



**City Council Workshop & Meeting  
December 21, 2020  
Agenda**

This City Council workshop and meeting will be conducted in Council Chambers. The meeting will be broadcast as usual on Great Falls TV (cable channel 11) and on the City of Auburn [YouTube](#) channel.

Members of the public may watch in the Community Room, across from Council Chambers. If you attend and wish to offer public comment during the meeting, you may do so by speaking at the podium that will be located in the Community Room. Space is limited and members of the public are encouraged to “attend” via Zoom if possible.

Those who will be “attending” the meeting via Zoom and would like to participate in the public comment/public hearing portions of this city council meeting, please register in advance:

[https://us02web.zoom.us/webinar/register/WN\\_NXNYrGskTvSJ7StTMs0qg](https://us02web.zoom.us/webinar/register/WN_NXNYrGskTvSJ7StTMs0qg)

After registering, you will receive a confirmation email containing information about joining the webinar.

We will continue taking public comment in writing for those who are not comfortable attending a public meeting at this time, please send your remarks via email to: [comments@auburnmaine.gov](mailto:comments@auburnmaine.gov). Your comments will be included in the meeting minutes.

**5:30 P.M. Joint Workshop (City Council and School Committee)**

- A. Joint School & Council Budget – Phil Crowell and Dr. Connie Brown (45 minutes)

**6:15 P.M. Workshop**

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

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

**Pledge of Allegiance**

**I. Consent Items**

**1. Order 131-12212020\***

Confirming Chief Moen’s appointment of Civilian Process Servers for the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn with term expirations of December 31, 2021.

**2. Order 132-12212020\***

Appointing Bryan Batchelder as the Local Sealer of Weights and Measures with a term expiration of December 31, 2021.

**3. Order 133-12212020\***

Confirming the appointment of Dana Staples as the Comprehensive Plan Ad hoc Committee Chair.

**4. Order 134-12212020\***

Approving the waiver of foreclosure for ABDC (Auburn Business Development Corporation).

**II. Minutes**

- November 30, 2020 Special Council Meeting
- December 7, 2020 Regular Council Meeting

**III. Communications, Presentations and Recognitions**

- Safe Voices – Elise Johanson
- Recognition - Spirit of America
- Recognition – Extra Mile
- Presentation of City Logos and slogans – Liz Allen and Phil Crowell
- Communication from Dr. Salim Furth, Mercatus Center
- Communication from Richard Trafton
- Council Communications (about and to the community)

**IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.***

**V. Unfinished Business**

**1. Ordinance 08-11022020**

Adopting the proposed amendments to Chapter 14, Article XVIII – Adult Use and Medical Marijuana Businesses, Section 14-656, Section 14-658 and Section 14-659 of the Ordinances of the City of Auburn. Public hearing and second reading.

**2. Ordinance 09-11022020**

Adopting the proposed amendments to Chapter 60, Article IX – Home Occupation Regulations, Section 60-738 of the Ordinances of the City. Public hearing and second reading.

**3. Ordinance 11-12072020**

Adopting a zoning map change to expand the T-4.2 Traditional Downtown Neighborhood to the Downtown Enterprise District. Public hearing and second reading.

**4. Ordinance 12-12072020**

Adopting a zoning map change to expand T-4.1 Traditional Main Street Neighborhood. Public hearing and second reading.

**VI. New Business**

**1. Order 135-12212020**

Approving the Liquor License for Chipotle located on Center Street in Auburn. Public hearing.

**2. Order 136-12212020**

Approving the CDBG-CV amendment to the PY2019 Annual Action Plan.

**3. Order 137-12212020**

Approving the Tax Increment Financing District 25 (Futureguard, 101 Merrow Road).

**4. Order 138-12212020**

Authorizing the waiver of all building permit fees for the new Edward Little High School.

**5. Order 139-12212020**

Conducting all City Council meetings remotely until further notice.

**VII. Open Session** - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

**VIII. Reports (from sub-committees to Council)**

- a. Mayor's Report
- b. City Councilors' Reports
- c. City Manager Report
- d. Jill Eastman, Finance Director – November Final Monthly Report

**IX. Executive Session**

- Personnel matter, pursuant to 1 M.R.S.A. Sec. 405 (6)(A).
- Personnel matter, pursuant to 1 M.R.S.A. Sec. 405 (6)(A).

**X. Adjournment**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Joint School Committee and City Council Budget Discussion

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**Information:** School Superintendent, Dr. Connie Brown and City manager, Phil Crowell will discuss the upcoming FY21 budget with the City Council.

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**City Budgetary Impacts:** None, discussion only

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**Staff Recommended Action:** Discussion only

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**Previous Meetings and History:** Annual

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**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**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.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**Order:** 131-12212020

**Author:** Jason D. Moen, Chief of Police

**Subject:** Confirm Chief Moen's appointments of Civilian Process Servers for the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn.

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**Information:** Chief of Police Moen requests that the Auburn City Council appoint Civilian Process Servers (city employees and volunteers) to serve documents on behalf of the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) to serve documents within the City of Auburn for 2021.

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** Vote to confirm Chief Moen's appointments of Civilian Process Servers to serve documents on behalf of the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn for 2021.

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**Previous Meetings and History:** November 6, 2017, January 23, 2017, February 5, 2018, January 7, 2019, February 3, 2020– Annually and periodically, requests are made for appointments and re-appointments for the next or current calendar year.

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**City Manager Comments:**

A handwritten signature in black ink that reads "Phillip Crowell Jr." with a stylized flourish at the end.

I concur with the recommendation. Signature:

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**Attachments:**

- Memo from Chief Moen



# Auburn Police Department

Jason D. Moen | Chief of Police

Timothy A. Cogle | Deputy Chief of Police

[www.AuburnPD.com](http://www.AuburnPD.com) | 207.333.6650

60 Court Street | Auburn, Maine 04210

## MEMORANDUM

Date: December 14, 2020

To: Honorable Mayor Jason J. Levesque and Members of the City Council

From: Jason D. Moen Chief of Police

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RE: CONSTABLES 2021

We request the following named persons be appointed to serve documents as Civilian Process Servers on behalf of the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn for 2021:

John Banville	Employee	Civilian Process Server	Without Firearm	Re-appointment
Anna Brown	Employee	Civilian Process Server	Without Firearm	Re-appointment
Chandra Elliot	Employee	Civilian Process Server	Without Firearm	Appointment
Maegan Kyllonen	Employee	Civilian Process Server	Without Firearm	Re-appointment
Francis M. Carignan	Private	Constable Process Server	Without Firearm	Re-appointment
Kenneth Edgerly	Volunteer	Civilian Process Server	Without Firearm	Re-appointment
Glenn Garry	Volunteer	Civilian Process Server	Without Firearm	Re-appointment
Harry Gorman	Private	Constable Process Server	Without Firearm	Re-appointment
David O'Connell	Employee	Civilian Process Server	Without Firearm	Re-appointment

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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDER 131-12212020

ORDERED, that the City Council hereby appoint the following named persons to serve documents as Civilian Process Servers (employees and volunteers) on behalf of the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn for 2021. Constable Process Servers (Private) are not an agent or employee of the city or entitled to hold himself/herself out as such and is not authorized to carry a firearm in the performance of his/her duties, and that his/her authority to act as a constable is limited to private employment as a process server.

John Banville	Employee	Civilian Process Server	Without Firearm	Re-appointment
Anna Brown	Employee	Civilian Process Server	Without Firearm	Re-appointment
Chandra Elliot	Employee	Civilian Process Server	Without Firearm	Appointment
Maegan Kyllonen	Employee	Civilian Process Server	Without Firearm	Re-appointment
Francis M. Carignan	Private	Constable Process Server	Without Firearm	Re-appointment
Kenneth Edgerly	Volunteer	Civilian Process Server	Without Firearm	Re-appointment
Glenn Garry	Volunteer	Civilian Process Server	Without Firearm	Re-appointment
Harry Gorman	Private	Constable Process Server	Without Firearm	Re-appointment
David O'Connell	Employee	Civilian Process Server	Without Firearm	Re-appointment



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**Order:** 132-12212020

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Sealer of Weights and Measures

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**Information:** The City Council appointed Bryan Bachelder as the city's local Sealer of Weights and Measures in February 2019. He is a retired Maine State Trooper with a history of weights and measures. Mr. Bachelder has successfully passed the two national certification programs and is insured. The certifications are good for five years which would expire on August 22, 2023. There is no liability to the city. Below is the new state statute language regarding Local Sealers of Weights and Measures:

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**City Budgetary Impacts:** None. If a local sealer is appointed, the state allows some establishments with small weighing systems to pay the sealer directly. The reporting and payment for retail motor fuel dispensing systems are handled directly through the State of Maine.

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**Staff Recommended Action:** To re-appoint Bryan Bachelder as the Sealer of Weights and Measures with a term expiration of December 31, 2021.

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**Previous Meetings and History:** Appointed for 2019 on 2/25/2019, and re-appointed for 2020 on 12/02/2019.

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**City Manager Comments:**

A handwritten signature in black ink that reads "Phillip Crowell Jr.".

I concur with the recommendation. Signature:

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**Attachments:** Bryan Bachelder Letter and Certifications and Order.

#### **§2461. ELECTION BY MUNICIPAL OFFICERS**

The municipal officers of a municipality may elect or appoint a sealer of weights and measures, and a deputy sealer if necessary, not necessarily a resident of that municipality, and the sealer and deputy sealer hold office during their efficiency and the faithful performance of their duties. The state sealer has final approval authority over a sealer or deputy sealer elected or appointed pursuant to this section. Prior to approval or assuming any duties, a sealer or deputy sealer elected or appointed pursuant to this section must successfully complete certification by the National Conference on Weights and Measures as a weights and measures professional in the National Conference on Weights and Measures professional certification program for the device types the sealer or deputy sealer wishes to seal. On complaint being made to the municipal officers of the inefficiency or neglect of duty of a sealer or deputy sealer, the municipal officers shall set a date for and give notice of a hearing to the complainant, the relevant sealer and the state sealer. If evidence satisfies the municipal officers that the sealer or deputy sealer has been inefficient or has neglected the sealer's or deputy sealer's duty, they may remove the sealer or deputy sealer from office and elect or appoint another in the sealer's or deputy sealer's stead. The state sealer has jurisdiction over a sealer or deputy sealer elected or appointed pursuant to this section, and any vacancy caused by death or resignation must be filled by election or appointment by the municipal officers within 30 days. Within 10 days after each such election or appointment, the clerk of each municipality shall communicate the name of the person so elected or appointed to the state sealer. A sealer of weights and measures in any municipality may be sealer for several municipalities, if such is the pleasure of the municipal officers of those municipalities, as long as this action receives the approval of the state sealer. The state sealer or the state sealer's designee shall test and certify annually municipal weights and measures equipment used by a sealer or deputy sealer elected or appointed pursuant to this section.[2017, c. 172, §1(NEW).]

#### **§2462. MUNICIPALITIES THAT DO NOT CHOOSE A SEALER**

If the municipal officers do not elect or appoint a sealer or fail to make a return to the state sealer of the election or appointment within 30 days after the election or appointment in accordance with section 2461, the state sealer retains sole authority to enforce this chapter in that municipality and the concurrent authority provided under section 2411 does not apply in that municipality. Pursuant to section 2402, subsection 7, the state sealer may appoint a qualified person to carry out the state sealer's responsibilities in that municipality, and any person appointed under this section may serve in that capacity for more than one municipality. [2017, c. 172, §1 (NEW).]

#### **§2463. POWERS AND DUTIES**

A weights and measures official elected or appointed for a municipality has the duties enumerated in section 2402, subsections 2 to 9 and the powers enumerated in section

2403. These powers and duties extend to the official's jurisdiction. [2017, c. 172, §1 (NEW).]  
SECTION HISTORY 2017, c. 172, §1 (NEW).

**§2464. RECORDS OF WEIGHTS AND MEASURES SEALED; ANNUAL REPORT**

A sealer shall keep records of all weights and measures, balances and measuring devices inspected, sealed or condemned by that sealer, giving the name of the owner or agent, the place of business, the date of inspection and kind of apparatus inspected, sealed or condemned. The sealer shall make an annual report on July 1st for the 12 preceding months on forms prescribed by the state sealer and shall furnish such information as the state sealer may require. [2017, c. 172, §1 (NEW).]

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 132-12212020**

ORDERED, that the City Council hereby re-appoints Bryan Bachelder as the Local Sealer of Weights and Measures with a term expiration of December 31, 2021.





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**Order:** 133-12212020

**Author:** Eric J Cousens, Interim Director/Deputy Director of Economic and Community Development

**Subject:** Comprehensive Plan Update - Appointment of Committee Chair

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**Information:** City Staff and the Council Appointed comprehensive Plan Committee met on November 19 and December 17, 2020. The Committee recommends that Dana Staples be appointed as Chair of the Committee.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Appoint Dana Staples as Chair to work with staff preparing agendas and facilitate meetings.

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**Previous Meetings and History:** 8/17/2020 and 9/21/2020 CC Mtgs forming committee and choosing update topics.

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**City Manager Comments:**

A handwritten signature in black ink that reads "Phillip Crowell Jr." with a stylized flourish at the end.

I concur with the recommendation. Signature:

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**Attachments:**

\*Comprehensive Plan Ad-Hoc Committee Formation, Duties, Responsibilities



## City of Auburn, Maine

Economic & Community Development

Eric Cousens, Interim Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

**DATE:** 8/7/2020

### **COMMITTEE INFORMATION SHEET:** Comprehensive Plan Update Workgroup 2020

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#### **Duties of the Committee:**

Auburn's current Comprehensive plan was adopted on April 19, 2011 and although it has been periodically updated to address changing circumstances there are several areas that have been identified as in need of reconsideration. This workgroup will convene at least monthly between September 2020 and July 2021 to review topics identified by the Planning Board and Council, identify solutions and make recommendations on challenges and opportunities. The duties of the workgroup involve consulting and offering advice to the Planning Board and City Council throughout the process and offering as a deliverable, a report on the known issues and associated recommendations.

#### **Topics for Consideration:**

1. Future Land Use Map – Potential Turnpike Exit near 136 and/or South Main Street.
2. Future Land Use Map – Industrial Transition Zone near Broad and South Witham Road. Council, Planning Board, Staff and Landowners have considered this as a potential residential growth area that would require less infrastructure than an industrial change. Easy Turnpike access from Exit 75.
3. Future Land Use Map – Consider expanded downtown form-based code to reduce setbacks and density limitations in urban neighborhoods. Ensure consistency with existing development patterns or forge new direction in certain areas.
4. Recreation and River Access. Review status, identify opportunities, needs and update implementation plans. Include recreation open space priorities,

resource access and policy towards subdivision requirements that currently pose a challenge to urban developments.

5. Future Land Use Map – Downtown. Review current tasks, progress to date and adjust policy as needed with a focus on walkability, livability and economic expansion opportunities.
6. Equity - Researching to see if anything in the Comprehensive Plan currently promotes inequity in the City.
7. Gateways/Fragmentation - Looking at the proposed Future Land Use Map for access points to the City and their designated zoning to reduce fragmentation in the City.
8. Future Land Use Plan/Map - Review to see if a reduction in the number of proposed Zoning Districts is feasible.

**Responsibilities of Members:**

1. Commit to constructive discussion and active listening to other committee members and the public.
2. To attend meetings regularly or notify the Chairperson or Staff in advance of absence.
3. To carefully consider equity among all Auburn residents, property owners and businesses as recommendations are formed.
4. To adequately review information and prepare for all meetings.
5. To treat other board members and the public with respect.

**Position Title:**

Comprehensive Plan Update Workgroup 2020 Member

**Selection:**

Appointments made by the City Council

**Term:**

10+/- month period until report is complete.

**Accountable to:**

Auburn City Council

**Time Commitment:**

Meetings will generally be held monthly at Auburn City Hall or another location determined by the committee. Meetings should normally take 1-3 hours. Special presentations and public meetings may be held by the group throughout the year and may substitute for that month's committee meeting. Members also need to take time to understand the zoning ordinance and Comprehensive Plan as they relate to the update topics. The Council intends to select members that have experience with the current Comprehensive and Strategic Plans or related knowledge.

**Qualifications:**

Members should have general interest in the planning and development of the City. Members should also have the ability to take a broad view of the needs of the community as a whole and listen to public feedback. Above all, potential members need to possess the time to attend 1, and occasionally 2 meetings per month and a willingness to be an engaged and active member for approximately 10 months. Additional meetings may be necessary depending on workload.

**Workgroup Membership:**

- 2 Planning Board Members
- 2 City Councilors
- Mayor
- School Board Member
- 3 legacy members of the 2010 Comprehensive Plan Committee (Council may substitute other community members if needed to achieve an odd number of total members for voting purposes)

A Committee Chair shall be selected from the members by City Council appointment. The appointed Chair should understand the multistep process of updating the Comprehensive Plan and that changes go before the Planning Board and City Council and State of Maine for final approval.

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



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

Jason J. Levesque, Mayor

## **IN CITY COUNCIL**

### **ORDER 133-12212020**

**ORDERED**, that the Auburn City Council hereby adopts the recommendation of the 2020 Comprehensive Plan Committee and appoints Dana Staples as the Chair of the Committee.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**Order:** 134-12212020

**Author:** Kelsey Earle, Deputy Finance Director & Tax Collector

**Subject:** Waiver of Tax Lien Foreclosure on Auburn Business Development Corporation property at Auburn Enterprise Center (Industrial Park)

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**Information:** On December 2, 2019 the Auburn City Council voted to waive foreclosure on Tax liens that were filed on nine properties on Cascade Dr, Auburn, (the Auburn Enterprise Center, Industrial Park), for 2017 unpaid real estate taxes.

The Auburn Business Development Corporation has sales in progress, but they will not be finalized before the liens mature in January of 2021.

At this time the Council again has an opportunity to decide whether to take possession or waive foreclosure.

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**City Budgetary Impacts:** If the City takes possession of this property all utilities, insurance and any maintenance issues would be the City's responsibility and the property would become tax exempt.

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**Staff Recommended Action:** Passage of a waiver of foreclosure for the 2018 Tax Liens.

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**Previous Meetings and History:**

City Council Workshop, October 15, 2018

City Council Meeting, November 19, 2018

City Council Workshop, November 18, 2019

City Council Workshop, December 2, 2019

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**City Manager Comments:**

A handwritten signature in black ink that reads "Phillip Crowell Jr.".

I concur with the recommendation. Signature:

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**Attachments:**

Order: Waiver of Municipal Real Estate Tax Liens Mortgage Foreclosure

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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDER 134-12212020

ORDERED, that the City Council hereby authorizes the Finance Director to record a waiver of foreclosure at the Androscoggin County Registry of Deeds pursuant to 36 M.R.S.A. § 944, on real estate taxes assessed against Auburn Business Development CO for property located at the following:

207 Cascades Dr, Map and Lot 118-002-000-000; dated July 3, 2019 and recorded at the Androscoggin County Registry of Deeds in Book and Page 10121-86;

267 Cascades Dr, Map and Lot 118-002-001-000; dated July 3, 2019 and recorded at the Androscoggin County Registry of Deeds in Book and Page 10121-87;

268 Cascades Dr, Map and Lot 118-004-000-000; dated July 3, 2019 and recorded at the Androscoggin County Registry of Deeds in Book and Page 10121-88;

226 Cascades Dr, Map and Lot 118-004-001-000; dated July 3, 2019 and recorded at the Androscoggin County Registry of Deeds in Book and Page 10121-89;

239 Cascades Dr, Map and Lot 118-004-002-000; dated July 3, 2019 and recorded at the Androscoggin County Registry of Deeds in Book and Page 10121-90;

11 Cascades Dr, Map and Lot 130-001-001-000; dated July 3, 2019 and recorded at the Androscoggin County Registry of Deeds in Book and Page 10121-96;

35 Cascades Dr, Map and Lot 130-001-002-000; dated July 3, 2019 and recorded at the Androscoggin County Registry of Deeds in Book and Page 10121-97;

76 Cascades Dr, Map and Lot 130-001-003-000, dated July 3, 2019 and recorded at the Androscoggin County Registry of Deeds in Book and Page 10121-98; and

160 Cascades Dr, Map and Lot 130-001-004-000, dated July 3, 2019 and recorded at the Androscoggin County Registry of Deeds in Book and Page 10121-99.



Mayor Levesque called the meeting to order at 5:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

**I. New Business - Charter Review Process**

**Sec. 2.8. - Review of Charter and ordinances.**

The city council shall provide for the review of the city's Charter and ordinances in their entirety at least once every 15 years.

The purpose of this Special City Council meeting is for Council to review the Charter section by section and make proposed changes. There should be no substantial changes made during this process. Any proposed changes voted on during this process will be reviewed by the City Attorney. If proposed changes are to be made, Council will follow the process of making a motion, a second, and a vote on the proposed change. Proposed changes will only move the suggested change to the City Attorney for legal review. Once the legal review is complete, the slate of proposed changes will be voted on in its entirety in form of an Order. If approved, any proposed changes will have to go before voters at an upcoming election.

Dr. Connie Brown (School Superintendent), Karen Mathieu (School Committee Chair), and Adam Hanson (Business Manager for the School Department) were present and provided Council with the following proposed Charter amendments:

**Sec. 4.2. - Composition and compensation.**

The school committee shall consist of the mayor, or a city councilor selected by the mayor, and seven other members. Five members shall be elected, one from each ward by and from its registered voters. Two members shall be elected at-large by and from the city's registered voters. members shall hold office for a term of two years or until their successors are elected and qualified except that any candidate whose name does not appear on the printed ballot must receive at least 25 valid write-in votes in order to qualify for election to that position. The school committee may appoint by rule non-voting student representatives to serve with the school committee. *Student members will be secondary students and will serve a 1-year term*.

**Sec. 4.4. - Meetings.**

The school committee shall, at the call of the city clerk or deputy city clerk, first meet at Auburn Hall or such other public location within the city within 45 days after the regular municipal election to be sworn by the city clerk or deputy city clerk to the faithful discharge of their duties, and to elect a chairperson who shall be a voting member. The school committee shall meet for subsequent meetings at such time and place as it determines by rule. *The school committee will have a minimum two meetings per month.* Meetings of the school committee other than executive sessions shall be open to the public as required by state statute, and the school committee shall promote public participation in and public notice of its meetings in the contemporary means of information sharing. Agendas and supporting information for meetings shall be available to the public at the superintendent of schools' office at least two business days prior to the meeting as well as electronically through the city's website, if available.



**Sec. 4.5. - Quorum.**

A majority of the voting members of the school committee shall constitute a quorum for the transaction of business, but a smaller number may adjourn or compel attendance of absent members.

*The School Committee recommends this language be tightened up.*

**Sec. 4.7. - Voting.**

A roll call vote shall be taken on the passage of any order or resolve when requested by any member. Any action by the school committee shall require at least four affirmative votes; however, in the event of a tie the measure fails. Five affirmative votes shall be required to hire or fire the superintendent of schools.

*The School Committee requests that the City Solicitor review this language to ensure it is in compliance with Title 20-A Sub Chapter 2, Sub Section 1051 (Selection of Superintendents, Appointment) and 1052 (Discharge Requirements).*

**Sec. 4.9. – Superintendent of schools.**

The school committee shall choose a superintendent of schools solely on the basis of executive and administrative qualifications. The superintendent of schools need not be a resident of the city at the time of appointment, but shall be a resident of the city during tenure of office unless otherwise approved by the school committee.

*The School Committee recommends that the hiring/termination language of the Superintendent be placed in this paragraph. The School Committee requests that City Solicitor review this language to ensure it is in compliance with Title 20-A Sub Chapter 2, Sub Section 1051 (Selection of Superintendents, Appointment) and 1052 (Discharge Requirements).*

**Sec. 8.7. - Amendments after adoption.**

- A. *Supplemental appropriations.* If during or before the fiscal year the city manager certifies that there are available for appropriation municipal revenues, including those of the ~~department of education~~ Auburn School Department, in excess of those estimated in the budget, the city council by resolve may make supplemental appropriations for the year up to the amount of such excess.

**Sec. 8.16. - Procurement.**

- [A.] The city council shall by rule adopt, within one year from the adoption of this Charter, a procurement policy for the city's purchase of materials and services for all the city's departments, including the ~~department of education~~ Auburn School Department. This procurement process shall assure an understandable, comprehensive, fair process for such purchases based on state statute, state rules and regulations, and the city's experience and expertise in this area.

Motion was made by Councilor MacLeod seconded by Councilor Carrier to move forward with the recommendations of the school department and to draft language to present back at a future date (section 4).

Passage 7-0.

Motion was made by Councilor Boss and seconded by Councilor MacLeod to direct staff to continue looking at options for staggered terms.

Motion failed 1-6 (Councilors Lasagna, MacLeod, Milks, Carrier, Walker, and Gerry opposed).

Motion was made by Councilor Gerry and seconded by Councilor Milks to direct staff to research residency requirements regarding petitions and proposed language to be considered by the Council. Passage 7-0.

**II. Adjournment**

Motion was made by Councilor Walker and seconded by Councilor Lasagna to adjourn.  
Unanimously approved, adjourned at 6:56 PM.

A TRUE COPY

ATTEST *Susan Clements-Dallaire*

Susan Clements-Dallaire, City Clerk

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. He also asked for a moment of remembrance to recognize the 79<sup>th</sup> Anniversary of Pearl Harbor. Councilor Walker then requested a moment of silence in remembrance of former City Councilor, Normand McKeone. All Councilors were present.

**I. Consent – None**

**II. Minutes**

**November 9, 2020 Special Council Meeting**

Motion was made by Councilor Walker and seconded by Councilor Carrier to approve the minutes of the November 9, 2020 Special Council Meeting. Passage 7-0.

**November 16, 2020 Regular Council Meeting**

Motion was made by Councilor Milks and seconded by Councilor Walker to approve the minutes of the November 16, 2020 Regular Council Meeting. Passage 7-0.

**III. Communications, Presentations and Recognitions**

**Council Communications** (about and to the community)

**Councilor Lasagna** reminded everyone about the Farmers Market that is held on Sundays from 11:00 AM until 2:00 PM at the Auburn Senior Community Center.

**Councilor MacLeod** reminded everyone that the Lewiston Auburn Transit Committee (LATC) has a survey out, you do not have to use public transportation to complete the survey.

**Mayor Levesque** reported that the Festival Plaza Christmas Tree is now up and lit. He thanked the residents that donated the tree, and everyone that participated in putting up and decorating it.

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

**V. Unfinished Business - None**

**VI. New Business**

**1. Ordinance 11-12072020**

Adopting a zoning map change to expand the T-4.2 Traditional Downtown Neighborhood to the Downtown Enterprise District. First reading.

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

Public comment – no one from the public spoke.

Passage 7-0. A roll call vote was taken.

**2. Ordinance 12-12072020**

Adopting a zoning map change to expand T-4.1 Traditional Main Street Neighborhood. First reading.



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

Public comment – no one from the public spoke.

Passage 7-0. A roll call vote was taken.

**3. Order 128-12072020**

Approving the proposed rate adjustments to the Policy on Emergency Medical Services Billing and Collection.

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

Public comment – no one from the public spoke.

Passage 7-0. A roll call vote was taken.

**4. Order 129-12072020**

Authorizing funds in the amount of \$25,000 from the FY20 CIP for Fitness Equipment be reallocated to Mt. Apatite upgrades.

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

Public comment – no one from the public spoke.

Passage 7-0. A roll call vote was taken.

**5. Order 130-12072020**

Approving an order preventing the unauthorized use of the City name, brand, likeness, and character.

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

Public comment – no one from the public spoke.

Motion was made by Councilor Boss and seconded by Councilor Carrier to amend as follows:

**ORDERED**, that the City Council hereby authorizes that the only allowable names of the City are 'Auburn' and the 'City of Auburn, Maine'. As of adoption, there will be no official use of a moniker, though from time to time a moniker may be approved by the City Council for use in advertising or marketing initiatives. As of adoption, the only approved slogan is "No Steps Backward" in either Latin or English though from time to time, a slogan may be approved by the City Council for use in advertising or marketing initiatives. Any City created commission, board, and committee and any outside group receiving funds or City staff support must submit for approval by the city council before use of any logo, slogan, or variation of name ~~prior to use~~. Any outside group soliciting funds from local, state, or federal sources must seek permission from the City Council before using city council approved names, slogans, logos or monikers in their solicitation efforts that imply Municipal support.

Passage 7-0.

Passage of order 130-12072020 as amended 7-0. A roll call vote was taken.

Motion was made by Councilor Gerry and seconded by Councilor MacLeod to suspend the rules.

Passage 7-0.

Motion was made by Councilor Gerry and seconded by Councilor Carrier to propose a Resolve (13-12072020) as follows:

*RESOLVE: The Auburn City Council hereby accepts and supports the "Auburn, your next \_\_\_\_\_ is closer than you think" as our approved slogan for use by the City and it's departments/committees/boards/and commissions until further action by this council.*

*Any other use of this slogan or campaign material in whole or in part by any other entity is strictly prohibited unless permission received from the City Council and or authorization signed by the Auburn City Manager or his designee.*

Motion was made by Councilor MacLeod and seconded by Councilor Gerry to amend as follows:

*Any other use of this slogan or campaign material in whole or in part by any other entity is strictly prohibited unless permission received from the City Manager ~~Council and or~~ authorization signed by the Auburn City Manager or his designee.*

Passage 7-0.

Passage of Resolve 13-12072020 as amended 7-0. A roll call vote was taken.

**VII. Open Session – No one from the public spoke.**

Motion was made by Councilor Milks and seconded by Councilor Carrier to suspend the rules.  
Passage 7-0.

Motion was made by Councilor Milks and seconded by Councilor Gerry to propose a Resolve (14-12072020) as follows:

*Auburn City Council Resolve, December 7<sup>th</sup>, 2020*

*Let it be known, based on the needs and wants of the residents of Auburn and the physical and psychological needs of our youth, this Council resolves for the School Committee to implement a plan for our youth to return to school at least 4 days per week starting January 4<sup>th</sup>.*

Passage 4-3. There was a tie vote 3-3-1 (Councilors Boss, Lasagna, and MacLeod opposed, Councilor Carrier abstained) and in accordance to the City Charter, Article III, Section 3.3 the Mayor voted to break the tie vote voting in favor of the resolve. A roll call vote was taken.

**VIII. Reports (from sub-committees to Council)**



**Mayor Levesque** reported on the Mayor's Ad hoc Committee on Boards & Committees. He will be sending out a survey to Board and Committee Chairs to find out what would be a good time to meet via zoom to talk about the proposal on Boards & Committees. The Comp Plan review has started and the committee will meet at least once a month.

**Councilor Carrier** provided an update on the School Committee upcoming budget.

**Councilor Milks** reported that budget hearings will be held for the Water and Sewer Districts coming up this week.

**Councilor Gerry** provided information on former City Councilor, Normand McKeone who recently passed.

**Councilor Boss** provided an update on the Auburn Public Library who is now doing curbside pickup only due to the increase in Covid-19 cases. Computer use is by appointment only and is limited. Mayor Levesque inquired about the Ag Committee and the status of the priorities of work and requested a report back at the next meeting.

**City Manager Crowell** provided an update on the joint use of fields with the School Department. He also provided an update on Covid-19.

**Jill Eastman, Finance Director** – October 2020 Final Monthly Report

Motion was made by Councilor Carrier and seconded by Councilor MacLeod to accept and place on file the October 2020 Final Monthly Report. Passage 7-0.

#### **IX. Executive Session**

Economic Development, pursuant to 1 M.R.S.A. Sec. 405 (6)(C). This executive session was held during the workshop.

Legal consultation, pursuant to 1 M.R.S.A. Sec. 405 (6)(E).

Motion was made by Councilor Walker and seconded by Councilor Gerry to enter into executive session pursuant to 1 M.R.S.A. Sec. 405 (6)(E).

Passage 7-0, time 8:23 PM.

Council was declared out of executive session at 8:33 PM.

#### **X. Adjournment**

Motion was made by Councilor Carrier and seconded by Councilor MacLeod to adjourn. Unanimously approved, adjourned at 8:33 PM.

A TRUE COPY

ATTEST 

Susan Clements-Dallaire, City Clerk



## City of Auburn, Maine

60 Court Street | Auburn, Maine 04210  
207.333.6601 | [www.auburnmaine.gov](http://www.auburnmaine.gov)

### MEMORANDUM

TO: Phil Crowell, City Manager  
FROM: Liz Allen, Director of Communications & Community Engagement  
DATE: December 16, 2020  
RE: 2020 Spirit of America Tribute

It gives me distinct pleasure to share with you the recipient of this year's 2020 Spirit of America Tribute: **Auburn's "Grab & Go" meal and grocery program.**

The program (and the exceptional team of staff, businesses and dedicated volunteers that made it possible) was nominated by multiple individuals through our annual nomination process. I am honored to share the following excerpts from the various nominations:

*"Since day 1 of the program (helping feed Auburn residents during pandemic) we've been part of the Grab N Go program...They are amazing, working so hard to care and feed their community. On holidays they even had gifts for participants. Also, my husband got a gift bag for his b-day w cake mix b-day plates, napkins, candles, icing and streamers, etc. It sure brightened our days - all the help and the compassionate care to us and our community. We felt special and so grateful for all they have done for us and others. We would've been very hungry without the program. They also would deliver if unable to pick up. I can't tell you enough how important it is that they get recognized. Our family had 5 children 3 adults. Times are very hard and challenging they made it so we could worry a little less about how were going to feed our family."*

*"During the COVID-19 pandemic, this group ensured that families were being fed. They picked up food from the Good Shepherd Food Bank, cooked it, and distributed/delivered to our needy. They are to be commended for their outstanding efforts!!!"*

*"The [people] from Auburn cooked and made great food that they passed out to us. It was very nice, and I appreciate their hard work."*

The Auburn Recreation department, in partnership with Auburn PAL and several local businesses and community volunteers, has been operating the Grab 'N Go food program since mid-March. The program has evolved from nutritious, hot, prepared meals to a once-per-week grocery box pick-up for any Auburn household in need. During months of March, April & May alone, the GNG program provided more than **8,000** meals for Auburn residents!

The program continues to provide groceries to nearly **150 families** each week (more than 350 adults and children) and has had an immeasurable impact on our community. It is clear that this program is the very definition of "outstanding community service" and that it embodies the mission and vision of the Spirit of America Foundation.

While this program was a huge effort with wide-spread support, key participants in the Grab 'N Go program include:

**City Staff:**

Jennifer Banker  
Sabrina Best  
Shawn Boyd  
Zachary Boyd  
Jenna-Rae Brown  
Brandon Chaloux  
Heath Crocker  
Dawna Daigle  
Scott Daigle  
Rick Duchesneau  
Chandra Elliot

Darcey Gardiner  
Jeremy Gatcomb  
Jamie Longley  
Melinda Novella  
Holli Olivier  
Cy Wilkinson

**Community Volunteers:**

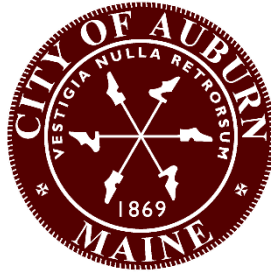
Pam Hart  
Kathy Shaw  
Tracey Levesque  
Kimbire Varney

**The City of Auburn warmly congratulates and celebrates the  
Grab 'N Go Program, Auburn's 2020 Spirit of America Tribute!**

Other nominees for the 2020 Sprit of America Tribute included:

Lewiston Salvation Army  
Great Falls Development Group  
Cynthia and Noah Dumont and  
Shawn Boyd (part of Grab 'N Go Program)





## PROCLAMATION | **EXTRA MILE DAY**

**WHEREAS**, Auburn, Maine is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

**WHEREAS**, Auburn is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

**WHEREAS**, Auburn is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

**WHEREAS**, the City of Auburn acknowledges the mission of Extra Mile America to create 500 Extra Mile cities in America and is proud to proclaim and support “Extra Mile Day” on December 21, 2020.

**NOW THEREFORE**, I Jason Levesque, Mayor of the City of Auburn, do hereby proclaim December 21, 2020, to be **Extra Mile Day**. I urge each individual in our community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 21<sup>st</sup> day of December 2020

Mayor Jason Levesque

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## MEMORANDUM

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**TO:** MAYOR JASON LEVESQUE, CITY OF AUBURN

**FROM:** DR. SALIM FURTH, MERCATUS CENTER

**SUBJECT:** AUBURN LAND USE AND GROWTH

**DATE:** 10 DECEMBER 2020

**CC:** MICHAEL HOGG, MERCATUS CENTER

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Following up from our phone call of 23 November, I want to present the results of my initial research regarding Auburn's land use and ongoing development, including many recommendations for policy change. Please correct any inaccurate information or impressions. I've used a numbered format for ease of reference.

- 1) Auburn has been successful in attracting growth of all kinds. Greenfield commercial development is common, but Auburn also has new industrial facilities and infill apartment buildings. I'd characterize this as "promising" rather than "transformative," so far, because the statewide headwinds – population aging & economic stagnation – are quite strong.
- 2) There are still serious downside risks for Auburn. I recommend Alan Mallach's *The Divided City* as a sobering reminder that bad things happen to good cities. In particular, large residential areas can go into a vicious cycle of decline even as showpiece districts dazzle.
- 3) My mental model of Maine residential demand is a segmented market: some people want privacy, some want walkability.
  - a. The "**privacy market**" is attracted by large lots and homes, quietness, nature, and abundant parking. Property value is mostly internal.
  - b. The "**walkability market**" wants charming aesthetics, small frontages, cafes, sidewalks, and local schools. Property value is mostly external (i.e. location).
  - c. Most of the state (including all of Auburn's neighbors but Lewiston) is in the privacy market.
  - d. Portland is expensive because it's one of the few places in Maine with a large-volume walkability market.
  - e. There are plenty of physically dense places that are unappealing to the walkability market because houses are depreciating and 'charm' is missing.
  - f. Both of these markets exist for vacationers as well as year-round residents.
  - g. I'm not sure how substitutable the two markets are.
  - h. Auburn, given its geographic size, is a microcosm of the state and has both markets.
- 4) I'm not sure about this, but I think "normal" suburban density (e.g. 3-bedroom houses on quarter-acre lots) may be suboptimal in Maine. Four units per acre is not dense enough to offer real walkability, and the wide availability of lower-density forest lots makes it an inferior choice for the privacy market. (In denser states, the privacy market mostly flows to "normal" suburbs, because only the rich or super-commuters can afford an acreage).

Maine towns should serve each market on its own terms rather than creating an “average” product that tries to be all things to all residents.

- 5) You communicated your priorities as *growth*, *equity*, and what I’ll call *vitality* – having a city where you want to spend the morning, noon, and night.
  - a. *Growth* is possible in both the walkability and privacy markets. It’s possible to grow in only one of the two, but that won’t serve everyone and many of those unserved potential residents will instead move to other towns.
  - b. *Equity* concerns are most acute where scarcity prevails or when decline sets in. Where insufficient new homes are built, low-income residents can end up in overcrowded housing. When a city declines, low-income residents often get the worst of a decaying housing stock and shrinking city services.
  - c. *Vitality* is directly tied to commerce and amenities serving the walkable housing market. Malls and strip retail can survive on car traffic only; downtowns cannot.

### **Serving the walkability market**

- 6) It is relatively easy to serve the walkability market, mainly by removing city-created regulatory barriers to building walkable housing and businesses.
- 7) Auburn already does a lot of things right, including:
  - a. Most schools are kid-walkable to some neighborhoods (this is so important, and badly underrated by most walkability gurus)
  - b. Allowing residences in all commercial zones
  - c. Allowing subdivision streets below 30 feet in width
  - d. Zoning downtown to be *downtown*
  - e. Investing in walking resources, like the river trails
  - f. Attracting infill (48 Hampshire, 62 Spring) & adaptive reuse investment (I love the Synagogue Apartments and Barker Mill Arms, at least from the outside)
- 8) To expand walkable investment, the first and most important step is to repeal the wrongheaded, anti-urban 20<sup>th</sup> century policies on the books. The most obvious of these are density restrictions, but others are more important in Auburn’s context. I’ll list these with my estimate of importance, and come back to them one by one:
  - a. Frontage width requirements
  - b. Parking minimums
  - c. Minimum lot sizes
  - d. Setback requirements
- 9) Frontage width: There’s no real reason to regulate frontage in an urban environment. Well-loved city centers, from Zanzibar to Paris to Eastport, have narrow frontages for both businesses and residences. Small frontages => low rents => mom-and-pop businesses. For customers, narrowness allows rapid browsing. Shopping malls know this; mall retail spaces are narrow and deep.
  - a. Status quo: Even in Downtown Enterprise Zone (DEZ), Auburn requires 50 feet for a residence and 100 feet for a business. The Form-Based overlay goes down to 24 feet.
  - b. Recommendation: Cut minimum width to 24 feet or less anywhere intended to be walkable. I’d include most of the current “Urban Residential” zone in that.
- 10) Parking minimums. The free market provides parking just fine. Lots of cities, in red and blue states alike, are getting rid of their mandatory minimums. How else can you deregulate, help the climate, reduce stormwater runoff, reduce housing costs, and advance equity goals in a single action? Bath and Belfast are among the many cities that have already [zeroed parking minimums downtown](#). There’s just no reason to believe there’s a market failure in parking provision.

- a. Status quo: I'm struck by [East Auburn Baptist Church](#). Its modern facility is mostly parking. Would it have relocated there if it were allowed to use existing parking lots – near offices or a mall – that are empty on Sunday mornings? But Auburn's §60-608 requires one parking space per each 5 seats in a church building, even downtown.
  - b. Recommendation: delete parking minimums - at least in walkable areas and for houses of worship. Better yet, delete them everywhere.
- 11) Minimum lot sizes. There's nothing wrong with a 10,000 square foot house lot; it may be comfortably walkable depending on what's nearby. But 10,000 square feet is not appropriate as a *minimum* lot size throughout most of the walkable core. Indeed, in much of Auburn, there are non-compliant lots far below the 10,000 sq ft "Urban Residential" minimum. For example, along Summer & Winter Streets near Rowe St., the norm is around 6,000 sq ft. To make townhouses viable, lots need to be between 1,000 and 3,000 square feet. In the less-central Urban Residential zones, smaller lots will make walkable subdivisions much more viable.
  - a. Status quo: A large share of downtown and adjoining neighborhoods (DE and MFU zones) have 5,000 sq ft minimum house lots, which is fine. But the rest of Urban Residential is overzoned at 10,000.
  - b. Recommendation: Cut minimum lot sizes for all single-family homes in sewerage-served areas to 4,000 square feet. Cut to 1,000 square feet if you want townhouses.
- 12) Setback requirements, as written, are inappropriate to a walkable area. As with frontages, the form-based code gets this right. But you don't need an entire form-based code to simply fix the setbacks.
  - a. Status quo: In most urban zones (even DEZ), front setbacks are 25 feet or 25% of lot depth, from the lot line to the building line. Actual setbacks are often smaller. Take a stroll (real or virtual) down [Davis Ave](#). Few of the setbacks are 20 feet or more; many are less than 10 feet. But the effect is welcoming, not looming. It looks like a good place to trick-or-treat. A conversation between a neighbor on her porch and a neighbor walking his dog could be conducted without shouting.
    - i. Note: Front setbacks are measured from the lot line, which is often several feet into the apparent "front yard".
  - b. Recommendation: Either cut minimum front setbacks to 5 feet in all walkable zones, or use dynamic setbacks, basing the regulation on the prevailing pattern on the street.

### Serving the privacy market

- 13) As is clear from the public record, there's a lot of controversy about Auburn's Ag/Resource zone. I'll float a few solutions, with the understanding that the politics around this are probably going to dictate a narrower set of feasible actions.
- 14) The new Comp Plan should acknowledge that, as written, the Ag/Resource zoning district removes the entire economic value of many parcels, and that this may be a violation of the takings clause of the U.S. Constitution.
- 15) **Solution 1:** Tweak the farming regulations
  - a. As suggested in your 2019 op-ed, the farming zone would be less restrictive if it allowed homesteads on smaller farms; allowed households where only one member is a full-time farmer; and vested the right to permanent occupancy after a good-faith period of farming (10 or 20 years?)
    - i. Reality check: these reforms might slow the abandonment of existing farms, but won't change the basic fact that clearing forest for farming is uneconomical in Maine.

- b. Landowners should be given the right to petition for relief if they can demonstrate that land has no viability as agriculture (due to steepness, soil, etc.) but can be profitably used for a disallowed use (housing, etc.)
- 16) **Solution 2:** Allow low-impact development in the Ag/Resource zone under a Forest Form Based Code (FFBC – my idea). Residents may be OK with unobtrusive homes surrounded by forest but afraid of McMansions on clear-cut acreages. Traditional zoning can't allow one of those without allowing the other. If my theory of residential demand is correct, these restrictions won't be obnoxious because they promote things that the privacy market already wants. The effect might be something like Anita Ave. It wouldn't feel like Pleasant Drive, which is drastically overbuilt for its 8 homes and feels like a conquest of nature rather a oneness with nature. A Forest Form Based Code overlay would:
  - a. Allow development on land that has not been profitably farmed for some fixed set of dates (say, 2010-2020).
    - i. This is a bit unfair to existing farmers, but without the provision, it could lead to rapid development of farmland and would be a disincentive to new or continued farming. The fixed dates remove any incentive to game the system.
  - b. Require narrow, shared, unpaved driveways to minimize the number of curb cuts (e.g. 4+ houses to a driveway, driveway clearing no more than 20 feet across).
    - i. Fewer curb cuts keeps roads safer and preserves the rural feeling. It also reduces the amount of forest cleared for deep access roads.
  - c. Require a screen of forest at least 50' deep between the road and any house or cleared land; require driveways to turn so that houses remain invisible.
  - d. Require a public right of access to a hiking path parallel to the road, either directly adjacent to the road or tucked into the forest buffer.
  - e. Include a 22-foot (1.5 story) height limit.
  - f. Instead of lot size limits, require safe wastewater disposal. That will usually be through septic fields (with a land minimum), but others may choose to use composting toilets, septic tanks, or community septic system.
  - g. Limit the amount of cleared land, exclusive of cultivated and grazed land, on both a per-unit and per-acre basis. Limit the amount of blacktop – driveways should be gravel, dirt, or pervious pavers.
  - h. Prohibit public acceptance of new roads unless the subdivision naturally extends the city's street grid (e.g. by linking two existing side streets)
  - i. Impose an *ad valorem* impact fee on any development that uses this overlay. That can be used for environmental priorities citywide.
- 17) A key aspect of the FFBC is that it isn't snob zoning. This is a way to build modest houses deeply embedded in nature, not estates. Mobile homes would be viable.
- 18) Figure 1 illustrates the features of the FFBC in an example subdivision.

Figure 1: Illustration of a Forest Form Based Code subdivision



- 19) Neither of these suggestions is “perfect” for any set of goals. But maybe they can balance the competing priorities.

### What’s going on with all that low-density multifamily?

- 20) I’m pleased to observe that Auburn has permitted a large number of low-rise multifamily developments (e.g. Colonial Way, Tourmaline Ln, Auburn Mall Apartments, Northern Avenue Heights) as well as a few mobile home parks.
- 21) However, it’s hard to see the logic behind their sprawly layout. Do residents really like the isolated, spacious layout? If so, great. But I suspect that at least some tenants might prefer to be located next to schools or near shopping and jobs. Consider updating regulations to allow walkable apartments.
- 22) The city should fund sidewalks and safe crossings to connect the Plummer St/Danny Dr/ Aron Dr/Andrea Ln apartments to the employment centers around the Mall.
- In addition, I recommend adding a playground in this area, ideally on already-cleared land purchased from one of the existing apartment complexes.

### Area of opportunity: Center St Corridor

- 23) Unlike the Auburn Mall area and downtown, Center St (from Union St to Memorial Bridge) lacks branding and public support. However, it is clearly an important commercial stretches and deserve city attention.
- 24) Center St is a classic “[stroad](#)” – doing double duty as a destination (“street”) and a through route (“road”). Nobody loves stroads – they’re usually ugly and they’re statistically unsafe. The two ends of this stretch of Center St were the top two intersections in Auburn in automobile injuries from 2018-2020.<sup>1</sup>

<sup>1</sup> That is, the Turner/Union/Center intersection and the Center/Memorial Bridge/Mt. Auburn intersection. See [Maine DOT Public Crash Query Tool](#).



- 25) However, there's clearly something attractive (economically, if not aesthetically) about stroads. They feature bare-bones infrastructure and cheap construction. By my estimation, Center St and Minot Ave each have more locally-owned businesses than the Auburn Mall area.
- 26) Unlike most stroads I've seen, Center St has a decent frequency of low-speed connections to the local street grid.
- 27) If Auburn's growth exceeds current expectations, Center St would be the natural site to accommodate growing demand for residential, office, and retail space. It's acceptable both for "Mall-oriented" and downtown-oriented demand. It complements, more than threatening, the existing commercial centers.
- 28) The city can prepare for & assist intensification of Center St with regulatory changes and low-cost investments now. If momentum builds, the city would need to make larger investments to transform Center St itself into a modern commercial main street.
- 29) To gradually integrate Center St into the fabric of the city, I suggest leveraging the existing side streets and access roads (e.g. the rear parking lot of Margaritas Mexican).
  - a. The "General Business" zone currently allows residential construction at "Suburban Multifamily" densities; switch to "Urban Multifamily" to allow viable residential construction in the business zone.
  - b. Create a form-based code overlay intended to accommodate buildings that will be walkable from side or rear streets while being "drivable" from Center St itself. This wouldn't be mandatory, but would allow greater height, smaller setbacks, and (if parking minimums aren't lifted citywide) less parking than the base code allows. I won't give full details here, but basically we're applying a "neighborhood" type code to the side streets and a highway type code to Center St.
  - c. Invest in sidewalks on those side streets.
  - d. Close off the "exit ramp" from Center St to Lake Auburn Ave, which encourages high speeds.
  - e. Add a traffic light at Broadview Ave.
- 30) A string of Auburn's precious waterfront parcels on Center and River Rd is occupied by small commercial structures with large parking lots ([KFC](#), [Goin' Postal](#), etc.). My understanding is that state regulation limits redevelopment in proximity to the water. It might be worth working with the legislature to craft an exception that would allow higher-value land uses there in exchange for shrinking the impervious surface and dedicating a riverside walking or hiking trail.

### **Implement the Akron Incentive**

- 31) Much of walkable Auburn's housing stock is old. Old houses often have lead paint, gerryrigged electrical wiring, and other hazards. Many are poorly insulated. They can also just feel old – creaky, worn, faded – instead of charming.
- 32) You can achieve equity through growth by preventing neighborhoods from entering a downward spiral. Quality renovations in older neighborhoods retain and attract well-off families. This in turn deconcentrates poverty and prevents a cycle of disinvestment from taking hold.
- 33) The City of Akron, Ohio, still recovering from industrial & corporate decline, gives a 15-year tax abatement for any residential investment above \$5,000. That is, the assessed increment resulting from the renovation or construction is untaxed. Although the program has not yet been rigorously evaluated, City Planner Jason Segedy believes it is a major success and has led to substantial reinvestment where almost none was occurring previously. I suspect that the program also protects the tax base by arresting declines in

value that would have occurred otherwise, especially in properties that would have been abandoned.

- 34) Auburn is not in Akron's shoes, and there's no reason to give a tax break to brand new residences in greenfield contexts. In Auburn, I recommend limiting the incentive in two ways: place a cap of perhaps \$50,000 or \$100,000 on the increment that can be abated and apply it only on lots where the existing house was built prior to 1960.<sup>2</sup>

## **Conclusion**

There is no conflict among Auburn's goals of growth, equity, and vitality. However, there are serious headwinds facing the city and it could just as easily fall short on all three goals as achieve all three. The city should use its 2020 Comp Plan update as an opportunity to present a vision of a confident community capable of serving a growing number of homeowners and renters in the vibrant, walkable core while also expanding the economic uses of its fields and forests without compromising their environmental and aesthetic value.

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<sup>2</sup> Houses of that vintage are more likely in bad shape and much more likely to contain lead-based paint. (Federal regulations mandating lead-safe work practices apply to such renovations regardless of tax treatment). As you know, Auburn has a high incidence of elevated blood-lead levels in children. Per Maine Environmental Public Health data for 2014-2018, Auburn had the 4th-highest incidence (5.8%) among the 76 Maine towns that tested at least 100 children.



TRAFTON, MATZEN,  
BELLEAU & FRENETTE, LLP



Richard L. Trafton  
rtrafton@tmbf-law.com  
Bar No. 204

December 3, 2020

Mayor Jason J. Levesque  
**City of Auburn**  
Auburn Hall  
60 Court Street  
Auburn, ME 04210

**Re: Lewiston and Auburn Railroad Company**

Dear Mayor Levesque:

As we have discussed I submit this letter as my resignation as Director of the Lewiston and Auburn Railroad Company ("Company"). As you know I have served most recently for two (2) consecutive terms as well as another term when I was Mayor of Auburn. At present I am not a resident of this City which is required for members of the Board of Directors according to the By-Laws.

The Company is in sound financial condition as evidenced by the current financial reports of Austin Associates hired by the Company for bookkeeping and financial review. St. Lawrence & Atlantic Railroad leases the track rights of way and shop on Lewiston Junction Road. The Company owns several surplus properties in Lewiston, together with the former Grand Trunk Depot, currently leased as a restaurant.

I am pleased to enclose the original deed from the Company to the City of Auburn for Bonney Park and a portion of the right of way for active trails leading to and from Bonney Park and the River.

As perhaps you know the Company has no employees or office so its history and records are spread through Lewiston and Auburn. I am glad to help with the transition to new officers and management in helping locate those records. It has been my pleasure to assist Auburn's economic development through the Company and I believe it can be even more effective in the future. Thanks for the opportunity to serve.

Very truly yours,

Richard L. Trafton

Enclosure

**From:** [Liz Allen](#)  
**To:** [Belinda Gerry](#); [Brian Carrier \(Council\)](#); [Holly Lasagna \(Council\)](#); [Jason Levesque \(Council\)](#); [Katherine Boss \(Council\)](#); [Leroy Walker \(Council\)](#); [Steve Milks \(Council\)](#); [Tim Macleod \(Council\)](#)  
**Cc:** [Phil Crowell](#); [Brian Wood](#); [Susan Clements-Dallaire](#)  
**Subject:** More public comment  
**Date:** Wednesday, December 9, 2020 9:02:33 AM

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Good morning, Mayor & Council –

Some more public comment for your consideration.

~Liz

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Dear City Council,

I read in the Sun Journal about the Council's resolution for Auburn schools to move to 4-day a week learning. Quite frankly, I find this appallingly senseless and irresponsible.

We are in the thrall of a global pandemic. Even though it may seem like a small town in Maine is not very affected compared to some places, we are just as vulnerable here as anywhere. Community spread happens when people are together; like in schools. Doubling the population of students in school at a time not only makes the CDC guidelines impossible to follow, it exponentially increases the exposure to people.

The school district's tight budget this year is dependent on the extra funds from adhering to the CDC guidelines, which should be reason enough to not rock the boat. However it appears those council members (and Mayor Levesque) who voted for this resolution also forget that schools do not exist in a vacuum.

The nature of this virus is to be very contagious. The higher the rates of infection, the more likelihood of people in our community suffering serious consequences. Everything from financial ruin, sickness, long term side effects, and the grief from family members who are lost to the virus.

If my son were to contract COVID-19, he would likely be fine and make a hopefully full recovery. However if he were to accidentally pass the virus on to me (a lung transplant patient) or perhaps an elderly neighbor, or to my husband who has a high-risk co worker, the consequences could prove devastating. And just how healthy is it for a 10 year old child's psyche to know he may have given his mother the virus which killed her.

Everyone wants things to return to normal. Everyone is struggling with remote schooling. But it is impossible to protect the vulnerable, and the overall well-being of the community by pretending everything will be fine, despite the exploding case

numbers and thumbing our nose at the science that is instructing us exactly how we can make our way back to normal.

If you must involve yourselves in school-committee business, why don't you do so by rewarding the hard work and resilience of the teachers, staff, and administrators who are working twice as hard for half as many thanks. Have a virtual public ceremony to honor them, and give them a hefty holiday bonus.

With kind regards and wishes for your families' health this Holiday Season,

**Stephanie Woodward**  
**536 North Auburn Rd**  
**Email received 12/8/20 at 9:30PM**

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Dear Counsel Members,

I am writing regarding the recent resolution urging 4 day classroom instruction in the Auburn Public Schools.

My daughter is currently a sophomore at Edward Little High School. I would urge you to stay the course with the current plan. It has been difficult to manage remote learning, and yet I believe strongly,

We currently have the best options available as they offers the ability for spacing, cohorting, and some in person instruction and socialization.

The number of cases of the virus need to drop dramatically to safely return to full capacity schools.

Thank you,  
**Lorraine Wight, LCSW**  
**Email received 12/8/20 at 8:04PM**

**From:** [Liz Allen](#)  
**To:** [Belinda Gerry](#); [Brian Carrier \(Council\)](#); [Holly Lasagna \(Council\)](#); [Jason Levesque \(Council\)](#); [Katherine Boss \(Council\)](#); [Leroy Walker \(Council\)](#); [Steve Milks \(Council\)](#); [Tim Macleod \(Council\)](#)  
**Cc:** [Phil Crowell](#); [Brian Wood](#); [Susan Clements-Dallaire](#)  
**Subject:** Public Comment  
**Date:** Tuesday, December 8, 2020 3:34:10 PM

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Mayor & Council –

Below please find public comments submitted to your attention via our [comments@auburnmaine.gov](mailto:comments@auburnmaine.gov) email.

~Liz

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I am writing to express my concern that the majority of the council is supporting students return to 4 day. I have 2 children that attend Sherwood Heights, 2 day hybrid. Continuing in the hybrid model is the safest plan. I am highly concerned and disappointed that the majority of the council with encouragement from the mayor would vote in such a manner when there is no plausible way that Sherwood Heights could have all students attend and adhere to safe distancing. The school has not suddenly expanded, so please tell me how my children could attend a full school and safely maintain safe distance?

I am appalled that councilors could support full schools as our positive cases are increasing in our state and in our community with evidence of community spread. Please look at Clover and Russel Park as references. They have each had recent outbreaks. There has been a large number of employees and residents infected with CoVid. Sure the residents don't leave the nursing home but what about the staff? They are members of our community, they shop where you shop, go to the same restaurants and their children go to school with our children. The risk is too great with all students returning to 4 day. As a parent and nurse, safety is always my priority and as a Councilor the safety of my children going to school should be your upmost priority when making such a decision and I feel to half of you, it was NOT. Sure little Johnny might be fine if he gets CoVid but what about Johnny's teacher or Johnny's mom or maybe his grandfather that lives in the same house?

I plead that you please contact the local hospitals and ask them how the rise in CoVid positives in the community is effecting the hospitals because it is.

The timing of this vote was poor and the votes speak loudly!

Sincerely,

**Jen LaPierre**

**Email received 12/8/20 at 2:22PM**

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Good afternoon,

My husband Jeremiah and I are distressed to see the city council continuing to vote on public statements regarding Auburn Schools.

I filled out a questionnaire asking if my family felt it was safe for our children to return to four days/week learning. I agree with what I wrote at the time, which is that it is not appropriate for our children to attend public school more than two days/week in person.

I realize so many children and their families are hurting. I do not like seeing our senior miss out on his last year activities, and having his Nordic ski season shortened. I also hurt when our youngest states he misses the normality of school. This is all very hard.

However, as we are part of a community with many at risk folks (black and brown people, older humans, and low income folks) I must ask all Auburn residents to examine the morality of our discussions. I also offer that with a city full of as many intelligent and caring folks as Auburn, we should work together for resolutions that fit the reality of our present situation.

The city council is just one part of the community, not the whole. I am disappointed the council focus has not shifted to problem solving and searching for new ideas for our city's youngest members. The council expectations that schools solely hold the burden for our children's welfare is not an appropriate use of financial and time resources.

If asked by the school committee, I would be happy to see if there is a way to gather stake holders to share ideas. Simply sending children back to the classroom more days/week is an immoral, and unimaginative non-solution.

Thank you for taking the time to read my comment.

Sincerely,

**Rev. Sara Bartlett.**

**107 Shepley Street**

**Email received 12/8/20 at 12:37PM**

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I am appalled that City Council would insinuate themselves into the School Committee's business by passing a resolution to PUSH for in school learning. WHAT is wrong with you people? We had almost 500 new covid cases in

the state yesterday.... the day you met in the evening so you ALL had this information but yet still played politics. 247 new cases with 12 deaths today and you want kids back in school 4 days a week. THAT IS ABSURD AND THIS RESOLUTION NEEDS TO BE CANCELED!!!! STOP playing politics with our kids and your incredible dedicated teachers. I am disgusted and disturbed that the council would do this.

Sincerely,

**Marci A. Ellingwood**

**142 7th St. Auburn, Maine**

**Email received 12/8/20 at 11:17AM**

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**From:** [Liz Allen](#)  
**To:** [Belinda Gerry](#); [Brian Carrier \(Council\)](#); [Holly Lasagna \(Council\)](#); [Jason Levesque \(Council\)](#); [Katherine Boss \(Council\)](#); [Leroy Walker \(Council\)](#); [Steve Milks \(Council\)](#); [Tim Macleod \(Council\)](#)  
**Cc:** [Phil Crowell](#); [Brian Wood](#); [Susan Clements-Dallaire](#)  
**Subject:** Public Comment  
**Date:** Wednesday, December 9, 2020 2:54:18 PM

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As a teacher in the Auburn School Department, I wanted to write to you and tell you how shocked and confused I am by your recent vote to return to school 4 days a week.

Obviously, this vote wasn't founded on practicality, because right now the state has us labeled as "yellow," which means we need to be hybrid or we risk losing funding from the state. You are also overlooking the fact that we can't actually fit all the students in person while maintaining safety measures. This vote seems like wishful thinking. Why even bother with the proposal when you wouldn't be able to act on it? It's obviously political grandstanding on the part of Mr. Milks and anyone who supports him.

Aside from the problems with even voting on something like this, I'd like to point out how wrongheaded it would be to return to school 4 days a week. Right now, kids are getting two days of high quality instruction with their teachers. Because of these smaller class sizes, I'm able to meet one-on-one with kids more often and give them targeted instruction.

I fear that ignoring reality and sending kids back full time would result in even more dramatic spikes than we're currently seeing. Overloading our capacity could result in going fully remote for everyone. By trying to force us back 4 days a week, you are risking the few days of in person instruction that are happening right now.

I also must point out that this pandemic does not affect us all equally. Elderly, immunocompromised, and Black community members are at a much higher risk for COVID-19. As a community, it is imperative that we consider the safety of everyone in Auburn. Please remember that you are representing us all.

Anecdotally, every time there's a call that goes out about a new positive case, we always lose students to fully remote. So I'm not sure the survey results represent the decisions that families are actually making when they are faced with the realities of this pandemic.

Is hybrid ideal? Of course not. But this is a pandemic. Ignoring that fact makes you a danger to your community.

Thank you for your consideration,

**Nora Jarvis**  
**Email received 12/9/20 at 11:50AM**

**Liz Allen | Director of Communications & Community Engagement**  
**City of Auburn, Maine | 207.333.6601 X2070**

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**From:** [Liz Allen](#)  
**To:** [Belinda Gerry](#); [Brian Carrier \(Council\)](#); [Holly Lasagna \(Council\)](#); [Jason Levesque \(Council\)](#); [Katherine Boss \(Council\)](#); [Leroy Walker \(Council\)](#); [Steve Milks \(Council\)](#); [Tim Macleod \(Council\)](#)  
**Cc:** [Phil Crowell](#); [Brian Wood](#); [Susan Clements-Dallaire](#)  
**Subject:** Public Comment  
**Date:** Friday, December 11, 2020 3:33:46 PM

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Hi,

I'm writing as a parent of an Auburn elementary school student, and member of the community.

I am deeply disheartened by the latest resolution passed requiring students to return to 4 days of in person learning by January. It was made abundantly clear in August at one of the several school committee meetings that it simply isn't possible. They have neither the space or staff (I believe the superintendent said roughly 300 more staff members would be needed to fulfill the required Maine CDC/DOE guidelines). That situation hasn't changed. Without following those guidelines, our schools will lose funding, aside from the safety risk. The schools can't afford the funding loss either.

That being said, I'm not sure what the point of this resolution was, other than to make noise and put unneeded pressure and stress on our school committee members and educators? We all want to get back to normal, but things are not "normal" yet. The pandemic is more widespread in Maine now than ever. Why aren't we listening to our educators? The individuals who are the experts of our children's education? The "disconnect" in the survey cited between staff/students/parents is because the staff are the ones actually doing the work, and "in the trenches" as they say. Without our educators, our schools are just buildings.

All of the teachers and staff that I've interacted with are going above and beyond and doing the best they can while doing at least twice the work under they hybrid schedule. Yet, even doing twice the work – they still don't feel comfortable going to a 4 or 5 day schedule. That should speak volumes. We should be bending over backwards to help and praise them, and I feel this resolution is sadly doing the opposite of that.

As for the negative “physical and psychological” impacts that school closures and remote learning are having on children, let's step up to the plate as a community and help each other, brainstorm helpful and productive ideas instead of hurtful ones? One of the most appropriate analogies I've read lately is that

“we are not all in the same boat, we are in the same storm. Some have yachts, some canoes, and some are drowning. Just be kind and help whoever you can.”

Let's reach out to those who are drowning, and work our way up to help the canoes. I'd say my family is probably in a smaller used dinged up aluminum boat at this point, but we can still fit in a couple more people before it starts to leak or sink...

Figure out a way to connect to the families and kids who are really struggling, some of it could be as simple as some students just not having anyone around to help walk them through their remote day assignments, or be a sounding board, helping them figure things out. I am fortunate that I am able to be with my son on his remote days, to help guide him, and help as much as possible. Is it the same as having in-person instruction with his teacher? Absolutely not, but we are doing what we have to do to make this work the best we can. Understandably, many parents/households can't do this. Let's share resources, I'd be happy to virtually help out/check in on another 4<sup>th</sup> grader throughout the day, whatever we have to do, while also not adding more burden on the backs of our teachers.

Same goes for the social aspect. My son is an only child – he has seen just a handful of other kids outside of school, total, since March. Why? Because we want his grandparents and many other family members and friends that we care about to be around for many more years to come.

In all honesty, my heart breaks that he can't be a carefree kid right now, freely playing with his friends (or grandparents) but even my 9 year old 4<sup>th</sup> grader understands why it has to be like this for the time being. So, we adapt – we

have a ton of virtual check-in's with people, he attends Auburn's community learning center virtually, so that on his remote days he has an hour at the end to connect with other kids and play games, or work on projects. Again, it's not the same as socializing in person, but right now it's the safest route to go. I don't see a reason why groups like that couldn't be set up on the community level too. Kids need and thrive on routine, let's build these types of support systems into their hybrid routine.

Just a few brainstorming ideas that we have talked about amongst ourselves, I'm sure as a community we could come up with many more.

All of us want to get back to normal, unfortunately the world isn't "normal" yet, so let's please support everyone until we get back to that safe and familiar place that we all miss so much.

Thank you taking the time to read this.

Happy Holidays,

-Katie Becker  
(207) 712-5234  
888 Pownal Road  
Auburn, ME 04210

**Liz Allen** | Director of Communications & Community Engagement  
City of Auburn, Maine | 207.333.6601 X2070

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**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**Ordinance:** 08-11022020

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

**Subject:** Marijuana Meeting Updates

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**Information:** Staff, Councilors and North Auburn residents met on September 2, 2020 to discuss concerns raised by the neighborhood related to Marijuana Businesses and updates on the changing regulatory environment. We discussed the information with the Council on October 5<sup>th</sup> and were instructed to move forward with some Business-related changes that can be adopted fairly quickly while some other considerations will take more time. Some recommended updates to the ordinance include the following:

- Residency Update to match State Changes – 4-year residency requirement deemed unconstitutional and visiting patients from qualifying states are allowed to purchase medical marijuana, but not cultivate or transfer.
- Fees for Adult use conversions for existing medical businesses – Clarification that they are the same as a new application.

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**City Budgetary Impacts:** None.

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**Staff Recommended Action:** Vote to approve second reading.

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**Previous Meetings and History:** October 5, 2020: Council Workshop. November 2, 2020: Council First Reading.

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**City Manager Comments:**

A handwritten signature in black ink that reads "Phillip Crowell Jr." in a cursive script.

I concur with the recommendation. Signature:

---

**Attachments:** Ordinance changes with tracked changes and Ordinance.

## ARTICLE XVIII. - ADULT USE AND MEDICAL MARIJUANA BUSINESSES

### Sec. 14-650. - Title.

This article 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.

(Ord. No. 03-05202019, 6-3-2019)

### Sec. 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.

(Ord. No. 03-05202019, 6-3-2019)

### Sec. 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.

(Ord. No. 03-05202019, 6-3-2019)

### Sec. 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.

(Ord. No. 03-05202019, 6-3-2019)

Sec. 14-654. - Effective date.

The effective date of this ordinance [from which this article derived], and the business licensing thereunder, shall be the date of adoption by the city council.

Sec. 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.

(Ord. No. 03-05202019, 6-3-2019)

Sec. 14-656. - Definitions.

*Adult use cultivation facility* means 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* means a facility licensed under this ordinance to cultivate not more than 1,000 square feet of plant canopy pursuant to 28-B M.R.S.A. § 501.

*Adult use marijuana store* means 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* means 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* means 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* means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale.

*Harvested marijuana* means 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* means a marijuana plant that is not a mature marijuana plant or a seedling.

*Manufacture* or *manufacturing* means 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* means 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* means 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* means 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* means a public or private laboratory that:

- (1) Is authorized in accordance with 22 M.R.S.A. § 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and
- (2) Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body or is certified, registered or accredited by an organization approved by the State of Maine.

*Medical use* means 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* means 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* means 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 or a visiting qualified patient complying with Title 22 § 2423-D.

*Registered caregiver* means 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.A. § 2425-A.

*Registered caregiver retail store* means a facility licensed to sell harvested marijuana to qualifying patients for the patients' medical use.

*Registered dispensary* means an entity registered under 22 M.R.S.A. § 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* means the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency.

(Ord. No. 03-05202019, 6-3-2019)

Sec. 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.A. § 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.A. § 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.

(Ord. No. 03-05202019, 6-3-2019)

Sec. 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 means the individual shall state their legal name and any aliases, and submit proof that they are at least 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 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 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 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 1,000 feet of the subject property; and the property lines of any public or preexisting private school within 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.A. § 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.A. § 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 \$500.00 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: \$5,000.00.

*Marijuana manufacturing facility.* Annual operation license fee: \$2,500.00.

*Marijuana testing facility.* Annual operation license fee: \$2,500.00.

*Adult use marijuana cultivation:*

*Tier 1.* 0—500 square feet of plant canopy—Annual permit/licensing fee: \$1,000.00.

*Tier 2.* 501—2,000 square feet of mature plant canopy—Annual license fee: \$1,500.00.

*Tier 3.* 2,001—7,000 square feet of mature plant canopy—Annual license fee: \$2,500.00.

*Tier 4.* Greater than 7,000 square feet of mature plant canopy—Annual license fee: \$5,000.00.

*Medical marijuana cultivation.* Annual operation license fee: \$1,000.00.

*Adult use marijuana nursery cultivation.* Annual license fee: \$1,000.00 (Plant canopies of individual nursery cultivations are permanently capped at 1,000 square feet.)

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 such licenses or a total combined plant canopy in excess of 30,000 square feet.

(Ord. No. 03-05202019, 6-3-2019)

Sec. 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 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.A. § 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 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.A. § 2429-D(3), registered caregiver retail stores, registered dispensaries, medical marijuana testing facilities, and medical marijuana manufacturing facilities, as well as medical marijuana cultivation 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 \$500.00 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 a new application and pay a-\$500.00new application and license fees s listed in Sec. 14-658(e).

- (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 24 hours a day, seven days a week, with 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
  - f. Methods to ensure that no person under the age of 21 shall have access to marijuana and marijuana products.
- (10) 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.
- (11) 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.
- (12) 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 21 may purchase marijuana or marijuana products, except a minor with medical marijuana card; Loitering prohibited.
- (13) 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 percent 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 one-inch by one-inch 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, CO<sup>2</sup> enrichment, extraction solvents (acetone, butane, propane, ethanol, heptane, isopropanol, CO<sup>2</sup>, etc.), high-pressure extraction methods (CO<sup>2</sup>, 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.

(Ord. No. 03-05202019, 6-3-2019)

#### Sec. 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.A. § 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.A. § 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 article.
- (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.A. § 4452.

(Ord. No. 03-05202019, 6-3-2019)

Sec. 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 section 14-661 may result in the denial/revocation of a marijuana business license.

(Ord. No. 03-05202019, 6-3-2019)

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



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

Jason J. Levesque, Mayor

## **IN CITY COUNCIL**

### **ORDINANCE 08-11022020**

**ORDERED**, that the Auburn City Council hereby adopts the proposed amendments to Chapter 14, Article XVIII – Adult Use and Medical Marijuana Businesses, Section 14-656, Section 14-658 and Section 14-659 of the Ordinances of the City of Auburn as shown on the attached copy of the Ordinance.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**Ordinance:** 09-11022020

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

**Subject:** Marijuana Meeting Ordinance Updates

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**Information:** Staff, Councilors and North Auburn residents met on September 2, 2020 to discuss concerns raised by the neighborhood related to Marijuana Businesses and updates on the changing regulatory environment. We discussed the information with the Council on October 5<sup>th</sup> and were instructed to move forward with some Business-related changes that can be adopted fairly quickly while some other considerations will take more time.

Medical Marijuana Cultivation is permitted as a Home Occupation in all residential Zoning Districts provided it meets the 12 Home Occupation criteria listed in Sec. 60-738. One of the criteria allows for 25% of the habitable floor area to be occupied by cultivation which allows too much area in a larger-single family (2000 sf home allows 500sf, 4000 sf Home allows 1000sf, 7000sf allows 1750 sf).

The Planning Board made a favorable recommendation to the City Council at their December 8, 2020 meeting to amend the Home Occupation ordinance to cap the maximum floor area of medical marijuana caregiver cultivation at 25% OR 500 square feet, whichever is less.

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**City Budgetary Impacts:** None.

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**Staff Recommended Action:** Vote to approve second reading.

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**Previous Meetings and History:** October 5, 2020: Council Workshop. November 2, 2020: Council First Reading, December 8, 2020: Favorable Planning Board Recommendation.

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**City Manager Comments:**

A handwritten signature in black ink that reads "Phillip Crowell Jr.".

I concur with the recommendation. Signature:

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**Attachments:** Ordinance changes with tracked changes and Ordinance.



## ARTICLE IX. - HOME OCCUPATION REGULATIONS

### Sec. 60-735. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Home occupation* means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

(Ord. of 9-21-2009, § 4.5B)

### Sec. 60-736. - Purpose.

The purpose of this home occupation article is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with and not adversely affect the character of the surrounding neighborhood. Additionally, the city wishes to provide all residents freedom from excessive noise, excessive traffic, nuisances, fire hazards and other possible impacts of business activities being conducted in residential buildings.

(Ord. of 9-21-2009, § 4.5A)

### Sec. 60-737. - Objectives.

The following objectives will be those standards provided to the code enforcement officer for guidance to determine if the proposed home occupation meets the appropriate standards set forth in the article:

- (1) The proposed home occupation will be conducted entirely within the dwelling unit, with the exception of required outdoor play areas at child day care homes, and shall not be extended to any accessory structures.
- (2) The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazards to safety.
- (3) The location or operation of the proposed home occupation will not be detrimental to and adversely affect the use and values of existing development in the neighborhood or the health or safety of persons residing or working therein.
- (4) The provisions for exterior lighting will not create safety hazards for motorists traveling on adjacent streets and will be adequate for the safety of occupants and users of the site, and will not create a nuisance affecting adjacent properties.
- (5) The proposed home occupation will not unduly burden off-site sewer drainage or water systems.
- (6) The proposed home occupation will not create a fire/safety concern beyond what currently exists as determined by the fire department.
- (7) The proposed home occupation does not violate provisions of the zoning regulations applicable to the site or other applicable laws, regulations or ordinances.
- (8) The proposed home occupation shall not unduly impact the ability to provide municipal services.

(Ord. of 9-21-2009, § 4.5C)

Sec. 60-738. - Criteria.

A home occupation shall:

- (1) Require a permit, which shall be reviewed and renewed annually.
- (2) Be conducted entirely within the dwelling unit, with the exception of required outdoor play areas at child day care homes, and involve not more than one person other than members of the family residing in the dwelling, employed on the premises in conjunction with the home occupation.
- (3) Be clearly incidental and secondary to the use of the dwelling for residential purposes and not involve the use of more than 25 percent, or a maximum of 50 percent for child day care homes, of the habitable floor area occupied by the applicant. Marijuana Caregivers cultivating in their residence shall be limited to a maximum floor area of 25% or 500 square feet, whichever is less.
- (4) Present only incidental visible exterior evidence of the home occupation. Structural alterations of the dwelling, related to the home occupation, shall be consistent with the residential character of the dwelling.
- (5) Exterior signage shall be limited to one nonilluminated sign, not exceeding a total area of two square feet in size.
- (6) Not involve the use of any accessory buildings located on the property, nor any exterior storage of materials used in the home occupation. Storage or use of any highly explosive or combustible material is prohibited.
- (7) Not involve any retail sales, other than incidental, which are associated with the home occupation.
- (8) Not involve deliveries or pickups made by vehicles larger than a single unit truck with three or fewer axles. Overall deliveries shall be limited to not more than five per week.
- (9) Provide one parking space on the property for each 150 square feet of area designated for home occupation use.
- (10) Not generate any offensive noise, vibration, smoke, dust, odors, heat or glare which is detectible to normal sensory perception at or beyond the property boundaries. The home occupation shall also not interfere with radio or television reception in the area.
- (11) Not involve the use, on the premises, of any equipment other than that normally used within a residential household or general office.
- (12) Only be permitted with the written consent of the property owner if the property is not owned by the applicant.

(Ord. of 9-21-2009, § 4.5D)

Sec. 60-739. - Administrative procedures.

- (a) A completed home occupation application, and fee in the amount provided in the city fee schedule shall be submitted. Fees for new home occupation applications will be prorated on a monthly basis to December 31 of the calendar year. The fees shall not be applied to businesses that are required to obtain a separate business license through the city.
- (b) The abutting property owners, as defined under article 60-1476, shall be notified in writing and given a 14-day comment period to raise issues of concerns with the proposed use of the property.
- (c) Decision and required conditions for the use of the property for a home occupation will be forwarded by the code enforcement officer within 21 days of the date of the application.

- (d) There shall be a 30-day appeal period from the date of the code enforcement officer's written decision.

(Ord. of 9-21-2009, § 4.5G)

Sec. 60-740. - Appeals.

If either the applicant or the abutters to the proposed home occupation do not agree with the decision rendered by the code enforcement officer, that party has 30 days from the date of the code enforcement officer's letter to the applicant advising he of the decision. The appeal shall be made in accordance with section 60-1186. The board of appeals shall render its decision based on the criteria found in sections 60-735, 60-737 and 60-738 as applicable.

(Ord. of 9-21-2009, § 4.5H)

Sec. 60-741. - Enforcement.

Home occupation applicants shall permit a reasonable inspection of the premises by the code enforcement officer on an annual basis. Any violation of the home occupation approval shall be followed up in accordance with section 60-1403.

(Ord. of 9-21-2009, § 4.5I)

Sec. 60-742. - Renewal.

The applicant will be required to pay a renewal fee in the amount provided in the city fee schedule for a home occupation permit on a yearly basis. The permit will be based on the calendar year with renewals occurring on January 1. There shall be a 30-day grace period for all renewals. If a home occupation permit has not been renewed during that time period a late fee in the amount provided in the city fee schedule will be charged.

(Ord. of 9-21-2009, § 4.5J)

Sec. 60-743. - Applicability.

Any person presently operating a home occupation in the city as defined herein, on the effective date of the ordinance from which this article is derived shall comply with the terms of this article by obtaining a permit within six months of the effective date of the ordinance from which this article is derived.

(Ord. of 9-21-2009, § 4.5K)

Secs. 60-744—60-769. - Reserved.

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



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

Jason J. Levesque, Mayor

## **IN CITY COUNCIL**

### **ORDINANCE 09-11022020**

**ORDERED**, that the Auburn City Council hereby adopts the proposed amendments to Chapter 60, Article IX – Home Occupation Regulations, Section 60-738 of the Ordinances of the City of Auburn as shown on the attached copy of the Ordinance.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**Ordinances:** 11-12072020 and 12-12072020

**Author:** Justin L. Poirier, Urban Development Specialist

**Subject:** Form-Based Code Expansion

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**Information:** At the October 5<sup>th</sup> City Council directed the Planning Board to make a recommendation on whether the City should expand the Form-Based Code ("FBC") to several predominantly residential areas surrounding the City's urban core. Due to the number of parcels involved and COVID-19 related limitations, staff chose to split up the neighborhoods being considered into three sperate public hearings. The Planning Board reviewed Downtown Enterprise zone in the area adjacent to Academy, Elm, Maple, Pleasant, High, Drummond and a portion of Spring Streets and the Multi-Family Urban district in the Laurel Avenue and Newbury Street neighborhood. As a result of the public hearing the Planning Board has made the following recommendations:

- Expand the T-4.2 Traditional Downtown Neighborhood to the Downtown Enterprise District in the area adjacent to Academy, Maple, Elm, Pleasant, High, Drummond, and a portion of Spring street, to exclude the lots on Elm street from Main to High and the Multifamily Urban District in the Laurel Avenue and Newbury neighborhood based on findings in SR.
- Initiate a PB zone change and recommend to council to expand T-4.1 Traditional Main Street Neighborhood expand along Elm from Main to High for parcels on that section of Elm St. Findings for doing so is that properties on Elm from Main to High represent high value historical properties that better fit T-4.1 neighborhood description.

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**City Budgetary Impacts:** None.

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**Staff Recommended Action:** Council to consider the zoning ordinance changes recommended by the Planning Board take necessary action.

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**Previous Meetings and History:** October 5, 2020 – City Council Workshop, December 7, 2020 – City Council First Reading

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**City Manager Comments:**

A handwritten signature in black ink that reads "Phillip Crowell Jr." with a stylized flourish at the end.

I concur with the recommendation. Signature:

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**Attachments:** Zoning map.

Sec. 60-548. - Traditional Main Street Neighborhood (T-4.1)



**Illustrative View of T-4.1 (Main Street)**

**Intent and Purpose:  
Traditional Main Street Neighborhood (T-4.1)**

The Main Street Neighborhood district is designed to continue the existing pattern of large houses set along Main Street. This area is characterized by front porches, residential front yards and front doors facing the street. T- 4.1 promotes a lower-density and less concentrated pattern of buildings along the street, while maintaining a pleasing, connective and compact multi-modal environment.







### **Characteristic Features**

- Front lawns
- Front facade detailing
- Frontage fences
- Porches
- Bay windows
- Foundation planting and yard landscaping
- Street Trees
- Lower Density

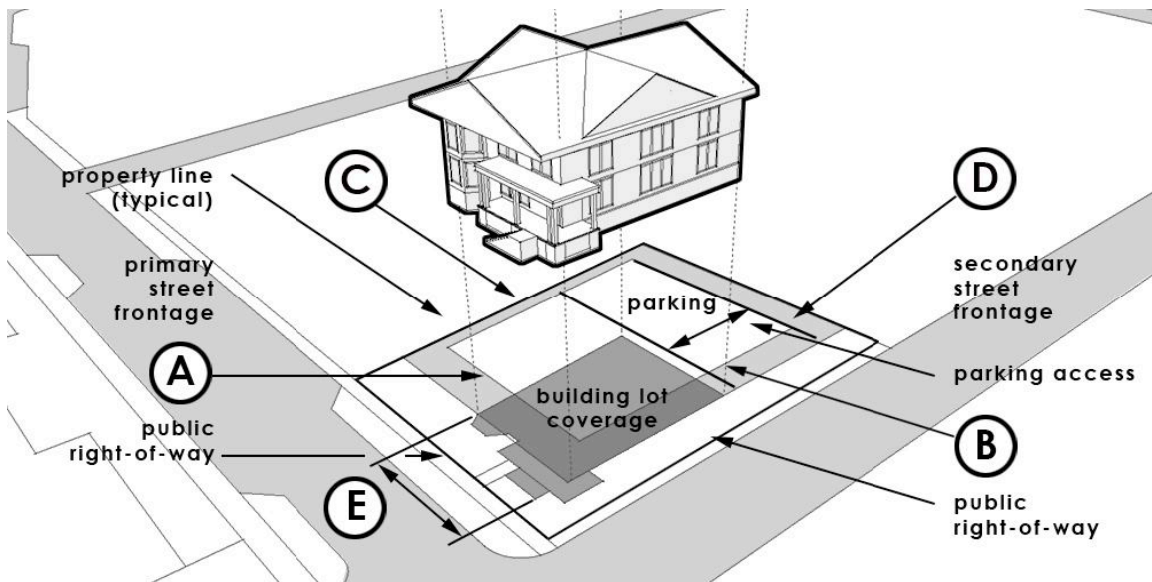


### **Examples of Main Street Neighborhood - T-4.1**

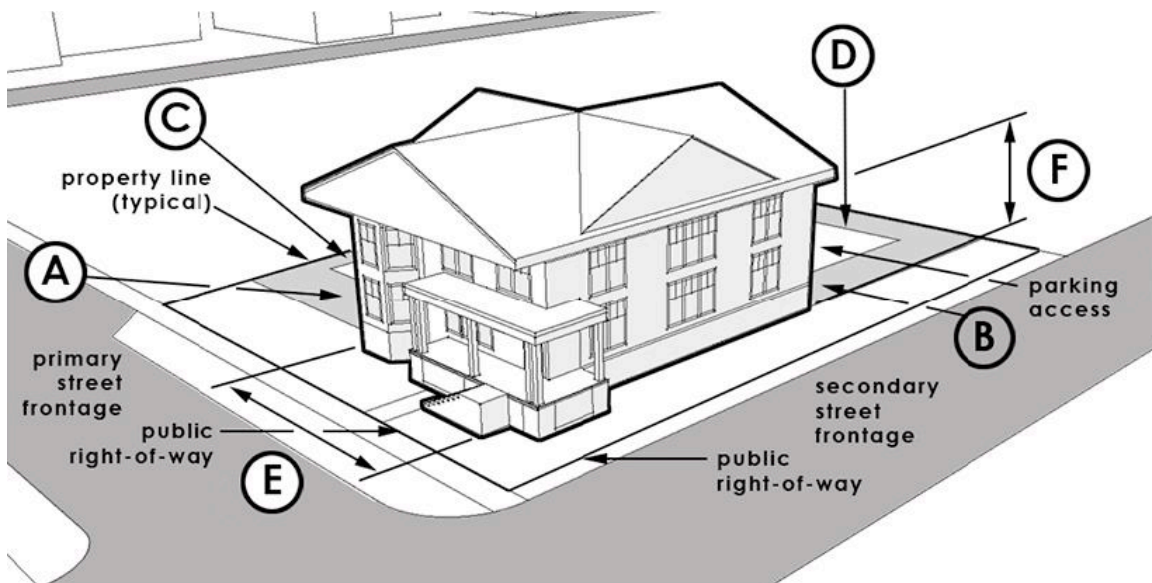
(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.1. - Building placement and configuration T-4.1.

### **Elevated Building Placement**



### Building Placement on Lot



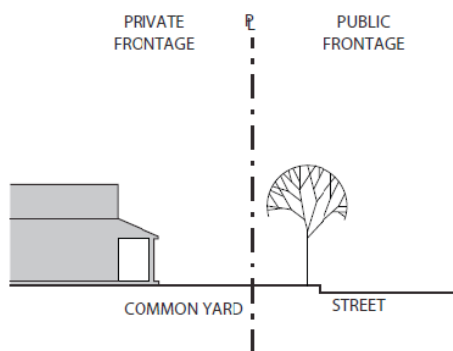
#### PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal:	15 ft. Min. 25 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	15 ft. Min., 25 ft. Max	(B)
Side Setback:	5 ft. Min.	(C)

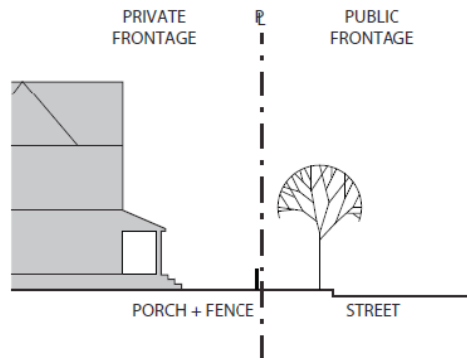
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	60% Max.	
Useable Open Space:	20% Min.	
Frontage Build-Out:	40% Min. (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building Width:	14 ft. Min., 64 ft. Max.	(E)
Building Height Minimum:	2 Story Min.	(F)
Building Height Maximum:	2 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.2. - Building frontages types T-4.1.



**Common Yard**



### Porch Yard

<b>BUILDING FRONTAGE TYPES: .....</b>	Common Yard; Porch Yard
<b>BUILDING ENTRIES: .....</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facades:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	The ground story shall be a minimum of 2 feet and 6 feet maximum above the front yard elevation (average grade).
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.3. - External elements T-4.1.

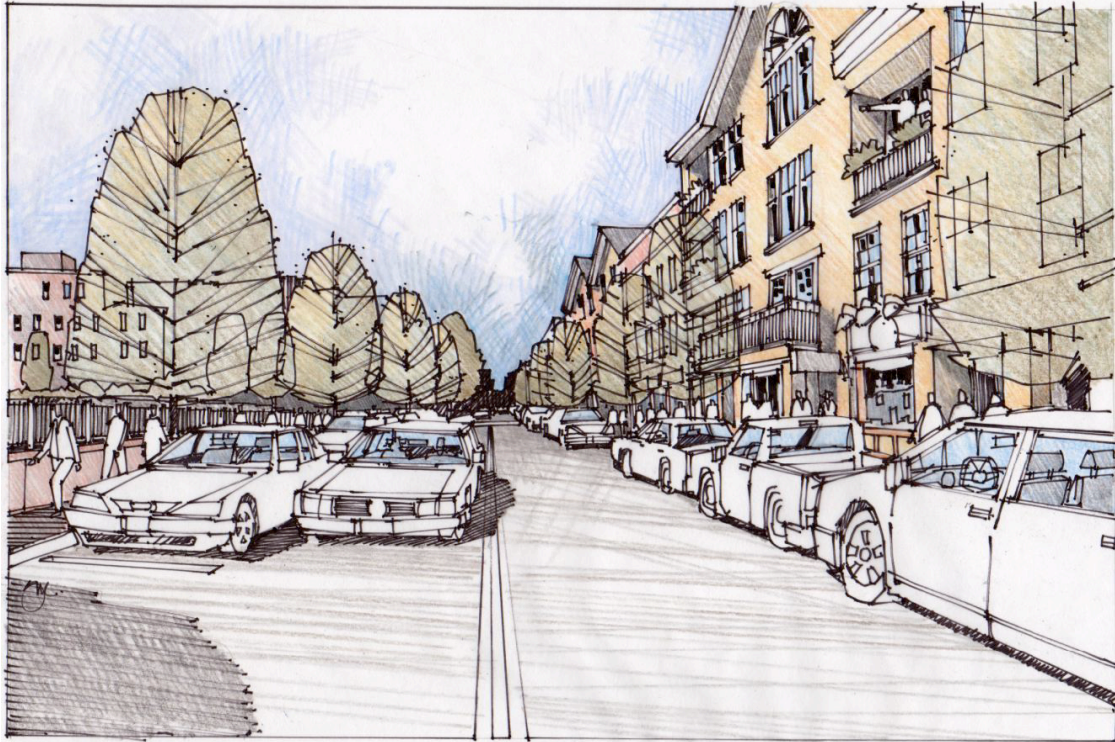
Front Yard Fence:	A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. Chain link, vinyl, split rail, or barbed
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	wire is not allowed.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum or maximum front setback line.
Porch & Stoop Encroachments:	<p>Porches &amp; Stoops may encroach upon the minimum front setback line by the following distances:</p> <p>Front Setback, Principal Frontage 10 ft. maximum.</p> <p>Front Setback, Secondary Frontage 10 ft. maximum.</p>
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<p><u>Residential</u> - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk.</p> <p><u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.</p>
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60.549. - Traditional Downtown Neighborhood T-4.2.

**Illustrative View of T-4.2 (Spring Street)**



**Intent and Purpose:  
Traditional Downtown Neighborhood (T-4.2)**

The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.





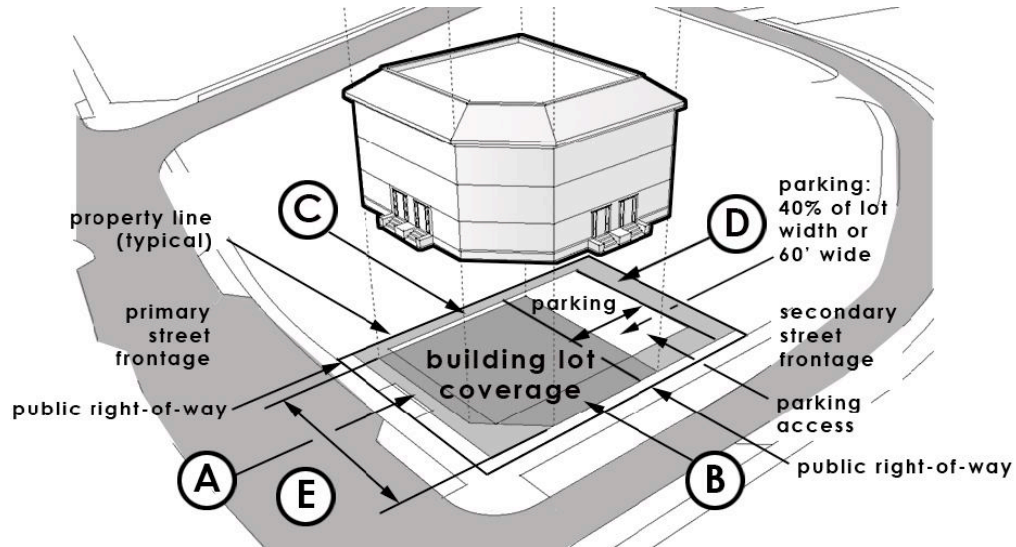


### Characteristic Features

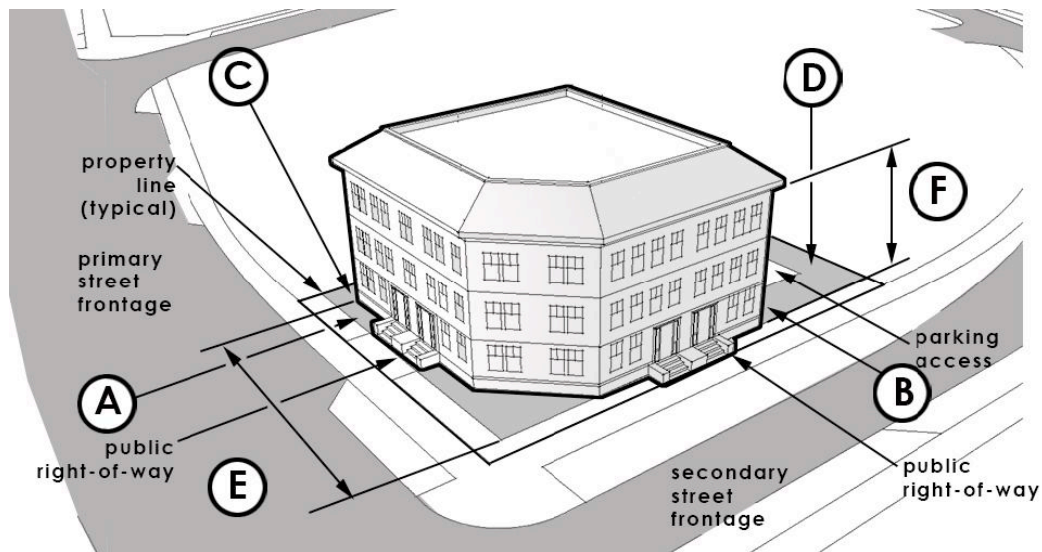
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-549.1. - Building placement and configuration T-4.2.



**Elevated Building Placement**

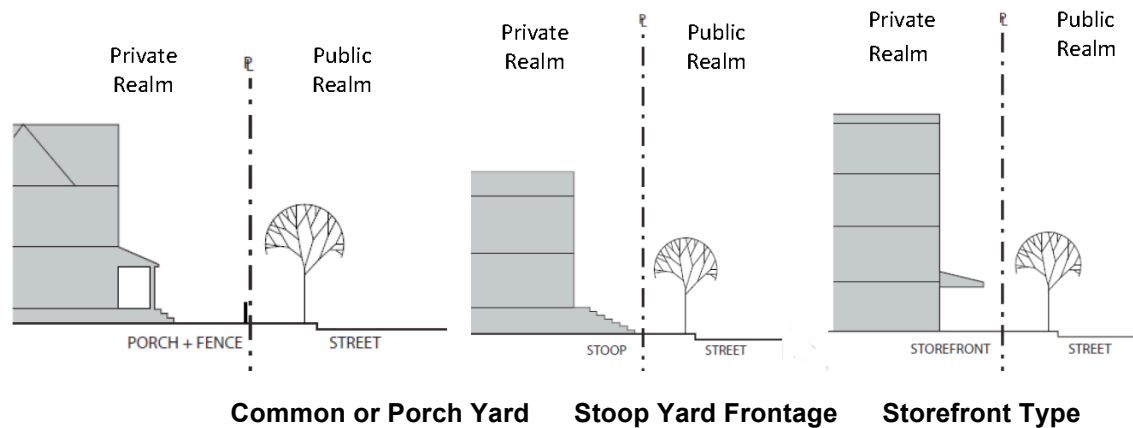


**Building Placement on Lot**

<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front Setback, Principal:	5 ft. Min/, 15 ft. Max	(A)
(Corner Lot) Front Setback, Secondary:	5 ft. Min., 15 ft. Max.	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	70% Max.	
Useable Open Space:	10% Min.	
Frontage Build-Out:	60% Min (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max.	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building Width:	14 ft. Min., 110 ft. Max.	(E)
Building Height Minimum:	1 Story Min.	(F)
Building Height Maximum:	3 Story Max.	(F) (excluding attic story)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60.549.2. - Building frontages T-4.2.



<b>BUILDING FRONTAGE TYPES: .....</b>	Common Yard; Porch Yard, Stoop and Storefront
<b>BUILDING ENTRIES:</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground Story Finished Floor Elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.

Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.
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(Ord. No. 04-03072016, 5-16-2016)

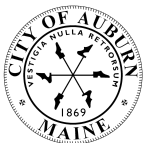
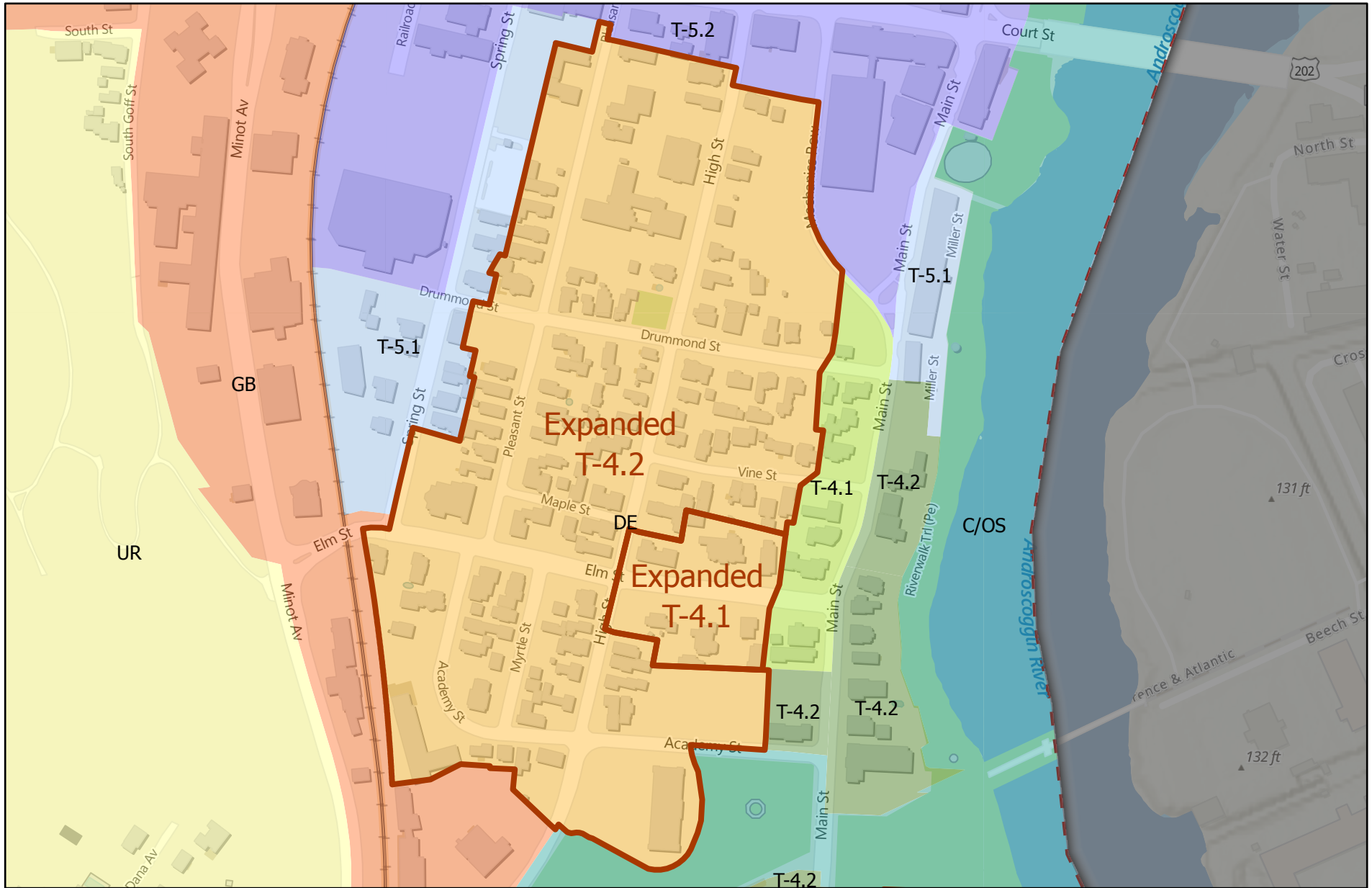
Sec. 60-549.3. - External elements T-4.2.

Front Yard Fence:	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 5 ft. maximum. Front Setback, Secondary Frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.

Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016)

# Expand T-4.2 in Downtown Enterprise Zone



60 Court St  
Auburn, ME 04210  
[www.auburnmaine.gov](http://www.auburnmaine.gov)

 Proposed Change Area - Option 2

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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDINANCE 11-12072020

**Be it ordained,** that the City Council hereby adopts a zoning map change to expand the T-4.2 Traditional Downtown Neighborhood to the Downtown Enterprise District in the area adjacent to Academy, Maple, Elm, Pleasant, High, Drummond, and a portion of Spring street, to exclude the lots on Elm street from Main to High and the Multifamily Urban District in the Laurel Avenue and Newbury neighborhood.



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



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

Jason J. Levesque, Mayor

## **IN CITY COUNCIL**

### **ORDINANCE 12-12072020**

**Be it ordained,** that the City Council hereby adopts a zoning map change to expand T-4.1 Traditional Main Street Neighborhood expand along Elm from Main to High for parcels on that section of Elm St.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**Order: 135-12212020**

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Liquor License Chipotle Mexican Grill.

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**Information:** An application for a liquor license was submitted by Chipotle Mexican Grill, located at 410 Center Street. Chipotle is an existing business that is new to Auburn. Police, Fire, Finance and Code have granted approval.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Public hearing and motion to approve the liquor license.

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**Previous Meetings and History:** N/A

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**City Manager Comments:**

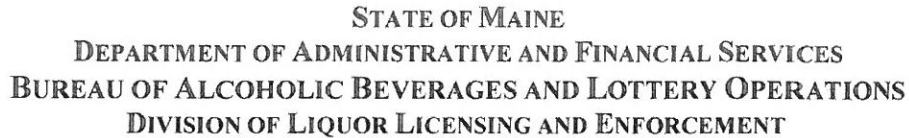
A handwritten signature in black ink that reads "Phillip Crowell Jr.".

I concur with the recommendation. Signature:

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**Attachments:**

- Application
- Public Notice
- Order



All Questions Must Be Answered Completely. Please print legibly.

Page 1 of 11

4. Indicate the type of license applying for: (choose only one)

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant<br>(Class I, II, III, IV)   | <input type="checkbox"/> Class A Restaurant/Lounge<br>(Class XI)         | <input type="checkbox"/> Class A Lounge<br>(Class X)  |
| <input type="checkbox"/> Hotel<br>(Class I, II, III, IV)   | <input type="checkbox"/> Hotel – Food Optional<br>(Class I-A)            | <input type="checkbox"/> Bed & Breakfast<br>(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)<br>(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary                                       | <input type="checkbox"/> Mobile Cart                  |
| <input type="checkbox"/> Tavern<br>(Class IV)  | <input type="checkbox"/> Other: _____                                    |   |
| <input type="checkbox"/> Qualified Caterer   | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) |   |

*Refer to Section V for the License Fee Schedule on page 9*

5. Business records are located at the following address:

191 Nationwide Boulevard, Columbus, OH 43215

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No
7. Is the licensee/applicant(s) a resident of the State of Maine? ☐ Yes ☒ No

**NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.**

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: \_\_\_\_\_  
 \_\_\_\_\_

11. Do you own or have any interest in any another Maine Liquor License? ☒ Yes ☐ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
See attached list and locations		

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Helen Kaminski - LLC Manager	12/03/1963	Detroit, MI
Tim Luskin - Authorized Agent	09/06/1990	Cleveland, OH
Residence address on all the above for previous 5 years		
Name Tim Luskin - Authorized Agent	Address: 5284 Loudon Drive, Lewis Center, OH 43035	
Name Helen Kaminski	Address: 2690 Pala Mesa Ct, Costa Mesa, CA 92627	
Name	Address:	
Name	Address:	

License Number	Store Name	Store Street 1	Store Street 2	Store Street City Name	Store Street County Name
7731	South Portlar	359 Maine Mall Rd		South Portland	Cumberland
5542	Westbrook -	11 Main St Ste 3	Suite 3	Westbrook	Cumberland
7516	Augusta -	225 1 Stephen King Dr		Augusta	Kennebec
7713	Bangor -	228 583 Stillwater Ave		Bangor	Penobscot
16-1033	Portland Mar	195 Kennebec St		Portland	Cumberland

Store	Street	State	Code	Store	Street	Zip
ME				04106-3214		
ME				04092-4786		
ME				04330-8168		
ME				04401-3520		
ME				04101-1904		



13. Will any law enforcement officer directly benefit financially from this license, if issued?

☒ Yes ☐ No

If Yes, provide name of law enforcement officer and department where employed:

\_\_\_\_\_

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

\_\_\_\_\_

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: \_\_\_\_\_

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: \_\_\_\_\_


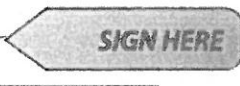
Distance: \_\_\_\_\_

**Section II: Signature of Applicant(s)**

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 10/01/2020 \_\_\_\_\_

\_\_\_\_\_  
Signature of Duly Authorized Person

\_\_\_\_\_  
Signature of Duly Authorized Person

Tim Luskin

\_\_\_\_\_  
Printed Name Duly Authorized Person

\_\_\_\_\_  
Printed Name of Duly Authorized Person

**Section III: For use by Municipal Officers and County Commissioners only**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

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

Who is approving this application? ☐ Municipal Officers of \_\_\_\_\_

☐ County Commissioners of \_\_\_\_\_ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of  
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

**2. Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

**3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

**A. Repealed**

**B.** If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

**4. Repealed**

**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

**Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine**

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
  - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

## Section V: Fee Schedule

**Filing fee required.** In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

<b><u>Class of License</u></b>	<b><u>Type of liquor/Establishments included</u></b>	<b><u>Fee</u></b>
<b>Class I</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
<b>Class I-A</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only hotels that do not serve three meals a day.	\$1,100.00
<b>Class II</b>	<b>For the Sale of Spirits Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
<b>Class III</b>	<b>For the Sale of Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class IV</b>	<b>For the Sale of Malt Liquor Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class III and IV</b>	<b>For the Sale of Malt Liquor and Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
<b>Class V</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Club without catering privileges.	\$ 495.00
<b>Class X</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Class A Lounge	\$2,200.00
<b>Class XI</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Restaurant Lounge	\$1,500.00

## Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

Attached.



A130

**Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities**

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

*All Questions Must Be Answered Completely. Please print legibly.*

1. Exact legal name: Chipotle Mexican Grill of Colorado, LLC
2. Doing Business As, if any: Chipotle Mexican Grill #3826
3. Date of filing with Secretary of State: 01/05/1999 State in which you are formed: CO
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
7/6/2009
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Helen Kaminski	2690 Pala Mesa Ct, Costa Mesa, CA 92627	12/03/1963	LLC Manager	0.0000
Tim Luskin	5284 Loudon Dr, Lewis Center, OH 43035	9/6/1990	Authorized Agent	0

(Ownership in non-publicly traded companies must add up to 100%.)

## EXHIBIT A

### RESOLUTIONS DULY ADOPTED BY THE BOARD OF DIRECTORS OF CHIPOTLE MEXICAN GRILL, INC.

DECEMBER 5, 2018

#### Delegation of Authority for Licenses, Permit Applications and Similar Operating Filings

**WHEREAS**, the Company and certain of its subsidiaries, both domestically and abroad (the "Restaurant Operating Companies"), operate retail restaurants, and in so doing are required to secure and maintain certain operating permits, licenses, registrations and other authorizations to do business, including licenses to sell alcoholic beverages (collectively, "Operating Licenses and Permits");

**WHEREAS**, the obligations of the Restaurant Operating Companies to secure and maintain Operating Licenses and Permits are managed and discharged by a licensing department, which is overseen by the Licensing Manager, a position currently held by Timothy Lusk; and

**WHEREAS**, the Board desires to facilitate the Restaurant Operating Companies' securing and maintaining Operating Licenses and Permits by authorizing the Licensing Manager to execute applications for, renewals of, and other documentation pertaining to Operating Licenses and Permits, for and on behalf of the Restaurant Operating Companies.

**NOW THEREFORE, BE IT RESOLVED**, that Timothy Lusk, for as long as he serves as Licensing Manager, and any individual succeeding Timothy Lusk as Licensing Manager, is hereby authorized and empowered to execute and deliver for and on behalf of the Company and the other Restaurant Operating Companies, any applications for, renewals of and other documentation pertaining to Operating Licenses and Permits necessary for the operation of restaurants in the ordinary course of business of the Restaurant Operating Companies, and to perform all such acts and to execute such additional documents as may be necessary or appropriate in connection with such Operating Licenses and Permits.

**CHIPOTLE MEXICAN GRILL, INC.**  
**SECRETARY'S CERTIFICATE**

The undersigned, being the duly-appointed General Counsel and Corporate Secretary of **CHIPOTLE MEXICAN GRILL, INC.**, a Delaware corporation (the "Company"), hereby certifies as follows:

- (1) That Timothy Lusk is the duly appointed and qualified Licensing Manager of the Company as of the date of hereof.
- (2) That attached as **Exhibit A** is a true copy of resolutions duly adopted by the Board of Directors of the Company effective December 5, 2018, in accordance with the Restated Bylaws of the Company and the Delaware General Corporation Law; and such resolutions remain in full force and effect as of the date hereof.

IN WITNESS WHEREOF, the undersigned has each executed this certificate as of the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**CHIPOTLE MEXICAN GRILL, INC.,**  
a Delaware corporation



Roger Theodore

Its: General Counsel and Corporate Secretary

**CITY OF AUBURN  
PUBLIC NOTICE**

A public hearing will be held on Monday, December 21, 2020 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License Application for:

**CHIPOTLE MEXICAN GRILL, 410 CENTER STREET, AUBURN, MAINE**

Public input for this hearing with the City Council will be conducted remotely using “Zoom.” The meeting will be broadcast as usual on Great Falls TV (cable channel 1302) and on the City of Auburn [YouTube](#) channel.

If you wish to offer public comment during the meeting, you can “attend” the meeting via Zoom and speak during the public comment session. To participate in this way, please register in advance by accessing the link a few days before the meeting by going to <https://www.auburnmaine.gov/pages/government/city-council-agendas> and clicking on the December 21, 2020 Council agenda.

If you prefer to submit public comment in writing, please send your remarks via email to: **comments@auburnmaine.gov**. Your comments will be included in the meeting minutes.

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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDER 135-12212020

**ORDERED**, that the City Council hereby approves the liquor license for Chipotle Mexican Grill of Chicago, LLC, dba Chipotle Mexican Grill, located at 410 Center Street.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020      **Order:** 136-12212020

**Author:** Zachary Lenhert

**Subject:** CDBG-CV Annual Action Plan amendment

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**Information:** The Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law makes available \$5 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus (CDBG-CV grants). Funds have been released in multiple rounds, Auburn received \$334,985 in round 1 and an additional \$137,932 in round 3. Incorporating the next round of funding into the Action Plan requires an amendment to the plan.

The proposed amendment allocates additional funds to Food Security programs, Public Service programs, and administrative allowances.

The Citizen's Advisory Committee reviewed and approved of the amendment on October 26, 2020. A Notice for Public Comments was advertised after the Council reviewed the amendment at the Council Workshop on November 16<sup>th</sup>, no comments were received.

**City Budgetary Impacts:** None

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**Staff Recommended Action:** Approve CDBG-CV amendment to the PY2019 Annual Action Plan

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**Previous Meetings and History:** April 27, 2020 Council Workshop  
May 4, 2020 Council Meeting  
November 16, 2020 Council Workshop

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**City Manager Comments:**

A handwritten signature in black ink that reads "Phillip Crowell Jr.".

I concur with the recommendation. Signature:

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**Attachments:** CDBG-CV Budget amendments  
CDBG-CV Budget Spreadsheet



## City of Auburn, Maine

Community Development

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6600

### Proposed Amendment to PY2019 Annual Action Plan

In the first round of funding provided by the CARES Act through HUD provided a \$334,985 allocation of CDBG funds to the City of Auburn. The Citizen's Advisory Committee identified areas of need where CDBG funds could have the greatest impact to residents and small businesses. HUD is releasing a third round of CARES Act funds and Auburn is to receive an additional \$137,932.

A summary of the programs to be offered is provided below. The Auburn Citizen's Advisory Committee reviewed the amendment at the November 10th meeting and recommended approval.

Program	Description	Allocation_Rd1	Allocation_Rd3	Total CARES Act
Food Security	Senior Center Kitchen, PAL Center, Farmer Market vouchers for low/mod.	\$134,985	\$65,000	\$199,985
Public Service	Grants to local public services responding to pandemic	\$50,000	\$42,000	\$92,000
Economic Development	Grants to low/mod microenterprises affected by pandemic-targeted to gaps in PPP	\$100,000		\$100,000
Administration	Salary and benefits of staff performing general admin duties related to CARES Act funds	\$50,000	\$30,932	\$80,932
	<b>Total</b>	<b>\$334,985</b>	<b>\$137,932</b>	<b>\$472,917</b>

The Food Security Program is designed to increase Auburn's capacity to provide food to its most vulnerable residents who have been affected by the COVID-19 pandemic.

The Small Business and Microenterprise Assistance Programs will make forgivable loans available for microenterprise and economic development programs.

Public Service Assistance Program will make grants available to nonprofit public service providers that have experienced unexpected costs due to their pandemic response.

The income limits associated with microenterprise assistance and job creation/retention by businesses utilizing the programs are noted below:

2020 Income Limits – Auburn								
AMI by Household Size								
# in household	1	2	3	4	5	6	7	8
80% AMI	<b>\$39,150</b>	<b>\$44,750</b>	<b>\$50,350</b>	<b>\$55,900</b>	<b>\$60,400</b>	<b>\$64,850</b>	<b>\$69,350</b>	<b>\$73,800</b>





## City of Auburn, Maine

Community Development

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6600

### Summary of Available CDBG-CV Assistance

[www.auburnmaine.gov](http://www.auburnmaine.gov)

**Food Security Program** – The City intends to make an additional \$65k of CDBG-CV funds available to increase its capacity to provide food to its most vulnerable residents who have been affected by the COVID-19 pandemic. The Senior Community Center, in coordination with the PAL Center, have been preparing and distributing meals to residents in need during this crisis. Previous funds have gone towards expanding refrigeration capacity at the Senior Community Center. Additional funds will be designated for increased refrigeration capacity and back-up generator for the PAL Center which is also distributing food. Funds have also been used to provide vouchers for the Farmer's Market to income eligible households and to pay for salaries of staff running the food distribution program.

**Small Business and Microenterprise Assistance** – The City originally allocated \$100,000 of CDBG-CV funds available to provide forgivable loans to Auburn small businesses and microenterprises that have been affected by the COVID-19 pandemic. To date, \$27,500 in forgivable loans has been approved, \$72,500 remains available. No additional funds are being proposed for Economic Development. The programs provide needed working capital, operating expenses, and equipment costs to Auburn businesses who have experienced income losses or additional expenses due to a widespread emergency. Businesses or microenterprises must create or retain at least one job made available to low- to moderate-income individuals to be eligible. Assistance may not duplicate funds received through other federal, state, or local programs, such as the Payroll Protection Program.

**Public Service Assistance Program** – The City intends to make an additional \$42,000 of CDBG-CV funds available to provide funds to eligible public service providers who have been affected by the COVID-19 pandemic. The program will assist essential public service providers to cover expenses of pandemic related costs. Eligible costs include but are not limited to purchase of PPE, equipment purchases, payroll of extra staff, etc. Current funds have been designated for planned services provided by Auburn Rec department.

**Administration** – The City intends to make an additional \$30,932 of CDBG-CV funds available to cover costs related to administration of CDBG-CV funds. Costs would include salary and benefits of staff performing general admin duties related to CDBG-CV funds, as well as commercial underwriting fees and other external admin costs.

		CDBG-CV Round 1			CDBG-CV Round 3	Total CARES ACT Funding	
Project	Activity	Allocation Round 1	Spent funds 12/10	Remaining Funds RD1	Proposed RD3 Funds	CARES Act Total Budget	Available after amendment
Food Security	Refridgeration Infrastructure	\$ 90,000.00	\$ 54,135.85	\$ 35,864.15	\$ 65,000.00	\$ 155,000.00	\$ 100,864.15
Food Security	Grocery Distribution Program	\$ 25,000.00	\$ 9,718.01	\$ 15,281.99	\$ -	\$ 25,000.00	\$ 15,281.99
Food Security	Farmer Market Tickets	\$ 19,985.00	\$ 4,820.00	\$ 15,165.00	\$ -	\$ 19,985.00	\$ 15,165.00
<b>Food Security Total</b>		<b>\$ 134,985.00</b>	<b>\$ 68,673.86</b>	<b>\$ 66,311.14</b>	<b>\$ 65,000.00</b>	<b>\$ 199,985.00</b>	<b>\$ 131,311.14</b>
Economic Development	Small Business/Microenterprise Loans	\$ 100,000.00	\$ 27,500.00	\$ 72,500.00		\$ 100,000.00	\$ 72,500.00
<b>Econ Dev Total</b>		<b>\$ 100,000.00</b>	<b>\$ 27,500.00</b>	<b>\$ 72,500.00</b>	<b>\$ -</b>	<b>\$ 100,000.00</b>	<b>\$ 72,500.00</b>
Public Service	Summer Camp/Child Care Scholarship	\$ 30,000.00	\$ -	\$ 30,000.00		\$ 30,000.00	\$ 30,000.00
Public Service	Summer Camp/Child Care Equip	\$ 15,000.00	\$ -	\$ 15,000.00	\$ -	\$ 15,000.00	\$ 15,000.00
Public Service	Senior Care Kits	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -	\$ 5,000.00	\$ 5,000.00
Public Service	Work with ME Transportation				\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Public Service	Public Service Grants for nonprofits				\$ 40,000.00	\$ 40,000.00	\$ 40,000.00
<b>Public Service Total</b>		<b>\$ 50,000.00</b>	<b>\$ -</b>	<b>\$ 50,000.00</b>	<b>\$ 42,000.00</b>	<b>\$ 92,000.00</b>	<b>\$ 92,000.00</b>
Admin	Salaries/Wages	\$ 50,000.00	\$ 3,206.31	\$ 46,793.69	\$ 30,932.00	\$ 80,932.00	\$ 77,725.69
<b>Admin Total</b>		<b>\$ 50,000.00</b>	<b>\$ 3,206.31</b>	<b>\$ 46,793.69</b>	<b>\$ 30,932.00</b>	<b>\$ 80,932.00</b>	<b>\$ 77,725.69</b>
<b>Totals</b>		<b>\$ 334,985.00</b>	<b>\$ 99,380.17</b>	<b>\$ 235,604.83</b>	<b>\$ 137,932.00</b>	<b>\$ 472,917.00</b>	<b>\$ 373,536.83</b>

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



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

Jason J. Levesque, Mayor

## **IN CITY COUNCIL**

### **ORDER 136-12212020**

**ORDERED**, that the City Council hereby adopts the proposed amendment to the PY2019 Annual Action Plan to incorporate funds from the CARES Act Round 3 as recommended by the Citizen's Advisory Committee and Community Development staff.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**Order:** 137-12212020

**Author:** Eric Cousens, Director of Planning and Permitting

**Subject:** Comprehensive Plan Update

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**Information:** We have discussed the proposed expansions at Futureguard over the last couple years and there has been substantial recognition by the local media. The City Council will hold a public hearing on December 21, 2020 to discuss a proposed TIF District for the project at 101 Merrow Road. If approved, the proposed District will capture and shelter 50% of the new value created on the Futureguard Parcel and 50% will contribute to General Fund revenues. The TIF District includes the entire parcel that was recently subdivided into 3 parcels for further future development. We project the creation of \$3,000,000 to \$5,000,000 in new taxable valuation from the current proposed project on the lot labeled "Remaining Land" in the attached TIF Application. The project requires approximately \$10,000,000 in private investment. Further development on lots 1 and 2 could create additional value that exceeds the Remaining Land project, but it is too early to estimate totals. The proposed TIF District would be mostly for City benefit and infrastructure but will include a limited Credit enhancement (CEA) for wastewater treatment costs. The sheltered/captured revenues would be used for:

1. City infrastructure and projects (85% of the captured revenues). The breakdown would help fund needed improvements to Merrow and Hotel Roads to improve traffic flow in support of the development and drainage/sewer infrastructure during reconstruction (60%), Economic Development expenses (10%) and Public Safety Infrastructure (15%).
2. Credit Enhancement Agreement, limited only to the project on the lot labeled "Remaining Land" for sewerage treatment equipment expenses. The unanticipated expenses for two additional water treatment systems total \$220,000. (15% of captured tax revenues to be returned to developer, capped at a total reimbursement of \$220,000). It is possible that the developer will ask for additional assistance with the development of infrastructure or a CEA on lots 1&2 but that is not included in the current request; The proposed TIF district includes the entire parcel, however, the proposed CEA is limited to the "Remaining Land" parcel with the existing building and proposed expansions.

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**City Budgetary Impacts:** New tax revenues as noted above, evenly split between the General fund and TIF District.

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**Staff Recommended Action:** Hold a Public Hearing and approve the proposed TIF District and Credit Enhancement Agreement if deemed acceptable to the Council.

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**Previous Meetings and History:** Economic Development Updates and Executive Sessions.

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**City Manager Comments:**

A handwritten signature in black ink that reads "Phillip Crowell Jr." with a stylized flourish at the end.

I concur with the recommendation. Signature:

---

**Attachments:**

\*Proposed TIF District 25 and Order

**ECONOMIC DEVELOPMENT  
AUBURN, MAINE**

*An Application for a Municipal Development and Tax Increment Financing District  
Development Program*

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**FUTUREGUARD OMNIBUS MUNICIPAL DEVELOPMENT  
AND TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM  
(District #25)**

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*Presented to:*

**City of Auburn, City Council**

**DATED: December 21, 2020**

## APPLICATION COVER SHEET

### MUNICIPAL TAX INCREMENT FINANCING

#### A. General Information

1. Municipality Name: City of Auburn		
2. Address: 60 Court Street, Auburn, Maine 04210		
3. Telephone: 207-333-6601	4. Fax: 207-333-6623	5. Email: ecousens@auburnmaine.gov
6. Municipal Contact Person: Eric Cousens		
7. Business Name: Futureguard Building Products		
8. Address: 101 Merrow RD Auburn, ME 04210		
9. Telephone: 207-795-6536	10. Fax: 207-786-4464	11. Email: don@futureguard.net
12. Business Contact Person: Don Buteau		
13. Principal Place of Business: Futureguard Building Products		
14. Company Structure (e.g. corporation, sub-chapter S, etc.): S		
15. Place of Incorporation: 101 Merrow RD Auburn, ME 04210		
16. Names of Officers: Don & Brenda Buteau		
17. Principal Owner(s) Name: Don & Brenda Buteau		
18. Address: 101 Merrow Rd		

#### B. Disclosure

1. Check the public purpose that will be met by the business using this incentive (any that apply):		
<input type="checkbox"/> job creation	<input type="checkbox"/> job retention	<input type="checkbox"/> capital investment
<input type="checkbox"/> training investment	<input type="checkbox"/> tax base improvement	<input type="checkbox"/> public facilities improvement
<input checked="" type="checkbox"/> <b>x other (list): Please refer to the Development Program</b>		
2. Check the specific items for which TIF revenues will be used (any that apply):		
<input type="checkbox"/> real estate purchase	<input type="checkbox"/> machinery & equipment purchase	<input type="checkbox"/> training costs
<input type="checkbox"/> debt reduction	<input checked="" type="checkbox"/> <b>x other (list): Please refer to the Development Program</b>	

#### C. Employment Data

List the company's goals for the number, type and wage levels of jobs to be created or retained as part of this TIF development project (*please use next page*).

**EMPLOYMENT GOALS**  
Company Goals for Job Creation and Job Retention

<i>A. Job Creation Goals</i>			
<i>Occupational Cluster*</i>	<i>Full-time</i>	<i>Part-time</i>	<i>Wage Level</i>
1. Executive, Professional & Technical	1		\$ 56,160.00
2. Administrative Support, inc. Clerical	6		\$ 50,000.00
3. Sales & Service	4		\$40,000.00
4. Agriculture, Forestry & Fishing			\$
5. Maintenance, Construction, Production, & Transportation	60		\$41,600.00
<i>B. Job Retention Goals</i>			
<i>Occupational Cluster*</i>	<i>Full-time</i>	<i>Part-time</i>	<i>Wage Level</i>
1. Executive, Professional & Technical	19		\$95,607.00
2. Administrative Support, inc. Clerical	6		\$39,745.00
3. Sales & Service	12		\$97,668
4. Agriculture, Forestry & Fishing			\$
5. Maintenance, Construction, Production, & Transportation	46	2	\$38,891.00
<i>*Please use the Occupational Cluster descriptions on the next page to complete this form.</i>			

**INSTRUCTIONS**

**A. Job Creation Goals.** Please list the number, type and wage level of jobs created as a result of the economic development incentive. NOTE: For this form, “full-time” employment means 30 hours or more; “part-time” employment means less than 30 hours. “Wage level” means the average annual wage paid for jobs created within an occupational cluster, e.g. either their annual salary, or their hourly wage times their annual hours. Also, “type” means “occupational cluster” which refers to the 12 categories defined below. Please include the number of your employees (both full-time and part-time) working within the category that most closely reflects their job duties.

**B. Job Retention Goals.** Please list the number, type and wage level of jobs retained as a result of the economic development incentive. Part B should be completed using same definitions in Part A.



## OCCUPATIONAL CLUSTERS

### 1. EXECUTIVE, PROFESSIONAL & TECHNICAL

**Executive, administrative and managerial.** Workers in executive, administrative and managerial occupations establish policies, make plans, determine staffing requirements, and direct the activities of businesses and other organizations. Workers in management support occupations, such as accountant and auditor or underwriter, provide technical assistance to managers.

**Professional specialty.** This group includes engineers; architects and surveyors; computer, mathematical, and operations research occupations; life, physical, and social scientists; lawyers and judges; social, recreational, and religious workers; teachers, librarians, and counselors; health diagnosing, assessment, and treating occupations; and communications, visual arts, and performing arts occupations.

**Technicians and related support.** This group includes health technologists and technicians, engineering and science technicians, computer programmers, tool programmers, aircraft pilots, air traffic controllers, paralegals, broadcast technicians, and library technicians.

### 2. ADMINISTRATIVE SUPPORT, INCLUDING CLERICAL

**Administrative support, including clerical.** Workers in this group prepare and record memos, letters and reports; collect accounts; gather and distribute information; operate office machines; and handle other administrative tasks.

### 3. SALES AND SERVICE

**Marketing and sales.** Workers in this group sell goods and services, purchase commodities and property for resale, and stimulate consumer interest.

**Service.** This group includes a wide range of workers in protective, food and beverage preparation, health, personal, private household, and cleaning and building services.

### 4. AGRICULTURE, FORESTRY AND FISHING

**Agriculture, forestry and fishing.** Workers in these occupations cultivate plants, breed and raise animals, and catch fish.

### 5. MAINTENANCE, CONSTRUCTION, PRODUCTION & TRANSPORTATION

**Mechanics, installers, and repairers.** Workers in this group adjust, maintain, and repair automobiles, industrial equipment, computers, and many other types of machinery.

**Construction trades and extractive.** Workers in this group construct, alter, and maintain buildings and other structures or operate drilling and mining equipment.

**Production.** These workers set up, adjust, operate, and tend machinery and/or use hand tools and hand-held power tools to make goods and assemble products.

**Transportation and material moving.** Workers in this group operate the equipment used to move people and materials. This group also includes handlers, equipment cleaners, helpers, and laborers who assist skilled workers and perform routine tasks.

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### **EXHIBITS:**

<b>A-1</b>	<b>Map Showing TIF District Location within Municipality</b>
<b>A-2</b>	<b>Map Showing TIF District Boundary</b>
<b>B</b>	<b>Statutory Requirements &amp; Thresholds</b>
<b>C</b>	<b>Assessor’s Certification of Original Assessed Value</b>
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## **I. Introduction**

### **A. The FutureGuard Expansion and the TIF District**

FutureGuard (the “Developer”), a local awning manufacturer, is looking to expand its current facility at 101 Merrow Road in Auburn, Maine to accommodate recent and forecasted future substantial growth. The Developer recently received approval from the City of Auburn’s (the “City”) Planning Board for the subdivision of its property into three separate lots. The District will consist of the following parcels: Map 186/Lot 015, Map 186/Lot 015-001, and Map 186/Lot 015-002.<sup>1</sup>

The Developer plans an initial investment of \$10,000,000 to add a 100,000+/- square foot expansion on the Developer’s existing facility, as well as an investment in personal property, on Map 186/Lot 015, shown on Exhibit A-1 as the “Remaining Land” (the “Project”). Additionally, the Developer is considering the future development of at least two other buildings on Map 186/Lot 015-001 and Map 186/Lot 015-002.

A development hurdle for the Project has been identified by the Lewiston Auburn Water Pollution Control Authority, requiring multiple wastewater filtration systems. The Developer had budgeted for one system, but the additional systems amount to excessive costs of approximately \$220,000 that could jeopardize the Initial Project. The Developer and the City have negotiated a credit enhancement agreement that would help mitigate the expenses of the additional wastewater filtration project for the Project. This agreement is described in more detail below.

The City has identified this growth as an opportunity to capture revenues from a new Tax Increment Financing (“TIF”) district to make needed infrastructure improvements in the area. Merrow Road has fallen into disrepair and the intersection at Merrow Road and Hotel Road will need to be reconfigured. The City would also use TIF Revenues (as defined below) to fund a new public safety facility, as allowed by a recent TIF Statute amendment in 2019. The municipal projects are described below in Table 1.

### **B. Designation of the TIF District**

The City hereby designates the **FutureGuard Omnibus Municipal Development and Tax Increment Financing District** (#25) (the “District” or “TIF District”). The District is shown on Exhibits A-1 and A-2 and consists of 27.2 acres identified on City Tax Maps as Map 186, Lot 015. The District will exist for a total of twenty-five (25) years beginning with the City’s July 1, 2021 – June 30, 2022 Fiscal Year, and ending on June 30, 2046.

The District is a so-called “omnibus” district, which means that the City will be permitted in the future to enter into additional credit enhancement agreements relating to this District as it sees fit for up to the full term of the District for up to 100% of the captured assessed value, so long as the City holds a public hearing prior to the approval of any such credit enhancement agreement. Pursuant to this Development Program, the City is authorizing a credit enhancement agreement with the Developer, and by designating

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<sup>1</sup> However, as of March 31, 2020 (April 1, 2019), the property within the District had not yet been subdivided, and just consisted of a sole parcel: Map 186/Lot 015.

the District as an “omnibus” district, the City reserves the right to enter into additional credit enhancement agreements in the future.

## **II. Development Program Narrative**

### **A. The Development Program**

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “TIF Statute”). The City’s designation of the District combined with the adoption of this development program (the “Development Program”) create a single municipal TIF district in order to capture the value of the real property improvements made in the District, and enable the use TIF Revenues (as defined below) to ensure the economic viability of the Initial Project slated for construction and as incentive for the development of the Future Projects. The Development Program will run for the same twenty-five (25) years beginning with the City’s July 1, 2021 – June 30, 2022 Fiscal Year, and ending on June 30, 2046.

Under this Development Program, the City will capture 50% of the increased assessed value of real property in the District over the original assessed value of the District and retain the tax revenues generated by the captured assessed real property value (the “TIF Revenues”) for designated economic development purposes. In the Assessor’s Certificate attached as Exhibit C hereto, the City’s Assessor has certified the original assessed property value of the District. The calculation of TIF Revenues is more specifically described below in Section IV – Financial Plan.

By adopting this Development Program, the City will be creating a TIF district that will (1) contribute to the success of the District with developer-funded property improvements of the District; and (2) shelter the new municipal real property value from impacting the overall State valuation for the City of Auburn, thereby minimizing (a) decreases in the City’s State school subsidy and State revenue sharing, and (b) potential increases in the City’s county tax assessments.

Further, approval of this Development Program and the designation of the District will have a neutral impact on the existing tax base, because only the increased assessed real property value over the original assessed property value within the District will be captured. In addition, at the end of the term of this Development Program, the City will emerge with a substantial amount of new real property value to add to its municipal tax base.

In designating the District and adopting this Development Program, the City can accomplish the following goals:

- Maintain the existing tax revenues;
- Enjoy enhanced future tax revenues generated by improvements within the District;
- Enable the investment of TIF Revenues (defined below) in high priority City projects;
- Create long-term, stable employment opportunities for area residents; and
- Improve the overall economy of the City, the region, and the State of Maine.

The City’s designation of the TIF District and pursuit of this Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial necessary City infrastructure improvement and contributing to property taxes. In addition, by creating the District,

the City will “shelter” the increase in municipal valuation that the Project will bring about. This tax shift benefit will mitigate the adverse effect that the District's increased assessed property value would have on the City's share of state aid to education, municipal revenue sharing and its county tax assessment. An estimate of the tax shift benefit is shown as Exhibit D-2 attached hereto.

## **B. The Project Costs**

### **1. Municipal Project Costs**

The City plans to invest in municipal infrastructure. The City plans to use its portion of the TIF Revenues to undertake projects that will enhance the exposure and viability of the City as a vibrant place to locate a business, to visit, and to work. The City's Project Costs will cover capital or municipal debt to fund the items listed in Table 1 below.

**TABLE 1**

#### **City of Auburn's Project Costs**

**Note:** The TIF Revenues from this District are not intended to fully fund each of the projects listed below. The total project cost estimates for the projects listed below may well exceed the projected TIF Revenues from this District.

Project	Cost Estimate	Statutory Citation
1. <u>Public Safety Facility</u> : Costs related to the construction or operation of a public safety facility in the City, the need for which is related to general economic development within the City, not to exceed 15% of the captured assessed value of the development district.	\$26,000,000	30-A M.R.S. § 5225 (1)(C)(9); (1)(B)(1)
2. <u>Road and Intersection Improvements</u> : Design, construction and engineering costs related to road construction and intersection improvements on Merrow Road and Hotel Road, located within the District or directly related to or made necessary by the District.	\$1,500,000	30-A M.R.S. § 5225 (1)(A)(1); (1)(B)(1)
3. <u>Capital Improvements</u> : Costs of the construction of or the expansion of utility infrastructure, including but not limited to sewer and water, located within the District or directly related to or made necessary by the District.	\$75,000	30-A M.R.S. § 5225 (1)(A)(1); (1)(B)(1)
4. <u>Professional Services Costs</u> : Professional service costs related to the District including, but not limited to, licensing, architectural, planning, engineering and legal expenses.	\$200,000	30-A M.R.S. § 5225(1)(A)(4)

5. <u>Economic Development Programs</u> : Costs of the City’s economic development programs, including, but not limited to, marketing costs, prorated portions of staff salaries devoted to supporting and administering TIF programming, and other related operating expenses for the City’s Economic Development Department.*	\$20,000	30-A M.R.S. § 5225(1)(C)(1)
<b>TOTAL</b>	<b>\$27,795,000</b>	

\*Similar project contained within Auburn Memory Care TIF and Downtown Omnibus TIF.

## 2. Developer's Use of TIF Revenues

With the designation of this District, the City authorizes a ten-year credit enhancement agreement (the “CEA”) with the Developer under which the Developer will receive 15% of the TIF Revenues per year related only to that portion of the District being developed into the Project, identified on the District map at Exhibit A as “Remaining Land,” up to an overall maximum reimbursement over the District term of \$220,000 (the “Cap”). The purpose of the CEA is to reimburse the Developer for the cost of the additional wastewater filtration systems required by the expansion project. The City will retain the remaining 85% of TIF Revenues related to this portion of the Developer’s property to be used for the municipal projects described in Table 1. Once the Cap is reached or once the CEA expires (whichever occurs first), 100% of TIF Revenues related to this portion of the Developer’s property will be retained by the City for the duration of the District to be used to fund municipal projects.

## C. Operational Components

### 1. Public Facilities

See Table 1 for a description of public facilities.

### 2. Commercial Improvements Financed Through Development Program

The City will enter into the CEA with the Developer, to support the commercial improvements in the District.

### 3. Relocation of Displaced Persons

Not applicable.

### 4. Transportation Improvements

See Table 1 for a description of any transportation improvements.

### 5. Environmental Controls

The improvements made under this Development Program will meet or exceed all federal, state and local environmental laws, regulations and ordinances and will comply with all applicable land use requirements for the City.

## **6. Plan of Operation**

During the term of the District, the City Council or its designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District.

### **D. Improvements to the Public Infrastructure**

Please see Table 1 for a list of public infrastructure improvements contemplated by the District.

## **III. Physical Description**

This Article III addresses the conditions for approval contained in 30-A M.R.S.A. § 5223(3). The proposed 27.2-acre District is shown in Exhibit A-1 and Exhibit A-2. The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. § 5223(3) are set forth in Exhibit B.

## **IV. Financial Plan**

The Original Assessed Value of the property in the District was \$3,838,700 as of March 31, 2020 (April 1, 2019) as shown in the Assessor's Certificate at Exhibit C.<sup>2</sup> In the event of a revaluation of taxable property within the City, the Captured Assessed Value of this District may be adjusted in proportion to the change in taxable assessed property valued within the District in the year of the revaluation.

Under this Development Program, the City will capture 50% of the taxes paid on increased assessed value in the District. As discussed in detail in Section II(B)(2), the City will enter into the CEA with the Developer, which provide that certain percentages of the TIF Revenues be reimbursed to the Developer and certain percentages of TIF Revenues are retained by the City to be used to fund the municipal projects described in Table 1.

A Development Program Fund shall be established by the City consisting of a Project Cost Account and a Sinking Fund. Upon each payment of property taxes for property located inside the District, the City will deposit into a development program fund (the "FutureGuard Development Program Fund" or "Development Program Fund") 50% of the property tax payments on increased assessed value of District property, also referred to as TIF Revenues. The Development Program Fund is pledged to and charged with the payment of the project costs in the manner provided in 30-A M.R.S.A. § 5227(3). The Development Program Fund Project Cost Account shall consist of and be separated into at least two separate subaccounts: the Developer Project Cost Subaccount (the "Developer Project Cost Subaccount") and the City Project Cost Subaccount (the "City Project Cost Subaccount"). The Developer Project Cost Subaccount will be pledged to and charged with the payment of amounts due to the Developer under the CEA entered into by the City and the Developer.

Upon receipt of each payment of property tax from the Developer on District property, the City shall deposit into the Developer Project Cost Subaccount 15% of the TIF Revenues generated on that portion of the Developer's property upon which the Initial Project is located, until (a) the total cumulative amount of TIF Revenues so deposited during the term of the District reaches the Cap, or (b) the expiration of the term of the CEA, whichever occurs first, at which point no further deposits shall be made into the Developer Project Cost Subaccount. The amounts in the Developer Project Cost Subaccount shall be used

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<sup>2</sup> As stated above, as of March 31, 2020, the property within the District was comprised of a single parcel, Map 186/Lot 015. The property within the District has since been subdivided into three separate parcels: Map 186/Lot 015, Map 186/Lot 015-001, and Map 186/Lot 015-002.



and applied solely to fund the payments to the Developer under the CEA. The City shall deposit in the City Project Cost Subaccount the balance of the TIF Revenues related that portion of the Developer's property upon which the Project is located.

All funds deposited into the City Project Cost Subaccount will be used to pay or costs of the public facilities, improvements, and programs described in Table 1 hereof. All funds deposited into the Developer Project Cost Subaccounts will be used to make payments pursuant to the CEA.

**A. Financial Data**

Estimates of the increased assessed property values of the District and the anticipated TIF Revenues generated by the District are shown in Exhibit D-1. The current and future developers owning or leasing properties located within the District will pay for and/or finance improvements located in the District through private sources.

The statutory requirements and thresholds for approval required by Section 5223(3) of Title 30-A in the TIF Statute are set forth in Exhibit B.

**B. Tax Shifts**

In accordance with the TIF Statute, the table set forth in Exhibit D-2 identifies the tax shift benefits that the City estimates will result during the term of the District.

**C. Public Indebtedness**

Though it is not anticipated at this time, the City reserves the right to issue municipal bonds in order to pay for capital improvements to pay for capital improvements in the Development Program. Any municipal bond issued for such project would require the City approval process as normally required for municipal indebtedness.

**D. Certification of Original Assessed Value**

The Original Assessed Value of the District was \$3,838,700 as of March 31, 2020 (April 1, 2019). This assessed value is wholly attributable to taxable real property value. Certification by the City's Tax Assessor of the original assessed value of the District is set forth in Exhibit C.

**V. Municipal Approvals**

**A. Notice of Public Hearing**

Attached as Exhibit E hereto is a copy of the Notice of Public Hearing regarding the designation of the District and the adoption of the Development Program for the District, published in a newspaper of general circulation in the City, on a date at least ten (10) days prior to the public hearing. The public hearing on the Development Program was held on December 21, 2020, in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

**B. Minutes of Public Hearing**

The Auburn City Clerk has provided an attested copy of the minutes of the December 21, 2020 public hearing before the Auburn City Council, a copy of which is contained in Exhibit F. This exhibit also provides a record of the vote of the Council on the designation of the District and the adoption of the Development Program.

**C. Order and Authorizing Vote**

A copy of the City Council Order posted for the Public Hearing and approved by the Auburn City Council is provided in Exhibit G, attested by the City Clerk.

# TIF #25

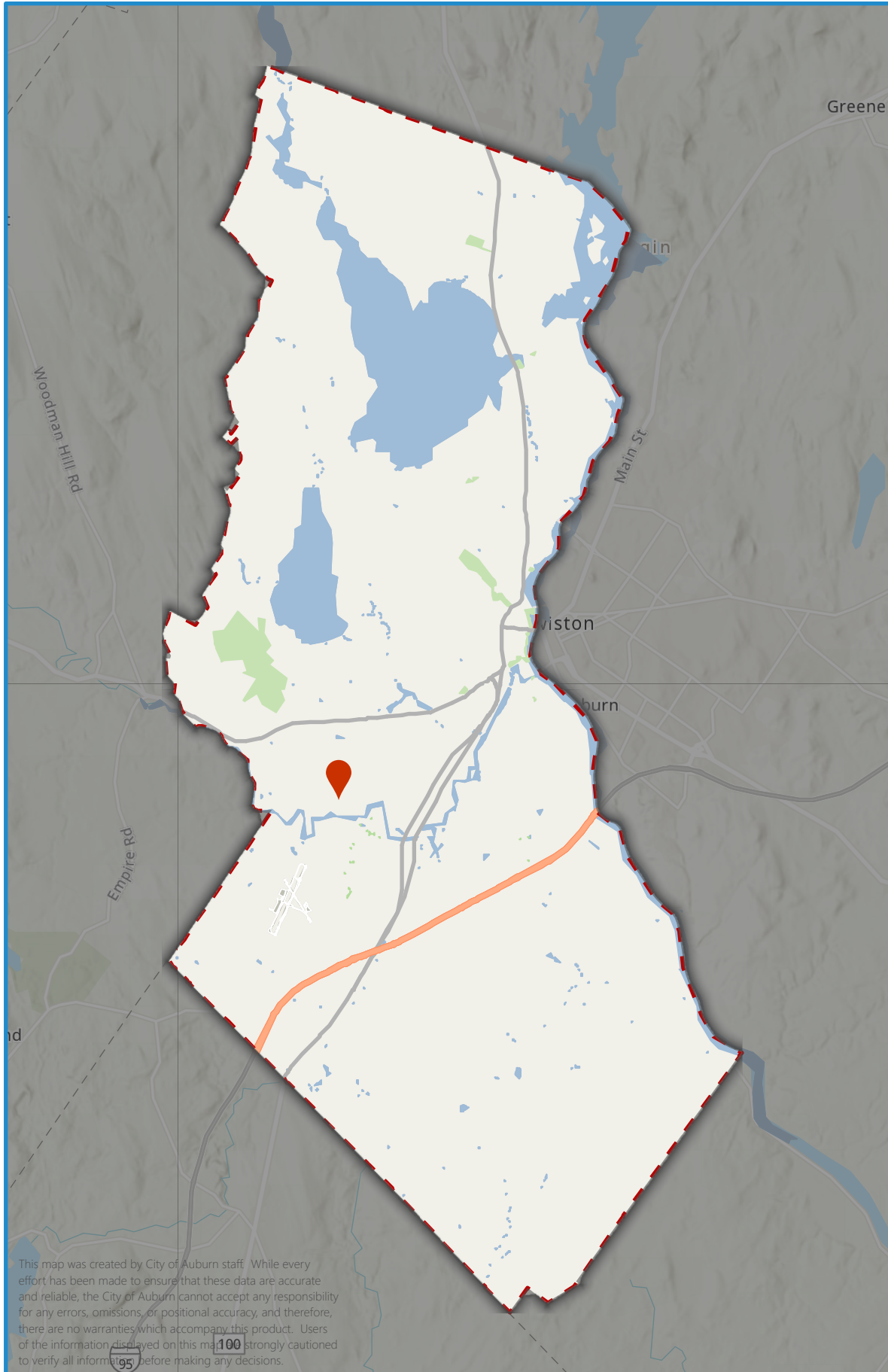
## Futureguard Municipal TIF District

Exhibit A-1

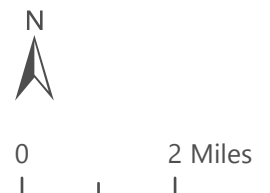


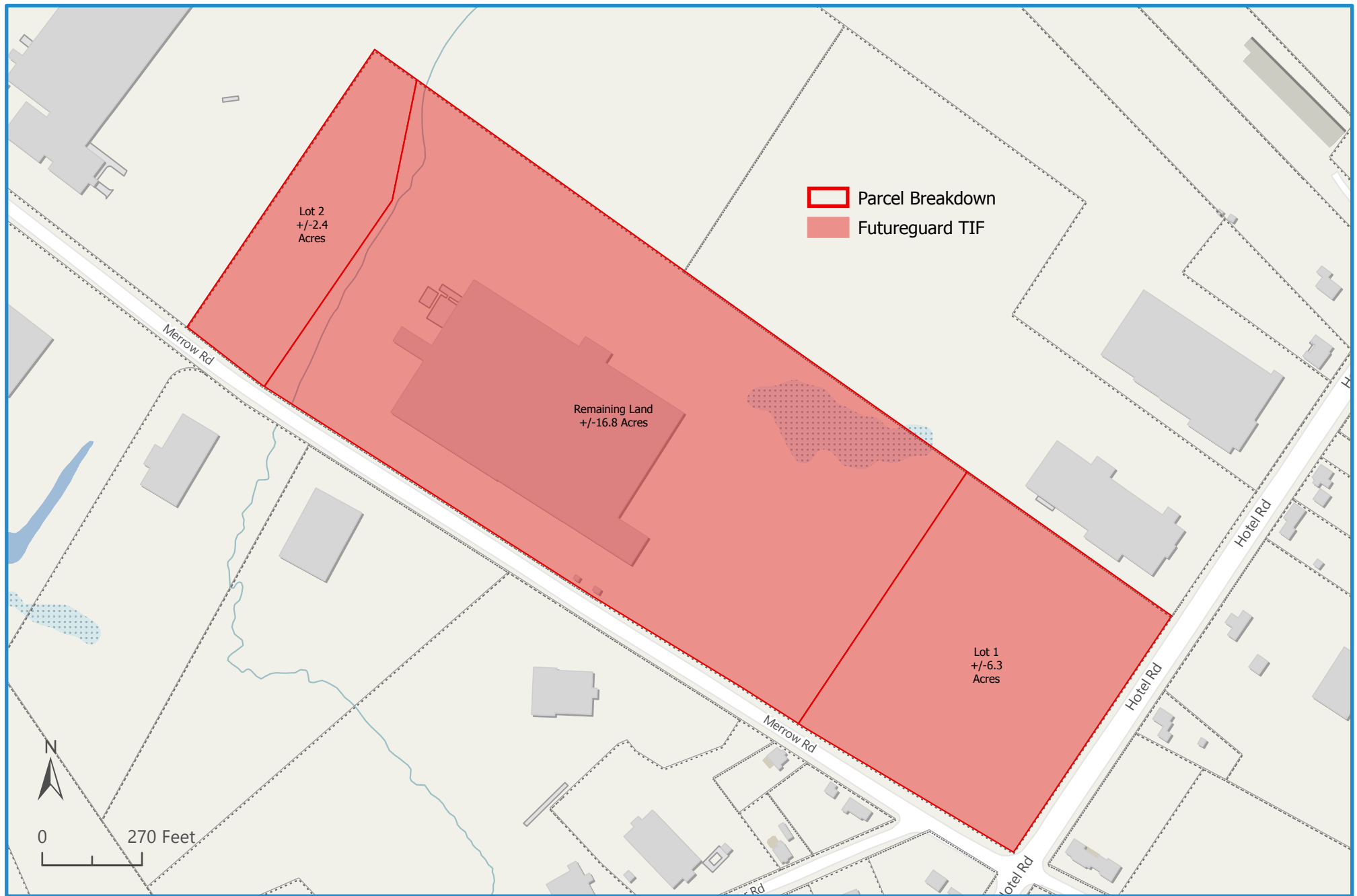
**60 Court Street  
Auburn, Maine  
207.333.6601**

 **TIF 25**



This map was created by City of Auburn staff. While every effort has been made to ensure that these data are accurate and reliable, the City of Auburn cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. Users of the information displayed on this map are strongly cautioned to verify all information before making any decisions.



**TIF #25****Futureguard  
Municipal TIF District****60 Court Street  
Auburn, Maine  
207.333.6601**

**STATUTORY REQUIREMENTS AND THRESHOLDS**  
**FutureGuard Omnibus Municipal TIF District (#25)**

<b>SECTION A.   Acreage Caps</b>		
1. Total <b>municipal</b> acreage;	41,430	
2. Acreage of <b>proposed</b> Municipal TIF District;	27.2	
3. <b>Downtown-designation</b> <sup>1</sup> acres in proposed Municipal TIF District;	0	
4. <b>Transit-Oriented Development</b> <sup>2</sup> acres in proposed Municipal TIF District;	0	
5. <b>Total acreage</b> [=A2-A3-A4] of proposed Municipal TIF District counted toward 2% limit;	27.2	
6. <b>Percentage</b> [=A5÷A1] of total acreage in proposed Municipal TIF District (CANNOT EXCEED 2%).	.066%	
7. <b>Total acreage</b> of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>including</b> Municipal Affordable Housing Development districts: <sup>3</sup>  <div style="display: flex; justify-content: space-between;"> <div> #13 Retail Development/29.67 acres  #19 Hartt Transportation Industrial Park/43 acres  #9 Mall Area/57.74 acres  #14 Mall Revitalization/38.91  #18 Norway Savings Bank Arena/8.53 acres  #21 477 Minot Ave/3.83  #22 Hampshire Street/1.01  #23 Memory Care/8.61  #24 Gracelawn/2.92  #25 FutureGuard/27.2 </div> <div> #10 Downtown Omnibus/264.18 acres  #15 Mall Area Hotel/1.5 acres  #6 Proctor &amp; Gamble (Tambrands II)/84 acres  #12 Auburn Industrial Park/144 acres  #16 Webster School AHTIF/1.4 acres  #20 62 Spring Street/.81 </div> </div>	Existing	690.11
	Proposed	27.2
	Total:	717.31
<b>30-A § 5223(3) EXEMPTIONS<sup>4</sup></b>		
8. Acreage of an <u>existing/proposed</u> <b>Downtown</b> Municipal TIF district;	264.18	
9. Acreage of all <u>existing/proposed</u> <b>Transit-Oriented Development</b> Municipal TIF districts:	0	
10. Acreage of all <u>existing/proposed</u> <b>Community Wind Power</b> Municipal TIF districts:	0	
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> <sup>5</sup> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such acreage also factored in Exemptions 8-10 above:	0	
12. <b>Total acreage</b> [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	453.13	
13. <b>Percentage of total acreage</b> [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	1.09%	
14. <b>Real property</b> in proposed Municipal TIF District that is:	ACRES	% [=Acres÷A2]
a. A blighted area;	0	0
b. In need of rehabilitation, redevelopment or conservation;	0	0
c. Suitable for commercial or arts district uses.	27.2	100%
<b>TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)</b>		100%

<sup>1</sup> Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

<sup>2</sup> For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

<sup>3</sup> For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

<sup>4</sup> Downtown/TOD overlap nets single acreage/valuation caps exemption.

<sup>5</sup> PTZ districts approved through December 31, 2008.

**STATUTORY REQUIREMENTS AND THRESHOLDS**  
**FutureGuard Omnibus Municipal TIF District (#25)**

SECTION B.   Valuation Cap			
1. <b>Total TAXABLE</b> municipal valuation—use most recent April 1;		\$1,956,632,371	
2. <b>Taxable Original Assessed Value (OAV)</b> of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;		\$3,838,700	
3. <b>Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>excluding</b> Municipal Affordable Housing Development districts:</b>  #10 Downtown Omnibus/\$83,168,800 #13 Retail Development/\$5,425,400 #15 Mall Area Hotel/\$4,900 #18 Norway Savings Bank Arena/\$1,564,100 #6 Proctor & Gamble (Tambrands II)/\$520,900 #9 Mall Area/\$5,956,300 #12 Auburn Industrial Park/\$334,200 #14 Auburn Mall/\$11,328,400 #19 Hartt Transportation Center/\$1,278,600 #20 62 Spring Street/\$474,300 #23 Auburn Memory Care/\$327,100 #24 Gracelawn/\$262,600 #25 FutureGuard/\$3,838,700	Existing	\$110,645,600	
	Proposed	\$3,838,700	
	Total:	\$114,484,300	
30-A § 5223(3) EXEMPTIONS			
4. <b>Taxable OAV</b> of an <u>existing/proposed</u> <b>Downtown</b> Municipal TIF district;		\$83,168,800	
5. <b>Taxable OAV</b> of all <u>existing/proposed</u> <b>Transit-Oriented Development</b> Municipal TIF districts:		0	
6. <b>Taxable OAV</b> of all <u>existing/proposed</u> <b>Community Wind Power</b> Municipal TIF districts:		0	
7. <b>Taxable OAV</b> of all <u>existing/proposed</u> <b>Single Taxpayer/High Valuation</b> <sup>6</sup> Municipal TIF districts:		0	
8. <b>Taxable OAV</b> in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such OAV also factored in Exemptions 4-7 above:		0	
9. <b>Total taxable OAV [=B3-B4-B5-B6-B7-B8]</b> of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;		\$31,315,500	
10. <b>Percentage of total taxable OAV [=B9÷B1]</b> of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).		1.6%	
		COMPLETED BY	
		NAME :	Shana Cook Mueller
		DATE :	December 4, 2020

<sup>6</sup> For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

**ASSESSOR'S CERTIFICATE OF ORIGINAL ASSESSED VALUE**

**CITY OF AUBURN**

The undersigned assessor of the City of Auburn, Maine, does hereby certify pursuant to the provisions of Title 30-A M.R.S.A. Section 5227 that the Original Assessed Value of the taxable real property within the boundaries of the proposed Development District #25, the FutureGuard Omnibus Municipal Development and Tax Increment Financing District, as described in the Development Program for the District, and as identified on the City of Auburn's Tax Maps as Map 186, Lot 015 was \$3,838,700 as of March 31, 2020 (April 1, 2019).

This Certificate has been executed as of this \_\_\_ day of \_\_\_\_\_ 2020.

CITY OF AUBURN ASSESSOR

\_\_\_\_\_

**Original Assessed Value for Individual Tax Map Lot**

Tax Map and Lot Number	Acreage	Original Assessed Value as of March 31, 2020 (April 1, 2019)
Map 186, Lot 015	27.2	\$3,838,700



**Exhibit D-1 | Captured Assessed Value & TIF Revenue Projections**  
*FUTUREGUARD OMNIBUS TIF DISTRICT #25*

Fiscal Year	TIF Year	Projected Mill Rate Tax Yr 2020 \$23.75	Percent Captured in TIF	Increased Assessed Value Remaining Land	Captured Assessed Value Remaining Land	Total Projected TIF Revenue Remaining Land	TIF Revenue to Developer Remaining Land	TIF Revenue to City Remaining Land	Taxes to City General Fund Remaining Land	Increased Assessed Value Other Parcels	Captured Assessed Value Other Parcels	TIF Revenue to City Other Parcels	Taxes to City General Fund Other Parcels	Total District Captured Assessed Value
2021-2022	1	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$0	\$0	\$0	\$0	\$1,750,000
2022-2023	2	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$2,000,000	\$1,000,000	\$23,750	\$23,750	\$2,750,000
2023-2024	3	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2024-2025	4	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2025-2026	5	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2026-2027	6	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2027-2028	7	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2028-2029	8	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2029-2030	9	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2030-2031	10	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2031-2032	11	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2032-2033	12	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2033-2034	13	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2034-2035	14	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2035-2036	15	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2036-2037	16	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2037-2038	17	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2038-2039	18	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2039-2040	19	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2040-2041	20	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2041-2042	21	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2042-2043	22	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2043-2044	23	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2044-2045	24	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
2045-2046	25	23.75	50%	\$3,500,000	\$1,750,000	\$41,563	\$6,234	\$35,328	\$41,563	\$3,500,000	\$1,750,000	\$41,563	\$41,563	\$3,500,000
				<b>25-Year Total:</b>		<b>\$1,039,063</b>	<b>\$155,859</b>	<b>\$883,203</b>	<b>\$1,039,063</b>			<b>\$979,688</b>	<b>\$979,688</b>	
				<b>25-Year Average:</b>		<b>\$41,563</b>	<b>\$6,234</b>	<b>\$35,328</b>	<b>\$41,563</b>			<b>\$39,188</b>	<b>\$39,188</b>	

**Assumptions:**

1. Assumes the initial project is complete for Year 1 of the District with an estimated assessed value of \$3.5 million (on portion of District marked "Remaining Land"). Future planned projects within the district are assumed to result in an additional \$2 million in Year 2 and an additional \$1.5 million in Year 3. Projections show anticipated increased assessed values, captured assessed values, and TIF revenues.
2. Assumes a 25-year district term and 100% assessment ratio.
3. Projections include projected mil rates based on 2020 actual mil rate, held constant for remainder of District term.
4. Assumes 50% of the increased assessed value is captured in the District and available for municipal project costs (and a portion to the CEA relating to the project on portion of District marked "Remaining Land"); 50% uncaptured taxes on IAV to City general fund.
5. Assumes 15% of TIF revenues each year for Developer up to maximum of \$220,000.
6. Projections are much less likely to be accurate farther into the future and are for demonstrative purposes only.

**Exhibit D-2 | Tax Shift Benefits**  
***FUTUREGUARD OMNIBUS TIF DISTRICT #25***

<b>Fiscal Year</b>	<b>TIF Year</b>	<b>State Aid to Education Benefit</b>	<b>County Tax Benefit</b>	<b>State Revenue Sharing Benefit</b>	<b>Total Tax Shift Benefits</b>
2021-2022	1	-	-	-	\$0
2022-2023	2	-	-	-	\$0
2023-2024	3	-	\$1,653	\$3,178	\$4,831
2024-2025	4	\$14,315	\$2,597	\$4,991	\$21,904
2025-2026	5	\$22,495	\$3,306	\$6,350	\$32,151
2026-2027	6	\$28,630	\$3,306	\$6,350	\$38,286
2027-2028	7	\$28,630	\$3,306	\$6,350	\$38,286
2028-2029	8	\$28,630	\$3,306	\$6,350	\$38,286
2029-2030	9	\$28,630	\$3,306	\$6,350	\$38,286
2030-2031	10	\$28,630	\$3,306	\$6,350	\$38,286
2031-2032	11	\$28,630	\$3,306	\$6,350	\$38,286
2032-2033	12	\$28,630	\$3,306	\$6,350	\$38,286
2033-2034	13	\$28,630	\$3,306	\$6,350	\$38,286
2034-2035	14	\$28,630	\$3,306	\$6,350	\$38,286
2035-2036	15	\$28,630	\$3,306	\$6,350	\$38,286
2036-2037	16	\$28,630	\$3,306	\$6,350	\$38,286
2037-2038	17	\$28,630	\$3,306	\$6,350	\$38,286
2038-2039	18	\$28,630	\$3,306	\$6,350	\$38,286
2039-2040	19	\$28,630	\$3,306	\$6,350	\$38,286
2040-2041	20	\$28,630	\$3,306	\$6,350	\$38,286
2041-2042	21	\$28,630	\$3,306	\$6,350	\$38,286
2042-2043	22	\$28,630	\$3,306	\$6,350	\$38,286
2043-2044	23	\$28,630	\$3,306	\$6,350	\$38,286
2044-2045	24	\$28,630	\$3,306	\$6,350	\$38,286
2045-2046	25	\$28,630	\$3,306	\$6,350	\$38,286
2046-2047		\$28,630	\$3,306	\$6,350	\$38,286
2047-2048		\$28,630	\$3,306	\$6,350	\$38,286
2048-2049		\$28,630	-	-	\$28,630
<b>Totals:</b>		<b>\$695,300</b>	<b>\$80,280</b>	<b>\$154,224</b>	<b>\$929,804</b>
<b>Averages:</b>		<b>\$27,812</b>	<b>\$3,211</b>	<b>\$6,169</b>	<b>\$33,207</b>

**Assumptions:**

1. Data sources include the 2020 mil rate reported and predicted by the City of Auburn, Androscoggin County's FY2020 Tax Commitment, the State Treasurer's Office Municipal Revenue Sharing projections for FY 2020 07/01/20 - 06/30/21 Published 08/03/20, the Maine Department of Education 11/16/20 2020-2021 ED 279 form for Auburn Public Schools.
2. Tax shift losses are comprised of declining subsidies in revenue sharing and increasing obligations to pay county taxes. Tax shift losses occur a couple of years following the year in which the new assessed value is first recognized in the assessment. No tax shift losses occur when a TIF captures all of the new value.
3. These projections assume that the formulas and general inputs for state subsidies and county taxes do not change over time and they assume that all other values in other communities are static relative to one another except for the new value assessed. The projections are less likely to be accurate farther into the future.
4. Assumes the assessment ratio in the City is 100% when new property value arrives, such that the market value of new property is used for assessment purposes.
5. The projections above assume that no tax increment financing district is put in place, thus the mil rate is reduced by as a result of the full new value in the City. This analysis factors in tax shift impacts resulting from the project's new assessed value into future commitments and mil rate calculations to arrive at projected

**CITY OF AUBURN  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Auburn City Council will hold a public hearing on **December 21, 2020 at 7:00 p.m.** for the purposes of receiving public comments on the designation of the *FutureGuard Omnibus Municipal Development and Tax Increment Financing District* as well as the adoption of the development program for the district to encompass approximately 27.2 acres located at 101 Merrow Road. The City plans to enter into a credit enhancement agreement with the owner of the property within the District related to an expansion of the owner's existing facility.

The public hearing is proposed pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at the hearing.

**Public input for this hearing with the City Council will be conducted remotely using "Zoom."** The meeting will be broadcast as usual on Great Falls TV (cable channel 1302) and on the City of Auburn [YouTube](#) channel.

**If you wish to offer public comment during the meeting,** you can "attend" the meeting via Zoom and speak during the public comment session. To participate in this way, please register in advance by accessing the link a few days before the meeting by clicking on "December 21, 2020" at <https://www.auburnmaine.gov/pages/government/city-council-agendas>.

After registering, you will receive a confirmation email containing information about joining the meeting. If you wish to speak, simply click "Raise Hand" in the webinar controls. You can also use the Alt+Y keyboard shortcut (Mac: Option+Y) to raise or lower your hand. You will be notified when it is your turn to speak. Be sure to "Unmute" yourself and speak clearly. All participants will be able to hear you.

If you prefer to submit public comment in writing, please send your remarks via email to: **comments@auburnmaine.gov**. Your comments will be included in the meeting minutes.

**EXHIBIT F – Public Hearing Minutes Placeholder**

**CITY OF AUBURN, MAINE  
COUNCIL ORDER**

**WHEREAS**, the City of Auburn (the “City”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as FutureGuard Omnibus Municipal Development District (the “District”) and to adopt a development program for the District (the “Development Program”); and

**WHEREAS**, there is a need for development in the City and for the creation of good new jobs in the City; and

**WHEREAS**, implementation of the Development Program will help to improve and broaden the tax base in the City and improve the economy of the City and the State of Maine; and

**WHEREAS**, there is a need to encourage the expansion, improvement and continuation of commercial development in the City through the establishment of the District in accordance with Chapter 206 of Title 30-A; and

**WHEREAS**, the City Council has held a public hearing on December 21, 2020, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City, on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. § 5226; and

**WHEREAS**, the City desires to designate the District as a Municipal Development and Tax Increment Financing District, and to adopt a Development Program for the District; and

**WHEREAS**, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development (the “Department”), approving the designation of the District and the adoption of the Development Program for the District;

**NOW THEREFORE BE IT ORDERED AS FOLLOWS:**

**Section 1.** The City Council hereby finds and determines that:

- a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for commercial uses; and
- b. The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all existing and proposed development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and
- c. The original assessed value of all existing and proposed tax increment financing districts (including the District) does not exceed five percent (5%) of the total value of equalized taxable property within the City as of April 1, 2018; and
- d. The District and pursuit of the Development Program will make a contribution to the economic growth and well-being of the City of Auburn and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of

the City of Auburn, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and Development Program.

**Section 2.** 30-A of the Maine Revised Statutes, as amended, the City hereby designates a Municipal Development and Tax Increment Financing District and to promote the completion of the project, designated and described more particularly set forth in the Development Program presented to the City Council and such Development Program is hereby incorporated by reference into this vote as the Development Program for the District.

**Section 3.** Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is set forth in the Development Program.

**Section 4.** The City Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. §5226(2).

**Section 5.** The foregoing designation of the District and the adoption of the Development Program for the District shall become final and shall take full force upon receipt by the City of approval and designation of the District and adoption of the Development Program by the Department.

**Section 6.** The City Manager be and hereby is authorized and empowered, at his discretion, from time to time, to make such revisions to the Development Program for the District and the City Manager deems reasonably necessary or convenient, including revisions to the scope or description of the public improvements, facilities and programs to be financed with a portion of the tax increment revenues generated by the District, in order to facilitate the process for review and approval of the District by the Department, or for any other reason so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.

**Section 7.** The City Manager, in the name and on behalf of the City, is hereby authorized and directed to enter into a credit enhancement agreement between the City and the developer of the project to be located in the District, consistent with the description of such agreement in the Development Program.

**Section 8.** This Order shall take effect immediately upon adoption.

Approved December 21, 2020, by the City Council of the City of Auburn, at a meeting duly convened and conducted at Auburn, Maine.

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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDER 137-12212020

**ORDERED**, that the Auburn City Council hereby adopts the proposed CITY OF AUBURN, MAINE COUNCIL ORDER.

WHEREAS, the City of Auburn (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as FutureGuard Omnibus Municipal Development District (the "District") and to adopt a development program for the District (the "Development Program"); and

WHEREAS, there is a need for development in the City and for the creation of good new jobs in the City; and

WHEREAS, implementation of the Development Program will help to improve and broaden the tax base in the City and improve the economy of the City and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial development in the City through the establishment of the District in accordance with Chapter 206 of Title 30-A; and

WHEREAS, the City Council has held a public hearing on December 21, 2020, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City, on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, the City desires to designate the District as a Municipal Development and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development (the "Department"), approving the designation of the District and the adoption of the Development Program for the District;

NOW THEREFORE BE IT ORDERED AS FOLLOWS:

Section 1. The City Council hereby finds and determines that:

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



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

Jason J. Levesque, Mayor

- a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for commercial uses; and
- b. The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all existing and proposed development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and
- c. The original assessed value of all existing and proposed tax increment financing districts (including the District) does not exceed five percent (5%) of the total value of equalized taxable property within the City as of April 1, 2018; and
- d. The District and pursuit of the Development Program will make a contribution to the economic growth and well-being of the City of Auburn and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Auburn, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and Development Program.

Section 2. 30-A of the Maine Revised Statutes, as amended, the City hereby designates a Municipal Development and Tax Increment Financing District and to promote the completion of the project, designated and described more particularly set forth in the Development Program presented to the City Council and such Development Program is hereby incorporated by reference into this vote as the Development Program for the District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is set forth in the Development Program.

Section 4. The City Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. §5226(2).

Section 5. The foregoing designation of the District and the adoption of the Development Program for the District shall become final and shall take full force upon receipt by the City of



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



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

Jason J. Levesque, Mayor

approval and designation of the District and adoption of the Development Program by the Department.

Section 6. The City Manager be and hereby is authorized and empowered, at his discretion, from time to time, to make such revisions to the Development Program for the District and the City Manager deems reasonably necessary or convenient, including revisions to the scope or description of the public improvements, facilities and programs to be financed with a portion of the tax increment revenues generated by the District, in order to facilitate the process for review and approval of the District by the Department, or for any other reason so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.

Section 7. The City Manager, in the name and on behalf of the City, is hereby authorized and directed to enter into a credit enhancement agreement between the City and the developer of the project to be located in the District, consistent with the description of such agreement in the Development Program.

Section 8. This Order shall take effect immediately upon adoption.

Approved December 21, 2020, by the City Council of the City of Auburn, at a meeting duly convened and conducted at Auburn, Maine.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**Order:** 138-12212020

**Author:** Brian Wood, Assistant City Manager

**Subject:** Waive Permitting Fees for the Construction of the New EL High School

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**Information:** As part of the construction or renovation of any building in the City of Auburn, permits issued by the City must be obtained. The Auburn School Board voted to request the Auburn City Council waive the permitting fees associated with the construction of this new school.

---

**City Budgetary Impacts:** The waiving of the permitting fee's that would be assessed to the city for the new EL High School amount to approximately \$93,000.00 that the City would not be collecting.

---

**Staff Recommended Action:** N/A

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**Previous Meetings and History:** None

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**City Manager Comments:**

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I concur with the recommendation. Signature:

A handwritten signature in black ink that reads "Phillip Crowell Jr." with a stylized flourish at the end.

**Attachments:**

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# INVOICE

Bill To:  
City of Auburn  
Auburn School Department  
60 Court Street  
Auburn, ME 04240

Billed From:  
City of Auburn  
Office of Planning & Permitting  
60 Court Street  
Auburn ME 04210



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
15135	12/07/2020		Due	NONE

REFERENCE NUMBER	DESCRIPTION	TOTAL
CB-15914-2020	PM: Commercial – Construction of New School	\$98,025.00
SUB TOTAL		\$98,025.00
TOTAL		\$98,025.00

|

# INVOICE

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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDER 138-12212020

**ORDERED**, that the City Council hereby authorizes waiving of the permit fees that would be assessed to the City for the new Edward Little High School.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**Order:** 139-12212020

**Author:** Holly Lasagna and Katherine Boss, Councilors

**Subject:** Remote Meetings

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**Information:**

Maine and Androscoggin County is currently experiencing a significant increase in COVID-19 cases, hospitalizations, and positivity rates, while data and case investigations are providing evidence of widespread community transmissions. The Auburn City Council previously approved Resolve 03-03162020 – Aligning our efforts with the CDC Guideline, and continuity of operations for various agencies, businesses, and Governmental jurisdictions may be disrupted during a pandemic, it is important for these entities, in particular, the City of Auburn, to ensure it can execute its essential missions in the event of a threat to its normal continuity of operations and,

The Auburn City Council previously approved Resolve 05-03162020 – To allow for remote meeting (which was approved by executive order) and the proposed order will allow the uninterrupted and effective conduct of the business of the City of Auburn and the Auburn City Council remotely, and many interactions and essential functions may not require face-to-face contact or can be conducted remotely including Council meetings and public comment. Other boards and committees of the City are successfully conducting business remotely.

The City has designated Deputy Fire Chief Matthew Fifield as the city Pandemic Coordinator/Planning Section Chief who has stated “Although I think it is very important to meet in person especially for council meetings it may be time to consider moving to the video conference meetings again that is consistent with current operations of all of our staff.”

This order supports moving to conduct all Auburn City Council business remotely until further notice to ensure the safety of our community and respect the lives of our families and neighbors and the livelihoods of our first responders and frontline workers.

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**City Budgetary Impacts:** NA

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**Staff Recommended Action:** NA

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**Previous Meetings and History:** March 16, 2020 and 1 M.R.S. § 403-A

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**City Manager Comments:**

A handwritten signature in black ink that reads "Phillip Crowell Jr." with a stylized flourish at the end.

I concur with the recommendation. Signature:

**§403-A. Public proceedings through remote access during declaration of state of emergency due to COVID-19**

**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

**(WHOLE SECTION TEXT EFFECTIVE UNTIL CONTINGENCY: See T. 1, §403-A, sub-§3)**

**(WHOLE SECTION TEXT REPEALED ON CONTINGENCY: See T. 1, §403-A, sub-§3)**

**1. Remote access.** Notwithstanding any provision of law or municipal charter provision or ordinance to the contrary, during a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19, a body subject to this subchapter may conduct a public proceeding through telephonic, video, electronic or other similar means of remote participation under the following conditions:

A. Notice of the public proceeding has been given in accordance with section 406, and the notice includes the method by which the public may attend in accordance with paragraph C; [PL 2019, c. 617, Pt. G, §1 (NEW).]

B. Each member of the body who is participating in the public proceeding is able to hear and speak to all the other members during the public proceeding and members of the public attending the public proceeding in the location identified in the notice given pursuant to paragraph A are able to hear all members participating at other locations; [PL 2019, c. 617, Pt. G, §1 (NEW).]

C. The body determines that participation by the public is through telephonic, video, electronic or other similar means of remote participation; and [PL 2019, c. 617, Pt. G, §1 (NEW).]

D. All votes taken during the public proceeding are taken by roll call vote. [PL 2019, c. 617, Pt. G, §1 (NEW).]

[PL 2019, c. 617, Pt. G, §1 (NEW).]

**2. Application to legislative proceedings.** This section does not apply to public proceedings of the Legislature, a legislative committee or the Legislative Council, except that while the state of emergency as set out in subsection 1 is in effect, the Legislature, a legislative committee or the Legislative Council may restrict attendance by the public to remote access by telephonic, video, electronic or other similar means. This section also does not apply to town meetings held pursuant to Title 30-A, section 2524 or regional school unit budget meetings pursuant to Title 20-A, section 1483. [PL 2019, c. 617, Pt. G, §1 (NEW).]

**3. Repeal.** This section is repealed 30 days after the termination of the state of emergency as set out in subsection 1.

[PL 2019, c. 617, Pt. G, §1 (NEW).]

**SECTION HISTORY**

PL 2019, c. 617, Pt. G, §1 (NEW).

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Holly C. Lasagna, Ward One  
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Katherine E. Boss, At Large

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDER 139-12212020

**Ordered,** by the City Council - Until the expiration of the State of Emergency declared by the Governor due to the outbreak of COVID-19 or the Council's revocation of this Order, whichever shall occur first, the Auburn City Council shall conduct its public proceedings through remote video participation in accordance with 1 M.R.S. § 403-A.

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services



**TO: Phillip Crowell, City Manager**  
**FROM: Jill Eastman, Finance Director**  
**REF: November 2020 Financial Report**  
**DATE: December 14, 2020**

The following is a discussion regarding the significant variances found in the City's November 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 fifth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 41.7% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

### **Revenues**

Revenues collected through November 30th, including the school department were \$43,166,047, or 47.06%, of the budget. The municipal revenues including property taxes were \$31,496,610, or 49.34% of the budget which is more than last year by 0.61%. The accounts listed below are noteworthy.

- A. Excise tax for the month of November is at 53.25%. This is a \$349,680 increase from FY 20. Our excise revenues for FY 21 are 11.55% above projections as of November 30, 2020.
- B. State Revenue Sharing for the month of November is 55.39% or \$1,500,190. This is an increase of \$301,260 from last November.
- C. Property Tax revenues are at 50.06% of the total budget, which is 0.45% less than last year at the same time.

### **Expenditures**

City expenditures through November 2020 were \$25,236,924 or 54.94% of the budget. This is 7.46% more than the same period last year. Noteworthy variances are:

- A. Debt Service is higher than last year by \$434,533.
- B. As I have discussed in the last two monthly reports, both Worker's Compensation and TIF Transfers were made earlier this fiscal year, which makes up \$3,487,533 increase over last year.
- C. The overage for Fire is due to the transfer of Capital Reserve, \$150,000, earlier than in previous years.

### **Investments**

This section contains an investment schedule as of November 30th. Currently the City's funds are earning an average interest rate of 0.75%.

Respectfully submitted,

A handwritten signature in black ink that reads "Jill M Eastman". The signature is written in a cursive, flowing style.

Jill M. Eastman  
Finance Director

**CITY OF AUBURN, MAINE**  
**BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND**  
**AS of November 2020, October 2020, and June 2020**

	UNAUDITED November 30 2020	UNAUDITED October 31 2020	Increase (Decrease)	UNAUDITED JUNE 30 2020
<b>ASSETS</b>				
CASH	\$ 12,919,579	\$ 11,062,126	\$ 1,857,453	\$ 14,712,549
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	996,353	1,411,856	(415,503)	1,371,945
TAXES RECEIVABLE-CURRENT	21,597,655	22,649,152	(1,051,498)	185,234
DELINQUENT TAXES	1,080,817	339,199	741,617	617,814
TAX LIENS	1,033,247	1,145,135	(111,888)	884,542
NET DUE TO/FROM OTHER FUNDS	3,704,116	8,252,604	(4,548,488)	2,811,613
<b>TOTAL ASSETS</b>	<b>\$ 41,331,767</b>	<b>\$ 44,860,073</b>	<b>\$ (3,528,306)</b>	<b>\$ 20,583,697</b>
<b>LIABILITIES &amp; FUND BALANCES</b>				
ACCOUNTS PAYABLE	\$ 4,736	\$ (474,504)	\$ 479,240	\$ (833,548)
PAYROLL LIABILITIES	275,285	(202,827)	478,112	(253,541)
ACCRUED PAYROLL	(19)	(19)	-	(3,829,105)
STATE FEES PAYABLE	(19,590)	(47,987)	28,397	-
ESCROWED AMOUNTS	(31,083)	(31,064)	(19)	(26,004)
DEFERRED REVENUE	(23,453,462)	(23,875,230)	421,768	(2,161,507)
<b>TOTAL LIABILITIES</b>	<b>\$ (23,224,132)</b>	<b>\$ (24,631,631)</b>	<b>\$ 1,407,499</b>	<b>\$ (7,103,705)</b>
FUND BALANCE - UNASSIGNED/ASSIGNED	\$ (15,072,208)	\$ (17,193,016)	\$ 2,120,808	\$ (10,445,286)
FUND BALANCE - RESTRICTED	(2,273,457)	(2,273,457)	-	(2,273,457)
FUND BALANCE - NON SPENDABLE	(761,970)	(761,970)	-	(761,249)
<b>TOTAL FUND BALANCE</b>	<b>\$ (18,107,635)</b>	<b>\$ (20,228,443)</b>	<b>\$ 2,120,808</b>	<b>\$ (13,479,992)</b>
<b>TOTAL LIABILITIES AND FUND BALANCE</b>	<b>\$ (41,331,767)</b>	<b>\$ (44,860,074)</b>	<b>\$ 3,528,306</b>	<b>\$ (20,583,697)</b>

**CITY OF AUBURN, MAINE**  
**REVENUES - GENERAL FUND COMPARATIVE**  
**THROUGH November 30, 2020 VS November 30, 2019**

REVENUE SOURCE	FY 2021 BUDGET	ACTUAL REVENUES THRU NOV 2020	% OF BUDGET	FY 2020 BUDGET	ACTUAL REVENUES THRU NOV 2019	% OF BUDGET	VARIANCE
<b>TAXES</b>							
PROPERTY TAX REVENUE-	\$ 49,655,498	\$ 24,859,895	50.06%	\$ 49,295,498	\$ 24,900,880	50.51%	\$ (40,985)
PRIOR YEAR TAX REVENUE	\$ -	\$ 300,420		\$ -	\$ 138,817		\$ 161,603
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 1,420,000	\$ 1,405,540	98.98%	\$ 1,250,000	\$ 994,116	79.53%	\$ 411,424
EXCISE	\$ 4,112,861	\$ 2,189,357	53.23%	\$ 3,910,000	\$ 1,839,677	47.05%	\$ 349,680
PENALTIES & INTEREST	\$ 150,000	\$ 38,325	25.55%	\$ 150,000	\$ 43,987	29.32%	\$ (5,662)
<b>TOTAL TAXES</b>	<b>\$ 55,338,359</b>	<b>\$ 28,793,537</b>	<b>52.03%</b>	<b>\$ 54,605,498</b>	<b>\$ 27,917,477</b>	<b>51.13%</b>	<b>\$ 876,060</b>
<b>LICENSES AND PERMITS</b>							
BUSINESS	\$ 166,000	\$ 107,654	64.85%	\$ 169,000	\$ 63,154	37.37%	\$ 44,500
NON-BUSINESS	\$ 392,400	\$ 166,317	42.38%	\$ 409,000	\$ 156,846	38.35%	\$ 9,471
<b>TOTAL LICENSES</b>	<b>\$ 558,400</b>	<b>\$ 273,971</b>	<b>49.06%</b>	<b>\$ 578,000</b>	<b>\$ 220,000</b>	<b>38.06%</b>	<b>\$ 53,971</b>
<b>INTERGOVERNMENTAL ASSISTANCE</b>							
STATE-LOCAL ROAD ASSISTANCE	\$ 400,000	\$ -	0.00%	\$ 400,000	\$ 417,352	104.34%	\$ (417,352)
STATE REVENUE SHARING	\$ 2,708,312	\$ 1,500,190	55.39%	\$ 2,389,669	\$ 1,198,930	50.17%	\$ 301,260
WELFARE REIMBURSEMENT	\$ 90,656	\$ 11,362	12.53%	\$ 94,122	\$ 10,739	11.41%	\$ 623
OTHER STATE AID	\$ 32,000	\$ 10,269	32.09%	\$ 32,000	\$ 10,881	34.00%	\$ (612)
CITY OF LEWISTON	\$ 228,384	\$ 29,877	13.08%	\$ 228,384	\$ -	0.00%	\$ 29,877
<b>TOTAL INTERGOVERNMENTAL ASSISTANCE</b>	<b>\$ 3,459,352</b>	<b>\$ 1,551,698</b>	<b>44.86%</b>	<b>\$ 3,144,175</b>	<b>\$ 1,637,902</b>	<b>52.09%</b>	<b>\$ (86,204)</b>
<b>CHARGE FOR SERVICES</b>							
GENERAL GOVERNMENT	\$ 198,440	\$ 71,262	35.91%	\$ 148,440	\$ 44,360	29.88%	\$ 26,902
PUBLIC SAFETY	\$ 181,600	\$ 33,811	18.62%	\$ 215,600	\$ 52,597	24.40%	\$ (18,786)
EMS TRANSPORT	\$ 1,200,000	\$ 486,364	40.53%	\$ 1,200,000	\$ 453,415	37.78%	\$ 32,949
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 1,580,040</b>	<b>\$ 591,437</b>	<b>37.43%</b>	<b>\$ 1,564,040</b>	<b>\$ 550,372</b>	<b>35.19%</b>	<b>\$ 41,065</b>
<b>FINES</b>							
PARKING TICKETS & MISC FINES	\$ 55,000	\$ 10,069	18.31%	\$ 55,000	\$ 15,339	27.89%	\$ (5,270)
<b>MISCELLANEOUS</b>							
INVESTMENT INCOME	\$ 80,000	\$ 22,949	28.69%	\$ 70,000	\$ 40,915	58.45%	\$ (17,966)
RENTS	\$ 35,000	\$ 26,475	75.64%	\$ 35,000	\$ 10,763	30.75%	\$ 15,712
UNCLASSIFIED	\$ 10,000	\$ 51,081	510.81%	\$ 10,000	\$ 41,431	414.31%	\$ 9,650
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 25,122		\$ -	\$ 24,108		\$ 1,014
SALE OF PROPERTY	\$ 25,000	\$ 67,651	270.61%	\$ 20,000	\$ 17,205	86.03%	\$ 50,446
RECREATION PROGRAMS/ARENA							\$ -
MMWAC HOST FEES	\$ 230,000	\$ 77,065	33.51%	\$ 225,000	\$ 95,950	42.64%	\$ (18,885)
TRANSFER IN: TIF	\$ 1,117,818	\$ -	0.00%	\$ 1,117,818	\$ -	0.00%	\$ -
TRANSFER IN: Other Funds	\$ 578,925	\$ -	0.00%	\$ 566,011	\$ -	0.00%	\$ -
ENERGY EFFICIENCY							\$ -
CDBG	\$ 214,430	\$ -	0.00%	\$ 214,430	\$ -	0.00%	\$ -
UTILITY REIMBURSEMENT	\$ 20,000	\$ 5,554	27.77%	\$ 20,000	\$ 5,536	27.68%	\$ 18
CITY FUND BALANCE CONTRIBUTION	\$ 527,500	\$ -	0.00%	\$ 527,500	\$ -	0.00%	\$ -
<b>TOTAL MISCELLANEOUS</b>	<b>\$ 2,838,673</b>	<b>\$ 275,898</b>	<b>9.72%</b>	<b>\$ 2,805,759</b>	<b>\$ 235,908</b>	<b>8.41%</b>	<b>\$ 39,990</b>
<b>TOTAL GENERAL FUND REVENUES</b>	<b>\$ 63,829,824</b>	<b>\$ 31,496,610</b>	<b>49.34%</b>	<b>\$ 62,752,472</b>	<b>\$ 30,576,998</b>	<b>48.73%</b>	<b>\$ 919,612</b>
<b>SCHOOL REVENUES</b>							
EDUCATION SUBSIDY	\$ 26,217,074	\$ 11,443,274	43.65%	\$ 25,851,656	\$ 11,428,623	44.21%	\$ 14,651
EDUCATION	\$ 717,415	\$ 66,824	9.31%	\$ 711,224	\$ 175,241	24.64%	\$ (108,417)
SCHOOL FUND BALANCE CONTRIBUTION	\$ 970,862	\$ 159,340	16.41%	\$ 877,296	\$ -	0.00%	\$ 159,340
<b>TOTAL SCHOOL</b>	<b>\$ 27,905,351</b>	<b>\$ 11,669,437</b>	<b>41.82%</b>	<b>\$ 27,440,176</b>	<b>\$ 11,603,864</b>	<b>42.29%</b>	<b>\$ 65,573</b>
<b>GRAND TOTAL REVENUES</b>	<b>\$ 91,735,175</b>	<b>\$ 43,166,047</b>	<b>47.06%</b>	<b>\$ 90,192,648</b>	<b>\$ 42,180,862</b>	<b>46.77%</b>	<b>\$ 985,185</b>

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - GENERAL FUND COMPARATIVE**  
**THROUGH November 30, 2020 VS November 30, 2019**

DEPARTMENT	FY 2021 BUDGET	Unaudited EXP THRU NOV 2020	% OF BUDGET	FY 2020 BUDGET	Unaudited EXP THRU NOV 2019	% OF BUDGET	VARIANCE
<b>ADMINISTRATION</b>							
MAYOR AND COUNCIL	\$ 99,000	\$ 31,730	32.05%	\$ 123,137	\$ 40,072	32.54%	\$ (8,342)
CITY MANAGER	\$ 776,095	\$ 267,932	34.52%	\$ 582,119	\$ 227,560	39.09%	\$ 40,372
CITY CLERK	\$ 216,946	\$ 97,990	45.17%	\$ 207,139	\$ 75,723	36.56%	\$ 22,267
FINANCIAL SERVICES	\$ 751,849	\$ 301,764	40.14%	\$ 734,597	\$ 297,974	40.56%	\$ 3,790
HUMAN RESOURCES	\$ 157,057	\$ 61,093	38.90%	\$ 153,182	\$ 60,047	39.20%	\$ 1,046
INFORMATION TECHNOLOGY	\$ 609,260	\$ 388,245	63.72%	\$ 713,729	\$ 451,916	63.32%	\$ (63,671)
<b>TOTAL ADMINISTRATION</b>	<b>\$ 2,610,207</b>	<b>\$ 1,148,754</b>	<b>44.01%</b>	<b>\$ 2,513,903</b>	<b>\$ 1,153,292</b>	<b>45.88%</b>	<b>\$ (4,538)</b>
<b>COMMUNITY SERVICES</b>							
ECONOMIC & COMMUNITY DEVELOPMENT	\$ 1,339,047	\$ 398,007	29.72%	\$ 1,333,724	\$ 459,205	34.43%	\$ (61,198)
HEALTH & SOCIAL SERVICES	\$ 199,282	\$ 48,479	24.33%	\$ 211,371	\$ 61,719	29.20%	\$ (13,240)
RECREATION & SPORTS TOURISM	\$ 520,474	\$ 280,648	53.92%	\$ 448,575	\$ 217,085	48.39%	\$ 63,563
PUBLIC LIBRARY	\$ 1,031,533	\$ 343,844	33.33%	\$ 1,006,217	\$ 345,832	34.37%	\$ (1,988)
<b>TOTAL COMMUNITY SERVICES</b>	<b>\$ 3,090,336</b>	<b>\$ 1,070,978</b>	<b>34.66%</b>	<b>\$ 2,999,887</b>	<b>\$ 1,083,841</b>	<b>36.13%</b>	<b>\$ (12,863)</b>
<b>FISCAL SERVICES</b>							
DEBT SERVICE	\$ 7,577,735	\$ 6,859,092	90.52%	\$ 7,334,690	\$ 6,424,559	87.59%	\$ 434,533
FACILITIES	\$ 667,494	\$ 246,875	36.99%	\$ 667,128	\$ 339,419	50.88%	\$ (92,544)
WORKERS COMPENSATION	\$ 641,910	\$ 641,910	100.00%	\$ 637,910	\$ -	0.00%	\$ 641,910
WAGES & BENEFITS	\$ 6,840,635	\$ 2,685,841	39.26%	\$ 6,797,826	\$ 2,557,817	37.63%	\$ 128,024
EMERGENCY RESERVE (10108062-670000)	\$ 461,230	\$ (2,500)	-0.54%	\$ 445,802	\$ -	0.00%	\$ (2,500)
<b>TOTAL FISCAL SERVICES</b>	<b>\$ 16,189,004</b>	<b>\$ 10,431,218</b>	<b>64.43%</b>	<b>\$ 15,883,356</b>	<b>\$ 9,321,795</b>	<b>58.69%</b>	<b>\$ 1,109,423</b>
<b>PUBLIC SAFETY</b>							
FIRE & EMS DEPARTMENT	\$ 5,302,131	\$ 2,214,600	41.77%	\$ 5,211,262	\$ 2,088,531	40.08%	\$ 126,069
POLICE DEPARTMENT	\$ 4,332,339	\$ 1,712,700	39.53%	\$ 4,275,323	\$ 1,716,968	40.16%	\$ (4,268)
<b>TOTAL PUBLIC SAFETY</b>	<b>\$ 9,634,470</b>	<b>\$ 3,927,300</b>	<b>40.76%</b>	<b>\$ 9,486,585</b>	<b>\$ 3,805,499</b>	<b>40.11%</b>	<b>\$ 121,801</b>
<b>PUBLIC WORKS</b>							
PUBLIC WORKS DEPARTMENT	\$ 4,979,329	\$ 1,694,385	34.03%	\$ 4,836,798	\$ 1,719,876	35.56%	\$ (25,491)
SOLID WASTE DISPOSAL*	\$ 1,051,318	\$ 353,865	33.66%	\$ 1,030,500	\$ 337,417	32.74%	\$ 16,448
WATER AND SEWER	\$ 792,716	\$ 390,602	49.27%	\$ 645,216	\$ 316,358	49.03%	\$ 74,244
<b>TOTAL PUBLIC WORKS</b>	<b>\$ 6,823,363</b>	<b>\$ 2,438,852</b>	<b>35.74%</b>	<b>\$ 6,512,514</b>	<b>\$ 2,373,651</b>	<b>36.45%</b>	<b>\$ 65,201</b>
<b>INTERGOVERNMENTAL PROGRAMS</b>							
AUBURN-LEWISTON AIRPORT	\$ 170,000	\$ 167,110	98.30%	\$ 191,000	\$ 189,014	98.96%	\$ (21,904)
E911 COMMUNICATION CENTER	\$ 1,134,304	\$ 567,151	50.00%	\$ 1,134,304	\$ 556,725	49.08%	\$ 10,426
LATC-PUBLIC TRANSIT	\$ 331,138	\$ -	0.00%	\$ 331,138	\$ 331,138	100.00%	\$ (331,138)
ARTS & CULTURE AUBURN	\$ 10,000	\$ 10,000					
TAX SHARING	\$ 260,000	\$ -	0.00%	\$ 270,000	\$ -	0.00%	\$ -
<b>TOTAL INTERGOVERNMENTAL</b>	<b>\$ 1,905,442</b>	<b>\$ 744,261</b>	<b>39.06%</b>	<b>\$ 1,926,442</b>	<b>\$ 1,076,877</b>	<b>55.90%</b>	<b>\$ (332,616)</b>
<b>COUNTY TAX</b>	<b>\$ 2,629,938</b>	<b>\$ 2,629,938</b>	<b>100.00%</b>	<b>\$ 2,482,721</b>	<b>\$ 2,482,721</b>	<b>100.00%</b>	<b>\$ 147,217</b>
<b>TIF (10108058-580000)</b>	<b>\$ 3,049,803</b>	<b>\$ 2,845,623</b>	<b>93.31%</b>	<b>\$ 3,049,803</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ 2,845,623</b>
<b>OVERLAY</b>	<b>\$ -</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ -</b>		<b>\$ -</b>
<b>TOTAL CITY DEPARTMENTS</b>	<b>\$ 45,932,563</b>	<b>\$ 25,236,924</b>	<b>54.94%</b>	<b>\$ 44,855,211</b>	<b>\$ 21,297,676</b>	<b>47.48%</b>	<b>\$ 3,939,248</b>
<b>EDUCATION DEPARTMENT</b>	<b>\$ 45,802,612</b>	<b>\$ 14,451,881</b>	<b>31.55%</b>	<b>\$ 45,337,437</b>	<b>\$ 14,678,175</b>	<b>32.38%</b>	<b>\$ (226,294)</b>
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$ 91,735,175</b>	<b>\$ 39,688,805</b>	<b>43.26%</b>	<b>\$ 90,192,648</b>	<b>\$ 35,975,851</b>	<b>39.89%</b>	<b>\$ 3,712,954</b>

**CITY OF AUBURN, MAINE  
INVESTMENT SCHEDULE  
AS OF November 30, 2020**

INVESTMENT		FUND	BALANCE November 30, 2020	BALANCE October 31, 2020	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	\$ 6,825,721.95	\$ 2,823,722.00	0.55%
ANDROSCOGGIN BANK	502	SR-TIF	\$ 1,047,333.05	\$ 1,046,859.75	0.55%
ANDROSCOGGIN BANK	836	GENERAL FUND	\$ 5,287,404.57	\$ 2,086,322.24	0.55%
ANDROSCOGGIN BANK	801	WORKERS COMP	\$ 52,320.90	\$ 52,297.27	0.55%
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	\$ 338,289.10	\$ 338,136.25	0.55%
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	\$ 225,877.87	\$ 225,775.79	0.55%
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	\$ 60,802.98	\$ 60,775.51	0.55%
ANDROSCOGGIN BANK		ELHS CONSTRUCTION BAN	\$ 4,942,986.15	\$ 5,139,745.59	0.55%
ANDROSCOGGIN BANK	0627	ST LOUIS BELLS FUNDRAISING	\$ 15,309.14	\$ 15,302.23	0.55%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	1.70%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	1.55%
<b>GRAND TOTAL</b>			<b>\$ 19,796,045.71</b>	<b>\$ 12,788,936.63</b>	<b>0.75%</b>

**EMS BILLING**  
**SUMMARY OF ACTIVITY**  
**July 1, 2020 - June 30, 2021**  
**Report as of November 30, 2020**

	Beginning Balance 11/1/2020	November 2020				Write-Offs	Ending Balance 11/30/2020
		New Charges	Payments	Refunds	Adjustments		
Bluecross	\$ 5,125.02	\$ 17,449.80	\$ (2,149.18)		\$ (8,796.66)		\$ 11,628.98
Medicare	\$ 52,397.85	\$ 157,436.80	\$ (48,322.71)	\$ (123.79)	\$ (52,582.37)		\$ 108,805.78
Medicaid	\$ 36,280.68	\$ 55,812.80	\$ (41,472.51)		\$ (19,494.19)		\$ 31,126.78
Other/Commercial	\$ 78,018.82	\$ 25,139.00	\$ (10,933.47)		\$ (22,797.39)	\$ (14,113.49)	\$ 55,313.47
Patient	\$ 83,597.31	\$ 9,160.00	\$ (4,716.67)	\$ 15.00	\$ 10,498.49		\$ 98,554.13
Worker's Comp	\$ 1,743.40	\$ 717.20	\$ (861.20)				\$ 1,599.40
<b>TOTAL</b>	<b>\$ 257,163.08</b>	<b>\$ 265,715.60</b>	<b>\$ (108,455.74)</b>	<b>\$ (108.79)</b>	<b>\$ (93,172.12)</b>	<b>\$ (14,113.49)</b>	<b>\$ 307,028.54</b>



**EMS BILLING**  
**BREAKDOWN -TOTAL CHARGES**  
**July 1, 2020 - June 30, 2021**  
**Report as of November 30, 2020**

	July 2020	August 2020	Sept 2020	Oct 2020	Nov 2020	Totals	% of Total
Bluecross	\$ 6,396.80	\$ 3,992.80	\$ 5,651.00	\$ 3,597.40	\$ 17,449.80	\$ 37,087.80	3.85%
Medicare	\$ 169,046.60	\$ 95,829.00	\$ 88,468.00	\$ 60,559.60	\$ 157,436.80	\$ 571,340.00	59.30%
Medicaid	\$ 61,560.60	\$ 40,418.20	\$ 40,041.00	\$ 30,492.60	\$ 55,812.80	\$ 228,325.20	23.70%
Other/Commercial	\$ 22,412.60	\$ 12,639.40	\$ 14,347.20	\$ 9,246.40	\$ 25,139.00	\$ 83,784.60	8.70%
Patient	\$ 8,521.20	\$ 10,114.80	\$ 4,012.40	\$ 8,058.40	\$ 9,160.00	\$ 39,866.80	4.14%
Worker's Comp	\$ -		\$ 882.20	\$ 1,542.00	\$ 717.20	\$ 3,141.40	0.33%
<b>TOTAL</b>	\$ 267,937.80	\$ 162,994.20	\$ 153,401.80	\$ 113,496.40	\$ 265,715.60	\$ 963,545.80	100.00%

**EMS BILLING**  
**BREAKDOWN -TOTAL COUNT**  
**July 1, 2020 - June 30, 2021**  
**Report as of November 30, 2020**

	July 2020	August 2020	Sept 2020	Oct 2020	Nov 2020	Totals	% of Total
Bluecross	7	5	7	4	21	44	3.31%
Medicare	215	144	113	77	245	794	59.79%
Medicaid	81	63	52	39	73	308	23.19%
Other/Commercial	33	23	20	12	37	125	9.41%
Patient	11	15	5	10	12	53	3.99%
Worker's Comp	0		1	2	1	4	0.30%
<b>TOTAL</b>	347	250	198	144	389	1328	100.00%

**EMS BILLING  
AGING REPORT  
July 1, 2020 to June 30, 2021  
Report as of November 30, 2020**

	Current		31-60		61-90		91-120		121+ days		Totals							
Bluecross	\$	12,034.76	103%	\$	314.47	3%	\$	-	0%	\$	(270.25)	-2%	\$	11,628.98	3.79%			
Medicare	\$	79,245.00	73%	\$	13,404.40	12%	\$	6,100.20	6%	\$	8,445.80	8%	\$	1,610.38	1%	\$	108,805.78	35.44%
Medicaid	\$	20,419.12	66%	\$	5,228.40	17%	\$	1,839.79	6%	\$	(59.96)	0%	\$	3,699.43	12%	\$	31,126.78	10.14%
Other/Commercial	\$	25,637.53	46%	\$	13,269.86	24%	\$	3,896.05	7%	\$	2,652.01	5%	\$	9,858.02	18%	\$	55,313.47	18.02%
Patient	\$	34,233.57	35%	\$	22,951.04	23%	\$	11,913.08	12%	\$	11,261.47	11%	\$	18,194.97	18%	\$	98,554.13	32.10%
Worker's Comp	\$	1,599.40		\$	-		\$	-		\$	-		\$	-		\$	1,599.40	0.52%
TOTAL	\$	173,169.38		\$	55,168.17		\$	23,749.12		\$	21,849.32		\$	33,092.55		\$	307,028.54	
		56%			18%			8%			7%			11%			100%	100.00%

CITY OF AUBURN  
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES  
As of November 30, 2020

	1902 Riverwatch	1905 Winter Festival	1910 Community Service	1913 Police Fitness Equipment	1914 Oak Hill Cemeteries	1915 Fire Training Building	1917 Wellness Grant	1926 Healthy Androscoggin	1928 Vending	1929 Fire Prevention	1930 211 Fairview	1931 Donations	2003 Byrne JAG		
Fund Balance 7/1/20	\$ 762,516.19	\$ (15,099.19)	\$ 5,928.63	\$ 4,769.53	\$ 33,010.94	\$ (20,657.32)	\$ 3,460.06	\$ 5,362.37	\$ (312.70)	\$ 4,791.12	\$ (566,303.71)	\$ 501.65	\$ 2,808.57		
Revenues FY21			\$ 658.00		\$ 710.19	\$ 21,879.00				\$ 2,500.00					
Expenditures FY21	\$ 145,293.00				\$ 30.00		\$ 2,405.50		\$ 399.05	\$ 2,279.59			\$ 343.94		
Fund Balance 11/30/2020	\$ 617,223.19	\$ (15,099.19)	\$ 6,586.63	\$ 4,769.53	\$ 33,691.13	\$ 1,221.68	\$ 1,054.56	\$ 5,362.37	\$ (711.75)	\$ 5,011.53	\$ (566,303.71)	\$ 501.65	\$ 2,464.63		
	2005 MDOT	2006 PEACE	2008 Homeland Security	2010 State Drug Money	2013 OUI Grant	2014 Speed Grant	2019 Law Enforcement Training	2020 CDBG	2025 Community Cords	2030 Parking	2034 EDUL Underage Drink	2037 Bulletproof Vests	2038 Community Action Team		
Fund Balance 7/1/20	\$ 329,028.27	\$ 1,550.98	\$ (112,903.52)	\$ 1,681.39	\$ 3,066.05	\$ 2,752.59	\$ (10,738.25)	\$ 2,366,559.15	\$ 37,353.66	\$ 2,005.87	\$ (2,685.00)	\$ 9,659.79	\$ 180.00		
Revenues FY21				\$ 10,780.50			\$ 900.00	\$ 340,880.91	\$ 1,806.60	\$ 35,192.00	\$ 4,545.00				
Expenditures FY21			\$ 67,126.81	\$ 2,594.21	\$ 3,000.49	\$ 7,846.04	\$ 600.00	\$ 592,219.24		\$ 69,728.33	\$ 1,100.00				
Fund Balance 11/30/2020	\$ 329,028.27	\$ 1,550.98	\$ (180,030.33)	\$ 9,867.68	\$ 65.56	\$ (5,093.45)	\$ (10,438.25)	\$ 2,115,220.82	\$ 39,160.26	\$ (32,530.46)	\$ 760.00	\$ 9,659.79	\$ 180.00		
	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2045 Forest Management	2050 Project Lifesaver	2051 Project Canopy	2052 Nature Conservancy	2053 St Louis Bells	2054 EMS Transport Capital Reserve	2055 Work4ME- PAL	2056 Lake Auburn Neighborhood	2057 ASPCA Grant	2058 Barker Mills Greenway	2059 Distracted Driving
Fund Balance 7/1/20	\$ 20,536.23	\$ 27,840.99	\$ -	\$ 170,777.82	\$ 4,345.34	\$ 189.35	\$ -	\$ 975.05	\$ 20,984.31	\$ 187,456.89	\$ (13,339.97)	\$ 125.00	\$ 800.00	\$ (2,597.43)	\$ 829.00
Revenues FY21			\$ -	\$ 2,026.64					\$ 7,826.52	\$ 150,679.42					
Expenditures FY21		\$ 1,015.69	\$ 1,410.91	\$ 35,374.36			\$ 290.20		\$ 149.79	\$ 55,874.40	\$ 5,814.35				
Fund Balance 11/30/2020	\$ 20,536.23	\$ 26,825.30	\$ (1,410.91)	\$ 137,430.10	\$ 4,345.34	\$ 189.35	\$ (290.20)	\$ 975.05	\$ 28,661.04	\$ 282,261.91	\$ (19,154.32)	\$ 125.00	\$ 800.00	\$ (2,597.43)	\$ 829.00
	2061 150th Celebration	2062 Employee Store	2064 MDOT Sopers Mill Culvert	2065 State Bi- Centennial Parade	2067 Hometown Herors Banners	2068 Northern Borders Grant	2070 Leadercast	2075 Keeps Maine Healthy	2076 Keeps Maine Healthy II	2077 CTCI Grant	2100 ELHS Fundraising	2201 EDI Grant	2500 Parks & Recreation		
Fund Balance 7/1/20	\$ 1,893.81	\$ 132.69	\$ (26,094.03)	\$ (1,124.00)	\$ 209.00	\$ 210,601.70	\$ (3,500.00)	\$ -	\$ -	\$ -	\$ 1,061,591.57	\$ (1,484,407.18)	\$ 70,269.17		
Revenues FY21			\$ -	\$ -			\$ -			\$ 262,187.00	\$ 139.25		\$ 238,028.88		
Expenditures FY21			\$ 9,298.49	\$ 390.17	\$ -	\$ 18,279.22		\$ 126,246.12	\$ 151,810.43	\$ 107,683.44			\$ 367,825.11		
Fund Balance 11/30/2020	\$ 1,893.81	\$ 132.69	\$ (35,392.52)	\$ (1,514.17)	\$ 209.00	\$ 192,322.48	\$ (3,500.00)	\$ (126,246.12)	\$ (151,810.43)	\$ 154,503.56	\$ 1,061,730.82	\$ (1,484,407.18)	\$ (59,527.06)		
	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	Total Special Revenues	
Fund Balance 7/1/20	\$ (161,839.95)	\$ 192,297.32	\$ (460,436.11)	\$ (388,767.54)	\$ 411,537.25	\$ (763,270.82)	\$ (0.01)	\$ 29,915.23	\$ 1,120.90	\$ 194.75	\$ -	\$ 147.27	\$ -	\$ 1,956,851.72	
Revenues FY21	\$ 201,360.86	\$ 456,315.88	\$ 837,349.00	\$ 172,809.75	\$ 319,924.38	\$ 465,987.95	\$ 30,435.15	\$ 32,531.42	\$ 58,978.38	\$ 49,606.63	\$ 83,937.25	\$ 118,292.78	\$ 190,093.65	\$ 4,098,362.99	
Expenditures FY21			\$ 615,500.23	\$ 220,683.00	\$ 75,182.23	\$ 439,092.00	\$ 15,217.58	\$ 32,578.92	\$ 29,489.19	\$ 12,401.66	\$ 20,984.31	\$ 127,132.98	\$ 166,797.33	\$ 3,531,488.31	
Fund Balance 11/30/2020	\$ 39,520.91	\$ 648,613.20	\$ (238,587.34)	\$ (436,640.79)	\$ 656,279.40	\$ (736,374.87)	\$ 15,217.56	\$ 29,867.73	\$ 30,610.09	\$ 37,399.72	\$ 62,952.94	\$ (8,692.93)	\$ 23,296.32	\$ 2,523,726.40	



## City of Auburn, Maine

Finance Department

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 60 Court Street

Auburn, Maine 04210

207.333.6601

To: Phillip Crowell, City Manager  
From: Jill Eastman, Finance Director  
Re: Financial Reports for November 30, 2020

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 November 30, 2020.

### **INGERSOLL TURF FACILITY**

#### **Statement of Net Assets:**

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of November 30, 2020.

#### **Current Assets:**

As of the end of November 2020 the total current assets of Ingersoll Turf Facility were \$225,776. This consisted of cash and cash equivalents.

#### **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 November 30, 2020 were \$117,249.

#### **Liabilities:**

Ingersoll had no accounts payable as of November 30, 2020.

#### **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 November 2020 are \$21,470. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through November 2020 were \$57,993. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of November 2020, Ingersoll has an operating loss of \$36,523 compared to a net loss in October of \$25,177.

As of November 30, 2020, Ingersoll has an decrease in net assets of \$36,523.

The budget to actual reports for revenue and expenditures, show that the revenue for FY21 compared to FY 20.

**Statement of Net Assets**  
**Ingersoll Turf Facility**  
**November 30, 2020**  
**Business-type Activities - Enterprise Fund**

	Nov 30, 2020	Oct 31, 2020	Increase/ (Decrease)
<b>ASSETS</b>			
Current assets:			
Cash and cash equivalents	\$ 225,776	\$ 225,610	\$ 166
Interfund receivables/payables	\$ -	\$ -	-
Accounts receivable	-	-	-
Total current assets	225,776	225,610	166
Noncurrent assets:			
Capital assets:			
Buildings	672,279	672,279	-
Equipment	119,673	119,673	-
Land improvements	18,584	18,584	-
Less accumulated depreciation	(693,287)	(693,287)	-
Total noncurrent assets	117,249	117,249	-
Total assets	343,025	342,859	166
<b>LIABILITIES</b>			
Accounts payable	\$ -	\$ -	-
Interfund payable	\$ 42,645	\$ 31,133	\$ 11,512
Total liabilities	42,645	31,133	11,512
<b>NET ASSETS</b>			
Invested in capital assets	\$ 117,249	\$ 117,249	-
Unrestricted	\$ 183,131	\$ 194,477	\$ (11,346)
Total net assets	\$ 300,380	\$ 311,726	\$ (11,346)

**CITY OF AUBURN, MAINE**  
**Statement of Revenues, Expenses and Changes in Net Assets**  
**Ingersoll Turf Facility**  
**Business-type Activities - Enterprise Funds**  
**Statement of Activities**  
**November 30, 2020**

	<b>Ingersoll Turf Facility</b>
Operating revenues:	
Charges for services	\$ 21,470
Operating expenses:	
Personnel	51,515
Supplies	-
Utilities	4,410
Repairs and maintenance	543
Rent	
Depreciation	-
Capital expenses	-
Other expenses	1,525
Total operating expenses	57,993
Operating gain (loss)	(36,523)
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	(36,523)
Transfers out	-
Change in net assets	(36,523)
Total net assets, July 1	336,903
Total net assets, November 30, 2020	\$ 300,380

**CITY OF AUBURN, MAINE**  
**REVENUES - INGERSOLL TURF FACILITY**  
Through November 30, 2020 compared to November 30, 2019

REVENUE SOURCE	FY 2021 BUDGET	ACTUAL REVENUES THRU NOV 2020	% OF BUDGET	FY 2020 BUDGET	ACTUAL REVENUES THRU NOV 2019	% OF BUDGET
<b>CHARGE FOR SERVICES</b>						
Sponsorship	\$ 25,000	\$ 6,300	25.20%	\$ 25,000	\$ 6,200	24.80%
Batting Cages	\$ 13,000	\$ 1,245	9.58%	\$ 13,000	\$ 2,510	19.31%
Programs	\$ 90,000	\$ 957	1.06%	\$ 90,000	\$ 34,678	38.53%
Rental Income	\$ 102,000	\$ 12,285	12.04%	\$ 102,000	\$ 30,724	30.12%
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 230,000</b>	<b>\$ 20,787</b>	<b>9.04%</b>	<b>\$ 230,000</b>	<b>\$ 74,112</b>	<b>32.22%</b>
<b>INTEREST ON INVESTMENTS</b>	<b>\$ -</b>	<b>\$ 683</b>		<b>\$ -</b>	<b>\$ 326</b>	
<b>GRAND TOTAL REVENUES</b>	<b>\$ 230,000</b>	<b>\$ 21,470</b>	<b>9.33%</b>	<b>\$ 230,000</b>	<b>\$ 74,438</b>	<b>32.36%</b>

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - INGERSOLL TURF FACILITY**  
Through November 30, 2020 compared to November 30, 2019

DESCRIPTION	ACTUAL			ACTUAL			Difference
	FY 2020 BUDGET	EXPENDITURES THRU NOV 2020	% OF BUDGET	FY 2019 BUDGET	EXPENDITURES THRU NOV 2019	% OF BUDGET	
Salaries & Benefits	\$ 187,546	\$ 51,515	27.47%	\$ 149,331	\$ 25,484	17.07%	\$ 26,031
Purchased Services	\$ 14,450	\$ 2,068	14.31%	\$ 18,160	\$ 2,008	11.06%	\$ 60
Programs	\$ 18,500	\$ -	0.00%	\$ 17,000	\$ 2,333	13.72%	\$ (2,333)
Supplies	\$ 4,000	\$ -	0.00%	\$ 4,900	\$ 204	4.16%	\$ (204)
Utilities	\$ 25,650	\$ 4,410	17.19%	\$ 25,100	\$ 3,778	15.05%	\$ 632
Insurance Premiums	\$ -	\$ -		\$ -	\$ -		\$ -
Depreciation	\$ -	\$ -		\$ -	\$ -		
Capital Outlay	\$ -	\$ -		\$ 11,000	\$ -	0.00%	\$ -
	<b>\$ 250,146</b>	<b>\$ 57,993</b>	<b>23.18%</b>	<b>\$ 225,491</b>	<b>\$ 33,807</b>	<b>14.99%</b>	<b>\$ 24,186</b>
<b>GRAND TOTAL EXPENDITURES</b>	<b>\$ 250,146</b>	<b>\$ 57,993</b>	<b>23.18%</b>	<b>\$ 225,491</b>	<b>\$ 33,807</b>	<b>14.99%</b>	<b>\$ 24,186</b>





## City of Auburn, Maine

Finance Department

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 60 Court Street

Auburn, Maine 04210

207.333.6601

To: Phillip Crowell, City Manager

From: Jill Eastman, Finance Director

Re: Arena Financial Reports for November 30, 2020

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 November 30, 2020.

### **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, October 31, 2020.

#### **Current Assets:**

As of the end of November 2020 the total current assets of Norway Savings Bank Arena were (\$1,558,236). These consisted of cash and cash equivalents of \$241,497, accounts receivable of \$84,799, and an interfund payable of \$1,884,532.

#### **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 November 30, 2020 was \$244,326.

#### **Liabilities:**

Norway Arena had no accounts payable as of November 30, 2020.

#### **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 November 2020 are \$259,941. 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 November 2020 were \$275,096. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of November 2020, Norway Arena had an operating loss of \$15,155.

As of November 30, 2020 Norway Arena has a decrease in net assets of \$15,155

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY21 is \$104,343 less than in FY20 and expenditures in FY21 are \$14,214 more than last year in November.

**CITY OF AUBURN, MAINE**  
**Statement of Net Assets**  
**Norway Savings Bank Arena**  
**November 30, 2020**  
**Business-type Activities - Enterprise Fund**

	November 30, 2020	October 31, 2020	Increase/ (Decrease)
<b>ASSETS</b>			
Current assets:			
Cash and cash equivalents	\$ 241,497	\$ 238,873	\$ 2,624
Interfund receivables	\$ (1,884,532)	\$ (1,895,571)	\$ 11,039
Prepaid Rent			\$ -
Accounts receivable	84,799	110,289	\$ (25,490)
Total current assets	(1,558,236)	(1,546,409)	(11,827)
Noncurrent assets:			
Capital assets:			
Buildings	58,223	58,223	-
Equipment	514,999	514,999	-
Land improvements	-	-	-
Less accumulated depreciation	(328,896)	(328,896)	-
Total noncurrent assets	244,326	244,326	-
Total assets	(1,313,910)	(1,302,083)	(11,827)
<b>LIABILITIES</b>			
Accounts payable	\$ -	\$ 668	\$ (668)
Net OPEB liability	\$ 44,026	\$ 44,026	-
Net pension liability	60,901	60,901	-
Total liabilities	104,927	105,595	(668)
<b>NET ASSETS</b>			
Invested in capital assets	\$ 244,326	\$ 244,326	-
Unrestricted	\$ (1,663,163)	\$ (1,652,004)	\$ (11,159)
Total net assets	\$ (1,418,837)	\$ (1,407,678)	\$ (11,159)

**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**  
**November 30, 2020**

	<b>Norway Savings Arena</b>
Operating revenues:	
Charges for services	\$ 259,941
Operating expenses:	
Personnel	\$ 118,204
Supplies	\$ 32,961
Utilities	\$ 97,023
Repairs and maintenance	\$ 7,994
Insurance Premium	
Depreciation	
Capital expenses	
Other expenses	18,914
Total operating expenses	275,096
Operating gain (loss)	(15,155)
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	(15,155)
Transfers out	-
Change in net assets	(15,155)
Total net assets, July 1	(1,403,682)
<b>Total net assets, November 30, 2020</b>	<b>\$ (1,418,837)</b>

**CITY OF AUBURN, MAINE**  
**REVENUES - NORWAY SAVINGS BANK ARENA**  
Through November 30, 2020 compared to November 30, 2019

REVENUE SOURCE	FY 2021 BUDGET	ACTUAL REVENUES THRU NOV 2020	% OF BUDGET	FY 2020 BUDGET	ACTUAL REVENUES THRU NOV 2019	% OF BUDGET	VARIANCE
<b>CHARGE FOR SERVICES</b>							
Concussions	\$ 16,500	\$ -	0.00%	\$ 16,500	\$ 6,000	36.36%	\$ (6,000)
Skate Rentals	\$ 7,500	\$ -	0.00%	\$ 7,500	\$ -	0.00%	\$ -
Pepsi Vending Machines	\$ 3,000	\$ -	0.00%	\$ 3,000	\$ 191	6.37%	\$ (191)
Games Vending Machines	\$ 3,000	\$ -	0.00%	\$ 3,000	\$ 284	9.47%	\$ (284)
Vending Food	\$ 3,000	\$ 5	0.17%	\$ 3,000	\$ 204	6.80%	\$ (199)
Sponsorships	\$ 230,000	\$ 79,950	34.76%	\$ 230,000	\$ 90,550	39.37%	\$ (10,600)
Pro Shop	\$ 7,000	\$ 1,053	15.04%	\$ 7,000	\$ 981	14.01%	\$ 72
Programs	\$ 27,500	\$ -	0.00%	\$ 27,500	\$ -	0.00%	\$ -
Rental Income	\$ 744,000	\$ 165,473	22.24%	\$ 744,000	\$ 255,794	34.38%	\$ (90,321)
Camps/Clinics	\$ 50,000	\$ 13,460	26.92%	\$ 50,000	\$ 6,780	13.56%	\$ 6,680
Tournaments	\$ 55,000	\$ -	0.00%	\$ 55,000	\$ 3,500	6.36%	\$ (3,500)
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 1,146,500</b>	<b>\$ 259,941</b>	<b>22.67%</b>	<b>\$ 1,146,500</b>	<b>\$ 364,284</b>	<b>31.77%</b>	<b>\$ (104,343)</b>

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - NORWAY SAVINGS BANK ARENA**  
Through November 30, 2020 compared to November 30 , 2019

DESCRIPTION	ACTUAL			ACTUAL			VARIANCE
	FY 2021 BUDGET	EXPENDITURES THRU NOV 2020	% OF BUDGET	FY 2020 BUDGET	EXPENDITURES THRU NOV 2019	% OF BUDGET	
Salaries & Benefits	\$ 328,913	\$ 118,204	35.94%	\$ 347,736	\$ 117,174	33.70%	\$ 1,030
Purchased Services	\$ 120,000	\$ 26,908	22.42%	\$ 49,500	\$ 23,857	48.20%	\$ 3,051
Supplies	\$ 83,000	\$ 32,961	39.71%	\$ 68,150	\$ 35,596	52.23%	\$ (2,635)
Utilities	\$ 244,650	\$ 97,023	39.66%	\$ 238,000	\$ 84,255	35.40%	\$ 12,768
Capital Outlay	\$ 50,000	\$ -	0.00%	\$ 15,000	\$ -	0.00%	\$ -
Rent		\$ -		\$ -	\$ -		\$ -
	<b>\$ 826,563</b>	<b>\$ 275,096</b>	<b>33.28%</b>	<b>\$ 718,386</b>	<b>\$ 260,882</b>	<b>36.32%</b>	<b>\$ 14,214</b>
<b>GRAND TOTAL EXPENDITURES</b>	<b>\$ 826,563</b>	<b>\$ 275,096</b>	<b>33.28%</b>	<b>\$ 718,386</b>	<b>\$ 260,882</b>	<b>36.32%</b>	<b>\$ 14,214</b>



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 21, 2020

**Subject:** Executive Session

**Information:** Personnel matter, pursuant to 1 M.R.S.A. Section 405(6) (A).

**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.