following concurrent, personal observation, that the odor at the property line of the source based on City Tax Maps or elsewhere in the City is objectionable, taking into account its nature, concentration, location, and duration and are able to identify the source.

(d) Compliance required; applicability.

No odor source, land use, facility, or activity shall be exempt from complying with the odor management standards contained in this article, Chapter 60-1038, Zoning, because of grandfathering or because of being an existing use, facility, or activity at the time the standards were enacted. The odor standards apply to all existing and future odor sources, land uses, facilities, and activities in the City, except as otherwise provided herein.

(e) Observation procedures.

Odor observation shall be undertaken to arrive at a determination that an objectionable odor exists, shall be at or beyond the property line or at or near places where people live or work.

(f) Enforcement.

In the event that the Economic and Community Development Department receives complaints that smells or odors are detectable beyond the property line, the following process shall be used to correct the odor problem:

1. Within seven days of receiving a complaint, the Economic and Community Development Department shall investigate the property to assess the situation and discuss odor compliance with the business operator, including but not limited to asking the business operator what is being done to mitigate odors. If the Economic and Community Development Department detects odor beyond the property lines and/or the operator indicates that odor management provisions installed within the facility are not being followed, the Economic and Community Development Department shall provide verbal notice of violation to the operator and instructions to comply with odor management provisions and require the operator to notify the Economic and Community Development of conformance within 10 days.
2. If complaints persist and/or the Economic and Community Development Department continues to observe an odor issue, the Economic and Community Development Department shall assemble the panel authorized as described above to investigate the complaints. If the Economic and Community Development Department and the panel observe odor issues after the ten-day period as described above, the Economic and Community Development Department shall notify the operator of violation in writing and require notification of conformance within 10 days.

3. If complaints persist and/or the Economic and Community Development Department and the panel continue to observe odor issues after the ten-day period described above, the Code Enforcement Department shall provide a second written notice of violation, assess a citation for a first violation, as specified under Chapter 2. Administration Sec. 2-610. Penalties, and require the operator to prepare an Odor Control Plan that meets the requirements of Article XIII, Environmental Performance Standards of the Zoning Ordinance, and any relevant sections of the NFPA, Chapter 54, Ventilation or Chapter 38 (as applicable), and submit a written report from a mechanical engineer or odor management specialist with recommendations for modification/ improvement of the ventilation system within 45 days and installation of recommendations and notice of compliance within 60 days. [EC1]The City may use contracted staff and peer review escrow fees to review an Odor Control Plan.
4. If the operator has not submitted the required report within 45 days, or if the operator has not submitted evidence of compliance within 60 days as described above, the Economic and Community Development Department shall provide a third written notice of violation and assess a citation for a second violation, as specified under Chapter 2. Administration Sec. 2-610. Penalties.
5. If the operator has not submitted the required report within 60 days as described above or if the operator has not submitted evidence of compliance within 75 days, the Code Enforcement Officer, or their designee, [EC2]shall assess a citation for a third violation, as specified under Chapter 2, Article VIII, 2-610 (Code Enforcement), Chapter 14, Article 11, and or Sec.14-27(Business License), and temporarily suspend the business license, as applicable.
6. If the operator has not submitted the required report within 75 days as described above or if the operator has not submitted evidence of compliance within 90 days, the City Manager shall ask the City Council to permanently revoke the business license, per Sec.14-48, as applicable.[EC3]
7. Upon request of the City Manager, and as directed by Chapter 14, the City Council shall undertake the required process to consider revocation of the business license.

DIVISION 12. - GENERAL BUSINESS DISTRICT

Sec. 60-498. - Purpose.

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

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. - Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Wholesale bakeries.
- (12) Retail laundries and dry cleaners, but not plants.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Warehouses, wholesale offices, salesrooms and showrooms.
- (18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.
- (19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (20) Animal hospitals and pet shops, but no kennels.
- (21) Business equipment repair and business services.
- (22) Radio and television studios.
- (23) Printing shops, but not publishing plants.
- (24) Retail, service, office and commercial uses similar to the foregoing.
- (25) Carwashes.
- (26) Accessory uses, building and structures.

- (27) Shelters for abused persons.
- (28) Greenhouses and lawn maintenance services.
- (29) Temporary outdoor places of amusement.
- (30) Churches and temples.

(31) Adult Use and Medical Marijuana Stores subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances.

(32) Marijuana Cultivation accessory to a licensed retail store on the same property.

SECTION BREAK

DIVISION 13. - MINOT AVENUE (GBII)

Sec. 60-524. - Purpose.

This district is intended to allow commercial development to locate along the Minot Avenue corridor which is most compatible with local scale business. The corridor is also an arterial which requires that good sound access management design is incorporated into the uses consistent with the access management ordinance.

(Ord. of 9-21-2009, § 3.63A)

Sec. 60-525. - Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Retail bakeries.
- (12) Retail laundries and dry cleaners.

- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Restaurants, dining rooms or lunchrooms.
- (18) Bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (19) Animal hospitals and pet shops, but not kennels.
- (20) Business equipment repair and business services.
- (21) Radio and television studios.
- (22) Printing shops, but not publishing plants.
- (23) Carwashes.
- (24) Accessory uses, buildings and structures.
- (25) Greenhouses.
- (26) Seasonal outdoor places of amusement.
- (27) Churches and temples.
- (28) Shelters for abused persons.
- (29) Adult Use and Medical Marijuana Stores subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances.
- (30) Marijuana Cultivation accessory to a licensed retail store on the same property.

SECTION BREAK

DIVISION 15. - INDUSTRIAL DISTRICT

Sec. 60-577. - Purpose.

This district is intended to provide for those manufacturing, processing, transportation and storage uses which should be separated from other uses by reason of characteristics which may conflict with other uses. The exclusion of residential and commercial uses is intended to promote the economic welfare of the city by reserving especially suited areas for industry.

(Ord. of 9-21-2009, § 3.71A)

Sec. 60-578. - Use regulations.

- (a) *Permitted uses.* The following uses are permitted, provided that the use proposed will not be noxious, offensive or detrimental to the neighborhood or to the city by reason of danger of fire or explosion; pollution of waterways or groundwater; vibration; emission of corrosive, toxic or

unhealthful fumes, gas, smoke, soot obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics:

- (1) Farming of field crops, row crops, orchards and truck gardens.
- (2) Plant and tree nurseries, wholesale nurseries, landscape services and greenhouses; on-premises sales permitted.
- (3) Farm dwellings on premises actively farmed.
- (4) Financial institutions.
- (5) Office buildings.
- (6) Post offices.
- (7) Telephone exchanges or telephone business offices.
- (8) Public transportation passenger stations.
- (9) Churches or temples.
- (10) Municipal uses buildings.
- (11) Airports.
- (12) Wholesale businesses, warehouses, trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious material.
- (13) Manufacture, compounding, processing or packaging of foods and food products, except uses approved by resolution of the city council allowing review and recommendation of the planning board in the same manner as a special exception.
- (14) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber textiles or cloth products, tobacco, or wood, bark or wood products.
- (15) Manufacture of ceramic products, brick and cinder blocks.
- (16) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products, office equipment.
- (17) Building material sales yard and contractor's equipment storage yard and plant.
- (18) Research, experimental or testing laboratories.
- (19) Lumber yard, including planning, milling and other processing.
- (20) Ice manufacturing and storage plant.
- (21) Beverage bottling plants.
- (22) Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants.
- (23) Accessory uses and buildings, including but not limited to:
 - a. Retail sales of products manufactured on premises.
 - b. Dwellings used as living quarters for caretakers or watchmen and their families.
 - c. Storage boxes or space trailers as defined in section 60-666(12) used for the storage of nonhazardous material by the commercial or industrial use which occupies the property.
- (24) Training schools.

- (25) Uses similar to those in this subsection (a) and not elsewhere named in the following subsections, provided that the use will not be noxious.
- (26) Any new or existing building proposed as a complex of three or more business and/or offices provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(27) Adult Use and Medical Marijuana Cultivation, Manufacturing and Testing Facilities subject to the requirements of Chapter 11, Article 14 of the City of Auburn Ordinances. Retail sales of products manufactured on the premises and products accessory to the industry are allowable with required license.

- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:
 - (1) Uses similar to those found in subsection (a) of this section and not elsewhere named in the following subsection; that in the determination of the municipal officer charged with enforcement do not meet the requirements subsection (a) of this section.
 - (2) Automobile filling stations.
 - (3) Automobile and marine repair and service stations, automobile and marine paint and body repair shops.
 - (4) Restaurants and diners, including drive-in and carry-out restaurants.
 - (5) Retail food stores.
 - (6) Microwave, radio, radar, television or radio-telephone transmitting or broadcasting towers, including studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than 1½ times its height from the nearest property line.
 - (7) Motels and hotels.
 - (8) Automobile scrap yards.
 - (9) Off-street parking accessory, to a permitted use whether or not located on the same lot.
 - (10) Outdoor advertising.
 - (11) Junkyard.
 - (12) Airplane manufacture or assembly.
 - (13) Alcohol, methanol, or ethanol manufacture.
 - (14) Automobile or automotive manufacture or assembly.
 - (15) Brewery or distillery.
 - (16) Manufacture, or bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
 - (17) Machinery and machine tool manufacture.
 - (18) Metal fabrication plant.
 - (19) Municipal incinerator or sewage treatment plant.
 - (20) Manufacture of cosmetics, toiletries and pharmaceuticals.

- (21) Asphalt batching plant.
- (22) Grain processing and storage.
- (23) Concrete or cement products manufacture.
- (24) Coal distillation and derivation of coal products.
- (25) Iron or steel foundry.
- (26) Meat products manufacture.
- (27) Packinghouse, including meat and poultry canning and curing, processing or freezing.
- (28) Plastic and pyroxylin manufacture.
- (29) Uses similar to the uses of this section and not elsewhere named in the following subsections.
- (30) Accessory uses building and structures, including but not limited to:
 - a. Retail sales of products manufactured on the premises and products accessory to the industry.
 - b. A single dwelling unit for security personnel. Such dwelling unit shall be located in the principal building.
- (31) Hospital.
- (32) Automobile and marine sales lots and agencies.
- (33) Child day care centers over 5,000 square feet (building area).
- (34) Outpatient addiction treatment clinics.
- (35) Any new building of 10,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 10,000 square feet or more.
- (36) Adaptive reuse of structures of community significance.

SECTION BREAK

DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. - Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:
 - a. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.
 - b. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
 - c. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult Use and Medical Marijuana Cultivation, but not retail sales of any kind.
- (15) Marijuana Manufacturing accessory to a licensed cultivation site.

SECTION BREAK

DIVISION 14. - FORM BASED CODE

Sec. 60-554. - Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS 2)
Residential Type Use						
Single Family	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	1 sp/DU

Townhouse	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	S	S	S	P	½ sp/employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/Lodginghouse	P	P	P	S	X	1 sp/guestroom plus
						1 sp/employee
Office/Service Type Use						
Professional Offices	S	S	P	P	P	1 sp/400 sf
Medical and Dental Clinics	S	S	P	P	P	1 sp/400 sf
Personal Services	S		P	P	P	1 sp/400 sf
Retail Type Use						
General Retail	S	S	P	P	P	1 sp/400 sf
Age Restricted Retail (3)	S	S	S	S	S	1 sp/400 sf
Specialty Shops	S	P	P	P	P	1 sp/400

Restaurant up to 30 seats w/16 outdoor	X	S	P	P	P	1 sp/4 seats
Restaurant over 30 seats w/16 outdoor		S	S	P	P	1 sp/4 seats
Halls, Private Clubs, Indoor Amusement	S	S	S	P	P	1 sp/400 sf
Artist Studios, Performing Art Center	S	S	P	P	P	1 sp/400 sf
Civic						
Church or Places of Worship	S	S	P	P	P	1 sp/5 seats
Government Offices	X	X	P	P	P	1 sp/400 sf
Art Galleries	S	P	P	P	P	1 sp/400 sf
Transportation Facilities	X	X	S	S	S	1 sp/400 sf
Adaptive Reuse of Structures of Community Significance	S	S	S	S	S	To be determined by the planning board depending on use(s)

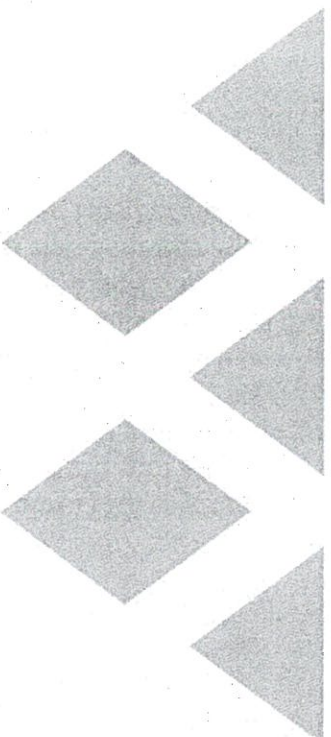
Notes:

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) *Parking requirements in T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to planning board approval.
- (3) Where more than 50% of floor space is devoted to age restricted goods. [This may include licensed Adult Use or Medical Marijuana Stores.](#)

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017)

MONTHLY ACTIVITY REPORT

April 2019
2019 Fiscal Year



maine waste
to energy

Member Communities

Auburn • Bowdoin • Buckfield • Lovell • Minot • Monmouth • New Gloucester • Poland
Raymond • Sumner • Sweden • Wales

Maine Waste to Energy

110 Goldthwaite Road

Auburn, Maine 04210

(207) 783-8805

Fax (207) 783-9831

www.midmainewaste.com

MEMORANDUM

To: Board of Directors
From: John King, Executive Director
Michael Daily, Finance Director
Subject: April Financial/Activity Report - Unaudited
Date: May 9, 2019

Enclosed please find the unaudited April Activity Report covering the period from April 1 through April 30, 2019.

General Summary

Plant throughput for the month was 6,281 tons processed, or about 209 tons per day and running time throughput was 214 tons per day. Operating Revenues exceeded Expenses resulting in April having an operating profit of \$161,929 (These figures do not reflect balance sheet expenses). Year-to-date operating loss is \$119,021 compared to projected budget gain of \$245,363 and a \$84,852 operating gain in FY18. Cash and investments totaled \$5,037,458. Cash and investments are down \$1,045,077 from the start of FY19. The reserve goal established by the Board for FY19 is \$5,900,000 and is now at 85.4% of goal. The balance sheet shows current assets less liabilities at \$5,616,543, which is down \$779,320 from the beginning of the fiscal year.

Waste Deliveries/Operations

A total of 6,917 tons were delivered to the pit for an average of 231 tons per day. 8,724 tons were received from all sources for the month. Details on deliveries are presented in the following table:

Waste Type	Year-To-Date Tons		Variance	
	FY19 Actual	FY18 Actual	Tons	%
MSW Member	14,220	14,028	192	1.4%
Comm Member	11,665	10,979	686	6.2%
Municipal Non-Member	19,966	17,979	1,987	11.1%
Gate/Hauler	15,679	14,541	1,138	7.8%
OBW/Res TS	9,192	8,760	432	4.9%
Other	7,304	11,807	(4,503)	-38.1%
Total	78,026	78,094	(68)	-0.1%

MEMBER COMMUNITIES:

AUBURN • BOWDOIN • BUCKFIELD • LOVELL • MINOT • MONMOUTH • NEW GLOUCESTER • POLAND • RAYMOND • SUMNER • SWEDEN • WALES

Waste flows to the plant and transfer station are running 0.1% below last year. Year-to-date tons processed in the plant are equal to 195 tons per day. Running time year-to-date throughput equaled 206 tons per day. The transfer station processed 1,434 tons during the month from all sources and averaging 59.8 tons per day for the month, (5.5 day receiving week) and 16,155 tons year-to-date. Recyclables totaled 375 tons for the month and 2,466 tons year-to-date. Prior year and budget comparisons of processing records as follows:

	Prior Year Comparison YTD				Budget Comparison YTD			
	FY19	FY18	Variance		FY19	FY19	Variance	
	Actual	Actual	Tons	%	Actual	Budget	Tons	%
Waste-To-Energy	59,310	61,079	(1,769)	-2.9%	59,310	59,963	(653)	-1.1%
Transfer Station	16,155	14,204	1,951	13.7%	16,155	13,498	2,657	19.7%
Recycling	2,466	2,522	(56)	-2.2%	2,466	2,319	147	6.3%
Total	77,931	77,805	126	0.2%	77,931	75,780	2,151	2.8%

Cash Available to Operations

Cash balances in checking and investments total \$5,037,458 up \$77,465 from the prior month. The following is the status of the reserve goal:

Reserve Status		
	FY 19 Goal	As of 4/30/19
Operating	2,006,000	1,712,736
Capital Improvement	944,000	805,993
20-Year Plan	1,711,000	1,460,863
Rate Stabilization	1,239,000	1,057,866
Total	5,900,000	5,037,458
Total Cash		
		5,037,458
Surplus or (Deficit)		
		(862,542)

Revenue

Revenue for the month totaled \$665,930. Major categories of revenue by month include: tipping fees, \$569,169; power contract, \$48,905; recycling, \$38,354; interest, \$8,707; other, \$795. Revenue for the month was \$122,331 above budget projections and \$95,974 above FY18. Year-to-date revenue is \$6,033,818, which is \$249,451 above budget and \$222,390 above FY18.

The table that follows shows detail relative to electrical sales:

	Price per MWhr			Electrical Output MWhr			Electrical Revenue		
	FY18	FY19		FY18	FY19		FY18	FY19	
Month	Actual	Budget	Actual	Actual	Budget	Actual	Actual	Budget	Actual
Jul	\$30	\$38	\$36	1,288	1,300	1,256	\$38,560	\$49,737	\$44,985
Aug	\$29	\$33	\$35	1,259	1,275	1,213	\$36,364	\$41,702	\$41,982
Sep	\$24	\$28	\$29	1,291	1,300	1,255	\$31,372	\$36,840	\$35,917
Oct	\$36	\$37	\$36	1,033	1,100	1,004	\$37,670	\$41,129	\$36,272
Nov	\$30	\$37	\$37	1,357	1,425	1,378	\$41,334	\$53,036	\$51,399
Dec	\$48	\$56	\$55	1,452	1,425	1,536	\$69,776	\$79,156	\$84,047
Jan	\$70	\$82	\$78	1,391	1,450	1,460	\$97,374	\$119,088	\$114,345
Feb	\$70	\$78	\$78	1,412	1,325	1,311	\$98,164	\$103,608	\$102,582
Mar	\$45	\$51	\$51	1,337	1,450	1,396	\$59,835	\$73,430	\$71,262
Apr	\$28	\$36	\$36	1,374	1,400	1,340	\$39,089	\$50,029	\$48,905
YTD	\$42	\$48	\$48	13,194	13,450	13,150	\$549,538	\$647,755	\$631,697

Total gross kWh for the latest period was 1,947,892 of which 1,340,459 were sold to the grid. Net kWh per ton equaled 213, as compared to 217 for the comparable period in FY18.

Expenditures

Operating expenses in all categories total \$504,002 for the month, which is \$52,564 above budget projections, and \$2,698 above last year. Year-to-date expenses are \$6,152,839 which is \$613,835 above budget and \$426,264 above FY18.

Investments Status

As of April 30, MWE's investments totaled \$5,037,458. Table 8 details all of our investments.

Capital Expenditures:

For the month of April a \$20,000 credit was received from Steinert, Inc. on the Metal Recovery Project.

cc: Member Municipalities
Reference No.: 03986

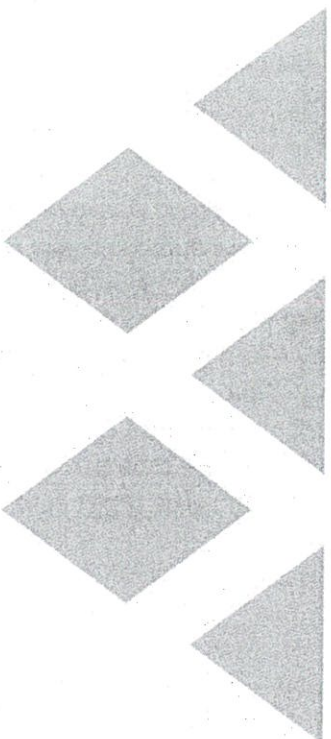
Table 1

**MUNICIPAL SOLID WASTE STATISTICS
MWE MEMBER TONS
INCLUDING COMMERCIAL WASTE
02/07/90 - 04/19**

Member Municipalities	3 Year Comparison			Year-To-Date Comparison		Total Tons Since 02/90	%MSW
	07/15-06/16	07/16-06/17	07/17-06/18	07/17-04/18	07/18-04/19		
Auburn	18,133	17,335	16,973	13,923	14,337	552,189	61.52%
Bowdoin	893	765	699	571	520	18,084	2.01%
Buckfield/Sumner	863	879	910	755	782	26,298	2.93%
Lovell/Sweden	727	731	753	630	624	20,375	2.27%
Minot	1,282	1,312	1,325	1,096	1,090	28,909	3.22%
Monmouth/Wales	1,656	1,725	1,658	1,384	1,311	44,182	4.92%
New Gloucester	2,343	2,677	2,881	2,363	2,584	62,304	6.94%
Poland	2,092	2,051	2,113	1,750	1,819	84,080	9.37%
Raymond	3,010	3,110	3,194	2,538	2,817	61,200	6.82%
Total	30,997	30,585	30,508	25,008	25,885	897,621	100.00%

MONTHLY ACTIVITY REPORT

April 2019
2019 Fiscal Year



maine waste
to energy

Member Communities

Auburn • Bowdoin • Buckfield • Lovell • Minot • Monmouth • New Gloucester • Poland
Raymond • Sumner • Sweden • Wales

Arrangements

Class visits and rentals may be arranged by contacting

Androscoggin Historical Society

784-0586

info@androhist.org



Other Contacts

Penny Jessop 782-5467

Donna Berry 346-3106



COSTS

School Day Program	\$50
Hourly Building Rental	varies

WEST AUBURN SCHOOL



GUIDE TO USES AND PROGRAMS



ANDROSCOGGIN HISTORICAL SOCIETY
2 Turner Street
Auburn, Maine 04210

Built 1/4 mile down the road and moved by oxen to the present site in 1858, the school was in continuous use until 1950. For the next 40 years the building lay fallow, slowly folding in upon itself in its new role as a storage shed. In the early 1990s an energetic and dedicated group of volunteers established the West Auburn School Historical Society and undertook the acquisition and thorough renovation of the building. In 2018, this group merged with the Androscoggin Historical Society which continues to offer the schooling programs developed by WASHS.



Used principally as a living history facility, the schoolhouse may also be rented for community events, parties, meetings, book club discussions, tag sales, crafting workshops, etc.



Students will experience rural education as it was practiced 170 years ago in a one-room schoolhouse. Scholars in Grades 1—5 will read traditional subjects using period texts and practice cursive and penmanship with slates and quill pens. After lessons, children will participate in recreational pastimes of the 1850s. The school day experience typically lasts 3-1/2 hours.

Although the classroom has desks for 30 pupils, the most instructive and enjoyable visits may be experienced with groups of 18 or fewer.

Before the visit, teachers and classes will be supplied with preparatory and follow-up materials.

A Typical School Day in 1854

Opening

Reading

Arithmetic

Spelling

Penmanship

Nooning

Recitations

History

Grammar



Students are encouraged to dress in period clothing and to tote lunches in baskets or buckets. Please note that the schoolhouse retains the amenities of its era. It has no running water and the “facility” consists of an authentic one-hole outhouse. The wood stove is the only heat source.

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services



TO: Peter Crichton, City Manager

FROM: Jill Eastman, Finance Director

REF: April 2019 Financial Report

DATE: May 14, 2019

The following is a discussion regarding the significant variances found in the City's April financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its tenth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 83.3% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through April 30, including the school department were \$77,587,765, or 89.47%, of the budget. The municipal revenues including property taxes were \$56,578,223, or 92.72% of the budget which is more than the same period last year by \$2,849,668. The accounts listed below are noteworthy.

- A. March 15th the second installment for real estate taxes were due. The current year tax revenue is at 97.12% as compared to 93.48% last year. Courtesy letters were sent out in April for those taxpayers that hadn't paid their taxes. The lien process will begin in May.
- B. Excise tax for the month of April is at 88.79%. This is a \$107,542 increase from FY 18.

Expenditures

City expenditures through April 2019 are \$36,256,770 or 84.27%, of the budget. Noteworthy variances are:

- A. All of the operating departments are either below or right on target for April. Debt Service for FY 18 has all been paid as of April 30, so this account will end the year with a small surplus that will go to fund balance.

Investments

This section contains an investment schedule as of April 30th. Currently the City's funds are earning an average interest rate of 1.92%.

Respectfully submitted,

A handwritten signature in black ink, reading "Jill M Eastman". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND, WC AND UNEMPLOYMENT FUND
AS of April 2019, March 2019, and June 2018

	UNAUDITED April 30 2019	UNAUDITED March 31 2019	Increase (Decrease)	AUDITED JUNE 30 2018
ASSETS				
CASH	\$ 20,415,444	\$ 23,780,932	\$ (3,365,489)	\$ 11,450,641
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	1,562,473	1,342,375	220,097	1,941,626
TAXES RECEIVABLE-CURRENT	1,788,028	3,111,813	(1,323,784)	1,822,799
DELINQUENT TAXES	755,027	755,469	(441)	664,795
TAX LIENS	643,449	683,558	(40,109)	724,636
NET DUE TO/FROM OTHER FUNDS	757,119	2,708,706	(1,951,586)	3,182,810
TOTAL ASSETS	\$ 25,921,539	\$ 32,382,852	\$ (6,461,313)	\$ 19,787,307
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	\$ 104,950	\$ (88,014)	\$ 192,964	\$ (1,073,230)
PAYROLL LIABILITIES	(450,255)	(663,016)	212,761	(709,471)
ACCRUED PAYROLL	(3,272)	(3,272)	-	(2,771,642)
STATE FEES PAYABLE	(91,140)	(19,102)	(72,038)	
ESCROWED AMOUNTS	-	-	-	(1,600)
DEFERRED REVENUE	(2,268,595)	(3,633,173)	1,364,578	(2,054,690)
TOTAL LIABILITIES	\$ (2,708,312)	\$ (4,406,578)	\$ 1,698,266	\$ (6,610,633)
FUND BALANCE - UNASSIGNED/ASSIGNED	\$ (19,680,829)	\$ (24,443,875)	\$ 4,763,046	\$ (9,644,275)
FUND BALANCE - RESTRICTED	(1,931,802)	(1,931,802)		(1,931,802)
FUND BALANCE - NON SPENDABLE	(1,600,597)	(1,600,597)	-	(1,600,597)
TOTAL FUND BALANCE	\$ (23,213,228)	\$ (27,976,274)	\$ 4,763,046	\$ (13,176,674)
TOTAL LIABILITIES AND FUND BALANCE	\$ (25,921,539)	\$ (32,382,852)	\$ 6,461,313	\$ (19,787,307)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH April 30, 2019 VS April 30, 2018

DEPARTMENT	FY 2019 BUDGET	Unaudited EXP THRU APR 2019	% OF BUDGET	FY 2018 BUDGET	Unaudited EXP THRU APR 2018	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	\$ 48,772,945	\$ 47,366,820	97.12%	\$ 48,061,530	\$ 44,926,732	93.48%	\$ 2,440,088
PRIOR YEAR TAX REVENUE	\$ -	\$ 759,863		\$ -	\$ 868,237		\$ (108,374)
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 1,190,000	\$ 997,694	83.84%	\$ 1,015,000	\$ 821,845	80.97%	\$ 175,849
EXCISE	\$ 3,835,000	\$ 3,405,055	88.79%	\$ 3,810,000	\$ 3,297,513	86.55%	\$ 107,542
PENALTIES & INTEREST	\$ 150,000	\$ 120,246	80.16%	\$ 150,000	\$ 100,060	66.71%	\$ 20,186
TOTAL TAXES	\$ 53,947,945	\$ 52,649,677	97.59%	\$ 53,036,530	\$ 50,014,387	94.30%	\$ 2,635,290
LICENSES AND PERMITS							
BUSINESS	\$ 62,000	\$ 58,145	93.78%	\$ 62,000	\$ 58,043	93.62%	\$ 102
NON-BUSINESS	\$ 355,000	\$ 383,258	107.96%	\$ 345,000	\$ 388,582	112.63%	\$ (5,325)
TOTAL LICENSES	\$ 417,000	\$ 441,402	105.85%	\$ 407,000	\$ 446,625	109.74%	\$ (5,223)
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	\$ 400,000	\$ 403,684	100.92%	\$ 400,000	\$ 406,860	101.72%	\$ (3,176)
STATE REVENUE SHARING	\$ 1,689,669	\$ 1,293,255	76.54%	\$ 1,509,117	\$ 1,156,926	76.66%	\$ 136,329
WELFARE REIMBURSEMENT	\$ 103,747	\$ 41,886	40.37%	\$ 95,000	\$ 127,842	134.57%	\$ (85,956)
OTHER STATE AID	\$ 32,000	\$ 14,944	46.70%	\$ 32,000	\$ 14,943	46.70%	\$ 1
CITY OF LEWISTON	\$ 228,384	\$ -	0.00%	\$ 228,384	\$ 71,293	31.22%	\$ (71,293)
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 2,453,800	\$ 1,753,768	71.47%	\$ 2,264,501	\$ 1,777,864	78.51%	\$ (24,095)
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	\$ 144,440	\$ 134,859	93.37%	\$ 144,440	\$ 99,800	69.09%	\$ 35,059
PUBLIC SAFETY	\$ 236,277	\$ 164,044	69.43%	\$ 236,277	\$ 141,035	59.69%	\$ 23,009
EMS TRANSPORT	\$ 1,250,000	\$ 849,417	67.95%	\$ 1,250,000	\$ 798,304	63.86%	\$ 51,113
TOTAL CHARGE FOR SERVICES	\$ 1,630,717	\$ 1,148,321	70.42%	\$ 1,630,717	\$ 1,039,139	63.72%	\$ 109,182
FINES							
PARKING TICKETS & MISC FINES	\$ 70,000	\$ 62,713	89.59%	\$ 70,000	\$ 45,450	64.93%	\$ 17,263
MISCELLANEOUS							
INVESTMENT INCOME	\$ 32,000	\$ 120,514	376.61%	\$ 32,000	\$ 55,362	173.01%	\$ 65,152
RENTS	\$ 35,000	\$ 23,083	65.95%	\$ 35,000	\$ 30,079	85.94%	\$ (6,997)
UNCLASSIFIED	\$ 10,000	\$ 53,878	538.78%	\$ 10,000	\$ 57,465	574.65%	\$ (3,587)
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 44,289		\$ -	\$ 45,264		\$ (975)
SALE OF PROPERTY	\$ 20,000	\$ 65,542	327.71%	\$ 20,000	\$ 14,611	73.06%	\$ 50,931
RECREATION PROGRAMS/ARENA							\$ -
MMWAC HOST FEES	\$ 221,000	\$ 188,116	85.12%	\$ 215,000	\$ 181,988	84.65%	\$ 6,128
TRANSFER IN: TIF	\$ 1,317,818	\$ -	0.00%	\$ 1,287,818	\$ -	0.00%	\$ -
TRANSFER IN: Other Funds	\$ 97,718	\$ -	0.00%	\$ 54,718	\$ -	0.00%	\$ -
ENERGY EFFICIENCY							\$ -
CDBG	\$ 214,430	\$ 10,250	4.78%	\$ 214,430	\$ 20,321	9.48%	\$ (10,071)
UTILITY REIMBURSEMENT	\$ 27,500	\$ 16,669	60.61%	\$ 27,500	\$ -	0.00%	\$ 16,669
CITY FUND BALANCE CONTRIBUTION	\$ 527,500	\$ -	0.00%	\$ 412,500	\$ -	0.00%	\$ -
TOTAL MISCELLANEOUS	\$ 2,502,966	\$ 522,341	20.87%	\$ 2,308,966	\$ 405,090	17.54%	\$ 117,251
TOTAL GENERAL FUND REVENUES	\$ 61,022,428	\$ 56,578,223	92.72%	\$ 59,717,714	\$ 53,728,555	89.97%	\$ 2,849,668
SCHOOL REVENUES							
EDUCATION SUBSIDY	\$ 24,302,914	\$ 20,487,812	84.30%	\$ 22,039,568	\$ 16,786,691	76.17%	\$ 3,701,121
EDUCATION	\$ 674,191	\$ 521,730	77.39%	\$ 811,744	\$ 503,549	62.03%	\$ 18,181
SCHOOL FUND BALANCE CONTRIBUTION	\$ 719,417	\$ -	0.00%	\$ 906,882	\$ -	0.00%	\$ -
TOTAL SCHOOL	\$ 25,696,522	\$ 21,009,542	81.76%	\$ 23,758,194	\$ 17,290,240	72.78%	\$ 3,719,302
GRAND TOTAL REVENUES	\$ 86,718,950	\$ 77,587,765	89.47%	\$ 83,475,908	\$ 71,018,795	85.08%	\$ 6,568,970

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH April 30, 2019 VS April 30, 2018

DEPARTMENT	FY 2019 BUDGET	Unaudited EXP THRU APR 2019	% OF BUDGET	FY 2018 BUDGET	Unaudited EXP THRU APR 2018	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	\$ 111,610	\$ 89,005	79.75%	\$ 80,300	\$ 65,763	81.90%	\$ 23,242
CITY MANAGER	\$ 474,086	\$ 390,203	82.31%	\$ 581,170	\$ 403,467	69.42%	\$ (13,264)
CITY CLERK	\$ 185,898	\$ 137,185	73.80%	\$ 181,332	\$ 143,648	79.22%	\$ (6,463)
FINANCIAL SERVICES	\$ 694,109	\$ 573,070	82.56%	\$ 675,239	\$ 523,968	77.60%	\$ 49,102
HUMAN RESOURCES	\$ 149,953	\$ 116,666	77.80%	\$ 156,887	\$ 119,753	76.33%	\$ (3,087)
INFORMATION TECHNOLOGY	\$ 588,403	\$ 438,980	74.61%	\$ 531,551	\$ 440,841	82.93%	\$ (1,861)
TOTAL ADMINISTRATION	\$ 2,204,059	\$ 1,745,109	79.18%	\$ 2,206,479	\$ 1,697,440	76.93%	\$ 47,669
COMMUNITY SERVICES							
ECONOMIC & COMMUNITY DEVELOPMENT	\$ 1,471,918	\$ 881,485	59.89%	\$ 1,717,028	\$ 917,949	53.46%	\$ (36,464)
HEALTH & SOCIAL SERVICES	\$ 223,500	\$ 125,497	56.15%	\$ 220,870	\$ 192,481	87.15%	\$ (66,984)
RECREATION & SPECIAL EVENTS	\$ 384,630	\$ 353,162	91.82%	\$ 388,581	\$ 288,803	74.32%	\$ 64,359
PUBLIC LIBRARY	\$ 998,189	\$ 831,824	83.33%	\$ 998,189	\$ 927,584	92.93%	\$ (95,760)
TOTAL COMMUNITY SERVICES	\$ 3,078,237	\$ 2,191,968	71.21%	\$ 3,324,668	\$ 2,326,817	69.99%	\$ (134,849)
FISCAL SERVICES							
DEBT SERVICE	\$ 6,702,508	\$ 6,687,306	99.77%	\$ 6,366,533	\$ 6,298,375	98.93%	\$ 388,931
FACILITIES	\$ 650,641	\$ 502,498	77.23%	\$ 640,201	\$ 493,625	77.10%	\$ 8,873
WORKERS COMPENSATION	\$ 581,360	\$ 581,360	100.00%	\$ 555,164	\$ 555,164	100.00%	\$ 26,196
WAGES & BENEFITS	\$ 6,471,614	\$ 4,892,252	75.60%	\$ 5,960,970	\$ 4,936,604	82.82%	\$ (44,352)
EMERGENCY RESERVE (10108062-670000)	\$ 431,003	\$ -	0.00%	\$ 415,454	\$ -	0.00%	\$ -
TOTAL FISCAL SERVICES	\$ 14,837,126	\$ 12,663,416	85.35%	\$ 13,938,322	\$ 12,283,768	88.13%	\$ 379,648
PUBLIC SAFETY							
FIRE DEPARTMENT	\$ 4,422,256	\$ 3,516,085	79.51%	\$ 4,227,575	\$ 3,668,478	86.77%	\$ (152,393)
FIRE EMS	\$ 683,181	\$ 563,804	82.53%	\$ 708,828	\$ 391,857	55.28%	\$ 171,947
POLICE DEPARTMENT	\$ 4,166,631	\$ 3,294,353	79.07%	\$ 4,043,998	\$ 3,330,579	82.36%	\$ (36,226)
TOTAL PUBLIC SAFETY	\$ 9,272,068	\$ 7,374,242	79.53%	\$ 8,980,401	\$ 7,390,914	82.30%	\$ (16,672)
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	\$ 4,778,668	\$ 3,951,025	82.68%	\$ 4,611,116	\$ 3,710,582	80.47%	\$ 240,443
SOLID WASTE DISPOSAL*	\$ 988,013	\$ 747,592	75.67%	\$ 964,118	\$ 708,373	73.47%	\$ 39,219
WATER AND SEWER	\$ 645,216	\$ 632,716	98.06%	\$ 632,716	\$ 328,858	51.98%	\$ 303,858
TOTAL PUBLIC WORKS	\$ 6,411,897	\$ 5,331,333	83.15%	\$ 6,207,950	\$ 4,747,813	76.48%	\$ 583,520
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	\$ 172,000	\$ 171,759	99.86%	\$ 167,800	\$ 166,279	99.09%	\$ 5,480
E911 COMMUNICATION CENTER	\$ 1,123,081	\$ 1,103,445	98.25%	\$ 1,088,857	\$ 835,338	76.72%	\$ 268,107
LATC-PUBLIC TRANSIT	\$ 199,130	\$ 199,130	100.00%	\$ 189,949	\$ 189,949	100.00%	\$ 9,181
TAX SHARING	\$ 270,000	\$ 18,800	6.96%	\$ 270,000	\$ 16,809	6.23%	\$ 1,991
TOTAL INTERGOVERNMENTAL	\$ 1,764,211	\$ 1,493,134	84.63%	\$ 1,716,606	\$ 1,208,375	70.39%	\$ 284,759
COUNTY TAX	\$ 2,407,766	\$ 2,407,765	100.00%	\$ 2,296,224	\$ 2,296,224	100.00%	\$ 111,541
TIF (10108058-580000)	\$ 3,049,803	\$ 3,049,803	100.00%	\$ 3,049,803	\$ 3,049,803	100.00%	\$ -
OVERLAY	\$ -	\$ -		\$ -	\$ -	0.00%	\$ -
TOTAL CITY DEPARTMENTS	\$ 43,025,167	\$ 36,256,770	84.27%	\$ 41,720,453	\$ 35,001,154	83.89%	\$ 1,255,616
EDUCATION DEPARTMENT	\$ 43,693,783	\$ 30,452,539	69.70%	\$ 41,755,455	\$ 27,437,699	65.71%	\$ 3,014,840
TOTAL GENERAL FUND EXPENDITURES	\$ 86,718,950	\$ 66,709,309	76.93%	\$ 83,475,908	\$ 62,438,853	74.80%	\$ 4,270,456

CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF April 30, 2019

INVESTMENT		FUND	BALANCE April 30, 2019	BALANCE March 31, 2019	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	\$ 4,243,267.58	\$ 4,238,039.62	1.50%
ANDROSCOGGIN BANK	502	SR-TIF	\$ 1,026,628.99	\$ 1,025,364.19	1.50%
ANDROSCOGGIN BANK	836	GENERAL FUND	\$ 4,281,229.13	\$ 4,315,212.17	1.50%
ANDROSCOGGIN BANK	801	WORKERS COMP	\$ 51,286.69	\$ 51,223.51	1.50%
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	\$ 73,435.93	\$ 32,480.27	1.50%
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	\$ 85,940.46	\$ 85,834.58	1.50%
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	\$ 58,984.67	\$ -	1.50%
NORTHERN CAPITAL	02155	CAPITAL PROJECTS	\$ 750,000.00	\$ 750,000.00	2.30%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	2.45%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	2.00%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	2.15%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	2.30%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	2.60%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 1,000,000.00	\$ 1,000,000.00	2.55%
GRAND TOTAL			\$ 13,320,773.45	\$ 13,248,154.34	1.92%

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2018 - June 30, 2019
Report as of April 30, 2019

	Beginning Balance 04/01/19	April 2019				Write-Offs	Ending Balance 4/30/2019
		New Charges	Payments	Refunds	Adjustments		
Bluecross	\$ 12,245.52	\$ 3,342.80	\$ (3,629.77)		\$ (10,885.50)		\$ 1,073.05
Intercept	\$ 600.00	\$ -	\$ (300.00)		\$ (200.00)		\$ 100.00
Medicare	\$ 56,977.00	\$ 89,468.20	\$ (47,113.52)		\$ (62,588.38)		\$ 36,743.30
Medicaid	\$ 35,344.76	\$ 22,047.00	\$ (19,203.34)		\$ (10,681.96)		\$ 27,506.46
Other/Commercial	\$ 84,533.60	\$ 9,112.80	\$ (12,854.91)		\$ (29,175.79)		\$ 51,615.70
Patient	\$ 106,519.09	\$ 10,633.40	\$ (7,439.36)		\$ 38,236.56		\$ 147,949.69
Worker's Comp	\$ 14,347.40		\$ (1,606.40)		\$ (10,298.41)		\$ 2,442.59
TOTAL	\$ 310,567.37	\$ 134,604.20	\$ (92,147.30)	\$ -	\$ (85,593.48)	\$ -	\$ 267,430.79

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2018 - June 30, 2019
Report as of April 30, 2019

	July 2018	August 2018	Sept 2018	Oct 2018	Nov 2018	Dec 2018	Jan 2019	Feb 2019	Mar 2019	Apr 2019	Adjustment	Totals	% of Total
No Insurance Information	\$ 10,977.40	\$ 2,518.00	\$ 1,550.40	\$ 3,166.60	\$ 4,538.40	\$ 1,371.40	\$ 934.00	\$ 6,586.40	\$ 5,522.20	\$ 6,163.20	\$ (30,949.20)	\$ 12,378.80	0.65%
Bluecross	\$ 6,344.40	\$ 8,486.40	\$ 4,124.40	\$ 7,998.20	\$ 2,676.20	\$ 12,286.20	\$ 6,583.60	\$ 6,765.40	\$ 5,279.20	\$ 3,342.80	\$ 3,993.00	\$ 67,879.80	3.58%
Intercept	\$ 200.00	\$ 100.00		\$ 300.00	\$ 100.00		\$ 100.00	\$ -	\$ 400.00			\$ 1,200.00	0.06%
Medicare	\$ 103,152.60	\$ 132,913.20	\$ 118,842.80	\$ 122,609.60	\$ 97,778.80	\$ 94,531.40	\$ 118,093.60	\$ 129,081.40	\$ 129,994.20	\$ 83,305.00	\$ 34,715.80	\$ 1,165,018.40	61.36%
Medicaid	\$ 30,752.80	\$ 47,771.60	\$ 30,102.60	\$ 31,127.20	\$ 27,115.80	\$ 25,258.20	\$ 31,541.00	\$ 29,991.20	\$ 29,461.20	\$ 22,047.00	\$ 7,221.20	\$ 312,389.80	16.45%
Other/Commercial	\$ 24,030.40	\$ 19,494.00	\$ 13,526.00	\$ 21,522.60	\$ 25,029.40	\$ 19,307.80	\$ 25,738.40	\$ 33,013.60	\$ 17,484.20	\$ 9,112.80	\$ (6,764.60)	\$ 201,494.60	10.61%
Patient	\$ 19,183.20	\$ 17,841.80	\$ 12,560.00	\$ 15,276.60	\$ 17,126.80	\$ 8,533.60	\$ 15,658.20	\$ 11,075.60	\$ 9,013.40	\$ 10,633.40	\$ (13,071.80)	\$ 123,830.80	6.52%
Worker's Comp	\$ 2,425.60	\$ 901.80	\$ 1,591.00	\$ 908.80		\$ 1,880.60	\$ 1,784.00				\$ 4,855.60	\$ 14,347.40	0.76%
TOTAL	\$ 197,066.40	\$ 230,026.80	\$ 182,297.20	\$ 202,909.60	\$ 174,365.40	\$ 163,169.20	\$ 200,432.80	\$ 216,513.60	\$ 197,154.40	\$ 134,604.20	\$ -	\$ 1,898,539.60	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2018 - June 30, 2019
Report as of April 30, 2019

	July 2018	August 2018	Sept 2018	Oct 2018	Nov 2018	Dec 2018	Jan 2019	Feb 2019	Mar 2019	Apr 2019	Totals	% of Total
No Insurance Information	14	3	2	4	5	2	1	8	7	7	53	2.22%
Bluecross	8	10	5	10	3	15	8	8	6	4	77	3.23%
Intercept	2	1	0	3	1	0	1	0	4	0	12	0.50%
Medicare	129	164	148	153	119	116	145	161	158	104	1397	58.53%
Medicaid	39	60	38	42	33	32	40	40	37	28	389	16.30%
Other/Commercial	35	27	17	28	34	25	32	42	24	11	275	11.52%
Patient	23	23	16	19	23	11	20	13	11	14	173	7.25%
Worker's Comp	3	1	2	1	0	2	2	0			11	0.46%
TOTAL	253	289	228	260	218	203	249	272	247	168	2387	100.00%

**EMS BILLING
AGING REPORT
July 1, 2018 to June 30, 2019
Report as of April 30, 2019**

	Current		31-60		61-90		91-120		121+ days		Totals							
Bluecross	\$	1,058.12	99%	\$	91.65	9%	\$	896.20	84%	\$	(16.57)	-2%	\$	(956.35)	-89%	\$	1,073.05	0.40%
Intercept	\$	100.00	100%	\$	-		\$	-		\$	-		\$	-		\$	100.00	0.04%
Medicare	\$	36,045.83	98%	\$	669.60	2%	\$	-	0%	\$	27.87	0%	\$	27.87	0%	\$	36,743.30	13.74%
Medicaid	\$	18,984.20	69%	\$	8,501.72	31%	\$	1,070.21	4%	\$	86.82	0%	\$	(1,136.49)	-4%	\$	27,506.46	10.29%
Other/Commercial	\$	23,790.98	46%	\$	14,478.02	28%	\$	7,098.25	14%	\$	2,477.40	5%	\$	3,771.05	7%	\$	51,615.70	19.30%
Patient	\$	33,295.42	23%	\$	35,894.87	24%	\$	22,308.94	15%	\$	16,437.16	11%	\$	40,013.30	27%	\$	147,949.69	55.32%
Worker's Comp	\$	-					\$	2,442.59	100%	\$	-		\$	-		\$	2,442.59	0.91%
TOTAL	\$	113,274.55		\$	59,635.86		\$	33,816.19		\$	18,984.81		\$	41,719.38		\$	267,430.79	
		42%			22%			13%			7%			16%			100%	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS
As of April 30, 2019

	1902	1905	1910	1913	1914	1915	1917	1922	1926	1927	1928	1929	1930	1931		
	Riverwatch	Winter Festival	Community Service	Police Fitness Equipment	Oak Hill Cemeteries	Fire Training Building	Wellness Grant	Walmart Risk/Homeless	Healthy Androscoggin	Insurance Reimbursement	Vending	Fire Prevention	211 Fairview	Donations		
Fund Balance 7/1/18	\$ 969,900.91	\$ (5,390.23)	\$ 5,008.52	\$ 5,112.53	\$ 30,205.71	\$ (488.84)	\$ 4,851.85	\$ 7,278.18	\$ 3,368.05	\$ 925.21	\$ -	\$ 4,791.12	\$ (566,303.71)	\$ 1,084.69		
Revenues FY19	\$ 65,879.51	\$ 3,159.11	\$ 739.00		\$ 1,400.00		\$ 7,442.61		\$ 1,836.00		\$ 812.00					
Expenditures FY19	\$ 161,865.00	\$ 12,868.07	\$ 408.81	\$ 343.00			\$ 7,110.37	\$ 7,278.18		\$ 925.31	\$ 1,188.27			\$ 322.29		
Fund Balance 4/30/19	\$ 873,915.42	\$ (15,099.19)	\$ 5,338.71	\$ 4,769.53	\$ 31,605.71	\$ (488.84)	\$ 5,184.09	\$ -	\$ 5,204.05	\$ (0.10)	\$ (376.27)	\$ 4,791.12	\$ (566,303.71)	\$ 762.40		
	2003 Byrne JAG	2005 MDOT	2006 PEACE	2007 Seatbelt Grant	2008 Homeland Security	2010 State Drug Money	2013 OUI Grant	2014 Speed Grant	2019 Law Enforcement Training	2020 CDBG	2025 Community Cords	2030 Parking	2032 HEAPP	2033 Safe School/Health (COPS)		
Fund Balance 7/1/18	\$ 2,808.57	\$ (101,600.31)	\$ 2,099.08	\$ 4,322.93	\$ (110,031.67)	\$ 6,158.77	\$ 9,263.39	\$ 6,931.00	\$ (7,637.91)	\$ 4,261,266.85	\$ 30,846.63	\$ (47,430.39)	\$ (4,994.50)	\$ (15,906.07)		
Revenues FY19	\$ 995.00	\$ 699,304.74			\$ 86,573.34	\$ 16,800.79	\$ 4,764.00	\$ 9,924.00	\$ 1,790.00	\$ 305,874.14	\$ 5,976.74	\$ 135,176.00	\$ 4,994.50	\$ 15,906.07		
Expenditures FY19	\$ 995.00	\$ 341,302.10	\$ 514.88	\$ 4,322.93	\$ 101,816.97	\$ 16,673.64	\$ 6,341.72	\$ 6,800.89	\$ 1,040.00	\$ 795,196.65	\$ 1,626.50	\$ 153,249.13				
Fund Balance 4/30/19	\$ 2,808.57	\$ 256,402.33	\$ 1,584.20	\$ -	\$ (125,275.30)	\$ 6,285.92	\$ 7,685.67	\$ 10,054.11	\$ (6,887.91)	\$ 3,771,944.34	\$ 35,196.87	\$ (65,503.52)	\$ -	\$ -		
	2037 Bulletproof Vests	2038 Community Action Team	2040 Great Falls TV	2041 Blanche Stevens	2044 Federal Drug Money	2045 Forest Management	2046 Joint Land Use Study	2048 TD Tree Days Grant	2050 Project Lifesaver	2051 Project Canopy	2052 Nature Conservancy	2053 St Louis Bells	2054 EMS Transport Capital Reserve	2055 Work4ME-PAL		
Fund Balance 7/1/18	\$ 11,994.90	\$ 7,206.21	\$ 20,536.23	\$ 24,233.19	\$ 36,044.77	\$ 4,436.52	\$ 0.57	\$ -	\$ 89.35	\$ (420.71)	\$ 975.05	\$ 1,607.75	\$ 32,161.59	\$ (13,692.41)		
Revenues FY19	\$ 5,649.19			\$ 3,940.00	\$ 30,140.05			\$ 13,450.00		\$ 8,359.06			\$ 70,392.34			
Expenditures FY19	\$ 6,315.29	\$ 7,026.21		\$ 2,121.70	\$ 15,870.99	\$ 91.18	\$ 0.57			\$ 7,938.35		\$ 750.00	\$ 29,118.00	\$ 13,546.56		
Fund Balance 4/30/19	\$ 11,328.80	\$ 180.00	\$ 20,536.23	\$ 26,051.49	\$ 50,313.83	\$ 4,345.34	\$ -	\$ 13,450.00	\$ 89.35	\$ -	\$ 975.05	\$ 857.75	\$ 73,435.93	\$ (27,238.97)		
	2056 Lake Auburn Neighborhood	2057 ASPCA Grant	2058 Barker Mills Greenway	2059 Distracted Driving	2060 My Life My Choice JJAG	2061 150th Celebration	2062 Employee Store	2201 EDI Grant	2500 Parks & Recreation							
Fund Balance 7/1/18	\$ 125.00	\$ 800.00	\$ (2,597.43)	\$ (10,736.00)	\$ -	\$ (3,154.86)	\$ 36.73	\$ (1,484,407.18)	\$ 152,783.45							
Revenues FY19				\$ 33,893.00		\$ 93,435.00	\$ 827.64		\$ 224,291.61							
Expenditures FY19				\$ 14,328.00		\$ 57,050.35	\$ 756.68		\$ 284,984.69							
Fund Balance 4/30/19	\$ 125.00	\$ 800.00	\$ (2,597.43)	\$ 8,829.00	\$ -	\$ 33,229.79	\$ 107.69	\$ (1,484,407.18)	\$ 92,090.37							
	2600 Tambrands TIF 4	2600 J Enterprises TIF 5	2600 Tambrands II TIF 6	2600 J & A Properties TIF 7	2600 Formed Fiber TIF 8	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Safe Handling TIF 11	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Bedard Pharm TIF 17	2600 Slapshot LLC TIF 18	2600 Hartt Transport TIF 19	2600 Special Revenues
Fund Balance 7/1/18	\$ 1,841.15	\$ (6,499.56)	\$ (330,682.42)	\$ 2,558.27	\$ 486.17	\$ 2,083.99	\$ 257,728.49	\$ 183.21	\$ (338,049.92)	\$ 50,325.30	\$ 3,883.14	\$ 348.35	\$ 1,366.79	\$ (61.12)	\$ (18.32)	\$ 2,919,956.60
Revenues FY19	\$ 523,280.00		\$ 124,379.00			\$ 383,288.00	\$ 815,987.00		\$ 193,476.00	\$ 349,638.00	\$ 460,889.00	\$ 30,116.00		\$ 137,960.00	\$ 30,790.00	\$ 4,903,528.44
Expenditures FY19	\$ 419,589.55		\$ 88,145.24			\$ 680.00	\$ 384,728.31		\$ 200,310.00	\$ 156,665.82	\$ 798,618.74	\$ 30,750.38		\$ 141,048.00	\$ 32,482.90	\$ 4,315,107.22
Fund Balance 4/30/19	\$ 105,531.60	\$ (6,499.56)	\$ (294,448.66)	\$ 2,558.27	\$ 486.17	\$ 384,691.99	\$ 688,987.18	\$ 183.21	\$ (344,883.92)	\$ 243,297.48	\$ (333,846.60)	\$ (286.03)	\$ 1,366.79	\$ (3,149.12)	\$ (1,711.22)	\$ 3,508,377.82

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Peter Crichton, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for April 30, 2019

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of April 30, 2019.

INGERSOLL TURF FACILITY

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of April 30, 2019.

Current Assets:

As of the end of April 2019 the total current assets of Ingersoll Turf Facility were \$176,925. This consisted of cash and cash equivalents of \$85,940 and an interfund receivable of \$90,985 an increase from March of \$12,328.

Noncurrent Assets:

Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of April 30, 2019 was \$172,719.

Liabilities:

Ingersoll had no accounts payable as of April 30, 2019.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through April 2019 are \$212,275. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through April 2019 were \$116,253. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of April 2019, Ingersoll has an operating gain of \$96,022 compared to March's of \$83,393.

As of April 30, 2019, Ingersoll has an increase in net assets of \$96,022.

The budget to actual reports for revenue and expenditures, show that the revenue for FY19 compared to FY 18.

Statement of Net Assets
Ingersoll Turf Facility
April 30, 2019
Business-type Activities - Enterprise Fund

	April 30, 2019	March 31, 2019	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 85,940	\$ 85,725	\$ 215
Interfund receivables/payables	\$ 90,985	\$ 78,872	12,113
Accounts receivable	-	-	-
Total current assets	176,925	164,597	12,328
Noncurrent assets:			
Capital assets:			
Buildings	672,279	672,279	-
Equipment	119,673	119,673	-
Land improvements	18,584	18,584	-
Less accumulated depreciation	(637,817)	(637,817)	-
Total noncurrent assets	172,719	172,719	-
Total assets	349,644	337,316	12,328
LIABILITIES			
Accounts payable	\$ -	\$ 301	\$ (301)
Total liabilities	-	301	(301)
NET ASSETS			
Invested in capital assets	\$ 172,719	\$ 172,719	\$ -
Unrestricted	\$ 176,925	\$ 164,296	\$ 12,629
Total net assets	\$ 349,644	\$ 337,015	\$ 12,629

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
April 30, 2019

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	\$ 212,275
Operating expenses:	
Personnel	72,015
Supplies	18,330
Utilities	18,256
Repairs and maintenance	5,227
Rent	-
Depreciation	-
Capital expenses	-
Other expenses	2,425
Total operating expenses	116,253
Operating gain (loss)	96,022
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	96,022
Transfers out	-
Change in net assets	96,022
Total net assets, July 1	253,622
Total net assets, April 30, 2019	\$ 349,644

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through April 30, 2019 compared to April 30, 2018

REVENUE SOURCE	FY 2019 BUDGET	ACTUAL REVENUES THRU APR 2019	% OF BUDGET	FY 2018 BUDGET	ACTUAL REVENUES THRU APR 2018	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship	\$ 20,500	\$ 15,375	75.00%	\$ 17,000	\$ 14,750	86.76%
Batting Cages	\$ 12,240	\$ 18,478	150.96%	\$ 11,520	\$ 15,065	130.77%
Programs	\$ 90,000	\$ 73,094	81.22%	\$ 80,000	\$ 71,722	89.65%
Rental Income	\$ 102,300	\$ 104,728	102.37%	\$ 103,650	\$ 85,562	82.55%
TOTAL CHARGE FOR SERVICES	\$ 225,040	\$ 211,675	94.06%	\$ 212,170	\$ 187,099	88.18%
INTEREST ON INVESTMENTS	\$ -	\$ 600		\$ -		
GRAND TOTAL REVENUES	\$ 225,040	\$ 212,275	94.33%	\$ 212,170	\$ 187,099	88.18%

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through April 30, 2019 compared to April 30, 2018

DESCRIPTION	ACTUAL				ACTUAL			
	FY 2019 BUDGET	EXPENDITURES THRU APR 2019	% OF BUDGET	FY 2018 BUDGET	EXPENDITURES THRU APR 2018	% OF BUDGET	Difference	
Salaries & Benefits	\$ 120,000	\$ 72,015	60.01%	\$ 106,624	\$ 76,573	71.82%	\$	(4,558)
Purchased Services	\$ 19,460	\$ 7,652	39.32%	\$ 21,110	\$ 10,351	49.03%	\$	(2,699)
Programs	\$ 15,220	\$ 4,047	26.59%	\$ 7,000	\$ 4,047	57.81%	\$	-
Supplies	\$ 4,600	\$ 14,283	310.50%	\$ 5,000	\$ 12,169	243.38%	\$	2,114
Utilities	\$ 30,920	\$ 18,256	59.04%	\$ 39,720	\$ 17,584	44.27%	\$	672
Insurance Premiums	\$ 2,505	\$ -	0.00%	\$ 2,431	\$ -	0.00%	\$	-
Capital Outlay	\$ 30,000	\$ -	0.00%	\$ 42,490	\$ 33,048	77.78%	\$	(33,048)
	\$ 222,705	\$ 116,253	52.20%	\$ 224,375	\$ 153,772	68.53%	\$	(37,519)
GRAND TOTAL EXPENDITURES	\$ 222,705	\$ 116,253	52.20%	\$ 224,375	\$ 153,772	68.53%	\$	(37,519)

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Peter Crichton, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for April 30, 2019



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of April 30, 2019.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, March 31, 2019.

Current Assets:

As of the end of April 2019 the total current assets of Norway Savings Bank Arena were (\$1,368,325). These consisted of cash and cash equivalents of \$145,426, accounts receivable of \$61,264, and an interfund payable of \$1,575,015.

Noncurrent Assets:

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of April 30, 2019 was \$342,462.

Liabilities:

Norway Arena had accounts payable of \$1,923 as of April 30, 2019.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through April 2019 are \$882,772. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through April 2019 were \$665,234. These expenses include personnel costs, supplies, utilities, repairs, rent, capital purchases and maintenance.

At the end of April 2019, there was an operating gain of \$217,538.

As of April 2019, Norway Arena has an overall loss of \$422,070, after the debt service (rent) was deducted from the operating gain, compared to the March 2019 overall loss of \$153,568 an increase in the net loss for the fiscal year of \$268,502.

As of April 30, 2019, Norway Arena has a decrease in net assets of \$422,070.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
April 30, 2019
Business-type Activities - Enterprise Fund

	April 30, 2019	March 31, 2019	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 145,426	\$ 138,251	\$ 7,175
Interfund receivables	\$ (1,575,015)	\$ (1,542,257)	\$ (32,758)
Prepaid Rent	\$ -	\$ -	\$ -
Accounts receivable	61,264	97,291	(36,027)
Total current assets	(1,368,325)	(1,306,715)	(61,610)
Noncurrent assets:			
Capital assets:			
Buildings	58,223	58,223	-
Equipment	514,999	514,999	-
Land improvements	-	-	-
Less accumulated depreciation	(230,760)	(230,760)	-
Total noncurrent assets	342,462	342,462	-
Total assets	(1,025,863)	(964,253)	(61,610)
LIABILITIES			
Accounts payable	\$ 1,923	\$ 12,569	\$ (10,646)
Net pension liability	170,806	170,806	-
Total liabilities	172,729	183,375	(10,646)
NET ASSETS			
Invested in capital assets	\$ 342,462	\$ 342,462	\$ -
Unrestricted	\$ (1,541,054)	\$ (1,490,090)	\$ (50,964)
Total net assets	\$ (1,198,592)	\$ (1,147,628)	\$ (50,964)

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
April 30, 2019

	Norway Savings Arena
Operating revenues:	
Charges for services	\$ 882,772
Operating expenses:	
Personnel	305,667
Supplies	55,677
Utilities	213,877
Repairs and maintenance	34,749
Depreciation	-
Capital expenses	19,156
Other expenses	36,108
Total operating expenses	665,234
Operating gain (loss)	217,538
Nonoperating revenue (expense):	
Interest income	-
Debt Service (Rent)	(422,070)
Interest expense (debt service)	-
Total nonoperating expense	(422,070)
Gain (Loss) before transfer	(204,532)
Transfers out	-
Change in net assets	(204,532)
Total net assets, July 1	(994,060)
Total net assets, April 30, 2019	\$ (1,198,592)

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through April 30, 2019 compared to April 30, 2018

REVENUE SOURCE	FY 2018 BUDGET	ACTUAL REVENUES THRU APR 2019	% OF BUDGET	FY 2018 BUDGET	ACTUAL REVENUES THRU APR 2018	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concussions	\$ 16,500	\$ 13,500	81.82%	\$ 18,000	\$ 7,985	44.36%	\$ 5,515
Vending Machines	\$ 9,000	\$ 7,092	78.80%	\$ -	\$ 8,295		\$ (1,203)
Skate Rentals	\$ 5,000	\$ 1,010	20.20%	\$ -	\$ 5,428		\$ (4,418)
Sponsorships	\$ 300,000	\$ 162,450	54.15%	\$ 275,000	\$ 190,068	69.12%	\$ (27,618)
Pro Shop	\$ 8,500	\$ 6,483	76.26%	\$ 8,500	\$ 4,745	55.82%	\$ 1,738
Programs	\$ 31,000	\$ -	0.00%	\$ 31,000	\$ 18,212	58.75%	\$ (18,212)
Rental Income	\$ 774,000	\$ 658,082	85.02%	\$ 705,250	\$ 556,771	78.95%	\$ 101,311
Camps/Clinics	\$ 50,000	\$ 12,480	24.96%	\$ 50,000	\$ 42,878		\$ (30,398)
Tournaments	\$ 50,000	\$ 21,675	43.35%	\$ 50,000	\$ 39,944	79.89%	\$ (18,269)
TOTAL CHARGE FOR SERVICES	\$ 1,244,000	\$ 882,772	70.96%	\$ 1,137,750	\$ 874,326	76.85%	\$ 8,446

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through April 30, 2019 compared to April 30, 2018

DESCRIPTION	ACTUAL			ACTUAL			VARIANCE
	FY 2019 BUDGET	EXPENDITURES THRU APR 2019	% OF BUDGET	FY 2018 BUDGET	EXPENDITURES THRU APR 2018	% OF BUDGET	
Salaries & Benefits	\$ 344,000	\$ 305,667	88.86%	\$ 344,000	\$ 286,962	83.42%	\$ 18,705
Purchased Services	\$ 71,656	\$ 70,857	98.88%	\$ 71,656	\$ 51,896	72.42%	\$ 18,961
Supplies	\$ 37,100	\$ 55,677	150.07%	\$ 37,100	\$ 50,788	136.89%	\$ 4,889
Utilities	\$ 225,150	\$ 213,877	94.99%	\$ 225,150	\$ 156,278	69.41%	\$ 57,599
Capital Outlay	\$ 103,500	\$ 19,156	18.51%	\$ 103,500	\$ 12,585	12.16%	\$ 6,571
Rent	\$ 507,000	\$ 422,070	83.25%	\$ 507,000	\$ 379,863	74.92%	\$ 42,207
	\$ 1,288,406	\$ 1,087,304	84.39%	\$ 1,288,406	\$ 938,372	72.83%	\$ 148,932
GRAND TOTAL EXPENDITURES	\$ 1,288,406	\$ 1,087,304	84.39%	\$ 1,288,406	\$ 938,372	72.83%	\$ 148,932