



City Council Meeting and Workshop

August 18, 2014

Agenda

5:30 P.M. Workshop

- A. Tax Acquired Property – Eric Cousens (20 minutes)
- B. Board and Committee Appointment Process – Sue Clements-Dallaire (15 minutes)
- C. Zone change proposal (Taylor Pond) – Doug Greene (15 minutes)
- D. Executive Session: Discussion regarding economic development, pursuant to 1 M.R.S.A. Section 405(6)(C).
- E. Airport Hanger – Rick Lanman
Item E will be presented under Communications, Presentations, and Recognitions during the meeting if there is insufficient time during the Workshop.

7:00 P.M. City Council Meeting

Roll call votes will begin with Councilor Young.

Pledge of Allegiance

- I. **Consent Items** – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.
- II. **Minutes** – August 4, 2014 Regular Council Meeting
- III. **Reports**
 - Mayor's Report
 - City Councilors' Reports
 - City Manager Report
 - Morris Auto Parts/Auto Graveyard-Junkyard License Renewals
 - Special Event Committee
 - Finance Director, Jill Eastman - July 2014 Monthly Finance Report
- IV. **Communications, Presentations and Recognitions**
- V. **Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*. Time limit for open sessions, by ordinance, is 45 minutes.
- VI. **Unfinished Business**
 - 1. **Order 61-07072014**
Authorizing issuance of General Obligation Bonds and a tax levy therefore. Second reading. *Passage requires an affirmative vote of 5 Councilors.*

Auburn City Council Meeting & Workshop

August 18, 2014

2. Ordinance 05-08042014

Adopting the new General Assistance Maximums. Second reading.

VII. New Business

3. Order 68-08182014

Approving the request for a liquor license for Xin Fa, Inc., DBA Tin Tin Buffet located at 120 Center Street.

4. Ordinance 06-08182014

Adopting the most current edition of the National Electrical Code NFPA 70-2014. First reading.

5. Order 69-08182014

Establishing the property tax payment due dates and to establish the property tax delinquency and overpayment interest rates for Fiscal Year 2014-2015.

VIII. Executive Session

- B. Discussion regarding labor negotiations (Public Services), pursuant to 1 M.R.S.A. Section 405(6)(D).
- C. Discussion regarding economic development, pursuant to 1 M.R.S.A. Section 405(6)(C).
- D. Discussion regarding a legal matter, pursuant to 1 M.R.S.A. Section 405(6)(E).

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

X. Adjournment

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

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: August 18, 2014

Item A

Author: Eric Cousens, Deputy Director of Permitting and Development

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan **Work Plan** **Budget** **Ordinance/Charter** **Other Business*** **Council Goals****

**If Council Goals please specify type: *Safety* *Economic Development* *Citizen Engagement*

Subject: Tax Acquired Property Committee Recommendations

Information: The Tax acquired property committee has reviewed tax acquired properties and formed a recommendation on each for the City Council. The Council reviewed them and asked for additional information at the July 7 Workshop.

Financial: Return property to the tax rolls and collect sale proceeds to pay owed taxes and fees.

Action Requested at this Meeting: Review the list and accept staff recommendations with Council changes identified in the staff report. Staff can then prepare for action at an upcoming meeting.

Previous Meetings and History: Policy adopted July 6, 2009. July 7, 2014 Workshop.

Attachments: Staff Report with CC questions and answers, Tax Acquired Property Summary Spreadsheet, Tax Acquired Property Maps, Tax Acquired Policy Adoption.

**Agenda items are not limited to these categories.*

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Clinton Deschene, City Manager and Auburn Mayor and City Council

From: Eric J. Cousens, Deputy Director of Planning and Development

Re: Tax Acquired Property Review August 2014

Date: August 13, 2014

At the July 7, 2014 the Council asked for additional information on tax acquired property and suggested some modifications to staff's recommendations. The following is intended to provide all of the information requested and note the deviations from staff's recommendations or additional preferences of the Council identified at the last meeting. If the Council wishes to move the sales forward for April 1st of next year we need a consensus that the Staff TAP Committee recommendations provided at the last meeting and modified based on Council input (shown below) is acceptable to the Council for action at an upcoming meeting. Staff is hopeful that we have addressed the concerns and this can be scheduled for action.

1. Location Maps – Maps showing the parcels and at least two nearby streets for reference to the surrounding area are attached for the Council.
2. 160/164 Chicoine Avenue –
Q: Should the City reserve the rights for wetland enhancement/mitigation credits on these parcels?
Staff Recommendation: This is an option, however, the parcels total less than a quarter acre in area and do not have much value for mitigation or other uses. Reserving this right and preventing any development would reduce the value of the land even further. Council should tell staff if they wish to retain the parcels or retain wetland mitigation rights. Otherwise, go with staff recommendation and market for sale.
395 Court Street – Council would like to see rehab to preserve property value. If the Council approves the sale, we will note that rehab proposals will be viewed favorably.
3. 72 Gill Street - Council would like to see rehab to preserve property value. If the Council approves the sale, we will note that rehab proposals will be viewed favorably.
4. 77 Gill - Council would like to see rehab to preserve property value. If the Council approves the sale, we will note that rehab proposals will be viewed favorably.
5. 0 Hackett PID (159-014) – CC Crowley and Mayor LaBonte indicated a desire to hold this parcel until surrounding area development plans and utility access plans mature. Consistent with Staff recommendation to hold.
6. 0 Hatch Road (PID 213-008) – Sell. Market the property including potential timber and gem mining value.
7. Linden Street (PID 249-157-001) - Sell but retain public easement off of the end of Linden Street so future access to the abutting parcel is preserved.
8. 10 Lucille – Vacant Land. Market for sale and give preference to buyers with development plans, especially plans for owner occupancy. While advertising the lots it

should be noted that offers from speculative buyers without short term development plans may be declined and development requirements within 5 years may be a condition of sale.

9. 73 Paul - Vacant Land. Market for sale and give preference to buyers with development plans, especially plans for owner occupancy. While advertising the lots it should be noted that offers from speculative buyers without short term development plans may be declined and development requirements within 5 years may be a condition of sale.
10. 1539 Perkins Ridge – This legally existing home is thought to have been built around 1800. The Council indicated that it should be marketed with preference for rehabilitation, additions or allow time for a buyer to pursue replacement permitting to increase taxable value. There is precedent for legally existing homes in the AG/RP zone to be replaced and the scarcity of new home opportunities in this desirable rural area is likely to increase value. The Council asked for abutting property owner names and staff found the following based on tax records: to the NE, Wanda Sprague in a single family home, owner occupied and to the south, Lost Valley Inc. Sale of this parcel to Lost Valley might allow for their lot size to be increased and may be a unique opportunity to replace a home on a larger, conforming parcel.
11. 153 Poland – Staff recommended holding this parcel until the owner could consider options to stay in the home. The owner is pursuing financing options to regain ownership of the home and staff recommends that we allow 30-60 days for updated progress towards that end.
12. 1863 Pownal – The abutter has expressed an interest to purchase the parcel. Their intent is to eventually establish a shooting range on the back land and they would like to resolve the lot size violation. If the Council wishes to see other uses, preference can be given to any other offers.
13. 207 Riverside is not available for sale. Based on Council input, staff will contact the owner and see if they have an interest in reducing the tax liability on their home by transferring the riverfront parcel to the City.
14. 61 Webster – The abutter would like to purchase it. Market for sale and give preference to buyers with development plans, especially plans for owner occupancy. While advertising the lots it should be noted that offers from speculative buyers without short term development plans may be declined and development requirements within 5 years may be a condition of sale. If there are no offers for development the Council will need to decide if they want to accept any offers on the table at that time.
15. 0 Witham Road (160-010) The lot should be combined with the abutting parcel to make it conforming. In this case preference should be given to an abutter if the lot is to be sold.
16. Council has clearly indicated that maximizing assessed value is important and preference will be given to immediate development plans on some parcels as noted above. If we give preference to development plans, the Council will need to acknowledge that minimum bids of less than 50% of assessed value (minimum from TAP) may need to be considered.

Staff will be available at the workshop to answer any further questions. Alternatively, if the Council wishes to get into the details on each parcel before they are listed for sale to determine what offers will materialize, we could split them into groups to workshop over time at 2-3 per night or schedule a special workshop for a detailed discussion.

PROP LOC NO	PROP STREET	FEES TAXES DUE (6.18.14)	PROP DESC	ACRES	SF	ASS VAL BLDG	ASS VAL LAND	TOTAL VAL	ZONE	USE	50% Assessed Value	
160	CHICOINE AV	2,714.80	LAND	0.110	4,791		\$ 17,800	\$ 17,800	UR/FP/SZ	V/Wet	\$ 8,900.0	
164	CHICOINE AV	2,709.21	LAND	0.110	4,791		\$ 17,800	\$ 17,800	UR/FP/SZ	V/Wet	\$ 8,900.0	
23	CLEVELAND AV	12,115.43	LAND & BUILDING	0.230	10,018	\$ 105,800	\$ 31,200	\$ 137,000	UR	2FD	\$ 68,500.0	
395	COURT ST	10,221.91	LAND & BUILDING	0.090	3,920	\$ 99,500	\$ 17,600	\$ 117,100	UR	SFD/ Illegal 2FD	\$ 58,550.0	
19	GAGE LN	709.59	BUILDING	0.000	0				SR	MOHO	\$ -	
0 (225-003)	GARFIELD RD	714.35	LAND	0.640	27,878		\$ 3,700	\$ 3,700	AG	V	\$ 1,850.0	
72	GILL ST	8,354.70	LAND & BUILDING	0.110	4,791	\$ 72,400	\$ 21,500	\$ 93,900	MFU	SFD	\$ 46,950.0	
77	GILL ST	4,255.65	LAND & BUILDING	0.030	1,306	\$ 54,000	\$ 5,900	\$ 59,900	MFU	SFD	\$ 29,950.0	
0 (159-014)	HACKETT RD	6,907.03	LAND	6.950	0		\$ 102,400	\$ 102,400	ID	V Corner	\$ 51,200.0	
0 (213-008)	HATCH RD	501.82	LAND	2.630	114,562		\$ 2,100	\$ 2,100	AG	V	\$ 1,050.0	
7	LEXIS LN	538.71	BUILDING	0.000	0	\$ 3,500		\$ 3,500		MOHO	\$ 1,750.0	
0 (249-157-001)	LINDEN ST	523.11	LAND	0.250	10,890		\$ 3,400	\$ 3,400	UR	V- Legal Lot?	\$ 1,700.0	
10	LUCILLE ST	DEMOLISHED	LAND	0.230	10,018		\$ 31,200	\$ 31,200	UR	V	\$ 15,600.0	
73	PAUL ST	DEMOLISHED	LAND	0.230	10,018		\$ 31,200	\$ 31,200	UR	V	\$ 15,600.0	
1539	PERKINS RIDGE RD	11,300.78	LAND & BUILDING	0.630	27,442	\$ 54,800	\$ 55,000	\$ 109,800	AG	SFD	\$ 54,900.0	
153	POLAND RD	13,884.60	LAND & BUILDING	0.240	10,454	\$ 72,300	\$ 31,300	\$ 103,600	UR	SFD	\$ 51,800.0	
1863	POWNAL RD	40,354.85	LAND & BUILDING	8.900	0	\$ 319,300	\$ 46,800	\$ 466,100	AG	SFD- Illegal Lot No Permits	\$ 233,050.0	
61	WEBSTER ST	DEMOLISHED	LAND	0.090	3,920	\$ -	\$ 14,600	\$ 14,600		DEMOLISHED	\$ 7,300.0	
68	WEST DARTMOUTH ST	6,594.96	LAND & BUILDING	0.230	10,018	\$ 62,500	\$ 26,000	\$ 89,900	UR	SFD	\$ 44,950.0	
0 (160-010)	WITHAM RD	911.8	LAND	5.910	0		\$ 9,300	\$ 9,300	LDCR	V	\$ 4,650.0	
						\$ 1,361,500	\$ 640,100	\$ 2,203,300			\$ 1,101,650.0	
		COLR KEY										
		Hold - Could be temporary or long term for municipal purposes/plans										
		Sell - Tax Acquired Policy Committee recommends that the Council sell the parcel										

23 Cleveland - Vacant



395 Court – Occupied



72 Gill-Occupied



77 Gill- Occupied



2308 Hotel-Appears Occupied



7 Lexis - Vacant



1539 Perkins Ridge Road-Appears Occupied



1863 Pownal Road-Occupied



1863 Pownal Barns

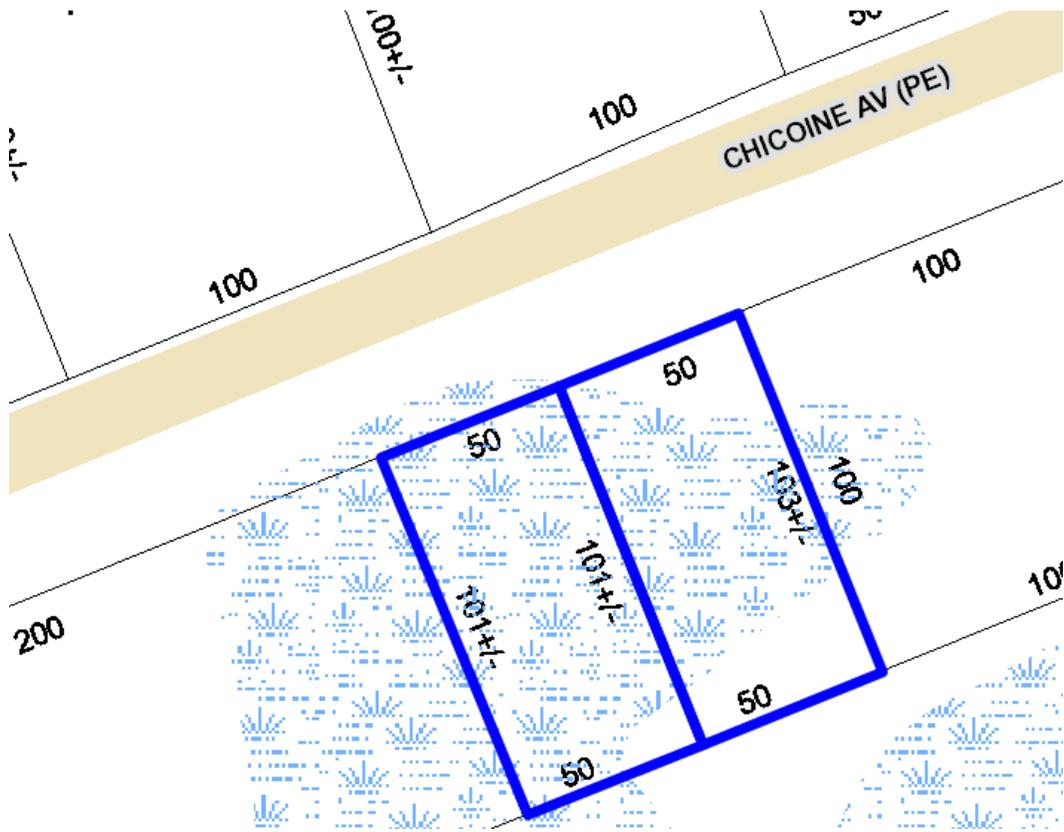


68 West Dartmouth



Tax acquired property list (Map below address)

160 and 164 Chicoine

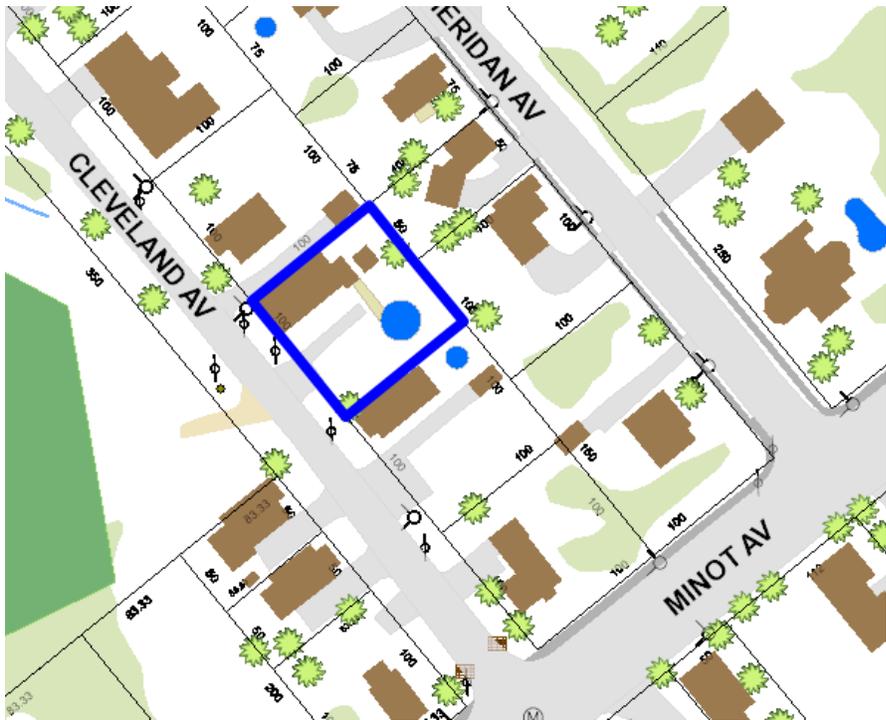


160 and 164 Chicoine (location)

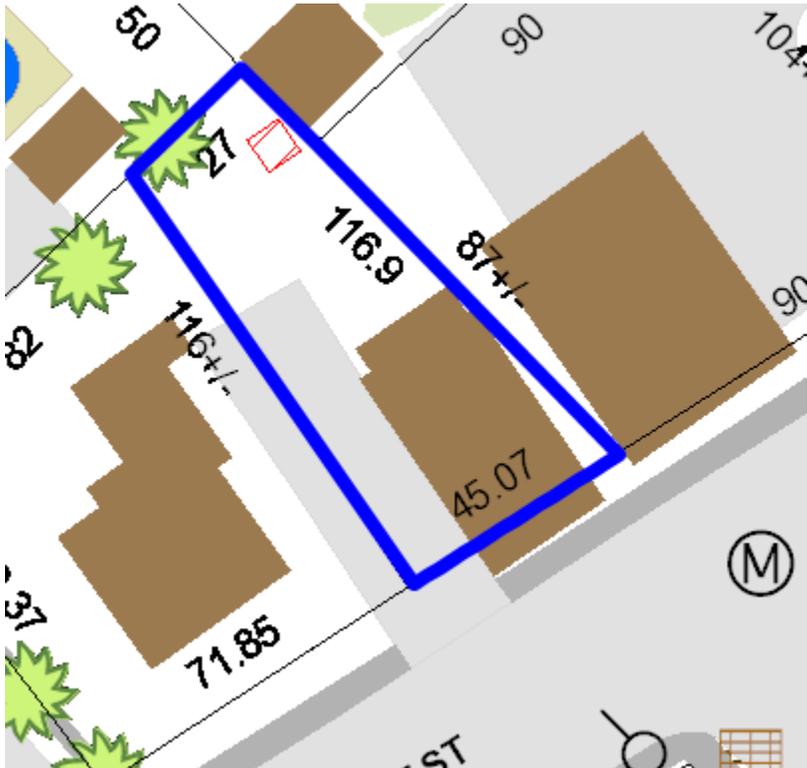


Tax acquired property list (Map below address)

23 Cleveland



395 Court Street

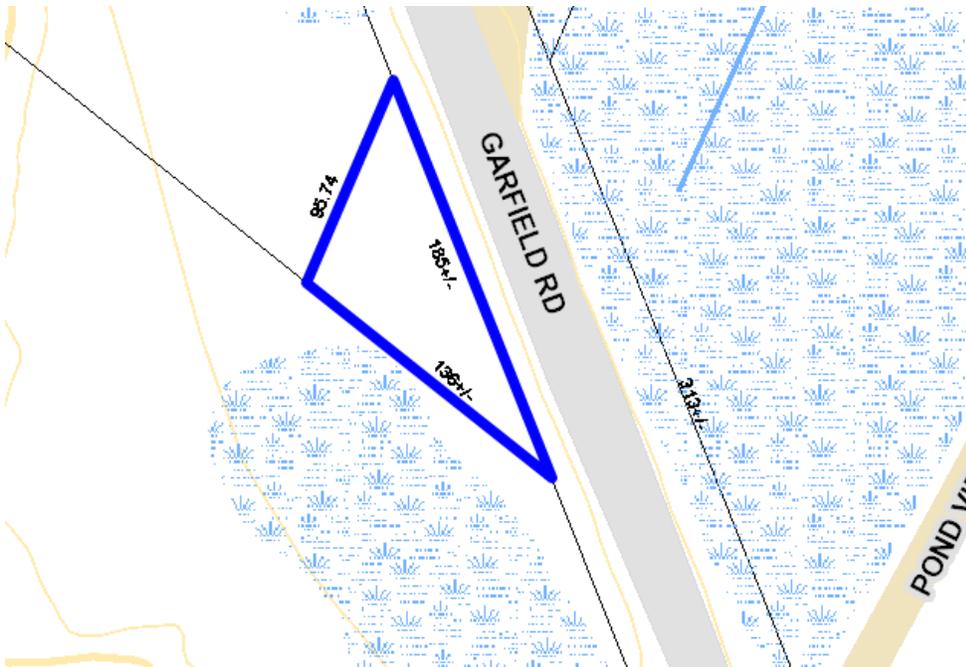


Tax acquired property list (Map below address)

395 Court Street (location)

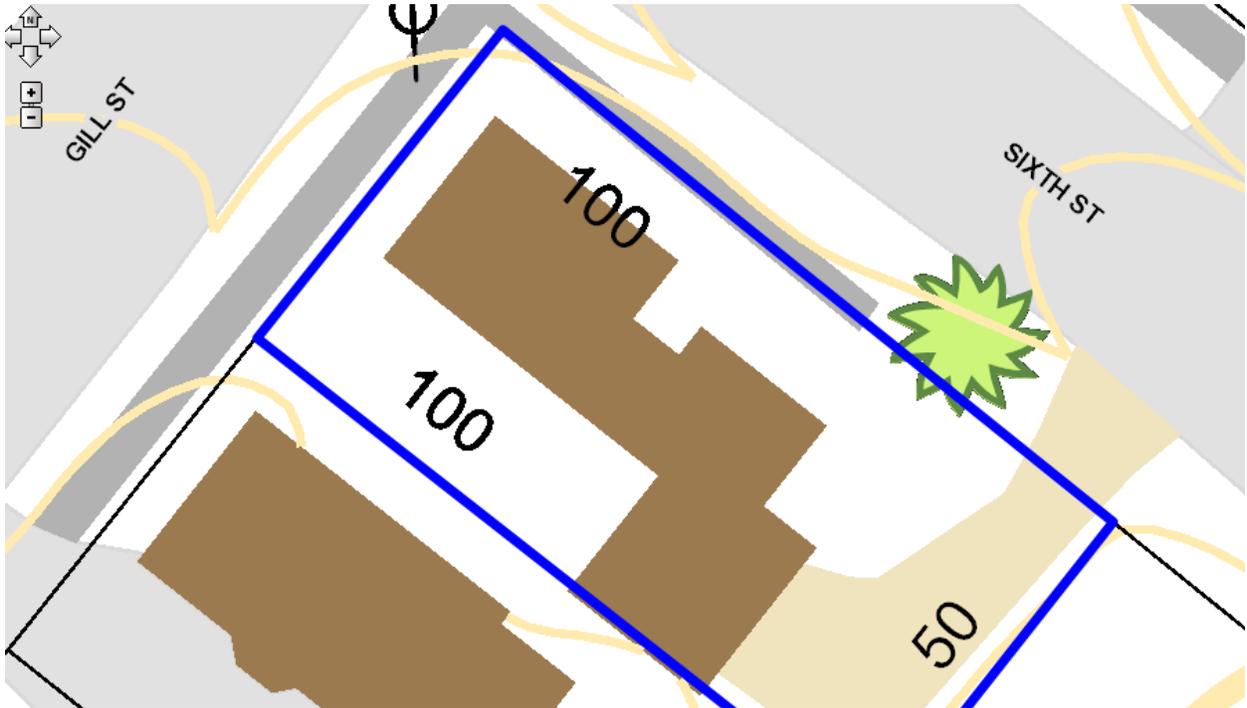


0 Garfield (PID-225-003)



Tax acquired property list (Map below address)

72 Gill

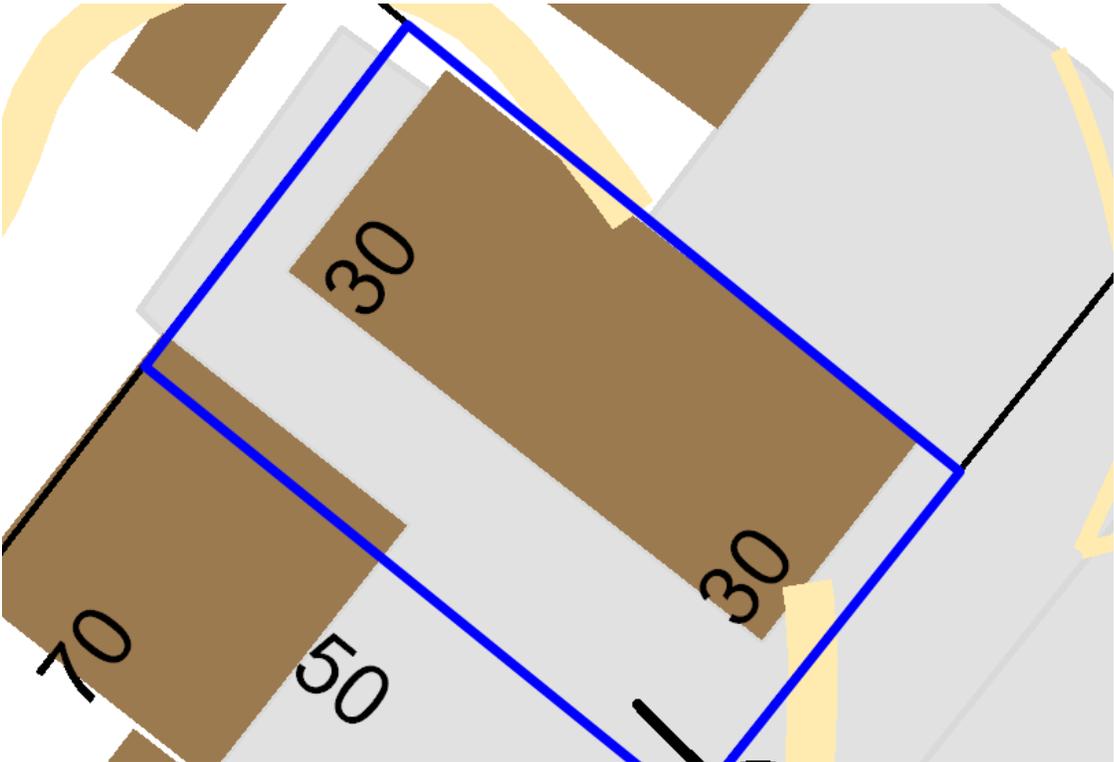


72 Gill (location)



Tax acquired property list (Map below address)

77 Gill

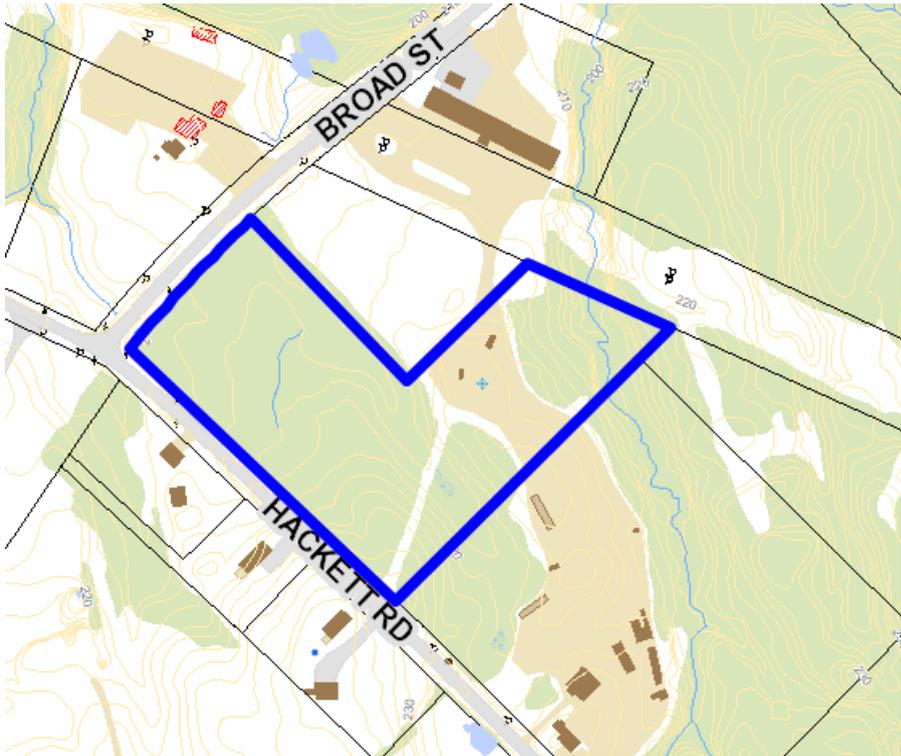


77 Gill (location)



Tax acquired property list (Map below address)

0 Hackett (PID 159-014)

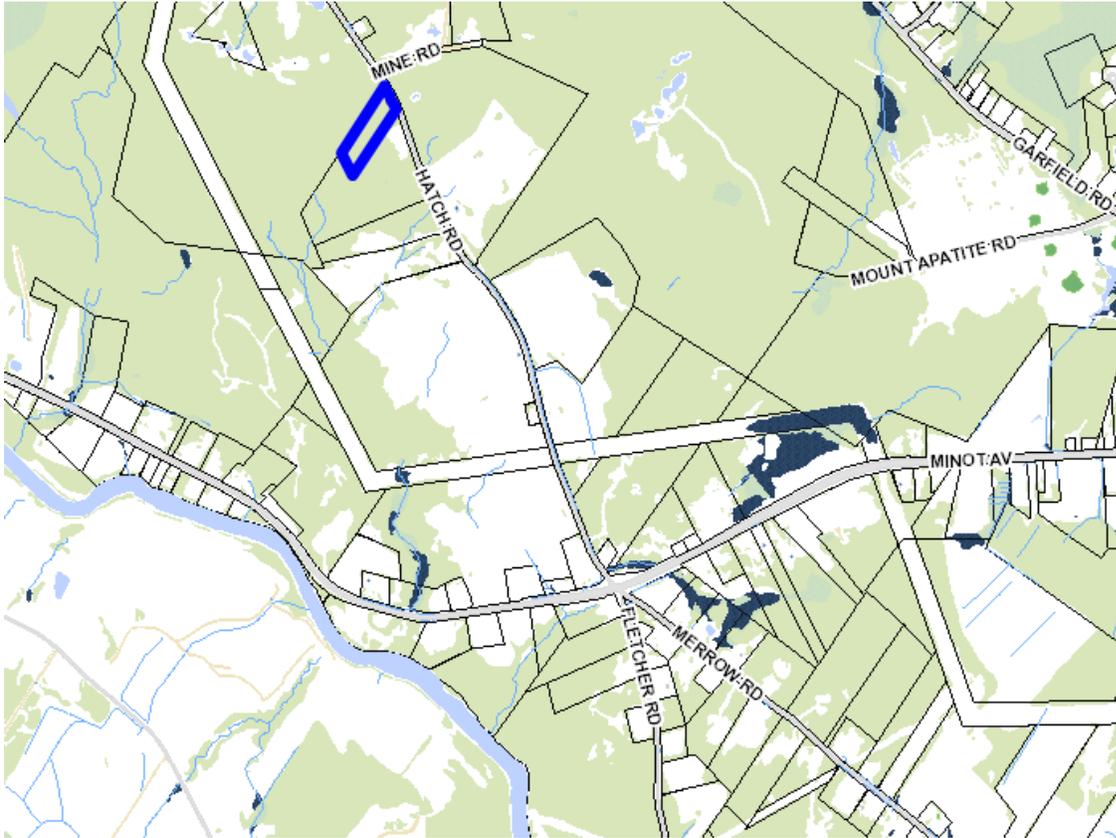


0 Hatch Road (PID 213-008)

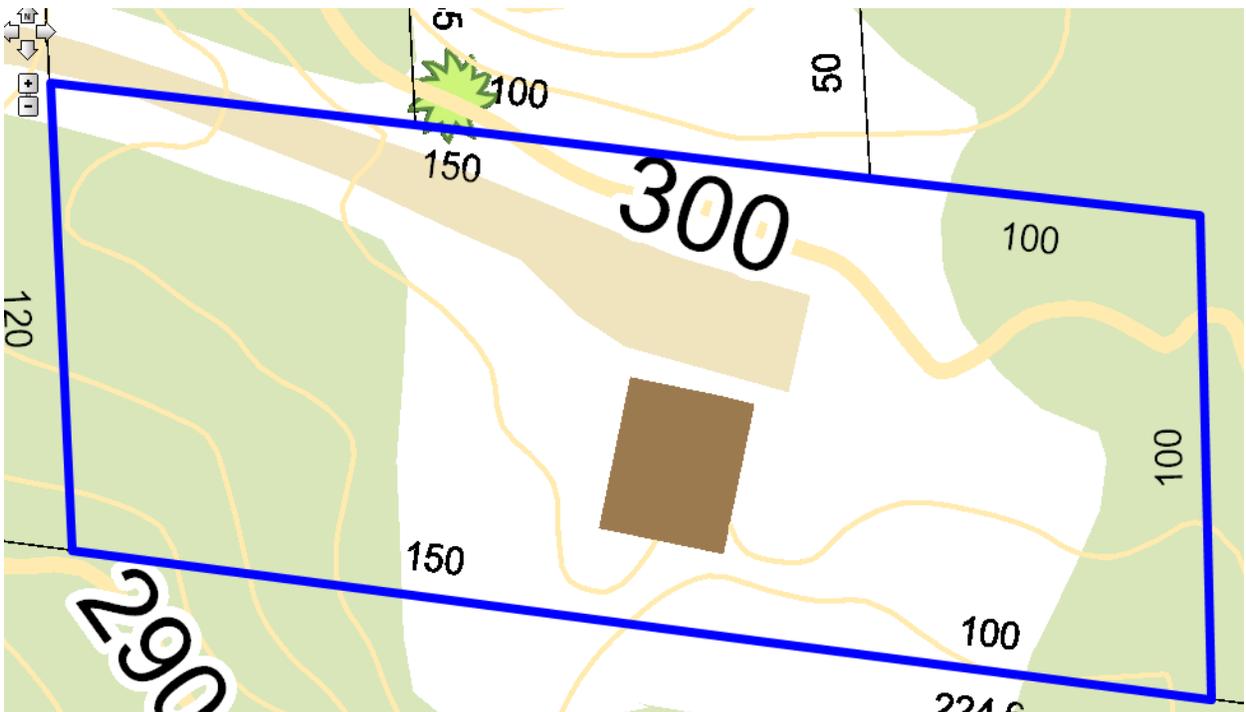


Tax acquired property list (Map below address)

0 Hatch Road (PID 213-008) (location)

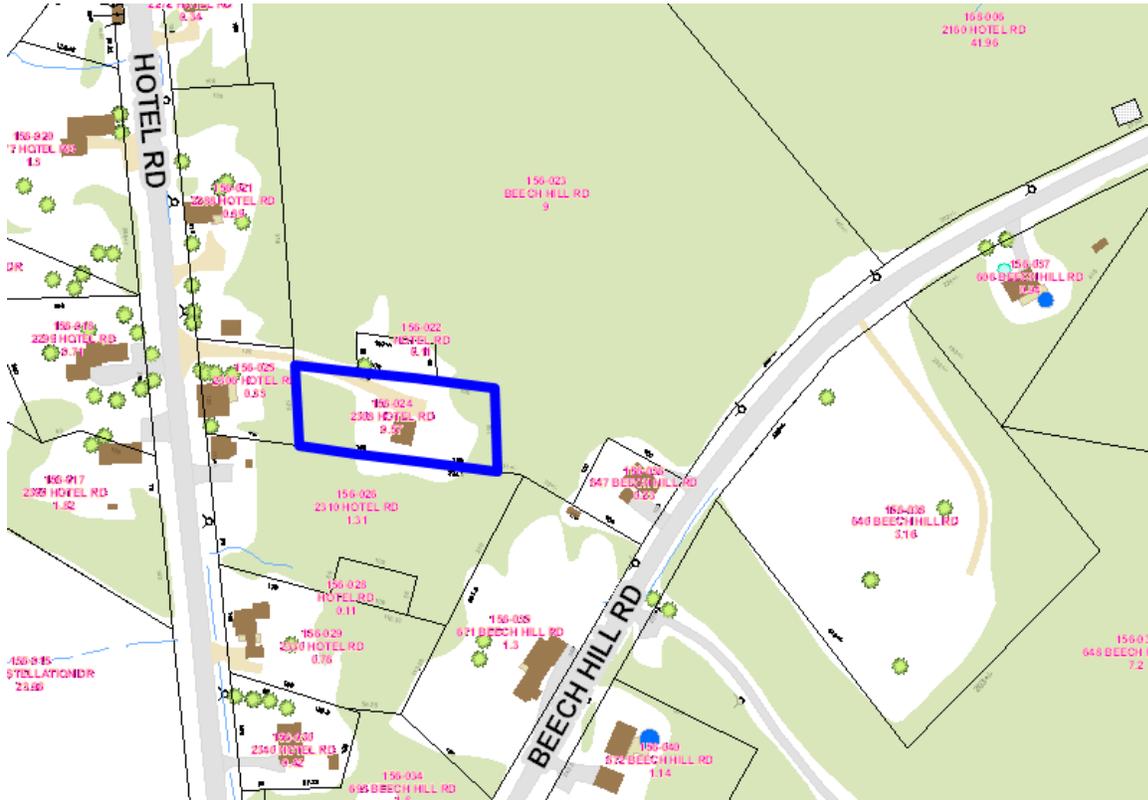


2308 Hotel Road

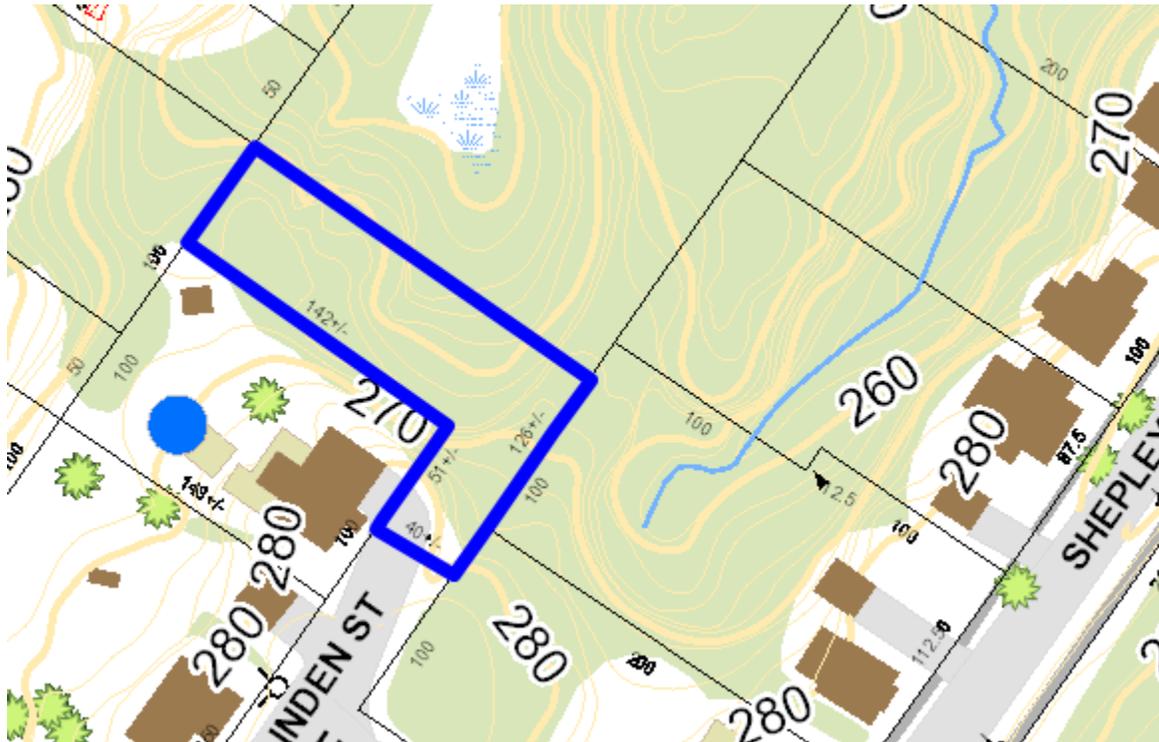


Tax acquired property list (Map below address)

2308 Hotel Road (location)

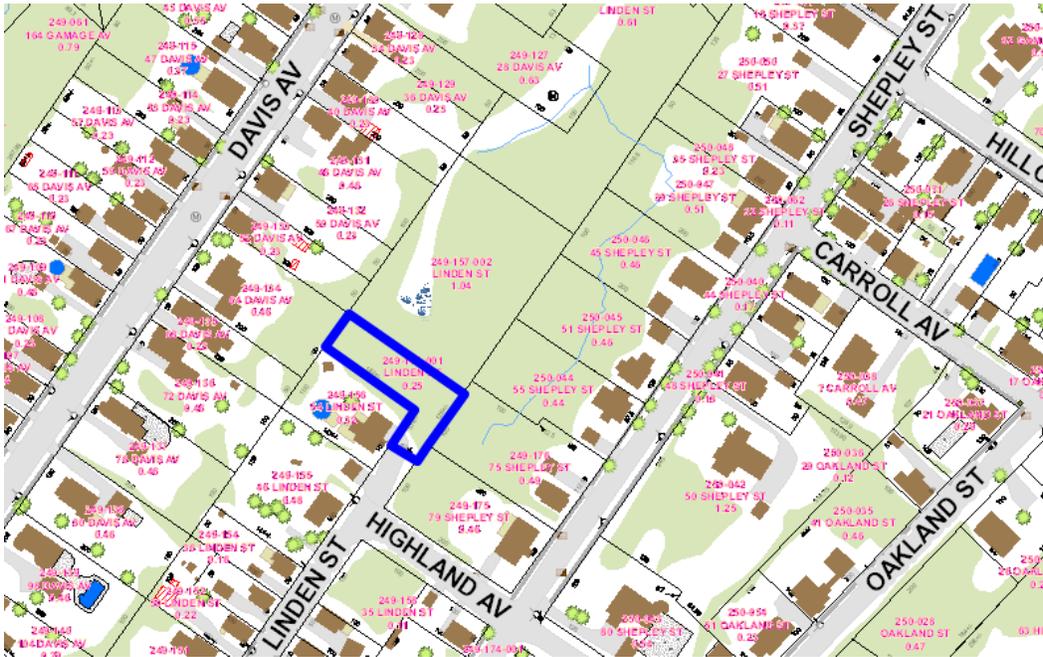


0 Linden (PID 249-157-001)

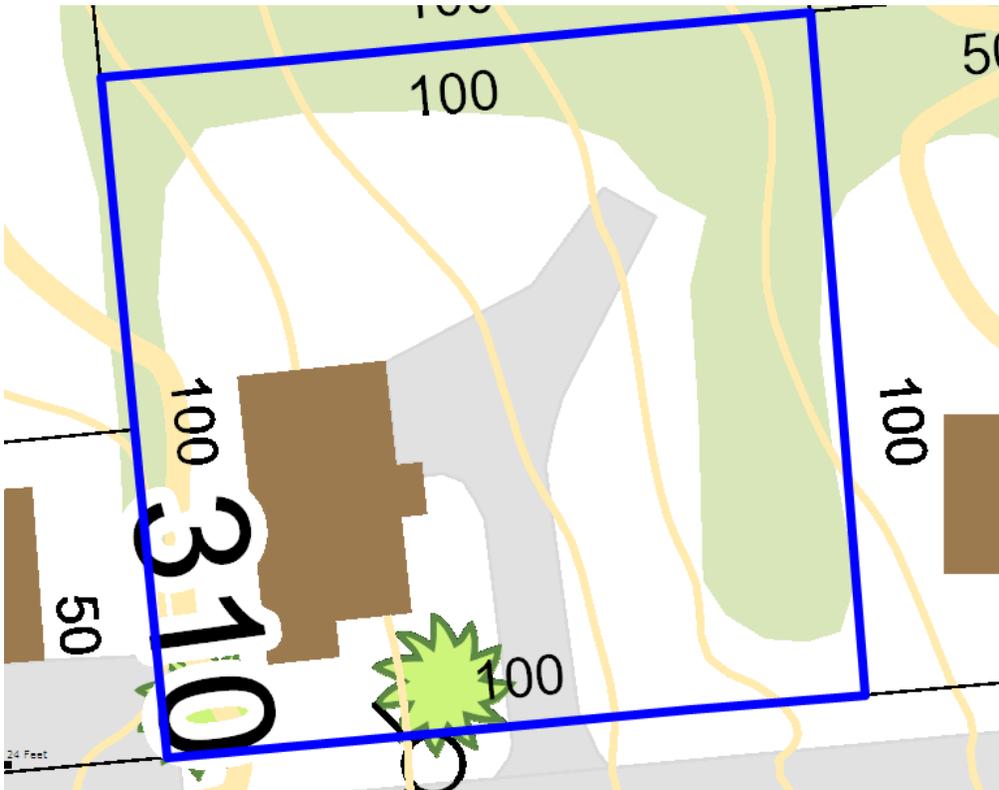


Tax acquired property list (Map below address)

0 Linden (PID 249-157-001) (location)

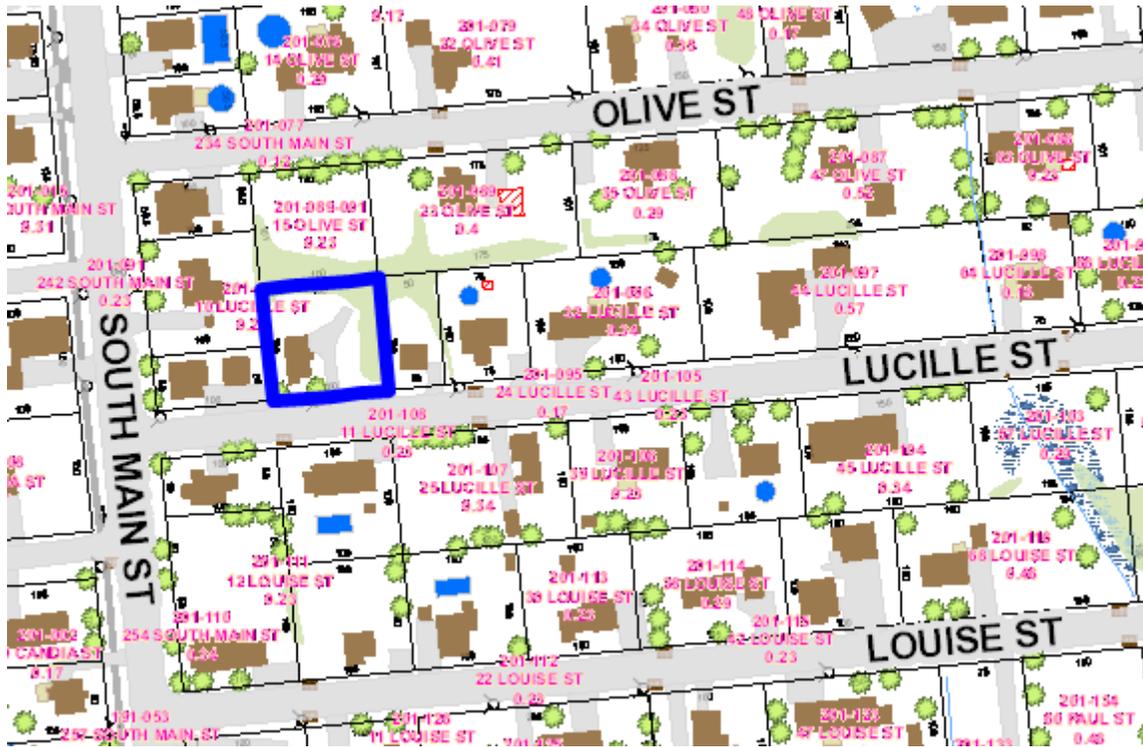


10 Lucille (demolished/vacant land)

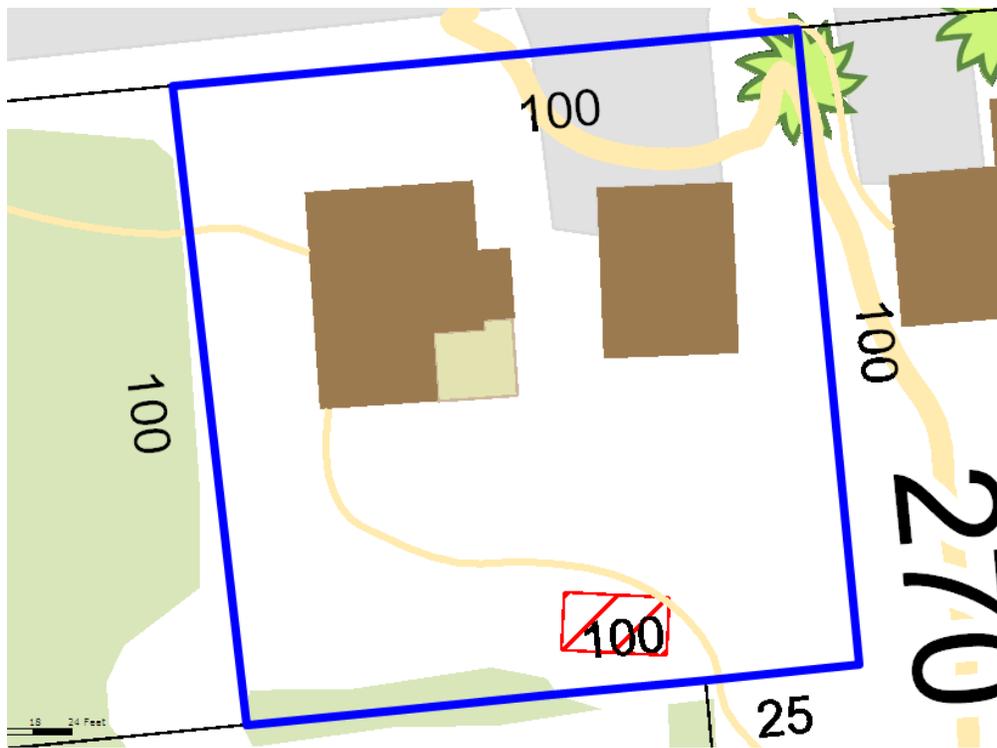


Tax acquired property list (Map below address)

10 Lucille (demolished/vacant land) (location)

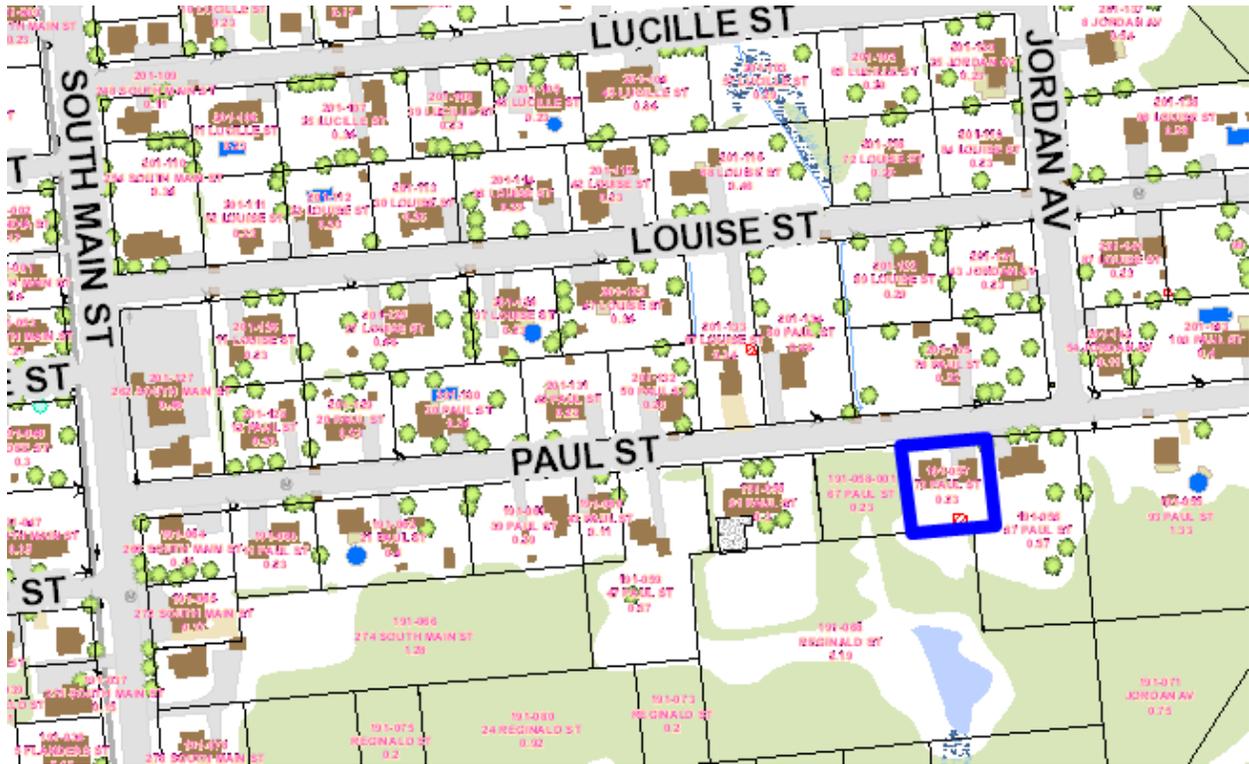


73 Paul (demolished/vacant land)

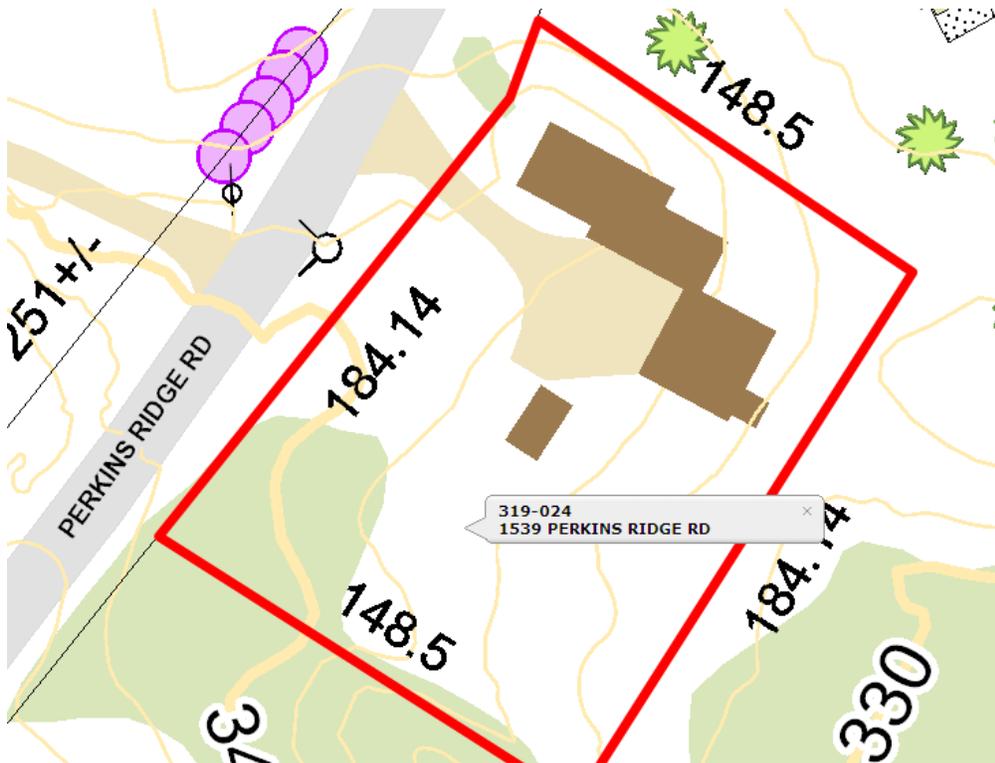


Tax acquired property list (Map below address)

73 Paul (demolished/vacant land) (location)

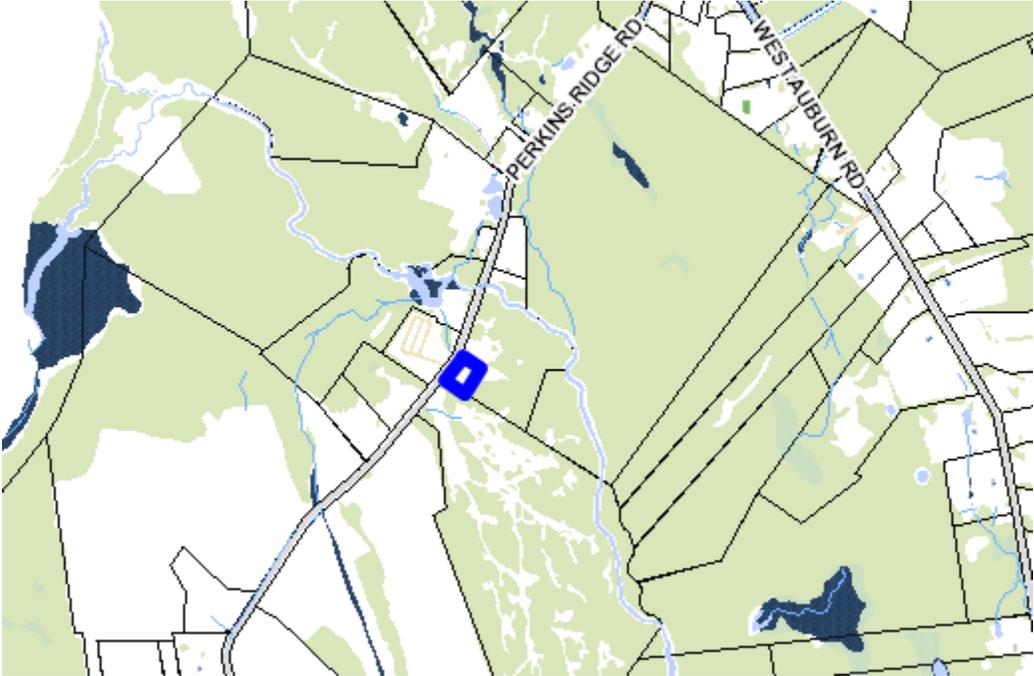


1539 Perkins Ridge



Tax acquired property list (Map below address)

1539 Perkins Ridge (location)

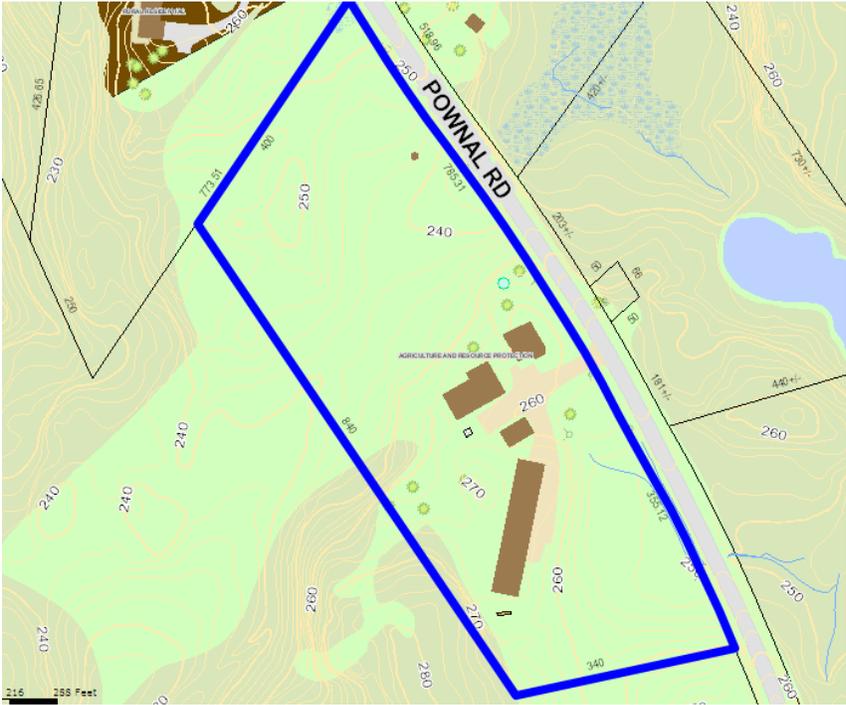


153 Poland

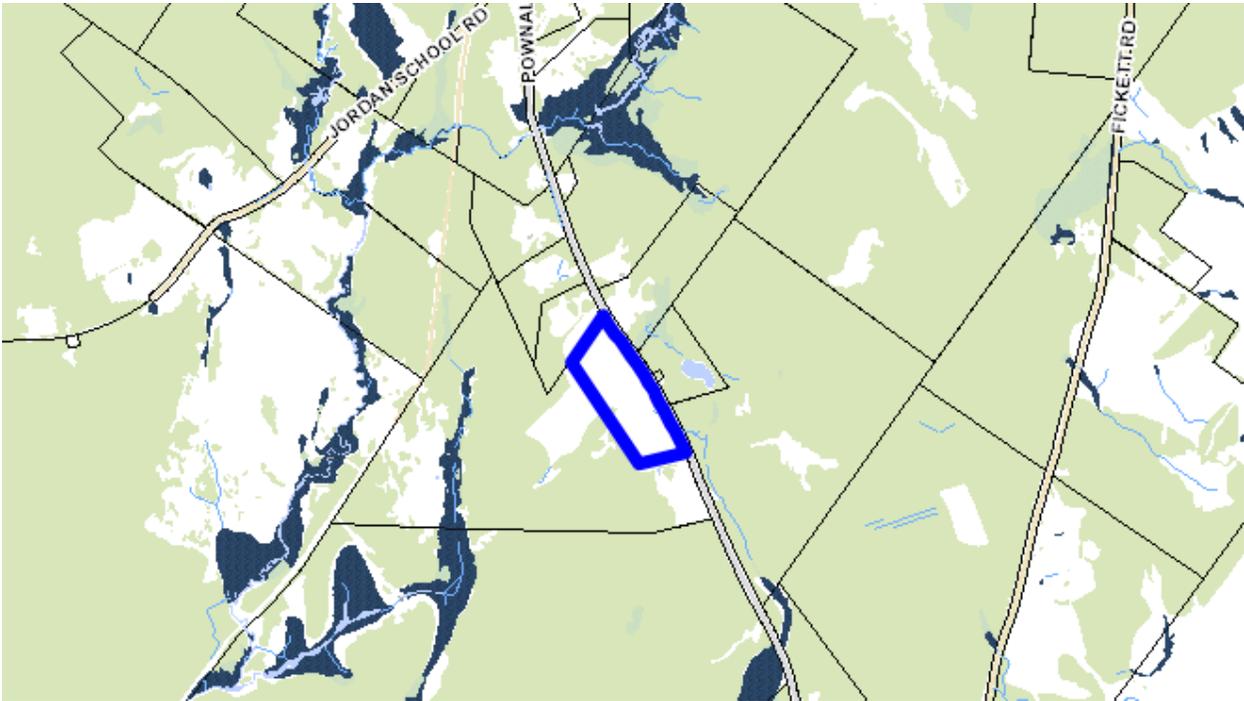


Tax acquired property list (Map below address)

1863 Pownal

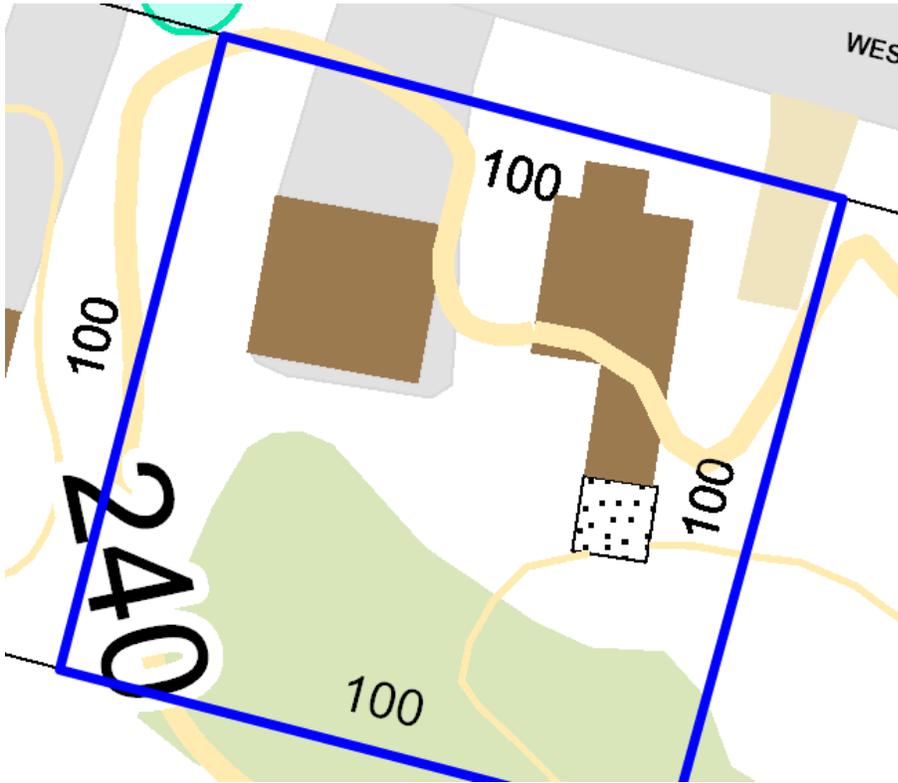


1863 Pownal (location)

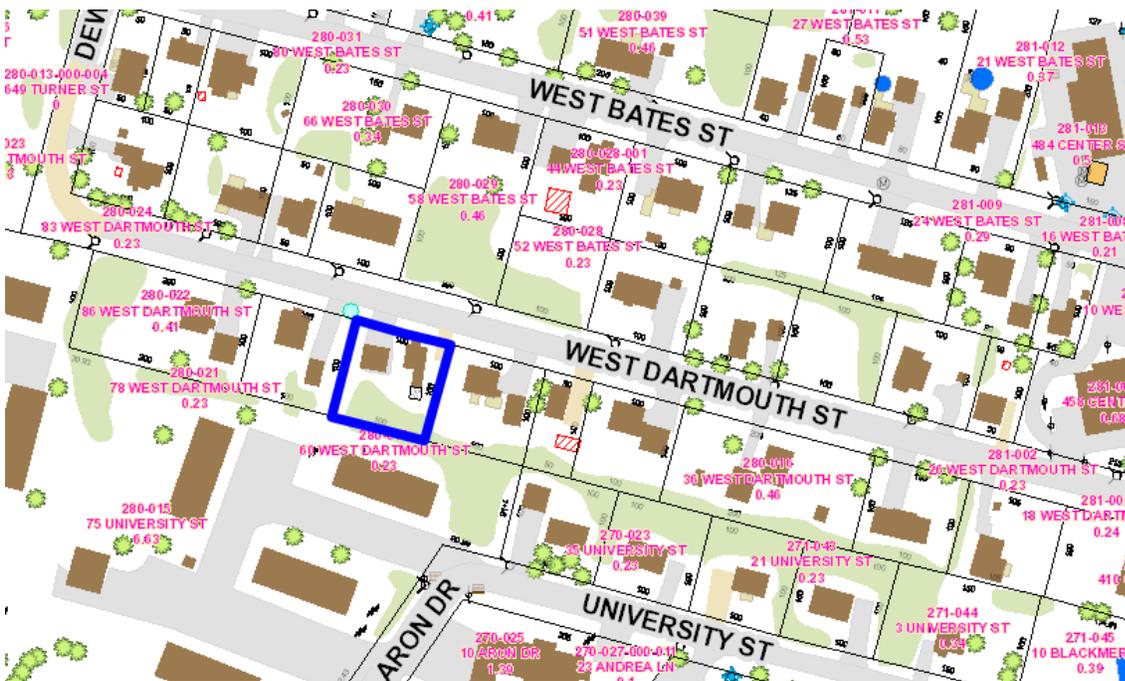


Tax acquired property list (Map below address)

68 West Dartmouth



68 West Dartmouth (location)

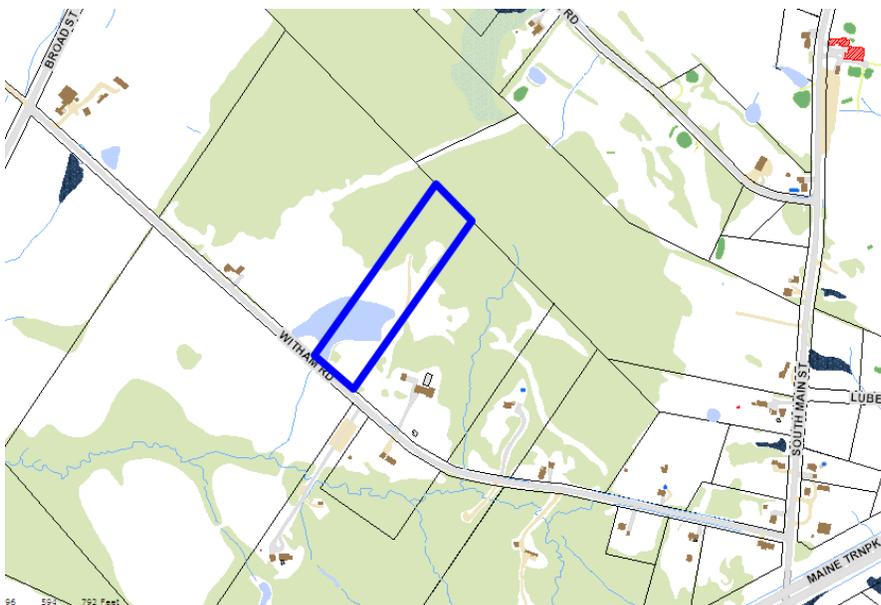


Tax acquired property list (Map below address)

0 Witham Road (PID 160-010)



0 Witham Road (PID 160-010) (location)





City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: August 18, 2014

Item B

Author: Sue Clements-Dallaire

Subject: Board and Committee Appointment Process

Information: The current Board and Committee Appointment Process was adopted in December of 2012. It has been recommended that this be brought forward to Council to revisit the process. The process and application have been revised to reflect the recommended changes.

Pro's & Con's:

Financial: N/A

Action Requested at this Meeting: Discussion

Previous Meetings and History: The Appointment process was adopted by Council in December of 2012.

Attachments:

Process with proposed changes
New application
Old application

CITY OF AUBURN BOARD AND COMMITTEE APPOINTMENT PROCESS

The Mayor shall appoint a three member committee hereinafter called the “Appointment Committee”. The Appointment Committee shall review all applications to boards or committees assigned per attachment “Committees of the City of Auburn”; the Committees may interview applicants, including incumbents, for vacancies on all City boards, commissions and committees.

The Appointment Committee may review term expirations and propose appointments as frequently as necessary. The Clerk shall notify the various boards, commissions, and committees, the Mayor, the City Manager and the City Council members of the upcoming expirations and any current vacancies periodically, but not less than once per year.

Incumbents will receive a letter from the Clerk notifying them of the expiration of their term and letting them know they need to reapply. Additionally the Clerk shall post on the City website a notice of vacancy for at least 30 days. However, if a term becomes vacant due to a resignation, death, residency, disqualification, or other sudden vacancy, the committee may shorten or eliminate the 30 day posting. The Clerk will also notify all alternate members so that they may apply for full membership, if interested.

A notice shall be placed on the City’s website. The Clerk may create an email group of neighborhood group contacts, Chamber, contacts and other interested individuals to which the advertisement may be sent.

Applications shall only be accepted during the posted period and must be postmarked no later than the deadline. Emails are acceptable and must be time stamped in advance of the deadline. Incumbents must reapply each time. All applicants are required to send a completed application form and it is recommended that they also send a resume and a cover letter to apply.

The Clerk shall notify the staff person to the board, commission, or committee in question, so that he/she can also have a conversation with any incumbents to let them know their term is expiring.

All boards, commissions, and committees will be provided with a brief description of that board’s duties and the qualifications for appointment will be in the header, notebooks containing the ordinances/by-laws pertaining to each board, commission, or committee, and a list of the incumbents on all boards.

The Appointment Committee meetings are considered a Public Meeting. The date and time of the meeting will be posted on the City website at least 2 days prior to the meeting. All City Councilors will receive copies of the applications to review prior to the Appointment Committee meeting.

The Appointment Committee may vote by hand or by consensus on the nominee for each vacancy. If the Appointment Committee does not agree on a nominee, a vacancy may be re-advertised or presented to the City Council.

The day after the nominations are completed, the Clerk shall notify the employees who staff the boards, commission, or committees, to let them know who is being nominated or that a position is being re-advertised. Also on that day, letters shall be sent to those applicants who are being nominated, ~~and to those who are not.~~ Nominees shall be told when their appointment is going to the full Council agenda. Appointments will appear under New Business with possible Executive Session as a Consent Calendar item. ~~Nominees will be~~ asked to attend the meeting.

Except for legal retention purposes, resumes will not be kept for future vacancies, once interviews have been held. The process shall start fresh each time, ensuring that resumes are current and received from applicants qualified to fill the positions.

The Clerk shall prepare the order for the Council meeting, noting the names, board to which members are being appointed and the term expiration date. At the meeting, the Mayor shall ask the new board members to stand and introduce themselves, once the order has passed.

The next day, after the Council appointments are passed, the Clerk shall send a letter to each new member, congratulating them, advising them of the expiration date of their term, telling them who the staff person is and letting them know they must be sworn in before their first meeting. A copy of this letter shall be sent to the staff person for that committee along with the new member's resume.

The website shall provide a complete list of all the board and committee members currently serving, date of end of term, and date of original appointment.

All appointments in this policy are those subject to the approval of the City Council. Appointments of the Mayor as conferred in Charter are subject to this process or processes.

Alternate Member

An alternate member shall participate in all meetings with the same rights as a full member, except they shall not have the right to vote. The right to vote shall only be conferred by a vote of full members present to fill an absence, temporarily vacated seat, or to replace a member who has removed themselves due a conflict of interest. Alternate members shall be appointed to voting rights on a rotating basis, so as to preserve fairness. The purpose of alternate members is to sustain a full voting board and to educate new interested persons before becoming a full member. It is the intent but not mandate of the Council to promote Alternate Members to full membership before accepting new members to a board or committee.

Reports and Vacancies

A vacancy on any appointive board, commission, or committee of the city shall exist upon the occurrence of any of the following events:

- (a) Death of a member.
- (b) Resignation of a member.
- (c) Moving by a member of the member's place of residence from the City of Auburn. When a member moves from the City of Auburn, the vacancy shall occur immediately and the member shall not serve at any further meetings.
- (d) Failure of a member to attend more than three (3) consecutive meetings or absence from five (5) meetings during the preceding twelve-month period.

Reporting actions and vacancies.

The chairman of each board or commission of the city shall certify or cause the secretary of the board or commission to certify to the city council each month the actions of said board or commission, together with the record of absences of members. In such report, the chairman or secretary of each such board or commission shall notify the city council of any vacancy occurring on such board or commission. In the event that a vacancy occurs, the board or commission may, by majority vote of its membership, exclusive of the member affected, recommend to the city council that the attendance provision be waived for cause, in which case no vacancy shall exist until the city council disapproves the recommendation.

Removal from Office

An official or officials who are alleged to have caused grounds for removal from office are subject to the "Policy for Removal of Officials Appointed to Boards, Commissions and Committees" approved as part of this policy.

POLICY FOR REMOVAL OF OFFICIALS APPOINTED TO BOARDS, COMMISSIONS AND COMMITTEES

1. Purpose. The purpose of this policy is to have in place a process for the removal of officials appointed to boards, commissions and committees
2. Authority. The City Council exercises its authority to remove officials under Title 30-A, section 2601 which allows the removal for cause after notice and hearing.
3. Cause. All grounds constituting cause cannot be detailed. However, the following are examples of conduct which may result in removal for cause:
 - A. More than three consecutive absences or five absences within a calendar year, unexcused by the Board, Commission or Committee by majority vote. This subsection may not be used unless the records of the Board, Commission or Committee reflect the facts constituting grounds. Nothing in this subsection shall be interpreted to prevent an official from requesting a leave of absence from the Council for unusual circumstances. Unusual circumstances could include, but not be limited to, illness of the official or an immediate family member; temporary relocation for employment, military duty or educational reasons; and increased temporary child care responsibilities. In making the decision whether or not to grant a leave of absence, the Council shall balance the needs of the City and the Board, Commission or Committee with the needs of the official.
 - B. Inappropriate public conduct or conduct to other officials related to the office held. Examples include but are not limited to verbal abuse to other officials or members of the public, or obstruction of meetings of the Board, Commission or Committee.
 - C. Impairment by alcoholic beverages or drugs at Board, Commission or Committee functions.
 - D. Indictment or conviction (1) for a Class C or higher Crime, or (2) for a Class D or lower crime or a civil violation, directly or indirectly affecting the office held. Examples of Class D or lower crimes or civil violations affecting the office held would be shoplifting a compact disk where the office involved the handling of money; or violations of a protected resource where the Board, Commission or Committee deals with that resource. These provisions apply even when the conduct leading to the indictment or conviction has taken place outside the City of Auburn or State of Maine.
 - E. Other reasons related to the good of the Committee, the City or the office held.
 1. Removal procedure.

- A. Separation of roles. While a City Councilor sitting in a removal proceeding may be aware of the facts and circumstances leading to the proceeding, the City Council recognizes that no individual Councilor may prejudge the proceedings. Therefore, in a proceeding to remove an appointed official, the facts and circumstances shall be investigated by the City Manager or the City Manager's designee (hereinafter "the City Manager"), rather than an individual Councilor. Should allegations be brought to an individual Councilor, which the individual Councilor believes may be cause for removal, the individual Councilor shall turn the facts and circumstances over to the City Manager, and refer further inquiries to the City Manager. Inquiries to other Councilors shall be turned over to the City Manager. No Councilor shall participate in any removal hearing if that Councilor has an interest, a conflict, or is disqualified, under the Rules of Order and Procedure for Auburn City Council.
- B. Investigation. The City Manager shall investigate the allegations as soon as reasonably possible. If the City Manager determines the allegations create probable grounds for removal, the City Manager shall notify the official in writing that the City Manager is contemplating a recommendation to the City Council that the official be removed, outlining the City Manager's reasons. The City Manager shall provide the official a reasonable amount of time to provide the official's position on the allegations, before the City Manager finalizes the recommendation to the City Council.
- C. Hearing. If the City Manager recommends removal, the City Council shall schedule a hearing on the official's removal. The hearing shall be scheduled at a time which will allow the City Manager and the official an adequate opportunity to prepare their presentations to the City Council. At the hearing, the City Manager shall present the City's case with the official's case following. The presentations may include witnesses and exhibits, including documents. The City Manager and the officials shall provide each other a list of witnesses and exhibits at least seven days before the hearing date unless another time is agreed upon. Each party shall be allowed to ask questions of the other party's witnesses. Evidence will be admissible if it is evidence which would be relied upon by persons in the conduct of serious affairs. This means, for example, that hearsay evidence will not be excluded, and that the procedure will be conducted according to the principles of fair play rather than of strict rules of evidence.
- D. Confidentiality. The hearing shall be conducted in open session unless the Council determines public discussion could reasonably be expected to cause damage to the official's reputation or the official's

right to privacy would be violated. If the Council makes that determination, all related materials will be confidential until a final, non-appealable decision. Regardless of the Council's decision on public discussion, the official may request in writing that the hearing be conducted in open session, and that all related materials be public.

Even if the hearing is conducted in open session, it is not a public hearing. Stated differently, the only persons presenting testimony or evidence will be those persons selected by the City Manager or official. The general public will not be invited to testify at the hearing.

- E. Decision. After the City Council hears the evidence, it shall issue a written decision of those present and voting. The written decision shall state the facts and conclusions upon which the City Council relies in making its decision. If the written decision removes the official from office, the written decision shall become public as soon as it is a final, non-appealable, decision. The vote on the written decision shall be by majority vote.

- 5. Resignation. If the official elects to resign at any stage of this process, the process shall terminate, and any pending investigation or hearing under this process shall cease.

COMMITTEES & BOARDS OF THE CITY OF AUBURN

Board Name

911

ABDC

*** Airport - see notes**

ATRC

Audit and Procurement

***Board of Assessment Review**

***Cable TV Advisory**

CDBG Community Advisory

***CDBG Loan**

Discharge

Energy

Ethics Advisory

Forestry

***Auburn Housing**

Investment Advisory

LA Public Health

LAEGC

***LATC**

LAWPC

Library

MMWAC

Neighborhood Stabilization

New Auburn Master Plan Implementation

***Planning Board**

Railroad

***Recreation Advisory**

Recycling

School

***Sewerage District**

USM

***Water District**

***Zoning Board of Appeals**

*Council appointed

The Auburn-Lewiston Airport Board, one Auburn resident seat is Council appointed



CITY OF AUBURN BOARD & COMMITTEE APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: _____

Last name: _____ First name: _____ Middle initial: _____

Residence address: _____ Ward: _____

City: _____ State: _____ Zip code: _____

Home phone: _____ Work phone: _____ Cell phone: _____

Email address: _____

Current occupation: _____

Previous occupation (if retired or no longer working): _____

Educational and/or experience (or attach your resume): _____

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee

___ Airport Board

___ Auburn Housing Authority

___ Audit & Procurement Committee

___ Board of Assessment Review

___ Cable TV Advisory Board

___ CDBG Loan Committee

___ Community Forest Board

___ Ethics Panel

___ L/A Transit Committee

___ Planning Board

___ Recreation and Special Events Advisory Board

___ Sewer District

___ Water District

___ Zoning Board of Appeals

Is this application for a ____ new appointment or ____ reappointment or ____ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). _____

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). _____

Are you presently serving on a City Board or Committee? If so, which one(s)? _____

Dates served (if known)? _____

Have you previously served on a City Board or Committee? If so, which one(s)? _____

Dates served (if known)? _____

How did you learn of this vacancy? _____

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: _____ Date: _____

Please submit your application to;

Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
sdallaire@auburnmaine.gov
207-333-6601, extension 1126

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: _____
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

We're so happy that you've decided to volunteer for our community! The giving of your time is commendable and very much appreciated. Without people like you coming forward our community would not be as strong, as vibrant, or as great as it is – thank you so much! Please complete the form below and return it to the City Clerk's office. Again, on behalf of all of us at the City of Auburn, I hope your volunteer experience is rewarding, and thank you for being an outstanding citizen!

Application for: New Appointment Reappointment (Initial Date Appointed: _____)

Name: _____ Ward: _____ Years as an Auburn Resident: _____

Mailing Address: _____

Physical Address: _____

Phone: _____ Email: _____

Describe your education and/or experience or attach a resume:

Which board or committee would you like to serve on? *(One per application)*

Why do you want to serve (please limit to 150 words or less. Please attach).

What do you hope to accomplish (please limit to 150 words or less. Please attach).

The following are the current committees and boards in Auburn:

- 911 Committee
- Airport Board
- Assessment Review Board
- Auburn Housing Authority
- Auburn Water District
- Auburn Sewer District
- Community Development Loan Committee
- Ethics Panel
- L/A Cable TV Advisory Board
- L/A Community Forest Board
- L/A Transit Committee
- Planning Board*
- Recreation & Special Events Advisory Board
- Zoning Board of Appeals

Incomplete applications and those which list more than one committee will not be considered. Applications are valid for a period of six months. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: _____ Date: _____

*The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve.

*The City Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Susan Clements-Dallaire, City Clerk	sdallaire@ci.auburn.me.us	333-6600
--------------------------------------------	----------------------------------	-----------------



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: August 18, 2014

Item C

Author: Douglas M. Greene, City Planner

Subject: Re-zoning request in the Taylor Pond Area

Information: A citizen based petition was submitted to the Planning Office requesting a rezoning of properties in the Southwest area of Taylor Pond as recommended in the 2010 Comprehensive Plan. The rezoning will change the current zoning of Low Density County Residential to Urban Residential. This area has built up over many years in small summer camps but has been zoned Low Density County Residential (LDCR) which had a 3 acre minimum lot size and fairly large building setbacks. This area is also served by sanitary sewers which also can facilitate smaller lots.

The main reasons the 2010 Comprehensive Plan recommended this change are:

1. The change is consistent with the Comprehensive Plan in areas that are served by public sewers.
2. The zone change will make more of the lots in the area more conforming than the existing zoning.
3. The change will allow for the redevelopment of seasonal homes into year round homes with setbacks that are smaller than currently allowed.
4. The zone change will make the homes in the area of the proposed zone change more consistent with existing development patterns in the area.

Pro's & Con's: Pro's- Rezoning these properties will allow the owners to renovate, expand and improve their properties, which will add value and increase tax revenues. Con's- None

Financial: No direct financial impacts. Long term impact should be positive with higher assessments due to improvements to residences and structures.

Action Requested at this Meeting: Positive action to move this item to a public hearing and 1st reading.

Previous Meetings and History:

1. 2010 Comprehensive Plan process over 2 year period with recommendation to change the future land use in this area.
2. Planning Board recommends approval to the City Council of the zone change on July 8, 2014 meeting.

Attachments: f

1. Citizen petition for Zone Change (ZOMA 1194).
2. Staff Report to Planning Board from July 8, 2014 meeting.
3. Map from 2010 Comprehensive Plan with recommended change to Taylor Pond area.
4. Map of existing zoning in the Taylor Pond area.
5. Map of proposed zoning (as reviewed by the Planning Board at the 7/8 meeting).
6. Map of revised zoning based on Planning Board action at the 7/8 meeting.
7. Map of Environmental Constraints.
8. Minutes of the July 8, 2014 Planning Board meeting. (pending)

**Agenda items are not limited to these categories.*

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Zoning Map and the City of Auburn Comprehensive Plan, Future Land Use Map in the area of Pond View and Ledgeview Drives from from Low Density Country Residential to Urban Residence as outlined in black on the attached map. The parcels or portions of parcels listed on the attached property list as outlined in black would be changed as noted above. The change is consistent with the Comprehensive Plan in areas that are served by public sewer and will make more of the lots conforming than are conforming under the existing zoning. The change will allow for redevelopment of seasonal homes into year round homes with setbacks that are smaller than currently allowed and more consistent with existing development patterns.

SIGNATURE	PRINTED NAME	ADDRESS
Arnold Adams	Arnold Adams	183 Broad St.
Carolyn Adams	Carolyn Adams	183 Broad St. Aub.
Jay Arnold	Jay Arnold	10 Dunham St Aub.
Timothy J. Earle	TIMOTHY J. EARLE	212 Lake Street
Kelly J. Brooks	KELLY J. BROOKS	53 Sixth St., Auburn
Lisa Latueippe	Lisa Latueippe	20 Lafayette Street, Auburn
Ray Ouellette	RAY OUELLETTE	63 Littlefield Rd
Robert Stalford	Robert Stalford	29 Madison St
Zachary S. Earle	Zachary S. Earle	212 Lake St
Roger L. Bixette	ROGER L. BIXETTE	83 Broadview Ave
KYAN BIXETTE	KYAN BIXETTE	86 Broadview Ave
Stevan J. Damien	Stevan J. Damien	703 So Witham Rd
Diane D. Damien	Diane D. Damien	1278 Powal Rd
CLAUDETTE JORDAN	CLAUDETTE JORDAN	454 Fletcher Rd
Tom Freitas	Tom Freitas	53 Howe St Aub
Mark Eustis	Mark Eustis	137 Riverside Dr. Auburn
Adam West	Adam West	32 Amherst St Auburn
Richard Speer	Richard Speer	566 N. Auburn Rd, Aub.
CINCY POSS	CINCY POSS	420 Mill St Aub
Kim Brooks	Kim Brooks	30 Barton Ave Aub
Sandra Brown	Sandra Brown	773 Court St Aub.
Maurice Pelletier	Maurice Pelletier	191 Peland Springs Rd Auburn
ERNEST H. CHAM	ERNEST H. CHAM	39 Penley Corn Rd Aub.
* Carmille Bernard	CARMILLE BERNARD	448 Youngs Corner Rd Aub.
Lester Perry	Lester Perry	27 Miami Ave Aub ME.
JAY Bishop	JAY Bishop	901 Lakeshore Drive Aub.
Daniel J. Rodrigue	Daniel J. Rodrigue	254 Gamage Ave Aub.
* RONALD BASTEN	RONALD BASTEN	53 6 TH STR. AUB
Elwin Sizeland	Elwin Sizeland	30 Fairview Ct Aub
Donald R. Mailhot	DONALD R. MAILHOT	185 BROAD ST. AUB
Lisa A. Mailhot	LISA A. MAILHOT	185 Broad St Aub

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Zoning Map and the City of Auburn Comprehensive Plan, Future Land Use Map in the area of Pond View and Ledgeview Drives from from Low Density Country Residential to Urban Residence as outlined in black on the attached map. The parcels or portions of parcels listed on the attached property list as outlined in black would be changed as noted above. The change is consistent with the Comprehensive Plan in areas that are served by public sewer and will make more of the lots conforming than are conforming under the existing zoning. The change will allow for redevelopment of seasonal homes into year round homes with setbacks that are smaller than currently allowed and more consistent with existing development patterns.

SIGNATURE	PRINTED NAME	ADDRESS
<i>[Signature]</i>	Danielle Whitley	257 S. Main St. Auburn ME
<i>[Signature]</i>	David Arnold	78 Coachman AVE AUB ME
<i>[Signature]</i>	CHERYL A ARNOLD	26 OLD CARRIAGE AUB ME
<i>[Signature]</i>	TRENET. THERIAULT	95 LEDGEVIEW COVE AUB ME
<i>[Signature]</i>	ROLAND V. MAILHOT	134 LEDGEVIEW COVE AUB ME
<i>[Signature]</i>	PATRICIA D. MAILHOT	134 Ledgeview COVE AUB ME
<i>[Signature]</i>	JACQUELINE C DAWLING	161 Pond View Drive Auburn
<i>[Signature]</i>	JAMES J DAWLING	161 Pond View Dr Auburn
<i>[Signature]</i>	PAULINE MORISSETTE	545 Garfield Rd. Auburn
<i>[Signature]</i>	Brenda Joly	167 Pond View Drive
<i>[Signature]</i>	Kevin D. Joly	167 Pond View Drive
<i>[Signature]</i>	Yolande Gay	195 WEST ST. AUBURN
<i>[Signature]</i>	EDMONIA L. GAY	195 W. ST. AUBURN
<i>[Signature]</i>	LOUISE C FORGUES	157 POND VIEW DR. AUBURN
<i>[Signature]</i>	Anne Pontbriand	493 Garfield Rd Auburn
<i>[Signature]</i>	Annette Chénard	61 Carson Ln. Auburn
<i>[Signature]</i>	CLAUDETTE WINSLOW	61 CAROLINA, AUBURN
<i>[Signature]</i>	COHINNE F. COUTURE	61 CAROLINA AUBURN
<i>[Signature]</i>	Robert H Tremblay	134 Pond View Dr. Auburn
<i>[Signature]</i>	MARC D. Tremblay	134 Pond View Drive Auburn
<i>[Signature]</i>	Theresa Tremblay	134 Pond View Dr.
<i>[Signature]</i>	Stephen Bouchard	14 Pond Crest Lane Auburn
<i>[Signature]</i>	MIGNONNE MAILHOT	147 Pond View Dr. Auburn
<i>[Signature]</i>	Marie Steele	42 Terrace Rd. Auburn
<i>[Signature]</i>	DAVE STEELE	1159 Hotel Rd, Auburn
<i>[Signature]</i>	GEORGE C LANGLIER	56 LAURIER ST. LEWISTON ME Taylor Pond

June 1, 2014
To: ERIC Cousens

From: Claire Mailhot
135 Pond View Drive

ERIC,

Please find attached the list of Auburn voters who support the rezoning in the area of Pond View and Ledger View Drives from Low Density Country Residential to Urban Residence.

In addition to listed voters I have gotten signatures of home owners on Pond View and Ledger View who live in Leiston and have seasonal cottages, and other lake residents.

Thank you for your many efforts to clarify building issues and your rapid response.

Sincerely,

Claire Mailhot

tel 650-591-4351 (CA)

650-724-3403 (CA-wk)

784-1879 (cottage)



60 Court Street
Auburn, Maine 04210
Tel: (207) 333-6601 ext. 1158
Fax: (207) 333-6625

RECEIPT

BILL TO:

Claire Mailhot
509 Starboard Dr
Redwood City, CA 94065

Receipt Number: TRC-005960-04-06-2014

Date: 06/04/2014

Amount**PRIMARY FEES**

Invoice Number: 5534

Map Amendment	\$400.00
Advertising - ZO/MA	\$300.00

PAYMENTS RECEIVED

Date	Payment Method	Check Number	Amount Received
06/04/2014	Check	10602	\$700.00
	Total Payment		\$700.00
	Change Due		\$0.00

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Development

PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA
City Planner

Re: ZOMA 1194- 2014: Taylor Pond Area Zoning Map Amendment

Date: July 8, 2014

I. PROPOSAL- A citizen based petition was submitted to the Planning Office requesting a rezoning (Zoning Map Amendment) of properties in the Southwest area of Taylor Pond as recommended in the 2010 Comprehensive Plan. The 2010 Comprehensive Plan recommends the Moderate Density Neighborhood Conservation land use designation for the area of Pond View Road and Ledgeview Road. (**Attachment 1**) The rezoning would change the current zoning of Low Density County Residential to Urban Residential. (**Attachment 2**)

This area has built up over many years in small summer camps but has been zoned Low Density County Residential (LDCR) (**Attachment 3**), which had a 3 acre minimum lot size and fairly large building setbacks. This area is also served by sanitary sewers which also can facilitate smaller lots.

The main reasons the 2010 Comprehensive Plan recommended this change is:

1. The change is consistent with the Comprehensive Plan in areas that are served by public sewers.
2. The zone change will make more of the lots in the area more conforming than the existing zoning.
3. The change will allow for the redevelopment of seasonal homes into year round homes with setbacks that are smaller than currently allowed.
4. The zone change will make the homes in the area of the proposed zone change more consistent with existing development patterns in the area.

ZONE CHANGE IMPACTS: The proposed zone change affects 35 properties. (**Attachment 4**) Half of the properties are under a quarter of an acre.

COMPARISON OF ZONES: One of the reasons for the zone change is number 3 listed above: *"The change will allow for the redevelopment of seasonal homes into year round homes with*

setbacks that are smaller than currently allowed.” The chart below compares some basic size and dimensional differences between the current zoning Low Density Country Residential (LDCR) and the proposed zoning of Urban Residential (UR).

Zoning District\Dimensional Req.	Min. Lot Size	Lot Width	Lot Depth	Front Yard	Rear Yard	Side Yard	Density
Low Density Country Residential	3 ac.	325 ft.	200 ft.	50 ft.	50 ft.	15 ft.	1 du/3 ac.
Urban Residential	10,000 s.f.	100 ft.	100 ft.	25 ft.	25 ft.	5 ft.	4 du/ 1 ac.

These dimensional differences show how the proposed zoning will provide additional area for property owners to make conversions of camps into year round residences.

DENSITY: Questions have been directed to the Planning Staff asking about potential new subdivisions and/or increased densities in the area proposed for rezoning. There are limited opportunities to subdivide based on the environmental conditions of the area. **Attachment 5** is a map showing a 250’ Shoreland protection buffer, Resource Protection Areas, Protected Resource Areas and **Attachment 6**, a map showing wetlands in the areas. Based on the composite overlaying of these restrictions, potential for future subdivisions are extremely limited and would have to pass thorough scrutiny by the Planning Staff or Planning Board.

ENVIRONMENTAL IMPACTS: Questions were also raised about possible environmental impact the zone change might create. Attachments 3 and 4 illustrate the extensive environmental overlays that cover close to 90% of the proposed zone change. None of these overlays are changing with the zone change request. It is the staff’s opinion that the zone change will not have negative environmental impacts, most importantly to Taylor Pond.

II. DEPARTMENT REVIEW-

- a. Police- No Comments
- b. Auburn Water and Sewer- No Comments
- c. Fire Department- No Comments
- d. Engineering- No Comments

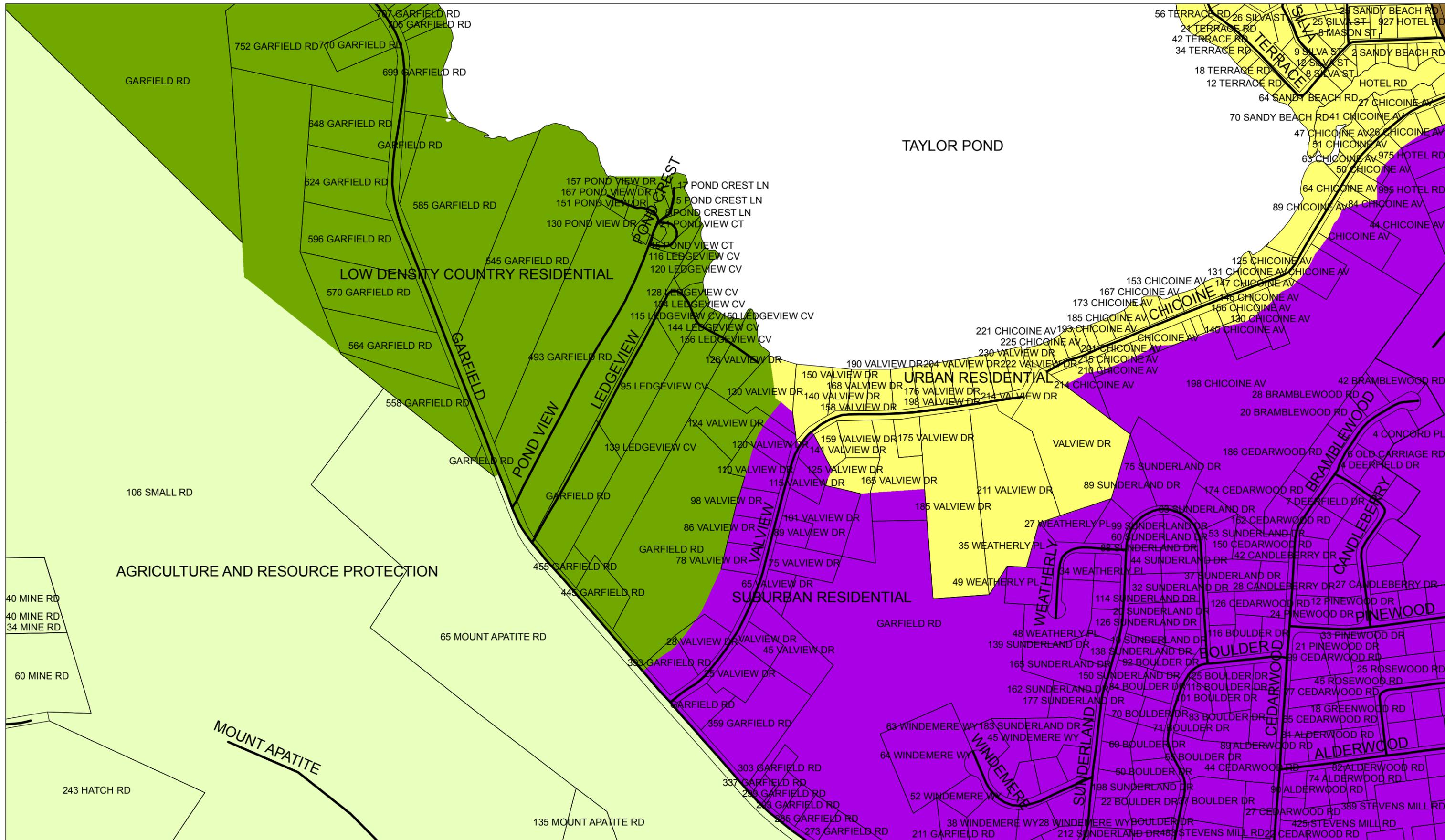
III. PLANNING BOARD ACTION- The Planning Board is being asked to review the application and related materials and to consider making either a positive or negative recommendation, with findings, that will be sent to the Auburn City Council for a work session and public hearing, and then 2 reading (votes) on the zone change.

IV. STAFF RECOMMENDATION- The Staff reviewed the 2010 Comprehensive Plan, the Zoning Ordinance and GIS mapping data and recommends **APPROVAL** of ZOMA-1194-2014 with the following findings:

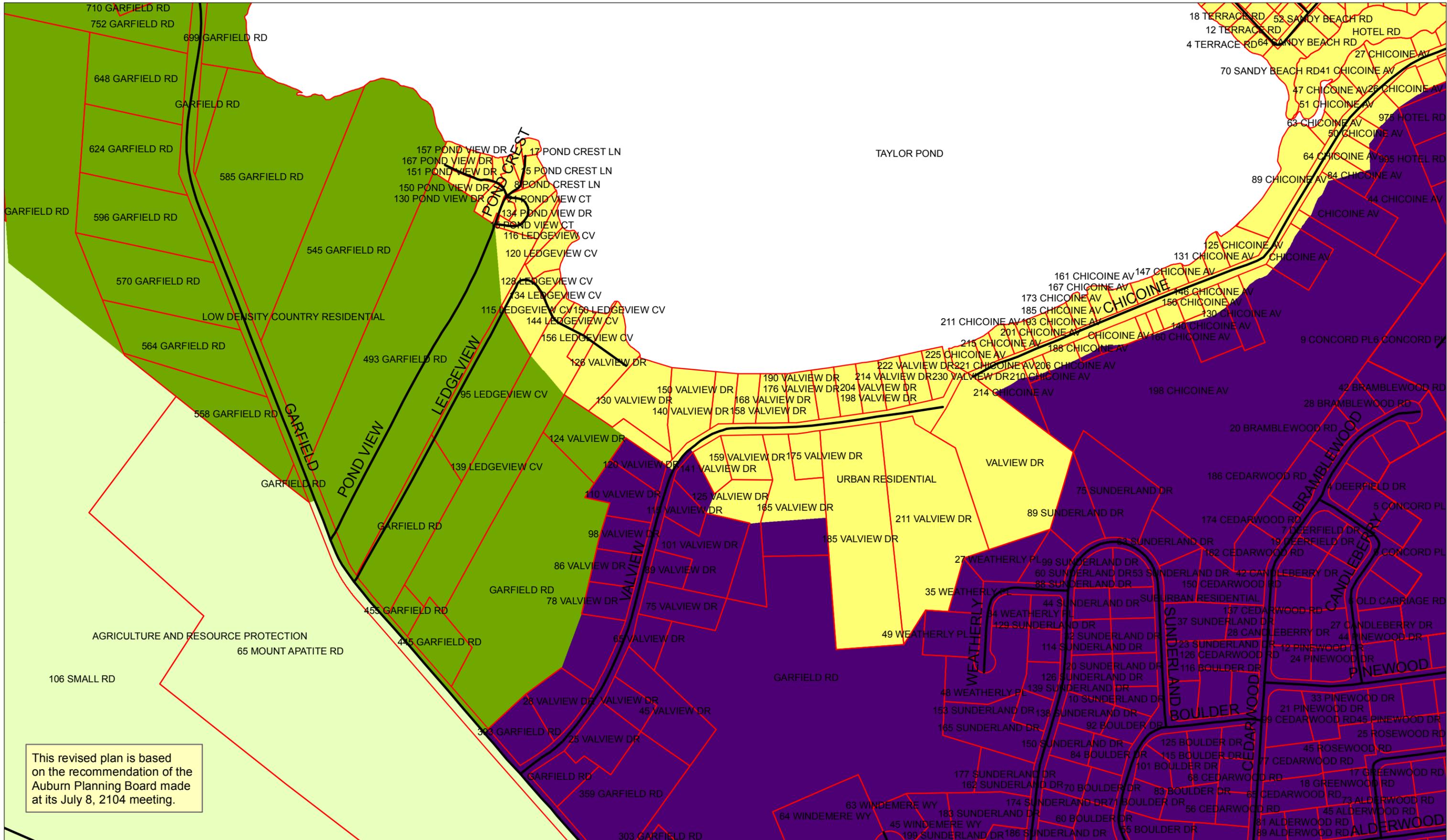
1. The zone change to Urban Residential District from Low Density Country Residential District is consistent with the Moderate Density Neighborhood Conservation District Land Use Recommendations as depicted in the 2010 Comprehensive Plan Future Land Use Map.
2. The Urban Residential District is consistent with the definition of Moderate Density Neighborhood Conservation District as defined in the 2010 Comprehensive Plan.
3. The zone change is consistent with the 2010 Comprehensive Plan's policy of encouraging smaller lot development in areas that are served by public sewers.
4. The zone change will make more of the lots in the area more conforming than the existing zoning.
5. The zone change is consistent with the 2010 Comprehensive Plan's policy to allow for the redevelopment of seasonal homes into year round homes by providing setbacks that are smaller than currently allowed in the Low Density Country Residential District.
6. The zone change will make the homes in the area of the proposed zone change more consistent with existing development patterns in the area.


Douglas M. Greene, A.I.C.P., R.L.A.
City Planner

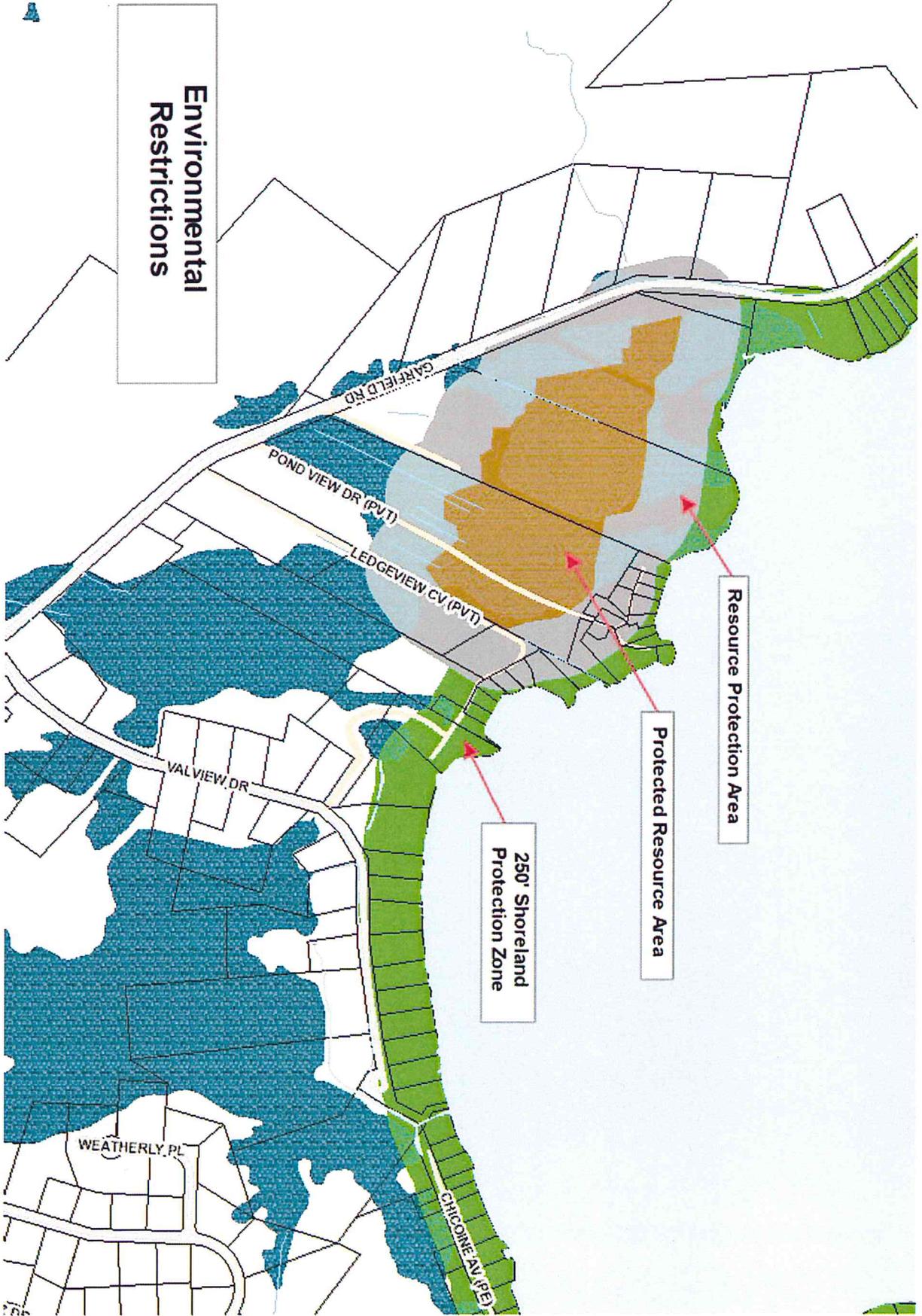
ZOMA- 1194 "Pond View Zone Change" Existing Zoning



ZOMA- 1194: "Pond View Zone Change" Revised



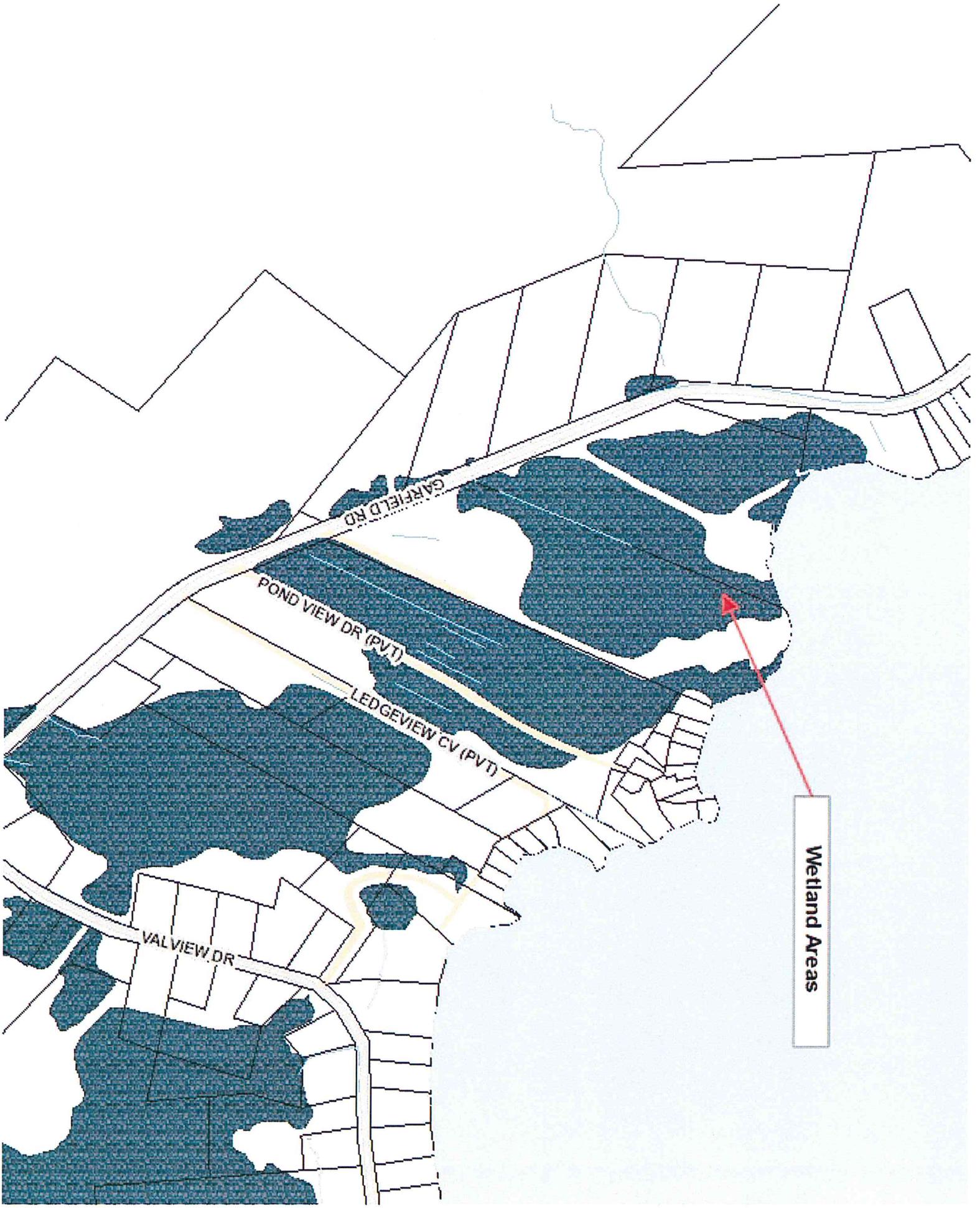
**Environmental
Restrictions**



Resource Protection Area

Protected Resource Area

250' Shoreland
Protection Zone



Wetland Areas



City Council Information Sheet

City of Auburn

Council Meeting Date: 08/18/2014

Subject: Executive Session

Information: Discussion regarding 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 Council Workshop Information Sheet

City of Auburn

Council Workshop Date: August 18, 2014

Item E

Author: Rick Lanman, Airport Director

Subject: Airport Hanger

Information: Presentation of hanger

Pro's & Con's: See presentation

Financial: Bonding component that was presented at the 7/21/14 meeting.

Action Requested at this Meeting: Discussion and consider a motion to renew order 65-07212014 approving the funding of the Airport Hanger that was previously defeated at the 7/21/2014 meeting.

Previous Meetings and History: City Council Meeting of 7/21/2014. The motion to approve the airport hanger was defeated 3-2 (Councilors Gerry and Walker opposed, 4 affirmative votes were needed for passage).

Attachments: Presentation by Rick Lanman



Auburn City Council Presentation

\$1.1 million Hangar Loan

The Airport should be financially self-sufficient



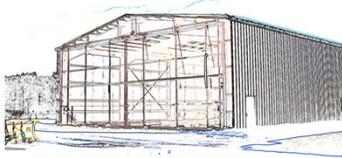
It needs to generate its own revenue and not depend on an allowance to make ends meet. This management goal is described in federal law (49U.S.C. § 47107(a)(13) and *Grant Assurance 24, Fee and Rental Structure.*)

There is a Long-term Approach to this goal. If market conditions or demand for air service do not permit the airport to be immediately financially self-sustaining, the sponsor should establish long-term goals and targets to make the airport as financially self-sustaining as possible.

Central Maine's aviation market conditions favor a self-sustaining airport facility.

In fact, the Airport's Adopted Master Plan has put building hangars as a top priority since 1989. The demand for new hangars is documented, but financing has always been the issue.

Never Lease Land Lease the Building



Good Land use policy around an airport is to own the land nearest the airport and maintain control of development thereon.

Aeronautical use revenues are generated by the airport for operations and possibly capital development.

Hangars are major investments that produce even more revenues for the airport; they also keep the activity at the airport at a high level. Smaller rectangle hangars of less than 10,000 ft² can be bonded and built individually. Debt service is paid back through rentals and leases. Once amortized (paid) the entire rent amount becomes pure revenue for the airport.

How to use a 27,000 ft² Hangar



There are several acceptable uses for any hangar which is termed “AERONAUTICAL USE” . The three main uses are:

- MRO,
- a Fixed Base for an Operator,
- and Aircraft storage.

How to use a 27,000 ft² Hangar

Maintenance,
Repair and
Overhaul



MRO Industry is Growing



MRO Industry is Growing

Air Carriers are still reducing fleets and marginally increasing seat capacity. Retired smaller aircraft need servicing before sale or lease to next user.

Restoration is a fast growing niche market for aircraft maintenance, repair, and overhaul.

We expect that the Repair Station currently in the hangar will be sold to next operator in the distant future.

How to use a 27,000 ft² Hangar



Operator
Headquarters

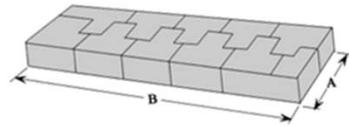


Operator Headquarters

Local corporate owner –we have had inquiries

Local charter base – we have had inquiries, last one went to Waterville. They had a hangar available.

How to use a 27,000 ft² Hangar



Aircraft
Storage



Aircraft Storage

Imagine buying a \$100k car and parking it on the driveway all the time. Aircraft are expensive machines and owners want to take good care of them and protect their investment.

Storage market is getting very competitive as more corporate aircraft owners look for storage. This is even more true in places of extreme weather conditions.

Remember we have to charge market rate for any hangar space we have.



Auburn-Lewiston Airport



Questions?





City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: July 21, 2014

Resolve 65-07212014

Author: Clinton Deschene, City Manager

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan Work Plan Budget Ordinance/Charter Other Business* Council Goals**

**If Council Goals please specify type: Safety Economic Development Citizen Engagement

Subject: Airport Loan to Purchase Hanger

Information: The Airport Board is requesting funding to purchase the Hangar currently leased to Lufthansa. This was mentioned during the CIP process and after meetings with the Airport Board in follow up and discussions between the 2 cities it is being recommended to loan the money to the airport at 2.58% interest for 13 years.

Per the attached financials it is a savings to the Airport.

The recommendation is to use fund balance for the loan. The only item that is needed to be resolved is property taxes. For FY 2015 the taxes will be assessed as usual. However, a determination will need to be made by Auburn assessors if the property is taxable after the airport purchases. If the property is deemed tax exempt, it is agreed that a Payment in-lieu of taxes (PILOT) agreement will be developed and executed.

Financial: Loan of Fund Balance

Action Requested at this Meeting: Discussion

Previous Meetings and History: 20 June 2014 Workshop

Attachments:

Airport Hanger Amortization

Airport Loan for Hanger

Hanger Buyout Supplemental Info

*Agenda items are not limited to these categories.

**Auburn-Lewiston Airport
Proposed Joint Agency Loan**

Principal 2,200,000
Rate 2.58%
Term 13 years

Year	Annual Payment	Interest Payment	Principal Payment	Outstanding Balance	Interest to each City	Principal to each City	Airport Operational Savings
0				2,200,000.00			
1	201,348.00	56,760.00	144,588.00	2,055,412.00	28,380.00	72,294.00	48,402.00
2	201,348.00	53,029.63	148,318.37	1,907,093.63	26,514.81	74,159.19	48,402.00
3	201,348.00	49,203.02	152,144.98	1,754,948.65	24,601.51	76,072.49	48,402.00
4	201,348.00	45,277.68	156,070.32	1,598,878.32	22,638.84	78,035.16	48,402.00
5	201,348.00	41,251.06	160,096.94	1,438,781.38	20,625.53	80,048.47	48,402.00
6	201,348.00	37,120.56	164,227.44	1,274,553.94	18,560.28	82,113.72	48,402.00
7	201,348.00	32,883.49	168,464.51	1,106,089.43	16,441.75	84,232.25	48,402.00
8	201,348.00	28,537.11	172,810.89	933,278.54	14,268.55	86,405.45	48,402.00
9	201,348.00	24,078.59	177,269.41	756,009.13	12,039.29	88,634.71	48,402.00
10	201,348.00	19,505.04	181,842.96	574,166.16	9,752.52	90,921.48	48,402.00
11	201,348.00	14,813.49	186,534.51	387,631.65	7,406.74	93,267.26	48,402.00
12	201,348.00	10,000.90	191,347.10	196,284.54	5,000.45	95,673.55	48,402.00
13	201,348.69	5,064.14	196,284.55	(0.00)	2,532.07	98,142.27	48,401.31
	2,617,524.69	417,524.69	2,200,000.00		208,762.34	1,100,000.00	629,225.31



Finance Department



Heather Hunter
Director of Finance/Treasurer
hhunter@lewistonmaine.gov

TO: Mayor Robert E. Macdonald
And Members of the City Council

FROM: Heather Hunter, Finance Director

SUBJECT: **Auburn-Lewiston Airport Hanger Loan**

DATE: June 10, 2014

During the FY2015 Lewiston Capital Improvement Program (LCIP) presentation, the Airport Manager provided information on the cost savings benefit of paying off the hanger lease vs. the continuation of lease payments. The referenced LCIP material accompanies this memo. Under current conditions, the airport will pay \$249,750 annually until 2028 to lease the Nobility hanger. At which point, the airport has a \$2 million purchase option.

The airport board was approached by the hanger owner to buyout the lease for approximately \$2.2 million (exact terms are still under negotiation), producing a present value savings of just under \$2.83 million. While it makes economic sense to accept the offer, the board itself lacks the funds available to do so, and the experience to cost-effectively issue debt on its own. Additionally, airport debt would need the Cities of Lewiston and Auburn's to essentially "co-sign" the loan or bond.

Given the lack of economic growth in the A-L community and tight fiscal budgets, both municipalities expressed reluctance to issue debt for their share of the hanger buyout (\$1.1 million) in spite of its operating subsidy savings. However, given the miniscule return on investments experienced by both Cities, the funds could be loaned to the airport through current municipal cash flows to effectuate the airport savings and reap a higher rate of return for each City. Both Cities used a similar arrangement with the 911 Committee's telephone line conversion, albeit for a significantly less principal amount and shorter term.

My recommendation is for both Cities to loan the airport \$1.1 million for 13 years at a rate of 2.58%. The annual amortization of this loan would be \$201,348 producing an annual savings of \$48,402 from the \$249,750 annual required lease payment. As a frame of reference, the rate of return is the same rate the City of Lewiston received on their most recent bond sale. Further, one, two, and five year certificates of deposits are averaging .55%, .6% and 1.8% respectively from today's investment purchase quote.

The Airport Manager is ready to move forward with final buyout negotiations as the proposed operating savings was included and footnoted as such in his FY2015 budget. He has provided additional background information in the attached memo.

I would be happy to address any questions or concerns you may have about this request.



**City of Lewiston Maine
City Council Order
June 17, 2014**

RESOLVE, Authorizing a 2.58 percent interest rate, thirteen year loan of \$1,100,000 from the City's General Fund to the Auburn-Lewiston Airport for the purchase of the Nobility hanger.

WHEREAS, the Auburn-Lewiston Airport is a joint agency between the Cities of Lewiston and Auburn; and

WHEREAS, the Airport Board recommended the buyout option to reduce operating costs; and

WHEREAS, the operational savings resulting from the lease buyout is estimated to be \$2.83 million; and

WHEREAS, operational savings will directly benefit the Cities of Lewiston and Auburn with their annual budget appropriation;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON,

That a 2.58 percent interest rate, thirteen year loan of \$1,100,000 from the City's General Fund be made to the Auburn-Lewiston Airport for the purchase of the Nobility hanger. The loan will be repaid in thirteen annual payments of \$201,348, beginning the effective day of the purchase in fiscal year 2015 and annually thereafter.

FY 2015 Lewiston Capital Improvement Program

Project Description Form

Project Title: Aircraft Hangar

Operational Funding Division: Joint Agency **Project Name:** Hangar Purchase

Est. Total Cost FY 2015:	2,200,000	Est. Total Cost FY 2015-19:	2,200,000
City Share FY 2015:	1,100,000	City Share FY 2015-2019:	1,100,000

Project Description:
Purchase existing hangar as a cost savings measure.

Consistency with the Comprehensive or Strategic Plans or other related planning documents:
This project is part of the 1995 Airport Master Plan. Development of this type is consistent with Federal Grant Assurances.

Justification for project implementation/construction and segments, if applicable:
This investment in the airport's infrastructure will provide revenue producing assets for the airport to help reduce the dependency on municipal subsidies.

Future maintenance costs if known, including contracts and special service requirements:
Annual fire apparatus testing - \$3,000, insurance - \$6,400, and boiler inspection and maintenance - \$1,000.

How were cost estimates obtained and expenditure commitment:
Based upon current discussions.

FUNDING SOURCES

Source	Amount			Yes	No
City Operating Budget					
City Bond Issue	1,100,000				
Federal/State Funding		Agency:	Approval Received?		
Other Agency/Municipality	1,100,000	Agency:	City of Auburn Approval Received?	Yes	No
Total Project Costs	2,200,000				

IMPLEMENTATION SCHEDULE (Fiscal Years)

	2015	2016	2017	2018	2019	Future
Total Project Cost	2,200,000					
Non-City Share	1,100,000					
City Share	1,100,000	0	0	0	0	0

Attach on separate page(s)/sheet additional information (if needed)

Auburn - Lewiston Airport Lease vs Purchase Analysis

For
Hangar #5 at 78 Airport Drive

Year	Costs under Current Lease Terms					Cost under Current Selling Price				
	Monthly Rent Collected Through Sublease	Rent collected through sublease	Rent collected through ground lease	Cost of Lease for hangar	Monthly Lease Rent Paid for Hangar	Graduated purchase price	Purchase Cost	Monthly debt service	Savings Over Lease	Annual Savings Over Lease
2008	642,500.00	642,500.00	70,000.00	249,750.00	20,812.50	2,795,000.00	2,200,000.00	17,012.82	3,799.68	45,596.16
2009	5,833.33	70,000.00	1.00	249,750.00	20,812.50	2,795,000.00		17,012.82	3,799.68	45,596.16
2010	5,833.33	70,000.00	1.00	249,750.00	20,812.50	2,795,000.00		17,012.82	3,237.18	38,846.16
2011	21,937.50	263,250.00	1.00	249,750.00	20,812.50	2,795,000.00		17,012.82	3,237.18	38,846.16
2012	22,500.00	254,250.00	1.00	249,750.00	20,812.50	2,795,000.00		17,012.82	3,237.18	38,846.16
2013	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,795,000.00		17,012.82	3,237.18	38,846.16
2014	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,795,000.00		17,012.82	3,237.18	38,846.16
2015	20,250.00	101,250.00	1.00	249,750.00	20,812.50	2,595,000.00		17,012.82	3,799.68	45,596.16
2016	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,595,000.00		17,012.82	3,237.18	38,846.16
2017	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,595,000.00		17,012.82	3,237.18	38,846.16
2018	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,595,000.00		17,012.82	3,237.18	38,846.16
2019	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,395,000.00		17,012.82	3,237.18	38,846.16
2020	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,395,000.00		17,012.82	3,237.18	38,846.16
2021	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,395,000.00		17,012.82	3,237.18	38,846.16
2022	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,395,000.00		17,012.82	3,237.18	38,846.16
2023	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,395,000.00	17,012.82	3,237.18	38,846.16	
2024	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,195,000.00	17,012.82	3,237.18	38,846.16	
2025	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,195,000.00	17,012.82	3,237.18	38,846.16	
2026	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,195,000.00	17,012.82	3,237.18	38,846.16	
2027	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,195,000.00	17,012.82	3,237.18	38,846.16	
2028	20,250.00	243,000.00	1.00	249,750.00	20,812.50	2,195,000.00	17,012.82	3,237.18	38,846.16	
					Total Rent Paid					
					5,046,250.00	plus	2,000,000.00			
					21.00	Option for three more 10-year lease periods at the same lease rent.				
					5,244,750.00					

Current Sub-Lease for Hangar runs out in May 2015
Rent equals \$9 per sq ft (Market) for 27,000 sq ft per year in 12 equal payments of \$20250

Bond Issue of \$2.3 million at 4% over 15 years

E
S
T
I
M
A
T
E

Cost/Benefit analysis of hangar purchase

The 16 April meeting on the Airport Hangar Purchase that is part of the budget process this year produced the question of what exactly were the options concerning the property and the hangar leases. The following is the result of consultation with the lawyer that wrote the leases and a quick reading of Maine Commercial Lease Law.

The Sponsors have three basic options in the current leases. They are:

1. Return the hangar to Nobility LLC and "walk away" from the current lease.
2. Continue to rent the hangar in accordance with the current lease
3. Purchase the hangar out right.

Basic Facts

Before discussing the options available, a description of the underlying situation may provide some clarity. This enquiry centers on the hangar built in 2008 by Nobility, LLC on property that is inside the boundaries of the airport's area of aeronautical activity. The airport leased 2.14 acres of land to Nobility LLC for one dollar (\$1) per year for 20 years. Simultaneously, the airport entered into a 20-year lease for a to-be-constructed hangar that was to be built by Nobility, LLC. The rent for the hangar is \$249,750.00 per year, paid annually on the anniversary of the lease signing. Ultimately, the airport leased the hangar to Lufthansa Technik North America Holdings Corporation for a period of five years. There has been an extension to the original lease and there is a good possibility of at least one more. The lease between the airport and Lufthansa Technik was the original goal of these transactions as Lufthansa Technik desired a location to refurbish a Lockheed Constellation that was already on the airport.

The three-party lease construction was due mostly to Lufthansa Technik's request (requirement) that they not lease from a private party. The preference was to rent from the airport, mostly to avoid paying the property tax that building and owning a building would require of them. They also did not think imagine the project would take more than five years. For the FY 14 assessment, the hangar was assessed at \$ 1,772,800 producing \$36,218 in tax revenue.

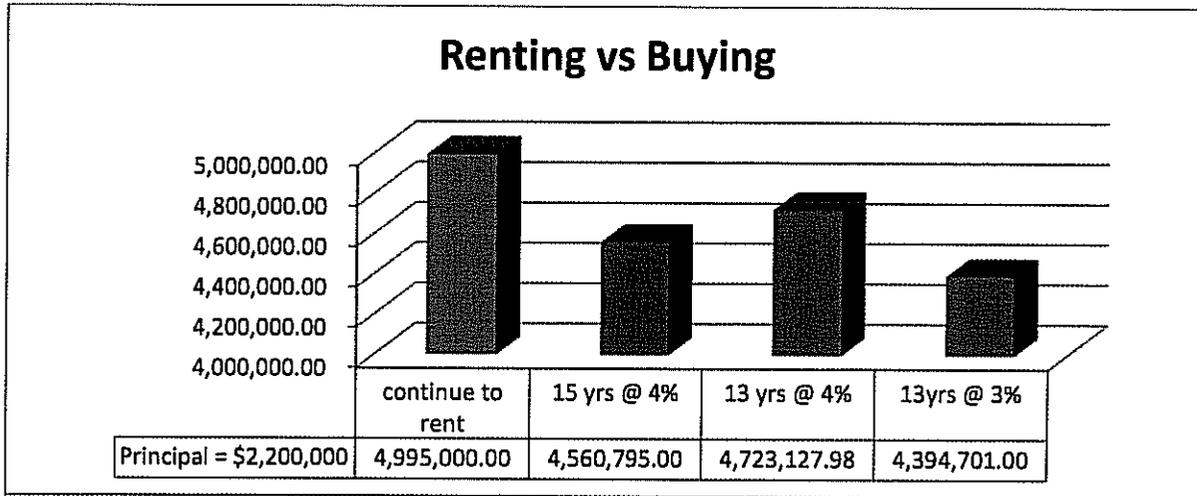
Discussion of Options

Option 1 – Terminate lease with Nobility LLC for hangar

This is not really an option under the terms of the lease with Nobility, LLC. However, if the Airport simply surrendered possession of the hangar to Nobility and stopped paying rent under the Sublease, the Airport would be in default of its obligations under the Sublease, which would give rise to Nobility's right to terminate the Sublease. This option has the benefit of reducing the cost to the airport of \$249,750 per year. If this were the only change to the airport's finances, it would make the airport self-sufficient for operational expenses, changing the relationship to one of only capital investment by the sponsors. A situation to which Federal Grant Assurances require all grant recipients aspire.

The first of many problems with this option is that terminating the lease with Nobility, LLC would also cause the cessation of rent payments by Lufthansa Technik, concomitantly reducing the airport's income \$243,000 per year. This option would also open the airport and the sponsors to litigation for damages. Speculation on the payment amount for these damages suggests that Nobility, LLC would receive \$3.5 million, approximately the amount of the remaining lease and

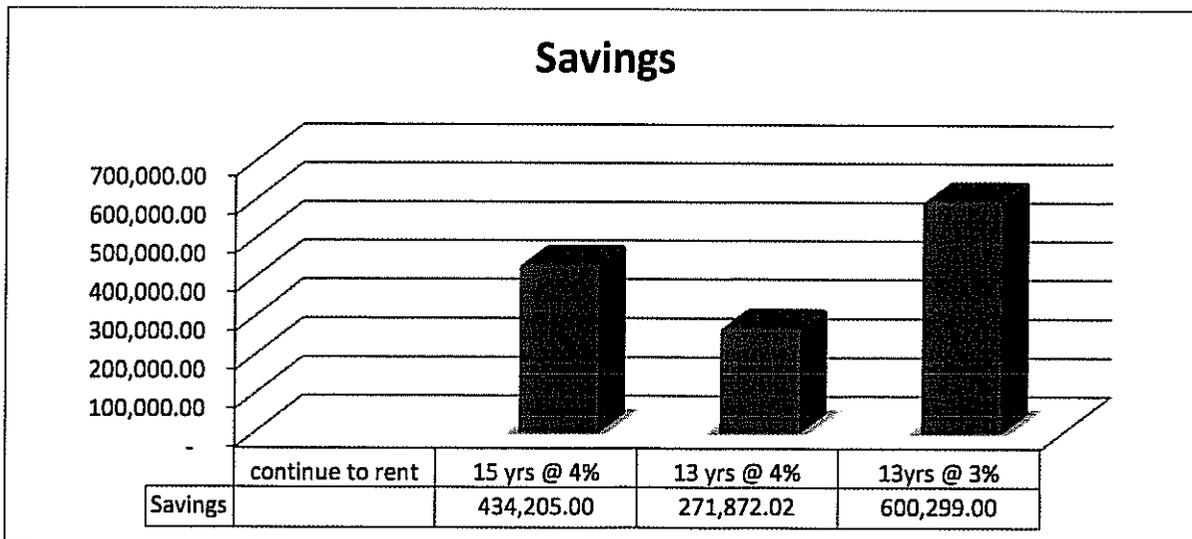
Lufthansa Technik, LLC would at least recover the cost of relocating the project if they continue to maintain the requirement that they not lease from a private party. Lastly, lease termination by the airport may require relocation of the fence if Nobility, LLC cannot replace the current tenant with another aeronautical user of the building. This action would require "Release from Aeronautical Use" determination by FAA, while this is possible it is doubtful given the design of the building and its proximity to the other airport infrastructure.



Option 2 - Continue to Rent the Hangar

This option has some merit. The lease is currently in its sixth year and for the FY15 budget 13 years remain on the current lease with Nobility, LLC. At the end of the lease period, Nobility LLC has the option to surrender the hangar to the airport or to take the building down and return the site to its original state. The ground lease to Nobility, LLC also allows Nobility to not surrender the hangar to the airport and adjust the ground lease rent to market value.

The cost to continue to rent the hangar is \$249,750 per annum. If the airport continues to rent, the total amount paid to Nobility, LLC for the hangar will be \$4,995,000.00.

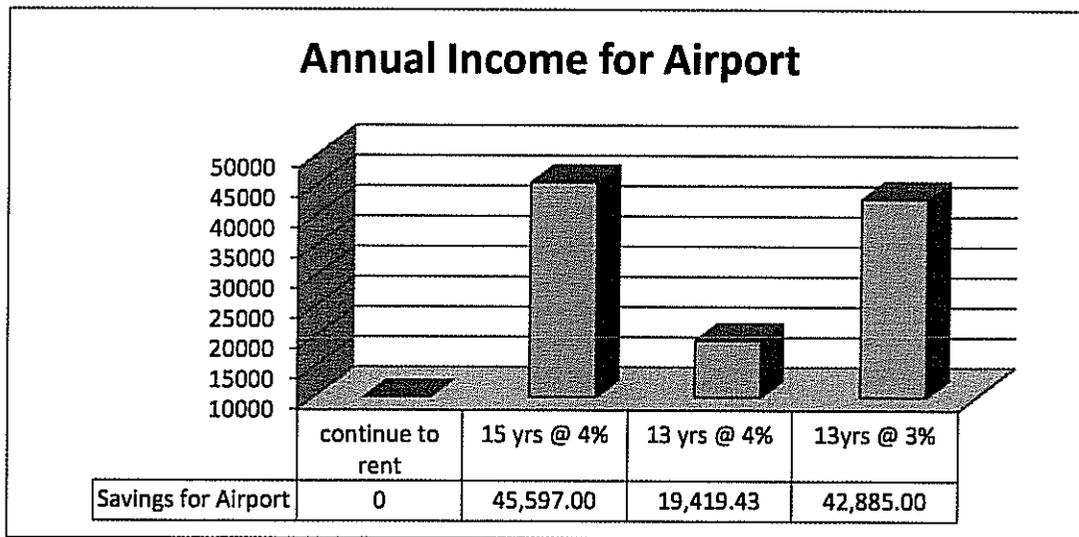


Option 3 – Purchase the Hangar

Purchasing the hangar has several benefits. Most importantly, there is a cost savings in purchasing the hangar as shown in the chart on the bottom of the previous page. The terms of the financing dictate the overall savings but even at higher rates, there is \$271,872 that can be saved over continuing to rent.

The cost savings would be compounded with the increase of income to the airport through the rent collection. This increase would be also driven by the financing package but as the chart below shows even the least favorable arrangement produces income for the airport that the concomitantly reduces subsidy requests. If the hangar was already financed with favorable terms this year's budget request could have been reduced by \$22,786.00 for each city. What's more, once the hangar is paid off, the entire amount of rent will be revenue for the airport.

There are risks involved with purchasing the hangar that revolve around keeping the hangar rented for the duration of the financing period. These risks are inherent in all projects of this type and are normally overcome with good relationships with tenants and good property management. It is possible for the current situation to last for the duration of the financing period and beyond, but it will be rented out until mid-2018 at least.



Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 07-07212014

RESOLVE, Authorizing a 2.58 percent interest rate, thirteen year loan of \$1,100,000 from the City's General Fund to the Auburn-Lewiston Airport for the purchase of the Nobility hanger.

WHEREAS, the Auburn-Lewiston Airport is a joint agency between the Cities of Lewiston and Auburn; and

WHEREAS, the Airport Board recommended the buyout option to reduce operating costs; and

WHEREAS, the operational savings resulting from the lease buyout is estimated to be \$2.83 million; and

WHEREAS, operational savings will directly benefit the Cities of Lewiston and Auburn with their annual budget appropriation;

NOW, THEREFORE, BE IT RESOLVED by the **CITY COUNCIL** of the **CITY** of **AUBURN**,

That a 2.58 percent interest rate, thirteen year loan of \$1,100,000 from the City's General Fund be made to the Auburn-Lewiston Airport for the purchase of the Nobility hanger. The loan will be repaid in thirteen annual payments of \$201,348, beginning the effective day of the purchase in fiscal year 2015 and annually thereafter.

BE IT FURTHER RESOLVED, that the Auburn Assessing Department make a determination of taxability subsequent to purchase by the Airport and that if it is determined to be tax exempt, the City of Auburn will negotiate a payment in lieu of taxes between the city and the airport.

IN COUNCIL REGULAR MEETING AUGUST 4, 2014 VOL. 34 PAGE 51

Mayor LaBonté 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. All Councilors were present.

I. Consent Items

Item number two (Order 67-08042014) was moved from the consent agenda and placed under new business. A motion was made by Councilor Hayes and seconded by Councilor LaFontaine to accept consent item number 1 as presented. Passage 7-0.

1. **Order 66-08042014**

Accepting the transfer of Forfeiture Asset (Kenneth Gardner).

2. **Order 67-08042014**

Approve changing the September regular City Council meeting dates from September 2 and September 15, 2014 to September 8 and September 22, 2014.

II. Minutes

July 21, 2014, 2014 Regular Council Meeting.

Motion was made by Councilor LaFontaine and seconded by Councilor Crowley to accept the minutes of July 21, 2014 as presented. Passage 7-0.

July 23, 2014 Special Joint Meeting (City Council and School Department).

Motion was made by Councilor LaFontaine and seconded by Councilor Crowley To accept the minutes of July 23, 2014 as presented. Passage 7-0.

III. Reports

Mayor's Report – reported on the date and time of the re-dedication of the Veterans Memorial Bridge monument and commented on the announcement of the expansion of Pioneer Plastics which will bring 140 new jobs to the area.

City Manager's Report – reported on the proposed land donation for a new high school and the Priority Workshop that was tentatively set for August 25th will be delayed.

Committee Reports – Councilor Gerry reported on the Lewiston Auburn Transportation Center, Auburn Housing Authority/Dillingham Building, and National Night Out; Councilor Crowley reported on the Audit Committee, County Budget Committee, Recreation and Special Events Advisory Committee, Lake Auburn Watershed Commission, Auburn Sewerage District, Auburn Water District, and gave her Ward 1 report; Councilor LaFontaine reported on the Special Meeting date for the City Manager's review: Councilor Walker reported on Mid Maine Waste Action Corporation, Hasty Community Center; and the Mayor requested a Railroad update on real estate negotiations from Councilor Hayes.

IN COUNCIL REGULAR MEETING AUGUST 4, 2014 VOL. 34 PAGE 52

IV. Communications, Presentations and Recognition - Howard Kroll and Jill Eastman discussed the FY 2014-2015 Tax Commitment item that was on the workshop.

V. Open Session

- Larry Pelletier, 129 Second Street on the Ward 4 School Committee seat (nomination papers are available for that seat).

VI. Unfinished Business

1. Order 57-07072014

Adopting the Community Development Block Grant Program Guidelines.

Motion was made by Councilor LaFontaine and seconded by Councilor Lee to adopt the Community Development Block Grant Program Guidelines to include the refined language discussed in the workshop which would include the historic property exterior restoration guidelines.

Public comment – no one from the public spoke. Passage 5-2 (Councilors Crowley and Walker opposed).

2. Order 61-07072014

Authorizing issuance of General Obligation Bonds and a tax levy therefore. Public hearing and first reading. *Passage requires an affirmative vote of 5 Councilors.*

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes to authorize the issuance of general obligation bonds and a tax levy therefore.

Motion was made by Councilor Walker and seconded by Councilor Gerry to amend by reducing funding as follows;

Engineering – reconstruction from \$1,100,000 to \$900,000

Engineering – reclaim/resurfacing from \$1,000,000 to \$900,000

Fire Department – generator for the S. Main St. station from \$25,000 to \$15,000

Recreation – Pettengill Park softball field – from \$72,000 to \$60,000

Planning – Comprehensive plan property program – from \$400,000 to \$350,000

School – School Department funding – from \$2,181,365 to \$1,781,000

Motion was made by Councilor Lafontaine and seconded by Councilor Young to amend the amendment by returning school funding back to \$2,181,365. Passage 4-3 (Councilors Crowley, Walker, and Gerry opposed).

Passage of the amendment as amended 4-3 (Councilors Lafontaine, Hayes, Lee opposed).

Public hearing-no one from the public spoke.

IN COUNCIL REGULAR MEETING AUGUST 4, 2014 VOL. 34 PAGE 53

*Motion on the order as amended failed 4-3 (5 affirmative votes were needed, Councilors Gerry, Crowley, and Walker were opposed). A roll call vote was taken.

VII. New Business

3. Ordinance 05-08042014

Adopting the new General Assistance Maximums. First reading.

Motion was made by Councilor LaFontaine and seconded by Councilor Crowley to adopt the new General Assistance Maximums as presented.

Public comment – no one from the public spoke. Passage 7-0. A roll call vote was taken.

Order 67-08042014 – *this item was moved from the consent agenda to new business.*

Approve changing the September regular City Council meeting dates from September 2 and September 15, 2014 to September 8 and September 22, 2014.

Motion was made by Councilor LaFontaine and seconded by Councilor Gerry to change the September regular City Council meeting dates from September 2 and September 15, 2014 to September 8 and September 22, 2014. Passage 5-2 (Councilors Walker and Crowley opposed).

*Motion was made by Councilor Walker and seconded by Councilor LaFontaine to reconsider the first reading of Order 61-07072014 authorizing issuance of general obligation bonds and a tax levy therefore which failed earlier on during the meeting. Passage 7-0.

Motion was made by Councilor Walker and seconded by Councilor Hayes to amend the order by cutting out the \$255,000 for the front end loader. Passage 6-1 (Councilor Lee opposed).

Passage of the full order as amended 6-1 (Councilor Gerry opposed). A roll call vote was taken.

VIII. Executive Session - None

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

X. Adjournment

Motion was made by Councilor LaFontaine and seconded by Councilor Lee to adjourn with Council unanimously in favor. Time 8:38 P.M.

A True Copy.

ATTEST 
Susan Clements-Dallaire, City Clerk

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services



TO: Clinton Deschene, City Manager

FROM: Jill Eastman, Finance Director

REF: July 2014 Financial Report

DATE: August 8, 2014

The following is a discussion regarding the significant variances found in the City's July 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 first month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 8.33% 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 July 31st were \$624,605, or .82%, of the budget, which is lower than last year at this time by 0.27%. The accounts listed below are noteworthy.

- A. Excise taxes of \$292,005-down \$21,409 from last year.
- B. State Revenue Sharing for the month of July is 4.88% or \$80,439. As we discussed at the City Council meeting on August 4, 2014, the City will receive the amount that was held back in July over the remaining months of the FY15 fiscal year.
- C. \$137,624 was collected in July to pay off prior year property tax liens.

Expenditures

City expenditures through July 31st were \$2,747,156, or 7.25%, of the budget as compared to last year at \$1,912,095, or 2.61%. Noteworthy variances are:

- A. Information Communication Technology is at 16.57% due to software licenses being paid earlier this year than last year.
- B. Water and sewer is at \$146,628 or 24.48%. We pay quarterly for hydrant rentals.
- C. Airport is at 25% - annual subsidy paid in four installments
- D. E911 – Quarterly payment of \$262,327 paid in July

Investments

This section contains an investment schedule as of July 31st with a comparison to June 30th: Currently the City's funds are earning an average interest rate of .19%, which is the same as last July.

Respectfully submitted,



Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND, WC AND UNEMPLOYMENT FUND
AS of July 2014, June 2014 (unaudited), and June 2013

	UNAUDITED July 31 2014	UNAUDITED June 30 2014	Increase (Decrease)	AUDITED JUNE 30 2013
ASSETS				
CASH	\$ 3,398,415	\$ 11,225,627	\$ (7,827,212)	\$ 15,074,324
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	1,249,695	1,115,890	133,805	1,218,554
TAXES RECEIVABLE-CURRENT	(2,052)	89,723	(91,775)	107,929
DELINQUENT TAXES	663,511	543,772	119,739	486,160
TAX LIENS	1,249,707	1,391,484	(141,777)	1,415,461
NET DUE TO/FROM OTHER FUNDS	8,892,849	1,817,784	7,075,065	470,312
TOTAL ASSETS	\$ 15,452,124	\$ 16,184,280	\$ (732,156)	\$ 18,772,740
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	\$ (865,602)	\$ (529,178)	\$ (336,424)	\$ (670,227)
PAYROLL LIABILITIES	(568,715)	(93,082)	(475,633)	(501)
ACCRUED PAYROLL	(2,099,680)	(1,047,863)	(1,051,817)	(2,274,075)
STATE FEES PAYABLE	(23,277)	(31)	(23,246)	-
ESCROWED AMOUNTS	(43,526)	(41,865)	(1,661)	(41,865)
DEFERRED REVENUE	(1,903,868)	(1,858,354)	(45,514)	(1,822,839)
TOTAL LIABILITIES	\$ (5,504,669)	\$ (3,570,373)	\$ (1,934,296)	\$ (4,809,507)
FUND BALANCE - UNASSIGNED	\$ (8,856,502)	\$ (11,522,954)	\$ 2,666,452	\$ (12,378,441)
FUND BALANCE - RESTRICTED FOR WORKERS COMP & UNEMPLOYMENT	776,017	776,017	-	684,766
FUND BALANCE - RESTRICTED	(1,866,970)	(1,866,970)	0	(2,269,558)
TOTAL FUND BALANCE	\$ (9,947,455)	\$ (12,613,907)	\$ 2,666,452	\$ (13,963,233)
TOTAL LIABILITIES AND FUND BALANCE	\$ (15,452,124)	\$ (16,184,280)	\$ 732,156	\$ (18,772,740)

**CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH July 31, 2014 VS July 31, 2013**

REVENUE SOURCE	FY 2015 BUDGET	ACTUAL REVENUES THRU JULY 2014	% OF BUDGET	FY 2014 BUDGET	ACTUAL REVENUES THRU JULY 2013	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	\$ 43,055,996	\$ 10,024	0.02%	\$ 42,844,641	\$ 3,714	0.01%	\$ 6,310
PRIOR YEAR REVENUE	\$ -	\$ 137,624		\$ -	\$ 151,613		\$ (13,989)
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 495,000	\$ -	0.00%	\$ 482,575	\$ -	0.00%	\$ -
ALLOWANCE FOR ABATEMENT	\$ -	\$ -		\$ -	\$ -		\$ -
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ -	\$ -		\$ -
EXCISE	\$ 3,185,000	\$ 292,005	9.17%	\$ 3,068,500	\$ 313,414	10.21%	\$ (21,409)
PENALTIES & INTEREST	\$ 145,000	\$ 7,415	5.11%	\$ 140,000	\$ 7,465	5.33%	\$ (50)
TOTAL TAXES	\$ 46,880,996	\$ 447,067	0.95%	\$ 46,535,716	\$ 476,206	1.02%	\$ (29,139)
LICENSES AND PERMITS							
BUSINESS	\$ 48,300	\$ 2,955	6.12%	\$ 47,300	\$ 2,985	6.31%	\$ (30)
NON-BUSINESS	\$ 339,300	\$ 20,462	6.03%	\$ 338,300	\$ 27,178	8.03%	\$ (6,716)
TOTAL LICENSES	\$ 387,600	\$ 23,417	6.04%	\$ 385,600	\$ 30,163	7.82%	\$ (6,746)
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	\$ 440,000	\$ -	0.00%	\$ 440,000	\$ -	0.00%	\$ -
STATE REVENUE SHARING	\$ 1,649,470	\$ 80,439	4.88%	\$ 1,649,470	\$ 231,182	14.02%	\$ (150,743)
WELFARE REIMBURSEMENT	\$ 70,000	\$ -	0.00%	\$ 53,000	\$ -	0.00%	\$ -
OTHER STATE AID	\$ 22,000	\$ -	0.00%	\$ 22,000	\$ -	0.00%	\$ -
CITY OF LEWISTON	\$ 155,000	\$ -	0.00%	\$ 155,000	\$ -	0.00%	\$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 2,336,470	\$ 80,439	3.44%	\$ 2,319,470	\$ 231,182	9.97%	\$ (150,743)
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	\$ 132,040	\$ 11,717	8.87%	\$ 140,240	\$ 7,150	5.10%	\$ 4,567
PUBLIC SAFETY	\$ 485,703	\$ 17,136	3.53%	\$ 366,152	\$ 5,490	1.50%	\$ 11,646
EMS AGREEMENT	\$ 987,551	\$ -	0.00%	\$ 100,000	\$ 8,333	8.33%	\$ (8,333)
TOTAL CHARGE FOR SERVICES	\$ 1,605,294	\$ 28,853	1.80%	\$ 606,392	\$ 20,973	3.46%	\$ 7,880
FINES							
PARKING TICKETS & MISC FINES	\$ 26,000	\$ 1,428	5.49%	\$ 40,000	\$ 1,080	2.70%	\$ 348
MISCELLANEOUS							
INVESTMENT INCOME	\$ 10,000	\$ -	0.00%	\$ 20,000	\$ 38	0.19%	\$ (38)
INTEREST-BOND PROCEEDS	\$ 2,000	\$ -	0.00%	\$ 2,000	\$ -	0.00%	\$ -
RENTS	\$ 122,000	\$ -	0.00%	\$ 122,000	\$ -	0.00%	\$ -
UNCLASSIFIED	\$ 20,000	\$ 924	4.62%	\$ 17,500	\$ 1,500	8.57%	\$ (576)
SALE OF RECYCLABLES	\$ -	\$ -		\$ 4,800	\$ -	0.00%	\$ -
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 10,072		\$ -	\$ 10,331		\$ (260)
SALE OF PROPERTY	\$ 20,000	\$ 500	2.50%	\$ 20,000	\$ -	0.00%	\$ 500
RECREATION PROGRAMS/ARENA	\$ -	\$ -		\$ -	\$ -		\$ -
MMWAC HOST FEES	\$ 206,000	\$ 17,149	8.32%	\$ 204,000	\$ 16,826	8.25%	\$ 323
9-1-1 DEBT SERVICE REIMBURSEMENT	\$ -	\$ -		\$ -	\$ -	0.00%	\$ -
TRANSFER IN: TIF	\$ 500,000	\$ -	0.00%	\$ 520,000	\$ -	0.00%	\$ -
TRANSFER IN: POLICE	\$ 20,000	\$ -	0.00%	\$ -	\$ -		\$ -
TRANSFER IN: PARKING PROGRAM	\$ 55,000	\$ -	0.00%	\$ -	\$ -		\$ -
TRANSFER IN: PD DRUG MONEY	\$ 45,000	\$ -	0.00%	\$ -	\$ -		\$ -
TRANSFER IN: REC SPEC REVENUE	\$ 41,720	\$ -	0.00%	\$ -	\$ -		\$ -
TRANSFER IN: SPECIAL REVENUE	\$ 290,000	\$ -	0.00%	\$ -	\$ -		\$ -
ENERGY EFFICIENCY	\$ -	\$ -		\$ 2,000	\$ 279	13.95%	\$ (279)
CDBG	\$ 58,000	\$ 14,757	25.44%	\$ 58,000	\$ -	0.00%	\$ 14,757
UTILITY REIMBURSEMENT	\$ 37,500	\$ -	0.00%	\$ 37,500	\$ 1,845	4.92%	\$ (1,845)
CITY FUND BALANCE CONTRIBUTION	\$ 1,350,000	\$ -	0.00%	\$ 1,350,000	\$ -	0.00%	\$ -
TOTAL MISCELLANEOUS	\$ 2,777,220	\$ 43,401	1.56%	\$ 2,357,800	\$ 30,819	1.31%	\$ 12,582
TOTAL GENERAL FUND REVENUES	\$ 54,013,580	\$ 624,605	1.16%	\$ 52,244,978	\$ 790,423	1.51%	\$ (165,818)
SCHOOL REVENUES							
EDUCATION SUBSIDY	\$ 20,411,239	\$ -	0.00%	\$ 17,942,071	\$ -	0.00%	\$ -
EDUCATION	\$ 774,572	\$ -	0.00%	\$ 1,358,724	\$ -	0.00%	\$ -
SCHOOL FUND BALANCE CONTRIBUTION	\$ 906,882	\$ -	0.00%	\$ 855,251	\$ -	0.00%	\$ -
TOTAL SCHOOL	\$ 22,092,693	\$ -	0.00%	\$ 20,156,046	\$ -	0.00%	\$ -
GRAND TOTAL REVENUES	\$ 76,106,273	\$ 624,605	0.82%	\$ 72,401,024	\$ 790,423	1.09%	\$ (165,818)

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH July 31, 2014 VS July 31, 2013

DEPARTMENT	FY 2015 BUDGET	Unaudited		% OF BUDGET	FY 2014 BUDGET	Unaudited		% OF BUDGET	VARIANCE
		EXP THRU JULY 2014				EXP THRU JULY 2013			
ADMINISTRATION									
MAYOR AND COUNCIL	\$ 78,532	\$ 19,050	24.26%	\$ 71,079	\$ 1,050	1.48%	\$ 18,000		
CITY MANAGER	\$ 280,750	\$ 27,441	9.77%	\$ 238,903	\$ 12,790	5.35%	\$ 14,651		
ECONOMIC DEVELOPMENT	\$ 359,500	\$ 19,050	5.30%	\$ 318,933	\$ 44,654	14.00%	\$ (25,604)		
ASSESSING SERVICES	\$ 177,320	\$ 7,519	4.24%	\$ 172,277	\$ 10,017	5.81%	\$ (2,498)		
CITY CLERK	\$ 164,593	\$ 12,547	7.62%	\$ 162,045	\$ 8,648	5.34%	\$ 3,899		
FINANCIAL SERVICES	\$ 427,815	\$ 38,001	8.88%	\$ 405,976	\$ 22,018	5.42%	\$ 15,983		
HUMAN RESOURCES	\$ 139,578	\$ 12,118	8.68%	\$ 139,566	\$ 7,153	5.13%	\$ 4,965		
INFORMATION COMMUNICATION TECHNOLOGY	\$ 413,829	\$ 68,576	16.57%	\$ 395,350	\$ 30,380	7.68%	\$ 38,196		
LEGAL SERVICES	\$ 65,000	\$ -	0.00%	\$ 100,000	\$ -	0.00%	\$ -		
TOTAL ADMINISTRATION	\$ 2,106,917	\$ 204,302	9.70%	\$ 2,004,129	\$ 136,710	6.82%	\$ 67,592		
COMMUNITY SERVICES									
PLANNING & PERMITTING	\$ 902,494	\$ 69,292	7.68%	\$ 775,230	\$ 47,963	6.19%	\$ 21,329		
HEALTH & SOCIAL SERVICES	\$ 192,954	\$ 14,802	7.67%	\$ 189,539	\$ 16,853	8.89%	\$ (2,051)		
PUBLIC LIBRARY	\$ 960,692	\$ 168,012	17.49%	\$ 946,737	\$ 77,270	8.16%	\$ 90,742		
TOTAL COMMUNITY SERVICES	\$ 2,056,140	\$ 252,106	12.26%	\$ 2,759,028	\$ 193,550	7.02%	\$ 58,556		
FISCAL SERVICES									
DEBT SERVICE	\$ 6,263,936	\$ -	0.00%	\$ 6,321,584	\$ -	0.00%	\$ -		
FACILITIES	\$ 698,335	\$ 115,916	16.60%	\$ 715,667	\$ 164,426	22.98%	\$ (48,510)		
WORKERS COMPENSATION	\$ 468,081	\$ -	0.00%	\$ 431,446	\$ -	0.00%	\$ -		
WAGES & BENEFITS	\$ 4,737,117	\$ 460,048	9.71%	\$ 4,397,585	\$ 340,738	7.75%	\$ 119,310		
EMERGENCY RESERVE (10108062-670000)	\$ 375,289	\$ -	0.00%	\$ 375,289	\$ -	0.00%	\$ -		
TOTAL FISCAL SERVICES	\$ 12,542,758	\$ 575,964	4.59%	\$ 12,241,571	\$ 505,164	4.13%	\$ 70,800		
PUBLIC SAFETY									
FIRE DEPARTMENT	\$ 4,057,633	\$ 431,191	10.63%	\$ 4,024,789	\$ 235,953	5.86%	\$ 195,238		
FIRE EMS	\$ 635,468	\$ 121,822	19.17%				\$ 121,822		
POLICE DEPARTMENT	\$ 3,738,108	\$ 346,579	9.27%	\$ 3,589,583	\$ 177,592	4.95%	\$ 168,987		
TOTAL PUBLIC SAFETY	\$ 8,431,209	\$ 899,592	10.67%	\$ 7,614,372	\$ 413,545	5.43%	\$ 486,047		
PUBLIC WORKS									
PUBLIC SERVICES DEPARTMENT	\$ 5,806,379	\$ 379,987	6.54%	\$ 5,577,954	\$ 266,134	4.77%	\$ 113,853		
WATER AND SEWER	\$ 599,013	\$ 146,628	24.48%	\$ 558,835	\$ 135,231	24.20%	\$ 11,397		
TOTAL PUBLIC WORKS	\$ 6,405,392	\$ 526,615	8.22%	\$ 5,289,267	\$ 349,901	6.62%	\$ 176,714		
INTERGOVERNMENTAL PROGRAMS									
AUBURN-LEWISTON AIRPORT	\$ 105,000	\$ 26,250	25.00%	\$ 105,000	\$ 52,500	50.00%	\$ (26,250)		
E911 COMMUNICATION CENTER	\$ 1,067,249	\$ 262,327	24.58%	\$ 1,036,409	\$ 260,725	25.16%	\$ 1,602		
LATC-PUBLIC TRANSIT	\$ 235,373	\$ -	0.00%	\$ 235,496	\$ -	0.00%	\$ -		
LAEGC-ECONOMIC COUNCIL	\$ -	\$ -		\$ -	\$ -		\$ -		
LA ARTS	\$ 17,000	\$ -	0.00%	\$ -	\$ -		\$ -		
TAX SHARING	\$ 270,000	\$ -	0.00%	\$ 270,000	\$ -	0.00%	\$ -		
TOTAL INTERGOVERNMENTAL	\$ 1,694,622	\$ 288,577	17.03%	\$ 1,646,905	\$ 313,225	19.02%	\$ (24,648)		
COUNTY TAX									
TIF (10108058-580000)	\$ 2,046,880	\$ -	0.00%	\$ 2,029,513	\$ -	0.00%	\$ -		
OVERLAY	\$ 2,584,032	\$ -	0.00%	\$ 2,555,723	\$ -	0.00%	\$ -		
	\$ -	\$ -		\$ -	\$ -	0.00%	\$ -		
TOTAL CITY DEPARTMENTS	\$ 37,867,950	\$ 2,747,156	7.25%	\$ 36,140,508	\$ 1,912,095	5.29%	\$ 835,061		
EDUCATION DEPARTMENT									
	\$ 38,241,323	\$ -	0.00%	\$ 37,128,028	\$ -	0.00%	\$ -		
TOTAL GENERAL FUND EXPENDITURES	\$ 76,109,273	\$ 2,747,156	3.61%	\$ 73,268,536	\$ 1,912,095	2.61%	\$ 835,061		

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF July 31, 2014**

INVESTMENT	FUND	BALANCE	BALANCE June 30, 2014	INTEREST RATE	WEIGHTED AVG YIELD
BANKNORTH MNY MKT	24-1242924 GENERAL FUND	\$ 55,418.07	\$ 55,411.01	0.15%	
BANKNORTH MNY MKT	24-1745910 GF-WORKERS COMP	\$ 49,284.22	\$ 49,280.87	0.08%	
BANKNORTH MNY MKT	24-1745944 GF-UNEMPLOYMENT	\$ 67,004.12	\$ 66,995.58	0.15%	
BANKNORTH CD	7033 GF-UNEMPLOYMENT	\$ 102,404.84	\$ 95,195.16	0.15%	
BANKNORTH MNY MKT	24-1809302 SPECIAL REVENUE	\$ 52,638.29	\$ 52,631.58	0.15%	
BANKNORTH MNY MKT	24-1745902 SR-PERMIT PARKING	\$ 198,296.43	\$ 198,271.17	0.15%	
BANKNORTH MNY MKT	24-1745895 SR-TIF	\$ 1,119,539.34	\$ 1,119,396.73	0.15%	
BANKNORTH MNY MKT	24-1746819 CAPITAL PROJECTS	\$ 11,776,180.47	\$ 11,774,680.41	0.20%	
BANKNORTH MNY MKT	24-1745928 ICE ARENA	\$ 249,676.60	\$ 249,644.80	0.15%	
GRAND TOTAL		\$ 13,670,442.38	\$ 13,661,507.31		0.19%

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Clinton Deschene, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for July 31, 2014



Attached you will find a Statement of Net Assets and a Statement of Activities for the Ingersoll Arena and the Norway Savings Bank Arena as of July 31, 2014.

INGERSOLL ARENA

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets.

Current Assets:

As of the end of July 2014 the total current assets of Ingersoll were \$162,580. These consisted of cash and cash equivalents of \$249,645, and an interfund payable of \$87,065, which means that Ingersoll owes the General Fund \$87,065, so net cash available to Ingersoll is \$162,580 at the end of July.

Noncurrent Assets:

Ingersoll's noncurrent assets are the building, equipment and any building and land improvements, less depreciation. There will be an adjustment to the equipment, since some of this has been transferred to Norway Savings Bank Arena. The total value of the noncurrent assets as of July 31, 2014 were \$630,402.

Liabilities:

Ingersoll had no liabilities as of July 31, 2014.

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.

There have been no operating revenues for Ingersoll Arena in July 2014.

The operating expenses for Ingersoll Arena through July 2014, were \$920. These expenses are for utilities and minor repairs.

As of July 2014 Ingersoll Arena has an operating loss of \$920.

As of July 31, 2014 Ingersoll Arena has a decrease in net assets of \$920.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets.

Current Assets:

As of the end of July 2014 the total current assets of Norway Savings Bank Arena were \$49,529. These consisted of cash and cash equivalents of \$225, accounts receivable of \$430 and an interfund receivable of \$48,874, which means that the General Fund owes Norway \$48,874 at the end of July.

Noncurrent Assets:

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). There will be an adjustment to the equipment to account for the equipment that was transferred from Ingersoll Arena. The total value of the noncurrent assets as of July 31, 2014 were \$234,395.

Liabilities:

Norway Arena had accounts payable of \$5,870 as of July 31, 2014.

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 July 2014 are \$50,331. 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 July 2014 were \$124,035. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance. July 1st Norway began to pay the monthly rent payment on the arena of \$42,207 to Slap Shot LLC. The August rent payment was also posted in July in order to have the check available for August 1st.

As of July 2014 Norway Arena has an operating loss of \$73,704.

As of July 31, 2014 Norway Arena has a decrease in net assets of \$73,704.

CITY OF AUBURN, MAINE
Statement of Net Assets
Proprietary Funds
July 31, 2014

Business-type Activities - Enterprise Funds

	Ingersoll	Norway Savings	Combined
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 249,645	\$ 225	\$ 249,870
Interfund receivables	\$ (87,065)	\$ 48,874	(38,191)
Accounts receivable	-	430	430
Total current assets	162,580	49,529	212,109
Noncurrent assets:			
Capital assets:			
Buildings	18,584		18,584
Equipment	672,279	234,395	906,674
Land improvements	826,911		826,911
Less accumulated depreciation	(887,372)		(887,372)
Total noncurrent assets	630,402	234,395	864,797
Total assets	792,982	283,924	1,076,906
LIABILITIES			
Accounts payable		\$ 5,870	5,870
Total liabilities	-	5,870	5,870
NET ASSETS			
Invested in capital assets	\$ 630,402	\$ 234,395	864,797
Unrestricted	\$ 162,580	\$ 43,659	206,239
Total net assets	\$ 792,982	\$ 278,054	\$ 1,071,036

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Proprietary Funds
Business-type Activities - Enterprise Funds
Statement of Activities
July 31, 2014

	Ingersoll Ice Arena	Norway Savings Arena	Total
Operating revenues:			
Charges for services	\$ -	\$ 50,331	\$ 50,331
Operating expenses:			
Personnel	-	20,727	20,727
Supplies	-	1,889	1,889
Utilities	643	14,565	15,208
Repairs and maintenance	276	815	1,091
Rent	-	84,414	84,414
Depreciation	-	-	-
Capital expenses	-	-	-
Other expenses	-	1,625	1,625
Total operating expenses	920	124,035	124,955
Operating gain (loss)	(920)	(73,704)	(74,624)
Nonoperating revenue (expense):			
Interest income	-	-	-
Interest expense (debt service)	-	-	-
Total nonoperating expense	-	-	-
Gain before transfer	(920)	(73,704)	(74,624)
Transfers out	-	-	-
Change in net assets	(920)	(73,704)	(74,624)
Total net assets, July 1	793,902	351,758	1,145,660
Total net assets, July 31, 2014	\$ 792,982	\$ 278,054	\$ 1,071,036



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: August 18, 2014

Order 61-07072014

Author: Jill M. Eastman, Finance Director

Subject: Order authorizing the issuance of General Obligation Bonds and tax levy therefore

Information: This is the order authorizing the sale of \$8,200,000 in General Obligation Bonds to finance the FY 14-15 Capital Improvement Projects passed by Council during the budget process. (list attached)

Pro's & Con's: n/a

Financial: n/a

Action Requested at this Meeting: Recommend passage of 2nd reading on the General Obligation Bond Order.

Previous Meetings and History: 7/7/2014 Agenda, postponed to 7/21/2014 workshop and meeting, postponed to 8/4/2014 meeting. Public hearing and passage of first reading on 8/4/2014.

Attachments:

- Order
- Memo

Tizz E. H. Crowley, Ward One
 Robert Hayes, Ward Two
 Mary Lafontaine, Ward Three
 Adam Lee, Ward Four



Jonathan LaBonte, Mayor

Leroy Walker, Ward Five
 Belinda Gerry, At Large
 David Young, At Large

Order # 61-07072014

TITLE: ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Be It Ordered by the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, that there be and hereby is authorized the issuance and sale of the City's general obligation bonds on either a taxable or a tax-exempt basis in the amount of \$7,600,000, the proceeds of which, including premium, if any, and investment earnings thereon, are hereby appropriated to finance the following capital equipment and capital improvements (including costs of issuance for the bonds), all constituting part of the City's FY15 Capital Improvement Program:

CITY OF AUBURN			
CAPITAL IMPROVEMENT PLAN FY 15 Bonds			
	Description		Bonded General Fund
Engineering	Reconstruction		\$ 900,000
Engineering	Reclamation/Resurfacing		\$ 900,000
Engineering	Major Drainage		\$ 100,000
Engineering	MDOT Match		\$ 1,100,000
Engineering	Retaining Walls		\$ 75,000
Engineering	Sidewalks		\$ 150,000
Engineering	Bridge Maintenance		\$ 75,000
PW-Facilities	Heating Oil Tank Conversion		\$ 25,000
PW-Facilities	Energy Efficiency Upgrades (Lighting)		\$ 120,000
Public Works	Replace Street Sweeper		\$ 236,250
Public Works	Replace 7 yard plow trucks		\$ 180,000
Public Works	Replace 12 yard plow truck		\$ 235,000
Public Works	Purchase message sign board		\$ 25,000
Public Works	Side Dump Body/Hydraulic Pump		\$ 38,700
Planning	Dangerous Building Demolition		\$ 150,000
Fire	Generator for South Main Street Station		\$ 15,000
PW-Facilities	Replace Generator Transfer Switch		\$ 25,000
Planning	Comprehensive Plan Property Acquisiton Program		\$ 350,000
Library	Masonry Repair		\$ 47,167
Recreation	Renovate Softball Fields		\$ 60,000
Parks	Replace Festival Plaza Canopies		\$ 60,000
Recreation	Repurpose Ingersoll Arena		\$ 490,000
Contingency	Contingency		\$ 61,518
School Department	School Department		\$ 2,181,365
TOTAL CIP			\$ 7,600,000

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan LaBonte, Mayor

THAT the bonds shall be issued as authorized hereunder and shall be signed by the City's Finance Director and its Treasurer, attested by the City Clerk under the seal of the City. A tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year. The bonds may be issued at one time or from time to time, either singly or in series, and the authority and discretion to fix method of sale, issue date, maturities, denominations, interest rate, place of payment, form and other details of said bonds and notes, and to take all other actions and to sign and deliver all other documents, certificates and agreements in order to provide for the sale thereof is hereby delegated to the City's Finance Director.

THAT in order to finance temporarily the projects described above, the Finance Director is authorized to expend up to \$8,200,000 either from available funds of the City or from the proceeds of BAN's which would be reimbursed or refinanced from bond proceeds.

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

THAT the authority and discretion to designate the bond or notes, or a portion thereof, as qualified tax-exempt obligations under Section 265 of the Internal Revenue Code of 1986, as amended, is hereby delegated to the Finance Director.

THAT the City's Finance Director, Treasurer, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all financing documents, contracts, agreements, certificates, preliminary and final official statements, tax certificates and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this order, as may be necessary or desirable.

THAT if the Finance Director, Treasurer, or Clerk are for any reason are unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT this order is a declaration of official intent pursuant to Treas. Reg. § 1.150-2 and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

A Public Notice describing the general purpose of the borrowing and the terms thereof was published on or before June 28, 2014, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on August 4, 2014.

City of Auburn, Maine

"Maine's City of Opportunity"

Finance Department

August 11, 2014

TO: Clint Deschene, City Manager
FROM: Jill M. Eastman, Finance Director



RE: Cuts to CIP and how they will affect the projects

During the 1st reading of the General Obligation Bonds to fund the FY 15 Capital Improvement Program, the Council passed the following reductions:

Reconstruction reduced by \$200,000, from \$1,100,000 to \$900,000

Reclamation reduced by \$100,000 from \$1,000,000 to \$900,000

Front End Loader removed \$255,000

Generator for S. Main Station reduced by \$10,000, from \$25,000 to \$15,000

Comp Plan Property Acquisition reduced by \$50,000, from \$400,000 to \$350,000, and

Softball Field Renovation reduced by \$12,000, from \$72,000 to \$60,000

Following is an update on what these cuts mean to the individual projects and staff recommendations.

From Dan Goyette, City Engineer/Deputy Public Services Director: Reclamation is currently at \$900,000. Reconstruction is currently at \$900,000. In order to be able to complete at least one of the major projects out of the two accounts I am recommending that Valview Drive (\$1.25 million) be funded in the reclamation account. I would prefer to also complete Davis Avenue (\$1.25 million) but funding will not allow for the project. I am recommending that \$325,000 from reconstruction be applied to reclamation. This would bring the reclamation to \$1.25 million leaving \$575,000 in reconstruction. This will allow for the reconstruction of Tyler Street and Seventh Street as identified in the original CIP request.

Deletion of the Front End Loader will require Public Services to continue using the current loader that is over 15 years old.

Reduction of \$10,000 for the generator for the South Main Street Fire Station will not allow the project to be completed. The department will have enough money to get the wiring, pad and cover for the generator completed, but won't be able to buy the generator, so will have to do that in the following year.

The City Manager has projects in mind for the use of the Comp Plan Property Acquisition money, and this reduction will require him look for other funds to make up the total needed for the projects in the pipeline.

The reduction in the softball field renovations will mean that fewer fields will be renovated.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: August 18, 2014

Ordinance 05-08042014

Author: Dorothy Meagher

Subject: General Assistance Overall Maximum adjustment for FY 14-15

Information: I'm seeking the approval of the new overall maximums for FY 14-15 (appendices A) to be approved by council effective July 1, 2014. The municipal officers must approve / adopt the new maximums. Once the maximums are adopted they will replace the FY 13-14 maximums, the maximum levels are established as a matter of state law based on certain federal values. The overall maximum was changed by legislation at the last session to effect this fiscal year.

Pro's & Con's: Pro's by adopting the new overall maximums the program will be in compliance for reimbursement from the State.

Con's by not approving the overall maximums the program can be penalized and lose the 50% reimbursement.

Financial: The new Appendix overall maximum assistance is an increase of 1% for FY 14-15, the effective date for this appendix is July 1, 2014.

Action Requested at this Meeting: Approval of the increase to the General Assistance Appendices as required by state statute. Second and final reading.

Previous Meetings and History: This is a yearly approval needed by council. Public hearing and passage of first reading was on 8/4/2014.

Attachments:

Appendix A GA overall Maximum
Ordinance 05-08042014

GA Overall Maximums

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	603	725	874	1,096	1,261
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	585	585	699	942	1,089
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	537	635	829	1,044	1,107
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	762	901	1,163	1,463	1,565
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	950	952	1,138	1,656	1,801
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	633	742	954	1,260	1,501

Appendix A

Effective: 07/01/14-06/30/15

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	753	751	899	1,131	1,551
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	689	714	903	1,206	1,248

*Note: Add \$69 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	514	547	653	851	941
Franklin County	564	593	720	867	1,232
Hancock County	603	693	854	1,130	1,161
Kennebec County	517	598	764	964	1,027
Knox County	709	719	877	1,124	1,275
Lincoln County	660	727	916	1,140	1,223
Oxford County	551	610	735	992	1,284
Piscataquis County	573	651	802	1,016	1,086
Somerset County	582	608	724	985	1,001
Waldo County	643	687	826	1,027	1,091
Washington County	552	593	707	874	1,058

* Please Note: Add \$69 for each additional person.

**GENERAL ASSISTANCE ORDINANCE
APPENDICES A
2014-2015**

The Municipality of Auburn, Maine adopts the MMA Model Ordinance GA Appendices A for the period of July 1, 2014 — June 30, 2015. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) _____ (year)
by the municipal officers:

Councilor Tizz Crowley

(Signature)

Councilor Mary LaFontaine

(Signature)

Councilor Leroy Walker

(Signature)

Councilor Adam Lee

(Signature)

Councilor Robert Hayes

(Signature)

Councilor David Young

(Signature)

Councilor Belinda Gerry

(Signature)

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 05-08042014

ORDERED, that the General Assistance Ordinance be amended to incorporate the following maximum levels of assistance to be effective on and after July 1, 2014 as follows:

Persons in Household

COUNTY	1	2	3	4	5*
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	537	635	829	1,044	1,107



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: 08/18/2014

Order 68-08182014

Author: Sue Clements-Dallaire, City Clerk

Subject: Approval of a new Liquor License application for Xin Fa, Inc., doing business as: Tin Tin Buffet, 120 Center Street

Information: Tin Tin Buffet, 120 Center Street in Auburn is an existing business under new ownership. The business has been inspected and reviewed by the Police, Fire, Planning and Permitting and Finance Departments. This is a Food Service Establishment – Class I Restaurant with liquor.

Financial: N/A

Action Requested at this Meeting: Recommend approval of the liquor license for Xin Fa, Inc., doing business as Tin Tin Buffet, 120 Center Street. Public Hearing.

Previous Meetings and History: N/A

Attachments:

- Liquor License Application
- Criminal Background Check
- Public Hearing Ad
- Order 68-08182014

Department of Public Safety
Division

Liquor Licensing & Inspection



COPY

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

PRESENT LICENSE EXPIRES 7/24/2014

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|--------------------------------------------------------------------|------------------------------------|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | RESTAURANT/LOUNGE (Class XI) |
| HOTEL-OPTIONAL FOOD (Class I-A) | HOTEL (Class I,II,III,IV) |
| CLASS A LOUNGE (Class X) | CLUB-ON PREMISE CATERING (Class I) |
| CLUB (Class V) | GOLF CLUB (Class I,II,III,IV) |
| TAVERN (Class IV) | OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Xin Fa Inc</u> DOB: <u>5/1/2014</u>		2. Business Name (D/B/A) <u>Tin Tin Buffet</u>	
DOB:		<u>120 Center St. STE 202</u>	
DOB:		Location (Street Address)	
Address <u>120 Center St STE 202</u>		City/Town <u>Auburn</u>	State <u>ME</u>
		Zip Code <u>04210</u>	
		Mailing Address <u>(SAME)</u>	
City/Town <u>Auburn</u>	State <u>ME</u>	Zip Code <u>04210</u>	
Telephone Number <u>(508) 769-8213</u>	Fax Number	Business Telephone Number <u>(207) 782-7888</u>	Fax Number <u>(207) 782-8977</u>
Federal I.D. #		Seller Certificate # <u>1151452</u>	

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ 4,000
5. Is applicant a corporation, limited liability company or limited partnership? YES NO
6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: Shan Z. Lin
8. If business is NEW or under new ownership, indicate starting date: _____
- Requested inspection date: _____ Business hours: _____
9. Business records are located at: 120 Center St. STE 202, Auburn, ME 04210
10. Is/are applicants(s) citizens of the United States? YES NO

11. Is/are applicant(s) residents of the State of Maine? YES NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Shan Z. Lin	1/10/86	China

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Auburn, ME

Worcester, MA

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES NO

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: Daniel W. Boutin
1023 Litchfield Rd.

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Buffet Restaurant

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
 YES NO Applied for: _____

19. 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? 1 mile Which of the above is nearest? School

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Auburn, ME on June 27th, 20 14
Town/City, State Date

Shan Zhen Lin
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Shan Zhen Lin
Signature of Applicant or Corporate Officer(s)

STATE OF MAINE

Dated at: Auburn, Maine Androscoggin ss
City/Town (County)
 On: July 15, 2014
Date

The undersigned being: XXMunicipal Officers County Commissioners of the
XXCity Town Plantation Unincorporated Place of: Auburn, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

Alison F. Pepin, License Specialist Alison F. Pepin
On Behalf of the Municipal Officers

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise 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. [1993, c.730, §27(amd).]
 - 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. [1995, c.140, §4 (amd).]
 - 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-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise 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-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
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: [1987, c.45, Pt.A§4 (new).]
 - 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; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation 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; [1993, c.730, §27 (amd).]
 - 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; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
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. [1993, c.730, §27 (rp).]
4. **No license to person who moved to obtain a license. (REPEALED)**
5. **(TEXT EFFECTIVE 3/15/01) 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. 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.

Print Name

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	
FILING FEE	\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE
Liquor Licensing & Inspection Unit
 164 State House Station
 Augusta, Maine 04333-0164
 Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: Xin Fa Inc.
 Business D/B/A Name: Tin Tin Buffet
2. Date of Incorporation: May 1 2014
3. State in which you are incorporated: Maine
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

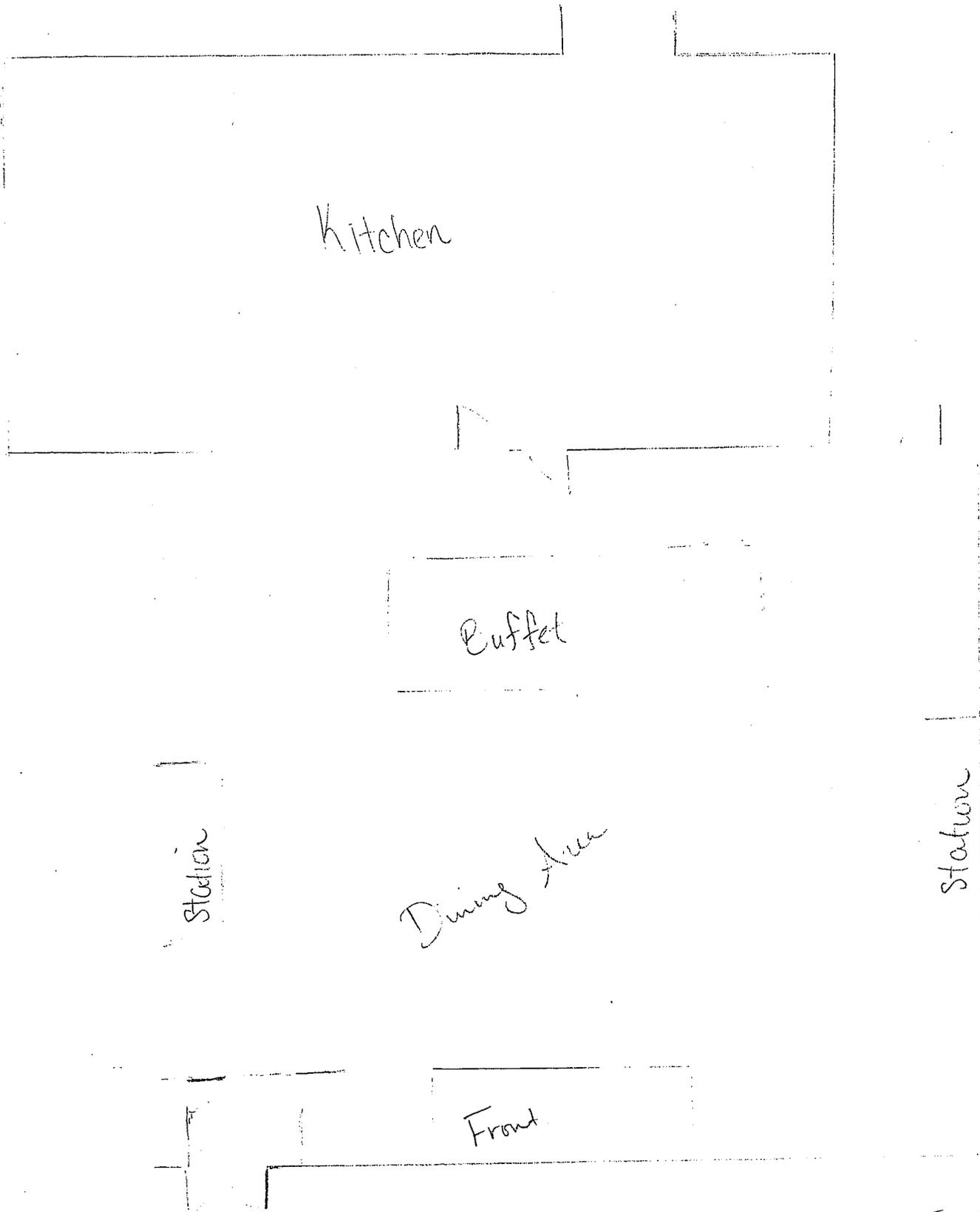
Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Shan Z. Lin	30 Whitney St. Auburn, Me	1/10/86	100%	President

6. What is the amount of authorized stock? 1000 Outstanding Stock? None
7. Is any principal officer of the corporation a law enforcement official? () YES (✓) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (✓) NO.
9. If yes, please complete the following: Name: _____
 Date of Conviction: _____ Offense: _____
 Location: _____ Disposition: _____
 Dated at: _____ City/Town _____ On: _____ Date _____

Shan Zhen Lin Date: 6/27/14
 Signature of Duly Authorized Officer

Shan Z. Lin
 Print Name of Duly Authorized Officer

PREMISE DIAGRAM



Tim Tim Buffet

**CITY OF AUBURN
PUBLIC NOTICE**

A public hearing will be held on Monday, August 18, 2014 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:

**Xin Fa, Inc., dba Tin Tin Buffet
120 Center Street, Auburn, Maine**

All interested persons may appear to show cause, if any they may have, why this license should not be granted.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 68-08182014

ORDERED, that the City Council hereby approves the request for a Liquor License for Xin Fa, Inc., d/b/a Tin Tin Buffet located at 120 Center Street.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: August 18, 2014

Ordinance 06-08182014

Author: Charlie DeAngelis, City Electrician

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan Work Plan Budget Ordinance/Charter Other Business* Council Goals**

**If Council Goals please specify type: Safety Economic Development Citizen Engagement

Subject: Adoption of the most current edition of the National Electrical Code NFPA 70-2014.

Information: The National Electrical Code (NEC) provides practical safeguarding of persons and property from hazards arising from the use of electricity. The NEC is updated every 3 years and considered to be the foundation of electrical safety. The new edition must be officially adopted prior to being implemented as the current edition in the City. The National Electrical Code (NFPA 70) is part of a set of codes and standards set forth by the National Fire Protection Association. It is comprised of a set of rules that when properly applied are intended to provide safe installation of electrical wiring and equipment. This standard governs the use of electrical wire, cable, fixtures, and communication cable installed in buildings throughout the United States and worldwide.

Financial:

Action Requested at this Meeting: First reading * (Aug 18, 2014) to adopt the most recent edition (2014-NFPA 70) The National Electrical Code.

Previous Meetings and History: Presented at the 8/4/2014 Council Workshop.

Attachments:

Adoption of the 2014 National Electrical Code

Top twelve changes for the 2014 NEC

Adoption of the 2014 NEC

The importance of adopting the latest edition of the National Electrical Code

Electrical inspections are a vital public safety function

*Agenda items are not limited to these categories.

Adoption of the 2014 NEC NFPA 70

The National Fire Protection Association (NFPA) has been the developer and publisher of [NFPA 70®](#), [National Electrical Code®](#) (NEC®) since 1911. The *NEC* is widely used throughout the world for the built environment, establishing the standard for safe electrical installations. The *NEC* is adopted by various levels of government in all 50 U.S. states and is adopted state-wide in many.

Adopting the latest edition of the NEC

By adopting the current edition of the *NEC*, you provide your constituents with:

- an electrical code that has kept pace and with changes and updates in electrical safety technology, methods, and products.
- an electrical code that has responded a timely manner to industry and societal needs, i.e., ensuring minimum safety requirements are in place for wind and solar energies and making certain that expanding electric vehicle charging infrastructure will meet the demands of the industry and public safety.
- an electrical code that coordinates with other NFPA codes and standards as well as model codes and standards developed by other organizations.
- an electrical code that facilitates the implementation of a document that is up to date with current industry technology and methods.
- an electrical code that provides state and local licensing authorities with the ability to implement current and relevant requirements into licensing examinations and continuing education requirements.
- an electrical code that allows consumers to derive the benefit of electrical installations incorporating equipment and methods that provide the latest advancements in electrical safety.
- an electrical code that does not pose a barrier to implementation of new technologies.
- an electrical code that recognizes the latest electrical products and does not create a barrier for equipment manufacturers

-

Top 12 Noteworthy Changes for the 2014 National Electrical Code (NEC)

According to the National Fire Protection Association (NFPA), there were 3745 proposals submitted to NFPA recommending changes for the 2014 *NEC*. In addition to these proposals, there were 1625 comments submitted concerning the NEC Code-Making Panels' responses to these proposals. Below are some of the more noteworthy changes that occurred in the 2014 edition of the *NEC*.

1. Revision: 600 Volts to 1000 Volts Threshold
2. New Articles
 - Article 393 Low Voltage Suspended Ceiling Power Distribution
 - Article 646 Modular Data Centers
 - Article 728 Fire Resistive Cable Systems
 - Article 750 Energy Management Systems
3. Definition:
Readily Accessible
Capable of being reached quickly for operation, renewal or inspection without requiring those concerned to use a tool, to climb over, remove obstacle or other.
4. 210.8 GFCI Protection for Dwelling Unit Laundry Areas and Commercial Garages
 - Dwelling unit laundry areas will now require GFCI protection for all 125-volt, single-phase, 15- and 20 amp receptacles in laundry rooms.
 - GFCI protection required for all 125 volt single phase 15 and 20 ampere receptacles installed in all commercial, non dwelling unit garages, service bays and similar areas.
 - Not only garages where electrical diagnostic equipment electrical hand tools, or portable lighting equipment are to be used.
5. 210.8(D) GFCI for Kitchen Dishwasher Branch Circuit.
GFCI protection shall be provided for outlets that supply dishwashers installed in dwelling units. This includes receptacles and hardwired (All GFCI's must be readily accessible).
6. 210.12 AFCI Protection for Dwelling Units now required in kitchen, laundry and dormitories. Receptacle AFCI's can be used under certain conditions.
7. 300.38 Raceways in Wet Locations Above Grade.

A new section was added to Part II (over 1000 volts, nominal) of Article 300 to indicate that the interior of raceways installed in wet locations above grade are now

considered to be a wet location. This will bring aboveground installation requirements for over 1000 volts consistent with the requirements in 300.9 for 1000 volts and under.

8. 310.15(B)(3)(c), Exception and Table 310.15(B)(3)(c) Raceways and Cables Exposed to Sunlight on Rooftops.

A new exception was also added that will allow the employment of Type XHHW-2 conductors, which is a thermoset insulated conductor, to be installed in raceways or cables on rooftops without having to apply an ambient temperature adjustment correction factor for these conductors.

9. Revision: 406.9(B)(1) Extra-Duty Covers at 15- and 20-Ampere Receptacles at Wet Locations.
10. Revision/New: 445.11 Marking at Generators to indicate if the neutral is bonded to the frame.
11. 517.18(B); 517.19(B); and 517.19(C) Health Care Facilities – Number of Receptacles.
12. New: 690.12 Rapid Shutdown of PV Systems on Buildings.

These are just a few of the changes that have been incorporated into the new 2014 *NEC*.

The Importance of Adopting the Latest Edition Of the National Electrical Code®

The undersigned members of the Electrical Code Coalition support direct adoption of the latest edition of the *National Electrical Code*. Direct adoption means that it is not adopted through a building code or other standard, but is directly adopted through direct legislative or administrative action. Direct action ensures that the requirements are not dependent on a code that is unrelated or only peripherally related.

The latest edition represents the latest technological advances. The NEC is revised every three years. Each edition goes through an extensive public vetting process to ensure that it meets technical and societal needs for minimum electrical safety.

Building inspection departments are evaluated by the Insurance Services Office (ISO) based on use of up to-date Codes and Standards. Adoption of the latest edition of the NEC can result in lower insurance premiums for property owners in a jurisdiction.

The National Electrical Code is responsive. The Code is revised every three years to ensure that the requirements take into account the latest in technology and safety. This ANSI-based consensus process includes expertise from installers, inspectors, electric utilities, testing laboratories, manufacturers and others.

Industry training programs and industry magazines and other resources support the current edition. When the new edition is released, all of the industry resources switch their focus to the new edition. All of the trade magazines and industry web sites want to provide up-to-date information.

Electricians and electrical inspectors trained and working to the current edition have increased opportunities. Uniform adoption of the latest edition NEC across jurisdictions will help open up opportunities for electricians, contractors, and inspectors to work in various jurisdictions since they will all have been trained to the same technologically current, safety oriented code.

The Electrical Code Coalition: An Industry Coalition Supporting Qualified Electrical Inspectors



Thomas R. Kuhn, President
Edison Electric Institute



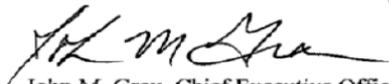
Larry Mullins, Executive Vice President and CEO
Independent Electrical Contractors



David E. Clements, CEO and Executive Director
International Association of Electrical Inspectors



Edwin D. Hill, International President
International Brotherhood of Electrical
Workers



John M. Grau, Chief Executive Officer
National Electrical Contractors Association



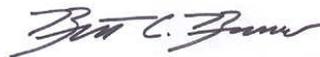
Evan R. Gaddis, President and CEO
National Electrical Manufacturer's Association



James M. Shannon, President and CEO
National Fire Protection Association®



Keith Williams, President and CEO
Underwriters Laboratories Inc.



Brett Brenner, President
Electrical Safety Foundation Intl. (ESFI)

Electrical Inspections Are A Vital Public Safety Function

Inspections Can Save Lives and Property: Inspections by qualified electrical inspectors reduce the potential for fire and shock hazards due to incorrectly installed electrical products and systems covered by the National Electrical Code®, save lives, and reduce property damage that may result from unsafe electrical installations.

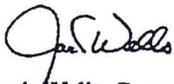
Inspections Mean Compliance with Laws: Most states and localities require electrical installations to comply with the National Electrical Code®, to protect public safety. Electrical inspections help confirm that electrical wiring and systems are installed “according to Code.”

Inspections Check for Safe Products: Most states and localities require electrical products to be “listed” by recognized product safety certification organizations. Electrical inspections help confirm that properly certified products meeting U.S. safety standards are installed.

Inspections Confirm that Qualified Installers are on the Job: Electrical inspections protect against untrained or careless installers. Too often, unqualified installers perform unsafe electrical installations, and may also use products that don’t meet national safety requirements or local laws and codes.

Inspections Can Help Lower Insurance Premiums: Property insurance premiums are generally lower in areas with strong building codes enforced by professional inspectors. That’s because qualified electrical inspections help protect lives and property.

The Inspection Initiative: An Industry Coalition Supporting Qualified Electrical Inspections



Jack Wells, Pass & Seymour/Legrand
Chairman, The Inspection Initiative



G. Thomas Castino, President and CEO
Underwriters Laboratories Inc.



Philip H. Cox, Executive Director
International Association of Electrical Inspectors



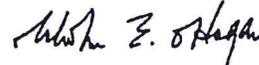
George D. Miller, President
National Fire Protection Association



John M. Grau, Executive Vice President
National Electrical Contractors Association



Jack Barry, International President
International Brotherhood of Electrical Workers



Malcolm O'Hagan, President
National Electrical Manufacturers Association



Thomas R. Kuhn, President
Edison Electric Institute

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 06-08182014

ORDERED, that the Code of Ordinances, section 12-96 hereby be amended as follows;

Sec. 12-96. National Electrical Code adopted

The city hereby adopts a certain electrical code known as the National Electrical Code recommended by the National Fire Protection Association and being particularly the ~~2008-2014~~ edition.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: August 18, 2014

Order 69-08182014

Author: Jill M. Eastman, Finance Director

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan **Work Plan** **Budget** **Ordinance/Charter** **Other Business*** **Council Goals****

**If Council Goals please specify type: *Safety* *Economic Development* *Citizen Engagement*

Subject: Order establishing the property tax payment due dates and to establish the property tax delinquency and overpayment interest rates for Fiscal Year 2013-2014.

Information: Pursuant to 36 M.S.R.A. § 505, this order establishes the real estate property tax and personal property tax due dates of the Fiscal Year 2014-2015

Real Estate property tax will be due in two equal installments on September 15, 2014 and March 16, 2015. Personal property tax will be due, in its entirety, September 15, 2014.

Also, pursuant to 36 M.S.R.A. § 505, this order confirms the interest rate for delinquent taxes as determined by the Treasurer State of Maine. The maximum rate set by the State Treasurer is determined by prime rate as published by the Wall Street Journal on the first business day of the calendar year, rounded up to the next whole percent plus 3 percentage points.

Financial: n/a

Action Requested at this Meeting: Adoption of Order

Previous Meetings and History:

Attachments:

Order 69-08182014

**Agenda items are not limited to these categories.*

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 69-08182014

ORDERED, that fifty percent (50%) of all real estate taxes assessed as in the annual commitment, committed to the Tax Collector, shall be due proportionately from each tax payer on September 15, 2014 and the remaining fifty percent (50%) shall be due on March 16, 2015.

Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any real estate taxes remaining uncollected on September 16, 2014 and March 17, 2015 respectively shall bear interest at a rate of 7% per annum from and after such dates.

Personal property taxes shall be due and payable on or before September 15, 2014. Any personal property taxes remaining unpaid on September 16, 2014 shall bear an interest rate of 7% per annum from and after such date. Interest on all delinquent taxes shall be computed on a daily basis and shall be collected by the Tax Collector. The Tax Collector is authorized to accept tax prepayments.



City Council Information Sheet

City of Auburn

Council Meeting Date: 7/28/2014

Subject: Executive Session

Information: Discussion regarding labor negotiations, pursuant to 1 M.R.S.A. Section 405(6)(D).

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 Council Information Sheet

City of Auburn

Council Meeting Date: 7/28/2014

Subject: Executive Session

Information: Discussion regarding 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 Council Information Sheet

City of Auburn

Council Meeting Date: 7/28/2014

Subject: Executive Session

Information: Discussion regarding a legal matter, pursuant to 1 M.R.S.A. Section 405(6)(E).

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.