



City Council Workshop & Meeting September 12, 2016 Agenda

5:30 P.M. Workshop

- A. Spring Street Project – Rick Whiting and Ethan Boxer-Macomber (45 minutes)

7:00 P.M. City Council Meeting

Roll call votes will begin with Councilor Pross

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.
 1. **Order 56-09122016***
Accepting the transfer of \$1,601.00 in forfeiture assets in U.S. currency to the Auburn Police Department (Anthony Barrome).
 2. **Order 57-09122016***
Accepting the transfer of \$1,561.00 in forfeiture assets in U.S. currency to the Auburn Police Department (Hector Jimenez).
 3. **Order 58-09122016***
Setting the time to open the polls at 7:00 A.M. for the November 8, 2016 election.
- II. **Minutes**
 - August 15, 2016 Regular Council Meeting
- III. **Communications, Presentations and Recognitions - None**
- IV. **Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.
 - Public Input – City Manager Search

V. Unfinished Business

1. Ordinance 06-08152016

Zoning amendment for Evergreen Subaru from Suburban Residential to General Business.
Second reading.

VI. New Business

2. Order 59-09122016

Approving the City funding request for the Spring Street project, contingent upon passage of Orders 60-09122016 and 61-09122016.

3. Order 60-09122016

Amending the Downtown Development and TIF (Tax Increment Financing) District #10 removing the parcel at 62 Spring Street (Municipal Tax Map 240-Parcel 257). Public hearing.

4. Order 61-09122016

Establishing an Economic Development and TIF (Tax Increment Financing) District #20 to designate the parcel at 62 Spring Street (Municipal Tax Map 240-257). Public hearing.

5. Ordinance 07-09122016

Amending the Colonial Ridge Planned Unit Development (PUD) zoning map from Industrial District to Suburban Residential. Public hearing and first reading.

VII. Executive Session - None

VIII. Reports

a. Mayor's Report

b. City Councilors' Reports

c. City Manager Report

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 disclosure of the information would prejudice the competitive or bargaining position of the body or agency

- D. Labor contracts
- E. Contemplated litigation
- F. Discussion 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. Consultation 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 of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 9/12/2016

Orders: 59-09122016

60-09122016

61-09122016

Subject: 62 Spring Street Project

Information: The City has received a request for a new credit enhancement agreement from the developer that would go beyond the statutory limit on the term of years for the Downtown District. Amending the original TIF (#10) to remove the 62 Spring Street Project allows the City to create a new stand alone TIF (#20).

The developers are requesting a 76% credit enhancement for 20 years and \$250,000 in Home funds.

Advantages: Mixed-Use (Featuring ground floor retail storefronts) Mixed-Income (Featuring a mix of market rate and workforce apartments) Beneficial to the future re-development potential of the adjacent Engine House property.

Disadvantages: The Council approved a budget that included a component for co-op housing, this would push any co-op housing project funding into fiscal year 2019.

City Budgetary Impacts: Federal funds are already approved for moderate or low income housing assistance. The tax shift/general fund loss is projected to be 29%.

Staff Recommended Action: Discussion with action to follow during the meeting

Previous Meetings and History: 9/8/2014, 8/3/2015, 9/21/2015 Council Meetings and 9/6/2016 Council Workshop.

Attachments: Home Funds Availability memo dated 09/07/06.

**ECONOMIC DEVELOPMENT
AUBURN, MAINE**

An Application for a Municipal Development and Tax Increment Financing District

**AUBURN 62 SPRING STREET MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM (#20)**

Presented to:
CITY OF AUBURN CITY COUNCIL
September 12, 2016

APPLICATION COVER SHEET

MUNICIPAL TAX INCREMENT FINANCING

A. General Information

1. Municipality Name: City of Auburn		
2. Address: 60 Court Street, Auburn ME 04210		
3. Telephone: 207-333-6601 x1218	4. Fax: N/A	5. Email: mchamming@auburnmaine.gov
6. Municipal Contact Person: Michael Chamming, Director of Economic Development		
7. Business Name: 62 Spring Street LP		
8. Address: 120 Great Falls Plaza, Auburn ME 04210		
9. Telephone: 207-784-7351	10. Fax:	11. Email:
12. Business Contact Person: Richard S. Whiting		
13. Principal Place of Business: Maine		
14. Company Structure (e.g. corporation, sub-chapter S, etc.): Limited Partnership		
15. Place of Incorporation: Maine		
16. Names of Officers: Richard S. Whiting		
17. Principal Owner(s) Name: Richard S. Whiting		
18. Address: 20 Great Falls Plaza, Auburn ME 04210		

B. Disclosure

1. Check the public purpose that will be met by the business using this incentive (any that apply):		
job creation	job retention	capital investment
training investment	tax base improvement	public facilities improvement
other (list):		
2. Check the specific items for which TIF revenues will be used (any that apply):		
real estate purchase	machinery & equipment purchase	training costs
debt reduction	other (list): capital improvements in the district	

C. Employment Data

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

	<u>Page</u>
I. Introduction	3
A. 62 Spring Street in Auburn	3
B. Designation of TIF District	3
II. Development Program Narrative	3
A. The Development Program	3
B. Developer's Use of TIF Revenue	4
C. Strategic Growth and Development	4
III. Physical Description	4
IV. Financial Plan	4
V. Financial Data	5
VI. Tax Shifts	5
VII. Municipal Approvals	5
A. Notice of Public Hearing	5
B. Minutes of Public Hearing	5
C. Order and Authorizing Vote	6

EXHIBITS:

Exhibits:

- A TIF District Maps
- B Statutory Requirements & Thresholds
- C Assessor's Certificate of Original Assessed Value
- D-1 TIF Revenue Projections
- D-2 Tax Shift Projections
- E Public Hearing Notice
- F Public Hearing Minutes
- G Attested City Council Order

I. Introduction

A. 62 Spring Street in Auburn

In 2014, to help finance the construction of a mixed-use and mixed-income housing project at 62 Spring Street (the “Project”), the City of Auburn (the “City”) granted The Auburn Housing Development Corporation (“AHDC”) a credit enhancement agreement to run concurrent with its Downtown TIF District #10. Due a redesign and reapproval of the Project, the Project will not complete construction until 2018. Therefore, the term years of the City’s #10 TIF district no longer aligns with the Project in a manner that provides the best opportunity for the Project to receive the necessary federal tax credits through the Maine State Housing Authority’s Low Income Housing Tax Credit Program. Thus, a new 20-year standalone TIF at 62 Spring Street is essential to the Project. This TIF is proposed to be carved out of the Downtown TIF #10 approved in 2014.

B. Designation of TIF District

The City hereby designates the 62 Spring Street Municipal Development and Tax Increment Financing District (#20) (the “District” or “TIF District”). The District is shown on Exhibit A.

II. Development Program Narrative

A. The Development Program

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “TIF Statute”). The City’s designation of the District combined with the adoption of this Development Program create a single municipal TIF district in order to capture the value of the real property improvements made at 62 Spring Street, and enable the use of taxes paid on increased assessed value in the District (“TIF Revenues”) to ensure the economic viability of the Project slated for construction at 62 Spring Street. The Development Program will run for the same 20-year period as the District designation starting with fiscal year 2017-2018, July 1, 2017, ending June 30, 2037.

Under this Development Program, the City will capture seventy-six percent (76%) of the taxes paid on increased assessed value in the District. The City will reimburse one hundred percent (100%) of these revenues to the Project’s developer. The remaining twenty-four percent (24%) of taxes paid on the increased value of the District will go to the City’s general fund.

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

- Ensure construction of a highly desirable mixed-use, mixed-income project;
- Maintain existing tax revenues;
- Enjoy enhanced future tax revenues generated by the Project;

- Create long-term, stable employment opportunities for area residents;
- Create additional mixed-income housing stock.

Thus, the City's designation of the TIF District and pursuit of this Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial contribution to the economic wellbeing of the City, by providing jobs, contributing to property taxes, diversifying the region's economic base, and creating additional mixed-income housing stock.

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

B. Developer's Use of TIF Revenue

Reimbursement to the Project's developer of the entirety of seventy-six percent (76%) of the captured taxes paid on the increased assessed value of the District achieves two complementary goals. First, these TIF revenues will provide a source of revenue to support the capital infrastructure project inside the District (and/or obtain financing to do so). Second, the designation of this District and adoption of this Development Program of these TIF revenues earns the Project vital points in the competitive Maine State Housing Authority's tax credit scoring benchmarks, giving the Project the best chance for success.

C. Strategic Growth and Development

By designating the District and adopting the Development Program, the City is capitalizing on the tax shift benefits so that the City will not lose new tax revenue to subsidy losses and increased obligations related to the captured assessed value in the District. The District's designation and implementation of the Development Program is expected to improve and boost the City's economy generally.

III. Physical Description

This Article III addresses the conditions for approval contained in 30-A M.R.S.A. § 5223(3). The proposed 0.81 acre District is shown in Exhibit A. The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. § 5223(3) are set forth in Exhibit B.

IV. Financial Plan

The Original Assessed Value of the property in the District was four hundred seventy-four thousand and three hundred dollars (\$474,300) as of April 1, 2015 (March 31, 2016). In the event of a revaluation, the City reserves the right to re-set the Original Assessed Value but only to the extent the value of Original Assessed Value assets has changed as a result of the

revaluation.¹ The City will capture seventy-six percent (76%) of the increased assessed value of the taxable real property located within the District for the entire 20-year term of the District. The TIF Revenues so collected will be deposited into the Development Program Fund for the District and then reimbursed to the Project's developer. The remaining twenty-four percent (24%) of increased assessed value will go to the City's general fund.

Estimates of the increased assessed property values of the District, the anticipated TIF Revenues generated by the District, and the estimated tax shifts are shown in Exhibits D-1 and D-2, respectively.

The current and future developers owning or leasing properties located within the District will pay for and/or finance improvements located in the District through public and private sources.

V. Financial Data

The statutory requirements and thresholds for approval required by Section 5223(3) of Title 30-A in the TIF Statute are set forth in Exhibit B. Financial projections related to the District are contained in Exhibits D-1 and D-2.

VI. Tax Shifts

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

VII. Municipal Approvals

A. Notice of Public Hearing

Attached as Exhibit E hereto is a copy of the Notice of Public Hearing regarding the designation of the District and the adoption of the Development Program for the District, published in a newspaper of general circulation in the City, on a date at least ten (10) days prior to the public hearing. The public hearing on the Development Program was held on September 12, 2016, in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

B. Minutes of Public Hearing

The Auburn City Clerk has provided an attested copy of the minutes of the September 12, 2016 public hearing before the Auburn City Council, a copy of which is contained in Exhibit F. This exhibit also provides a record of the vote of the Council on the designation of the District and the adoption of the Development Program.

¹ Any future credit enhancement agreements must contain language that acknowledges the potential change in the Original Assessed Value due to revaluation.

C. Order and Authorizing Vote

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

EXHIBITS

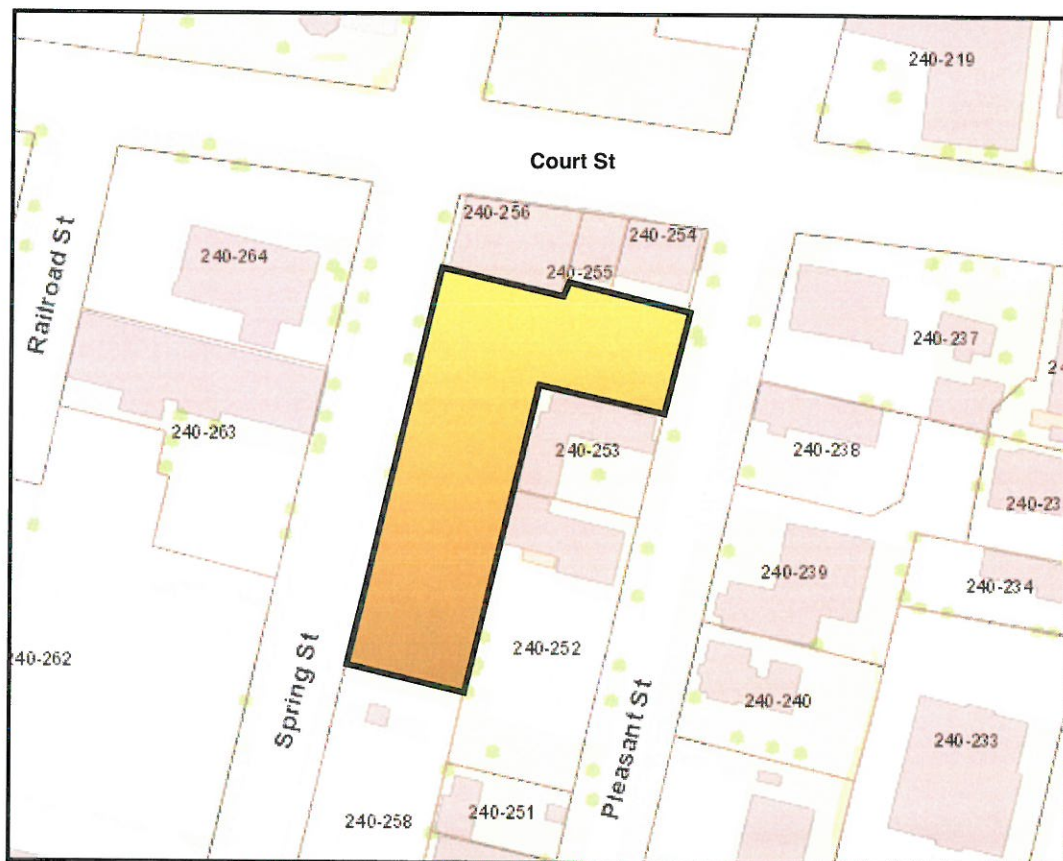
Exhibits:

- A TIF District Maps
- B Statutory Requirements & Thresholds
- C Assessor's Certificate of Original Assessed Value
- D-1 TIF Revenue Projections
- D-2 Tax Shift Projections
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- F Public Hearing Minutes
- G Attested City Council Order

Exhibit A

62 Spring Street Municipal Development and Tax Increment Financing District #20

.81 Acres - Approximate Boundaries



*Base Map is City of Auburn's Tax / Parcel Map

STATUTORY REQUIREMENTS AND THRESHOLDS
62 Spring Street TIF (#20)

SECTION A. Acreage Caps		
1. Total municipal acreage;		
2. Acreage of proposed Municipal TIF District;		
3. Downtown-designation ¹ acres in proposed Municipal TIF District;		
4. Transit-Oriented Development ² acres in proposed Municipal TIF District;		
5. Total acreage [=A2-A3-A4] of proposed Municipal TIF District counted toward 2% limit;		
6. Percentage [=A5÷A1] of total acreage in proposed Municipal TIF District (CANNOT EXCEED 2%).		
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ³	Existing	
	Proposed	
	Total:	
30-A § 5223(3) EXEMPTIONS⁴		
8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district;		
9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:		
10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:		
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁵ Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above:		
12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;		
13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).		
14. Real property in proposed Municipal TIF District that is:	ACRES	% [=Acres÷A2]
a. A blighted area;		
b. In need of rehabilitation, redevelopment or conservation;		
c. Suitable for commercial or arts district uses.		
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		

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

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

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

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

⁵ PTZ districts approved through December 31, 2008.

STATUTORY REQUIREMENTS AND THRESHOLDS
62 Spring Street TIF (#20)

SECTION B. Valuation Cap		
1. Total TAXABLE municipal valuation—use most recent April 1;		
2. Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;		
3. Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts:	Existing	
	Proposed	
	Total:	
30-A § 5223(3) EXEMPTIONS		
4. Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;		
5. Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts;		
6. Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts;		
7. Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation ⁶ Municipal TIF districts;		
8. Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such OAV also factored in Exemptions 4-7 above:		
9. Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;		
10. Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).		

COMPLETED BY	
NAME:	
DATE:	

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

ASSESSOR'S CERTIFICATE

[62 Spring Street Municipal Development and Tax Increment Financing District (#20)]

CITY OF AUBURN, MAINE

The undersigned Assessor for the City of Auburn does hereby certify pursuant to the provisions of M.R.S.A. Title 30-A § 5227(2) that:

The assessed value of the taxable real property of the **62 Spring Street Municipal Development and Tax Increment Financing District (#20)** as described in the Development Program to which this Certificate is included, was **\$474,300** as of March 31, 2016 (April 1, 2015).

In witness whereof, this Certificate has been executed as of this ___ day of September, 2016.

ASSESSOR

Karen Scammon, CMA

EXHIBIT D-1

TIF REVENUE PROJECTIONS

EXHIBIT D-2

TAX SHIFT PROJECTIONS

Username (Your Email)

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(1 Pages)

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Sun Journal

Sept. 2, 2016

Miscellaneous Notices

**CITY OF AUBURN
PUBLIC NOTICE**

Notice is hereby given that the City Council of the City of Auburn will hold a public hearing on September 12, 2016, at 7:00 p.m. or as soon as possible thereafter at the City Council Chambers in the Auburn Hall Building at 60 Court Street, Auburn Maine, for purposes of receiving public comments on the following:

1. Amendment to Downtown Development and Tax Increment Financing District #10 to remove the parcel at 62 Spring Street, (Municipal Tax Map 240- Parcel 257) from the District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended. A map of the Downtown Tax Increment Financing District is on file with the City Clerk and it is generally located in Auburn's Downtown and ADAPT Plan areas from Minot Avenue to the Androscoggin River.
2. Establishment of an Economic Development and Tax Increment Financing District #20 to designate the parcel at 62 Spring Street, (Municipal Tax Map 240- Parcel 257) as TIF # 19 and the adoption of a development program for said Municipal Development and Tax Increment Finance District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed Development and Tax Increment Finance District consists of the entirety of said parcel totaling .81 Acres in area and is intended to offset operating costs in a mixed income housing project proposed for the parcel. The proposed Municipal Development and Tax Increment Finance District consists of property within the area designated as the ADAPT area in the City's Comprehensive Plan and the Downtown revitalization Plan Area.

3. Establishment of an Affordable Housing Development and Tax Increment Financing District #21 to designate a portion of 37 Loring Avenue (Municipal Tax Map 211- Parcel 282) pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed Development and Tax Increment Finance District consists of the westerly portion of said parcel totaling approximately 5 Acres in area and is intended to offset operating costs in an affordable housing project proposed for the parcel. The proposed Municipal Development and Tax Increment Financing District consists of property within New Auburn Master Plan area in the City's Comprehensive Plan.

A copy of the proposed development programs for the districts will be on file with the City Clerk and may be reviewed at the offices of the City Clerk during normal business hours. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

1326645-1

Sun Journal

Sept. 2, 2016

Miscellaneous Notices

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Judgment of Foreclosure and Sale entered May 09, 2016 in the action entitled Deutsche Bank National Trust Company, As Trustee for Soundview Home Loan Trust 2006-EQ1 Asset-Backed Certificates, Series 2006-EQ1 v. Robert Neuschwanger et al., by the Maine District Court, Division of Farmington, Docket No.: FARDC-RE-15-43, wherein the Court adjudged the foreclosure of a mortgage granted by Robert Neuschwanger and Elizabeth Neuschwanger to Mortgage Electronic Registration Systems, Inc., acting solely as nominee for Equifirst Corporation, its successors and/or assigns, dated June 29, 2006 and recorded in the Franklin County Registry of Deeds in Book 2780, Page 313, should the period of redemption have expired without redemption of the property by the mortgagor(s), a public sale of the property described in the mortgage will be conducted on

October 4, 2016 commencing at 10:00 AM at Office of Shechtman Halperin Savage LLP, 190 U.S. Route One, 2nd Floor-Rear, Falmouth, Maine.

The property is located at 482 Depot Street, Wilton, Franklin County, Maine, reference as described in said mortgage.

The sale will be by public auction. All bidders for the property will be required to make a deposit of \$5,000.00 in cash, certified or bank check at the time of the public sale made payable to Shechtman Halperin Savage, LLP, which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within thirty (30) days of the public sale. In the event a representative of Deutsche Bank National Trust Company, As Trustee for Soundview Home Loan Trust 2006-EQ1 Asset-Backed Certificates, Series 2006-EQ1 is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved.

Additional terms will be announced at the public sale.

Deutsche Bank National

Trust Company, As Trustee

for Soundview Home Loan

Trust 2006-EQ1 Asset-Backed

Certificates, Series 2006-EQ1,

by its attorneys, Shechtman

Halperin Savage, LLP

Christine A. Johnson, Esq.

1080 Main Street,

Pawtucket, RI 02860

(401) 272-1400

1324972-1

Sun Journal

Sept. 2, 2016

Miscellaneous Notices

Maine Community Development Block Grant Program Environmental Review

Notice of Intent to Request a Release of Funds

Date:

September 2, 2016

Grantee:

Town of Lisbon

Address:

300 Lisbon Street

Lisbon ME 04250

Telephone:

207-353-3000

On or about 12, 2016, the Town of Lisbon will submit a request to the Department of Economic and Community Development (OCD) for the release of CDBG funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake the project described as the Lisbon Façade Improvement Program.

Total estimated funding is \$150,000 in HUD CDBG and \$150,000 in local building owner funds.

The activities proposed are categorically excluded under the HUD regulations at 24CFR Part 58 from National Environmental Policy Act requirements. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at:

Grantee:

Town of Lisbon

Address:

300 Lisbon Street

Lisbon ME 04250

Telephone:

207-353-3000

The ERR may be examined or copied Monday through Thursday from 7:30 a.m. to 6:00 p.m.

Public Comments

Any individual, group, or agency, disagreeing with this determination or wishing to comment on the project, may submit written comments on the ERR to the Town of Lisbon at: 300 Lisbon Street, Lisbon ME 04250.

All comments received by September 9, 2016 will be considered by the Town of Lisbon prior to submission of a request for release of funds.

Release of Grant Funds

The Town of Lisbon certifies to DECD that (Chief Executive Officer) Diane Barnes, in her official capacity consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to the environmental review process, and that these responsibilities have been satisfied. DECD's acceptance of the certification satisfies its responsibilities under NEPA and allows the Town of Lisbon to use Program funds.

Objections to Release of Funds

DECD will accept objections to its release of funds and the Town certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if it is on one of the following bases: (a) the certification

was not executed by the Chief Executive Officer of the Town of Lisbon; (b) the ERR indicates omission of a required step, decision or finding; (c) the grant recipient has incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by DECD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be address to DECD at 59 State House Station, Augusta, ME 04333-0059. Potential Objectors should contact DECD to verify the actual last day of the objection period.

Diane Barnes, 300 Lisbon Street, Lisbon ME 04250

Chief Executive Officer

1326374-1

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EXHIBIT F

ATTESTED COPY OF PUBLIC HEARING MINUTES

2016. _____

IN CITY COUNCIL, SEPTEMBER [DATE], 2016

WHEREAS, the City of Auburn (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to designate a specified area within the City as the **62 Spring Street Municipal Development and Tax Increment Financing District** (#20) (the "District") and adopt a development program (the "Development Program") for the District pursuant to the Act; and

WHEREAS, there is a need for economic development in the City of Auburn, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the City of Auburn; and to improve the general economy of the City of Auburn and the surrounding region; and

WHEREAS, designation of the District and adoption of the Development Program will help to improve and broaden the tax base in the City of Auburn and improve the economy of the City of Auburn and the region by attracting business development to the District; and

WHEREAS, the City desires to designate the District and adopt the Development Program; and

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

ORDERED AS FOLLOWS:

Section 1. The City of Auburn hereby designates the 62 Spring Street Municipal Development and Tax Increment Financing District (#20) and hereby adopts the Development Program for said District; such designation and adoption to be pursuant to the following findings, terms, and provisions:

Section 2. The City Council hereby finds and determines that:

a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for commercial uses; and

b. The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the proposed District) does not exceed five percent (5%) of the total acreage of the City; and

c. The original assessed value of all existing and proposed tax increment financing districts (including the proposed District) does not exceed five percent (5%) of the total value of equalized taxable property within the City as of the most recent April 1 for which such value is available; and

d. The designation of the District and adoption of the related Development Program will make a contribution to the economic growth and well-being of the City of Auburn and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Auburn, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City Council has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program.

Section 3. The City Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226; and further is authorized to execute a Credit Enhancement Agreement consistent with the provisions of the District's Development Program as presented and approved herein, and to create the accounts and take all the actions described in such agreements.

Section 4. The foregoing designation of the District and approval of the Development Program shall automatically become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by the Department, without requirement of further action by the City, the City Council, or any other party.

Section 5. The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the Development Program as the City Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and/or the Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

AMENDED AND RESTATED CREDIT ENHANCEMENT AGREEMENT

between

THE CITY OF AUBURN, MAINE

and

62 SPRING STREET, LP

Original Date as of September 8, 2014

AMENDED AND RESTATED DATE: _____, 2016

TABLE OF CONTENTS

ARTICLE I DEFINITIONS	1
Section 1.1. <u>Definitions</u>	1
Section 1.2. <u>Interpretation and Construction</u>	3
ARTICLE II DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS	4
Section 2.1. <u>Creation of Development Program Fund</u>	4
Section 2.2. <u>Captured Assessed Value; Deposits into Development Program Fund</u>	4
Section 2.3. <u>Use of Monies in Development Program Fund</u>	4
Section 2.4. <u>Monies Held in Segregated Account</u>	4
ARTICLE III PAYMENT OBLIGATIONS	4
Section 3.1. <u>Company Payments</u>	5
Section 3.2. <u>Failure to Make Payment</u>	5
Section 3.3. <u>Manner of Payments</u>	5
Section 3.4. <u>Limited Obligation</u>	5
ARTICLE IV FURTHER INSTRUMENTS AND ACCESS TO RECORDS	6
Section 4.1. <u>Further Instruments</u>	6
Section 4.2. <u>Access to Books and Records</u>	6
ARTICLE V DEFAULTS AND REMEDIES	6
Section 5.1. <u>Events of Default</u>	6
Section 5.2. <u>Remedies on Default</u>	7
Section 5.3. <u>Remedies Cumulative</u>	7
ARTICLE VI EFFECTIVE DATE, TERM AND TERMINATION.....	8
Section 6.1. <u>Effective Date and Term</u>	8
Section 6.2. <u>Cancellation and Expiration of Term</u>	8
ARTICLE VII ASSIGNMENT AND PLEDGE OF 62 SPRING STREET'S INTEREST	8
Section 7.1. <u>Pledge and/or Assignment</u>	8
Section 7.2. Tax Obligation of 62 SPRING STREET, Lessees, Assigns and Successors.	9
ARTICLE VIII MISCELLANEOUS.....	9
Section 8.1. <u>Successors</u>	9
Section 8.2. <u>Parties-in-Interest</u>	9
Section 8.3. <u>Severability</u>	9
Section 8.4. <u>No Personal Liability of Officials of the City</u>	10
Section 8.5. <u>Counterparts</u>	10
Section 8.6. <u>Governing Law</u>	10
Section 8.7. <u>Amendments</u>	10
Section 8.8. <u>Integration</u>	10
Section 8.9. <u>Dispute Resolution</u>	10
Section 8.10. Dismissal of Lawsuit.	11

Section 8.11. Notices.11

EXHIBITS

Exhibit 1 Copy of Exhibit A from Development Program – District Map

DRAFT

THIS CREDIT ENHANCEMENT AGREEMENT dated as of _____, 2016, between the City of Auburn, a municipal corporation located in Auburn, County of Androscoggin and State of Maine, with offices at 60 Court Street, Auburn, Maine 04210 (hereinafter "the City"), and 62 Spring Street, LP ("62 SPRING STREET"), a limited partnership, with principal place of business of 20 Great Falls Plaza, Auburn, ME 04210.

WITNESSETH THAT

WHEREAS, on September 12, 2016, and pursuant to the Act, the City Council of the City at a meeting duly called and held, adopted an order that designated a tax increment financing ("TIF") district: the 62 Spring Street Municipal Development and Tax Increment Financing District (_____ acres) (the "TIF District"); and

WHEREAS, on September 12, 2016, the City of Auburn adopted a development programs: the 62 Spring Street Municipal Development and Tax Increment Financing District Development Program (the "Development Program"); and

WHEREAS, the Commissioner of DECD reviewed and approved the District and the Development Program pursuant to approval letters dated **DATE**; and

WHEREAS, the City of Auburn Development Program will be considered by the City contemporaneous with this Credit Enhancement Agreement; and

WHEREAS, within the Development Program, and as contemplated thereby, the City proposed to execute a credit enhancement agreement with 62 SPRING STREET; and

WHEREAS, the City and 62 SPRING STREET desire and intend that this Credit Enhancement Agreement be and constitute the 62 SPRING STREET credit enhancement agreement contemplated by and described in the Development Program; and

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

**ARTICLE I
DEFINITIONS**

Section 1.1. Definitions.

The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise:

"62 Spring Street Municipal Development and Tax Increment Financing District" means the .81-acre 62 Spring Street Municipal Development and Tax Increment Financing District as more fully defined by the Development Program.

"Act" means chapter 206 of Title 30-A of the Maine Revised Statutes and regulations adopted thereunder, as amended from time to time.

“Agreement” shall mean this Credit Enhancement Agreement between the City and 62 SPRING STREET dated as of the date set forth above, as such may be amended from time to time.

“Development Program Fund” means the development program fund described in the Financial Plan of the Development Program into which the Tax Increment Revenues are to be deposited, established and maintained pursuant to the Development Programs and Article II hereof.

“Captured Assessed Value” means the amount, stated as a percentage, of the Increased Assessed Value of the 62 SPRING STREET Property that is retained in the District in each Tax Year during the term of the District, as specified in Section 2.2 hereof.

“Commissioner” means the Commissioner of the Maine Department of Economic and Community Development.

“Current Assessed Value” means the then-current assessed value of the 62 SPRING STREET Property located in the District as determined by the City Tax Assessor as of April 1 of each Tax Year during the term of this Agreement.

“Development Program” means the development program and financial plan for the District adopted by the City entitled the “62 Spring Street Municipal Development and Tax Increment Financing District Development Program”.

“District” means the 62 Spring Street Municipal Development and Tax Increment Financing District (.81 acres), designated by the City on September 12, 2016, a map of which is attached as Exhibit A to the Development Program.

“Effective Date of the Development Program” means the date of final approval of the Development Program by the Commissioner pursuant to the Act.

“Financial Plan” means the financial plan described in the “Financial Plan” Section of the Development Program.

“Fiscal Year” means July 1 to June 30 each year or such other fiscal year as the City may from time to time establish.

“Increased Assessed Value” means, for each Fiscal Year during the term of this Agreement, the amount by which the Current Assessed Value for such year exceeds the Original Assessed Value. If the Current Assessed Value is less than or equal to the Original Assessed Value in any given Tax Year, there is no Increased Assessed Value in that year.

“62 SPRING STREET Property” means real property owned by 62 SPRING STREET within the District.

“Original Assessed Value” means four hundred seventy-four thousand and three hundred dollars (\$474,300), the assessed value of the District as of March 31, 2016 (April 1, 2015).

“Project” means the mixed use and mixed income housing project as described in the Development Program.

“Property Taxes” means any and all *ad valorem* property taxes levied, charged or assessed against real property located in the District by the City, or on its behalf.

“State” means the State of Maine.

“Tax Increment Revenues” means that portion of all real property taxes assessed and paid to the City in any Tax Year, in excess of any state, or special district tax, upon the Captured Assessed Value.

“Tax Payment Date” means the later of the date(s) on which property taxes levied by the City are due and payable from owners of property located within the City, or are actually paid to the City with respect to taxable property located within the District.

“Tax Year” shall have the meaning given such term in 30-A M.R.S.A. § 5222(18), as amended, to wit: April 1 to March 31.

“City” shall have the meaning given such term in the first paragraph hereto.

Section 1.2. Interpretation and Construction.

In this Agreement, unless the context otherwise requires:

- (a) The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms, as used in this Agreement, refer to this Agreement, and the term “hereafter” means after, and the term “heretofore” means before, the date of delivery of this Agreement.
- (b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.
- (c) Words importing persons mean and include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.
- (d) Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.
- (e) All approvals, consents and acceptances required to be given or made by any signatory hereto shall not be withheld unreasonably.
- (f) All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time.

(g) If any clause, provision or Section of this Agreement shall be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision or Section shall not affect any of the remaining provisions hereof.

ARTICLE II

DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS

Section 2.1. Creation of Development Program Fund.

The City hereby confirms the creation and establishment of a segregated fund in the name of the City designated as the “Development Program Fund” pursuant to, and in accordance with the terms and conditions of, the Development Program and 30-A M.R.S.A. § 5227(3). The Development Program Fund shall be used to fund payments to 62 SPRING STREET. The Development Program Fund is pledged to and charged with the payment of costs in the manner and priority provided in 30-A M.R.S.A. § 5227(3)(B) and as set forth in Section 3.1(b) below.

Section 2.2. Captured Assessed Value; Deposits into Development Program Fund.

(a) Each year during the term of this Agreement and for each of the years between July 1, 2017 and the Effective Date of the Development Program (hereinafter “CEA Years”), the City shall retain in the District seventy-six percent (76%) of the Increased Assessed Value as Captured Assessed Value.

(b) For each of the CEA Years, the City shall deposit into the Development Program Fund contemporaneously with each payment of Property Taxes during the term of this Agreement an amount equal to one hundred percent (100%) of that portion of the property tax payment constituting Tax Increment Revenues.

Section 2.3. Use of Monies in Development Program Fund.

All monies in the Development Program Fund that are allocable to and/or deposited in the Development Program Fund shall in all cases be used and applied to fund fully the City's payment obligations to 62 SPRING STREET, as described in Articles II and III hereof, but in all cases 62 SPRING STREET must use such monies for approved project costs under the Act.

Section 2.4. Monies Held in Segregated Account.

All monies required to be deposited with or paid into the Development Program Fund under the provisions hereof and the provisions of the Development Program shall be held by the City for the uses specified in the Development Program. Interest earnings thereon shall be retained by the City for the City's own use.

ARTICLE III

PAYMENT OBLIGATIONS

Section 3.1. Company Payments.

(a) The City agrees to pay 62 SPRING STREET up to all amounts then on deposit in the Development Program Fund, on or before either thirty (30) days following the Tax Payment Date.

(b) Notwithstanding anything to the contrary contained herein, if, with respect to any Tax Payment Date, any portion of the property taxes assessed against real property located in the District remain unpaid, because of a valuation dispute or otherwise, the City shall be under no obligation to pay 62 SPRING STREET's share of the Tax Increment Revenues to 62 SPRING STREET. In such a circumstance, the property taxes actually paid with respect to such Tax Payment Date shall be applied to taxes due on account of Original Assessed Value.

Section 3.2. Failure to Make Payment.

(a) In the event the City should fail to, or be unable to, make any of the payments at the time and in the amount required under the foregoing provisions of this Article III including in the event that the amount deposited into Development Program Fund is insufficient to reimburse 62 SPRING STREET for the full amount due to 62 SPRING STREET under this Agreement, the amount or installment so unpaid shall continue as a limited obligation of the City, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid.

Section 3.3. Reserved.

Section 3.4. Limited Obligation.

The City's obligations of payment hereunder shall be limited obligations of the City payable solely from Tax Increment Revenues pledged therefor under this Agreement. The City's obligations hereunder shall not constitute a general debt or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine, or of any municipality or political subdivision thereof, but shall be payable solely from that portion of Tax Increment Revenues payable to 62 SPRING STREET hereunder, whether or not actually deposited into Development Program Fund in the Development Program Fund. This Agreement shall not directly, indirectly or contingently obligate the City, the State of Maine, or any other City or political subdivision to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, excepting the pledge of the Tax Increment Revenues established under this Agreement.

ARTICLE IV FURTHER INSTRUMENTS AND BOOKS AND RECORDS

Section 4.1. Further Instruments.

The City shall, upon the reasonable request of 62 SPRING STREET, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement; provided, however, that no such instruments or actions shall pledge the credit of the City; and provided further that the cost of executing and delivering such further instruments (including the reasonable and related costs of counsel to the City with respect thereto) shall be borne exclusively by 62 SPRING STREET.

Section 4.2. Access to Books and Records.

(a) All non-confidential books, records and documents in the possession of the City relating to the District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by 62 SPRING STREET, its agents and employees.

(b) All non-confidential books, records, lease agreements and documents in the possession of 62 SPRING STREET relating to the District, the Development Program, this Agreement and the monies, revenues and receipts used from the Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by City, its agents and employees.

ARTICLE V DEFAULTS AND REMEDIES

Section 5.1. Events of Default.

Each of the following events shall constitute and be referred to in this Agreement as an “Event of Default”:

(a) Any failure by the City to pay any amounts due to 62 SPRING STREET when the same shall become due and payable;

(b) Any failure by the City to make deposits into Development Program Fund as and when due;

(c) Any failure by the City or 62 SPRING STREET to observe and perform in all material respects any covenant, condition, agreement or provision contained herein on the part of the City or 62 SPRING STREET to be observed or performed, which failure is not cured within thirty (30) days following written notice thereof;

(d) If a decree or order of a court or agency or supervisory authority having jurisdiction in the premises of the appointment of a conservator or receiver or liquidator of, any insolvency, readjustment of debt, marshaling of assets and liabilities or similar proceedings, or for the winding up or liquidation of the City's affairs shall have been entered against the City or the City shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the City or of or relating to all or substantially all of its property, including without limitation the filing of a voluntary petition in bankruptcy by the City or the failure by the City to have an involuntary petition in bankruptcy dismissed within a period of ninety (90) consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the City;

(e) If any secured lender of 62 SPRING STREET accelerates the indebtedness owed to it;

(f) If any written representation or warranty given to the City by 62 SPRING STREET is knowingly incorrect or incomplete in any material respect, other than statements made about or in agreements with the City that were later changed by mutual consent; and

(g) If 62 SPRING STREET fails to maintain adequate surety bonding during construction at the levels and terms as may be required from time to time by the 62 SPRING STREET's secured lenders and/or 62 SPRING STREET allows mechanics' liens to encumber the Project for a period of more than sixty (60) days.

Section 5.2. Remedies on Default.

Subject to the provisions contained in Section 8.13, whenever any Event of Default described in Section 5.1 hereof shall have occurred and be continuing, the nondefaulting party, following the expiration of any applicable cure period, shall have all rights and remedies available to it at law or in equity, including the rights and remedies available to a secured party under the laws of the State of Maine, and may take whatever action as may be necessary or desirable to collect the amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the nondefaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder. Further, the non-defaulting party may elect to terminate this Agreement upon 30 days' written notice to the defaulting party.

Section 5.3. Remedies Cumulative.

Subject to the provisions of Section 8.13 below concerning dispute resolution, no remedy herein conferred upon or reserved to any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to exercise any right or power accruing upon any Events of Default to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any such right or power or be considered or taken as a waiver or relinquishment for the future of the right to insist upon and to enforce, from time to time and as often as may be deemed expedient,

by injunction or other appropriate legal or equitable remedy, strict compliance by the parties hereto with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Events of Default be continued or repeated.

ARTICLE VI

EFFECTIVE DATE, TERM AND TERMINATION

Section 6.1. Effective Date and Term.

Notwithstanding any other provision of this Agreement, this Agreement is conditioned upon receipt of the Commissioner's unconditional approval of the City's designation of the District and adoption of the Development Program. Following execution and delivery of this Agreement, the Agreement shall not be or become binding and enforceable until receipt of such unconditional approval. Upon receipt of such approval, this Agreement shall remain in full force from the Effective Date of the Development Program and shall expire June 30, 2037 or sooner upon the payment of all amounts due to 62 SPRING STREET hereunder and the performance of all obligations on the part of the City hereunder, unless even sooner terminated pursuant to Section 3.4 or any other applicable provision of this Agreement.

The City may terminate this Agreement by delivering written notice of such termination to 62 SPRING STREET in the event that 62 SPRING STREET does not receive a certificate of occupancy for the project by **June 30, 2020**.

Section 6.2. Cancellation and Expiration of Term.

At the acceleration, termination or other expiration of this Agreement in accordance with the provisions of this Agreement, the City and 62 SPRING STREET shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

ARTICLE VII

ASSIGNMENT AND PLEDGE OF 62 SPRING STREET'S INTEREST

Section 7.1. Pledge and/or Assignment.

The City hereby acknowledges that 62 SPRING STREET may pledge, assign and grant a security interest in its right, title and interest in, to and under this Agreement as collateral for financing by a bank or financial institution to 62 SPRING STREET for the Project, although no obligation is hereby imposed on 62 SPRING STREET to make such assignment or pledge. Recognizing this possibility, the City does hereby consent and agree to the pledge and assignment of and the grant of a security interest in all 62 SPRING STREET's right, title and interest in, to and under this Agreement and in, and to the payments to be made to 62 SPRING STREET hereunder, to third parties as collateral or security for indebtedness or otherwise, on one or more occasions during the term hereof. The City agrees upon request to execute and deliver any assignments, pledge agreements, consents or other confirmations required by the

prospective pledgee or assignee or secured party, including without limitation recognition of the pledgee or assignee or secured party as the holder of all right, title and interest herein and as the payee of amounts due and payable hereunder and any and all such other documentation as shall confirm to such pledgee or assignee or secured party the position of such assignee or pledgee or secured party and the irrevocable and binding nature of this Agreement, and provide to the pledgee or assignee such rights and/or remedies as the parties may reasonably deem necessary for establishing, perfection and protection of its interest herein. 62 SPRING STREET shall be responsible for the City's necessary and reasonable costs of counsel with respect to any such pledge or assignment.

Section 7.2. Transfer

Except as specified in Section 7.1 hereof, 62 SPRING STREET shall not transfer or assign any portion of its rights in, to and under this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

ARTICLE VIII MISCELLANEOUS

Section 8.1. Successors.

In the event of the dissolution, merger or consolidation of the City or 62 SPRING STREET, the covenants, stipulations, promises and agreements set forth herein, by or on behalf of or for the benefit of such party shall bind or inure to the benefit of the successors and assigns thereof from time to time and any entity, officer, board, commission, agency or instrumentality to whom or to which any power or duty of such party shall be transferred. Notwithstanding this Subsection 8.1, unless the City affirmatively approves of such action, the City shall have the unilateral right to terminate this Agreement upon the dissolution, merger or consolidation of 62 SPRING STREET, and if it exercises such right shall not be obligated to comply with this Agreement thereafter.

Section 8.2. Parties-in-Interest.

Except as herein otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the City and 62 SPRING STREET any right, remedy or claim under or by reason of this Agreement, it being intended that this Agreement shall be for the sole and exclusive benefit of the City and 62 SPRING STREET.

Section 8.3. Severability.

In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 8.4. No Personal Liability of Officials of the City.

(a) No covenant, stipulation, obligation or agreement of the City contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the City in his or her individual capacity, and neither the City Council nor any official, officer, employee or agent of the City shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

(b) No covenant, stipulation, obligation or agreement of 62 SPRING STREET contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future officer, agent, servant or employee of 62 SPRING STREET in his or her individual capacity, and no official, officer, employee or agent of 62 SPRING STREET shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

Section 8.5. Counterparts.

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

Section 8.6. Governing Law.

The laws of the State of Maine shall govern the construction and enforcement of this Agreement.

Section 8.7. Condition; Amendments.

Notwithstanding anything to the contrary herein or otherwise, this Agreement shall be given no force or effect unless and until the credit enhancement by and between the City and Auburn Housing Development Corporation dated September 8, 2014 shall have been terminated by the parties to such agreement. This Agreement is intended to supersede and fully replace the September 8, 2014 credit enhancement agreement. This Agreement may be amended only with the concurring written consent of both of the parties hereto.

Section 8.8. Integration.

This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the City and 62 SPRING STREET relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

Section 8.9. Dispute Resolution.

In the event of a dispute regarding this Agreement or the transactions contemplated by it, the parties hereto will use all reasonable efforts to resolve the dispute on an amicable basis. If

the dispute is not resolved on that basis within sixty (60) days after one party first brings the dispute to the attention of the other party, then either party may refer the dispute for resolution by one arbitrator mutually agreed to by the parties, and judgment on the award rendered by the arbitrator may be entered in any Maine state court having jurisdiction. Any such arbitration will take place in Auburn, Maine or such other location as mutually agreed by the parties. The parties acknowledge that arbitration shall be the sole mechanism for dispute resolution under this Agreement. Provided however, that in the event the parties are unable to agree, within a reasonable period, on the selection of an arbitrator, either party may file suit to resolve the dispute in any court having jurisdiction within the State of Maine. This arbitration clause shall not bar the City's assessment or collection of property taxes in accordance with law, including by judicial proceedings, including tax lien thereof.

Section 8.10. Reserved.

Section 8.11. Notices.

All notices, certificates, requests, requisitions or other communications by the City or 62 SPRING STREET pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when mailed by first class mail, postage prepaid, addressed as follows:

If to the City:

City Manager
City of Auburn
60 Court Street
Auburn, Maine 04210

With a copy to:

Shana Cook Mueller, Esq.
Bernstein Shur
100 Middle Street
P.O. Box 9729
Portland, Maine 04104-5029

If to 62 SPRING STREET:

Executive Director
62 SPRING STREET
156 Main Street
Auburn, ME 04011

With a copy to:

Counsel for 62 SPRING STREET

Either of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

IN WITNESS WHEREOF, the City and 62 SPRING STREET have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS:

CITY OF AUBURN

By: _____
Name: Denis D'Auteuil
Its City Manager Duly Authorized by the City
Council on September 12, 2016

WITNESS:

AUBURN HOUSING DEVELOPMENT
CORPORATION

By: _____
Name: Richard S. Whiting
Its Executive Director

Exhibit 1: Map of District

DRAFT

**ECONOMIC DEVELOPMENT
AUBURN, MAINE**

An Application for a Municipal Development and Tax Increment Financing District

**AUBURN 62 SPRING STREET MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM (#20)**

Presented to:
CITY OF AUBURN CITY COUNCIL
September 12, 2016

APPLICATION COVER SHEET

MUNICIPAL TAX INCREMENT FINANCING

A. General Information

1. Municipality Name: City of Auburn		
2. Address: 60 Court Street, Auburn ME 04210		
3. Telephone: 207-333-6601 x1218	4. Fax: N/A	5. Email: mchammings@auburnmaine.gov
6. Municipal Contact Person: Michael Chammings, Director of Economic Development		
7. Business Name: 62 Spring Street LP		
8. Address: 120 Great Falls Plaza, Auburn ME 04210		
9. Telephone: 207-784-7351	10. Fax:	11. Email:
12. Business Contact Person: Richard S. Whiting		
13. Principal Place of Business: Maine		
14. Company Structure (e.g. corporation, sub-chapter S, etc.): Limited Partnership		
15. Place of Incorporation: Maine		
16. Names of Officers: Richard S. Whiting		
17. Principal Owner(s) Name: Richard S. Whiting		
18. Address: 20 Great Falls Plaza, Auburn ME 04210		

B. Disclosure

1. Check the public purpose that will be met by the business using this incentive (any that apply):		
job creation	job retention	capital investment
training investment	tax base improvement	public facilities improvement
other (list):		
2. Check the specific items for which TIF revenues will be used (any that apply):		
real estate purchase	machinery & equipment purchase	training costs
debt reduction	other (list): capital improvements in the district	

C. Employment Data

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

TABLE OF CONTENTS

	<u>Page</u>
I. Introduction	3
A. 62 Spring Street in Auburn	3
B. Designation of TIF District	3
II. Development Program Narrative	3
A. The Development Program	3
B. Developer's Use of TIF Revenue	4
C. Strategic Growth and Development	4
III. Physical Description	4
IV. Financial Plan	4
V. Financial Data	5
VI. Tax Shifts	5
VII. Municipal Approvals	5
A. Notice of Public Hearing	5
B. Minutes of Public Hearing	5
C. Order and Authorizing Vote	6

EXHIBITS:

Exhibits:

- A TIF District Maps
- B Statutory Requirements & Thresholds
- C Assessor's Certificate of Original Assessed Value
- D-1 TIF Revenue Projections
- D-2 Tax Shift Projections
- E Public Hearing Notice
- F Public Hearing Minutes
- G Attested City Council Order

I. Introduction

A. 62 Spring Street in Auburn

In 2014, to help finance the construction of a mixed-use and mixed-income housing project at 62 Spring Street (the “Project”), the City of Auburn (the “City”) granted The Auburn Housing Development Corporation (“AHDC”) a credit enhancement agreement to run concurrent with its Downtown TIF District #10. Due a redesign and reapproval of the Project, the Project will not complete construction until 2018. Therefore, the term years of the City’s #10 TIF district no longer aligns with the Project in a manner that provides the best opportunity for the Project to receive the necessary federal tax credits through the Maine State Housing Authority’s Low Income Housing Tax Credit Program. Thus, a new 20-year standalone TIF at 62 Spring Street is essential to the Project. This TIF is proposed to be carved out of the Downtown TIF #10 approved in 2014.

B. Designation of TIF District

The City hereby designates the 62 Spring Street Municipal Development and Tax Increment Financing District (#20) (the “District” or “TIF District”). The District is shown on Exhibit A.

II. Development Program Narrative

A. The Development Program

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “TIF Statute”). The City’s designation of the District combined with the adoption of this Development Program create a single municipal TIF district in order to capture the value of the real property improvements made at 62 Spring Street, and enable the use of taxes paid on increased assessed value in the District (“TIF Revenues”) to ensure the economic viability of the Project slated for construction at 62 Spring Street. The Development Program will run for the same 20-year period as the District designation starting with fiscal year 2017-2018, July 1, 2017, ending June 30, 2037.

Under this Development Program, the City will capture seventy-six percent (76%) of the taxes paid on increased assessed value in the District. The City will reimburse one hundred percent (100%) of these revenues to the Project’s developer. The remaining twenty-four percent (24%) of taxes paid on the increased value of the District will go to the City’s general fund.

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

- Ensure construction of a highly desirable mixed-use, mixed-income project;
- Maintain existing tax revenues;
- Enjoy enhanced future tax revenues generated by the Project;

- Create long-term, stable employment opportunities for area residents;
- Create additional mixed-income housing stock.

Thus, the City's designation of the TIF District and pursuit of this Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial contribution to the economic wellbeing of the City, by providing jobs, contributing to property taxes, diversifying the region's economic base, and creating additional mixed-income housing stock.

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

B. Developer's Use of TIF Revenue

Reimbursement to the Project's developer of the entirety of seventy-six percent (76%) of the captured taxes paid on the increased assessed value of the District achieves two complementary goals. First, these TIF revenues will provide a source of revenue to support the capital infrastructure project inside the District (and/or obtain financing to do so). Second, the designation of this District and adoption of this Development Program of these TIF revenues earns the Project vital points in the competitive Maine State Housing Authority's tax credit scoring benchmarks, giving the Project the best chance for success.

C. Strategic Growth and Development

By designating the District and adopting the Development Program, the City is capitalizing on the tax shift benefits so that the City will not lose new tax revenue to subsidy losses and increased obligations related to the captured assessed value in the District. The District's designation and implementation of the Development Program is expected to improve and boost the City's economy generally.

III. Physical Description

This Article III addresses the conditions for approval contained in 30-A M.R.S.A. § 5223(3). The proposed 0.81 acre District is shown in Exhibit A. The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. § 5223(3) are set forth in Exhibit B.

IV. Financial Plan

The Original Assessed Value of the property in the District was four hundred seventy-four thousand and three hundred dollars (\$474,300) as of April 1, 2015 (March 31, 2016). In the event of a revaluation, the City reserves the right to re-set the Original Assessed Value but only to the extent the value of Original Assessed Value assets has changed as a result of the

revaluation.¹ The City will capture seventy-six percent (76%) of the increased assessed value of the taxable real property located within the District for the entire 20-year term of the District. The TIF Revenues so collected will be deposited into the Development Program Fund for the District and then reimbursed to the Project's developer. The remaining twenty-four percent (24%) of increased assessed value will go to the City's general fund.

Estimates of the increased assessed property values of the District, the anticipated TIF Revenues generated by the District, and the estimated tax shifts are shown in Exhibits D-1 and D-2, respectively.

The current and future developers owning or leasing properties located within the District will pay for and/or finance improvements located in the District through public and private sources.

V. Financial Data

The statutory requirements and thresholds for approval required by Section 5223(3) of Title 30-A in the TIF Statute are set forth in Exhibit B. Financial projections related to the District are contained in Exhibits D-1 and D-2.

VI. Tax Shifts

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

VII. Municipal Approvals

A. Notice of Public Hearing

Attached as Exhibit E hereto is a copy of the Notice of Public Hearing regarding the designation of the District and the adoption of the Development Program for the District, published in a newspaper of general circulation in the City, on a date at least ten (10) days prior to the public hearing. The public hearing on the Development Program was held on September 12, 2016, in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

B. Minutes of Public Hearing

The Auburn City Clerk has provided an attested copy of the minutes of the September 12, 2016 public hearing before the Auburn City Council, a copy of which is contained in Exhibit F. This exhibit also provides a record of the vote of the Council on the designation of the District and the adoption of the Development Program.

¹ Any future credit enhancement agreements must contain language that acknowledges the potential change in the Original Assessed Value due to revaluation.

C. Order and Authorizing Vote

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

EXHIBITS

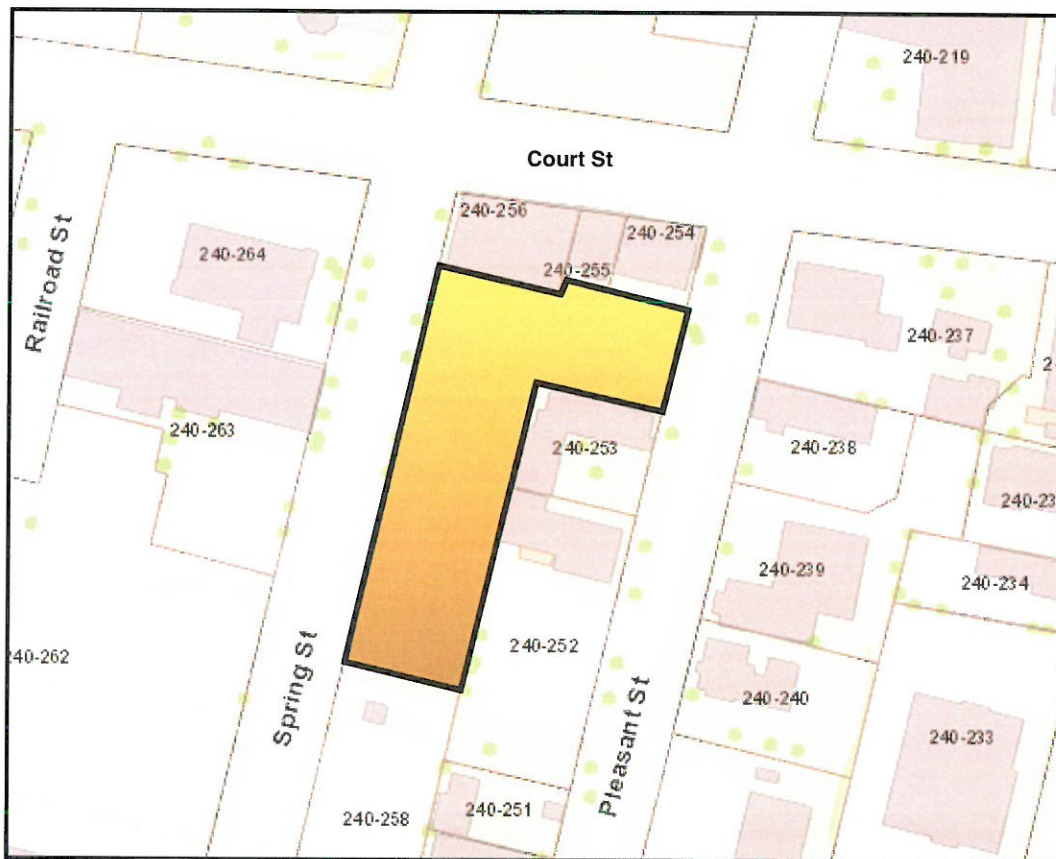
Exhibits:

- A TIF District Maps
- B Statutory Requirements & Thresholds
- C Assessor's Certificate of Original Assessed Value
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- D-2 Tax Shift Projections
- E Public Hearing Notice
- F Public Hearing Minutes
- G Attested City Council Order

Exhibit A

62 Spring Street Municipal Development and Tax Increment Financing District #20

.81 Acres - Approximate Boundaries



*Base Map is City of Auburn's Tax / Parcel Map

STATUTORY REQUIREMENTS AND THRESHOLDS
62 Spring Street TIF (#20)

SECTION A. Acreage Caps		
1. Total municipal acreage;		
2. Acreage of proposed Municipal TIF District;		
3. Downtown-designation ¹ acres in proposed Municipal TIF District;		
4. Transit-Oriented Development ² acres in proposed Municipal TIF District;		
5. Total acreage [=A2-A3-A4] of proposed Municipal TIF District counted toward 2% limit;		
6. Percentage [=A5÷A1] of total acreage in proposed Municipal TIF District (CANNOT EXCEED 2%).		
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ³	Existing	
	Proposed	
	Total:	
30-A § 5223(3) EXEMPTIONS⁴		
8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district;		
9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:		
10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:		
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁵ Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above:		
12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;		
13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).		
14. Real property in proposed Municipal TIF District that is:	ACRES	% [=Acres÷A2]
a. A blighted area;		
b. In need of rehabilitation, redevelopment or conservation;		
c. Suitable for commercial or arts district uses.		
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		

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

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

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

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

⁵ PTZ districts approved through December 31, 2008.

STATUTORY REQUIREMENTS AND THRESHOLDS
62 Spring Street TIF (#20)

SECTION B. Valuation Cap		
1. Total TAXABLE municipal valuation—use most recent April 1;		
2. Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;		
3. Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts:	Existing	
	Proposed	
	Total:	
30-A § 5223(3) EXEMPTIONS		
4. Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;		
5. Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:		
6. Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:		
7. Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation ⁶ Municipal TIF districts:		
8. Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such OAV also factored in Exemptions 4-7 above:		
9. Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;		
10. Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).		

COMPLETED BY	
NAME:	
DATE:	

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

ASSESSOR'S CERTIFICATE

[62 Spring Street Municipal Development and Tax Increment Financing District (#20)]

CITY OF AUBURN, MAINE

The undersigned Assessor for the City of Auburn does hereby certify pursuant to the provisions of M.R.S.A. Title 30-A § 5227(2) that:

The assessed value of the taxable real property of the **62 Spring Street Municipal Development and Tax Increment Financing District (#20)** as described in the Development Program to which this Certificate is included, was **\$474,300** as of March 31, 2016 (April 1, 2015).

In witness whereof, this Certificate has been executed as of this ___ day of September, 2016.

ASSESSOR

Karen Scammon, CMA

EXHIBIT D-1

TIF REVENUE PROJECTIONS

EXHIBIT D-2

TAX SHIFT PROJECTIONS

Username (Your Email)

Password

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Sun Journal

Sept. 2, 2016

Miscellaneous Notices

**CITY OF AUBURN
PUBLIC NOTICE**

Notice is hereby given that the City Council of the City of Auburn will hold a public hearing on September 12, 2016, at 7:00 p.m. or as soon as possible thereafter at the City Council Chambers in the Auburn Hall Building at 60 Court Street, Auburn Maine, for purposes of receiving public comments on the following:

1. Amendment to Downtown Development and Tax Increment Financing District #10 to remove the parcel at 62 Spring Street, (Municipal Tax Map 240- Parcel 257) from the District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended. A map of the Downtown Tax Increment Financing District is on file with the City Clerk and it is generally located in Auburn's Downtown and ADAPT Plan areas from Minot Avenue to the Androscoggin River.

2. Establishment of an Economic Development and Tax Increment Financing District #20 to designate the parcel at 62 Spring Street, (Municipal Tax Map 240- Parcel 257) as TIF # 19 and the adoption of a development program for said Municipal Development and Tax Increment Finance District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed Development and Tax Increment Finance District consists of the entirety of said parcel totaling .81 Acres in area and is intended to offset operating costs in a mixed income housing project proposed for the parcel. The proposed Municipal Development and Tax Increment Finance District consists of property within the area designated as the ADAPT area in the City's Comprehensive Plan and the Downtown revitalization Plan Area.

3. Establishment of an Affordable Housing Development and Tax Increment Financing District #21 to designate a portion of 37 Loring Avenue (Municipal Tax Map 211- Parcel 282) pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed Development and Tax Increment Finance District consists of the westerly portion of said parcel totaling approximately 5 Acres in area and is intended to offset operating costs in an affordable housing project proposed for the parcel. The proposed Municipal Development and Tax Increment Financing District consists of property within New Auburn Master Plan area in the City's Comprehensive Plan.

A copy of the proposed development programs for the districts will be on file with the City Clerk and may be reviewed at the offices of the City Clerk during normal business hours. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

1326645-1

Sun Journal

Sept. 2, 2016

Miscellaneous Notices

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Judgment of Foreclosure and Sale entered May 09, 2016 in the action entitled Deutsche Bank National Trust Company, As Trustee for Soundview Home Loan Trust 2006-EQ1 Asset-Backed Certificates, Series 2006-EQ1 v. Robert Neuschwanger et al., by the Maine District Court, Division of Farmington, Docket No.: FARDC-RE-15-43, wherein the Court adjudged the foreclosure of a mortgage granted by Robert Neuschwanger and Elizabeth Neuschwanger to Mortgage Electronic Registration Systems, Inc., acting solely as nominee for Equifirst Corporation, its successors and/or assigns, dated June 29, 2006 and recorded in the Franklin County Registry of Deeds in Book 2780, Page 313, should the period of redemption have expired without redemption of the property by the mortgagor(s), a public sale of the property described in the mortgage will be conducted on

October 4, 2016 commencing at 10:00 AM at Office of Shechtman Halperin Savage LLP, 190 U.S. Route One, 2nd Floor-Rear, Falmouth, Maine.

The property is located at 482 Depot Street, Wilton, Franklin County, Maine, reference as described in said mortgage.

The sale will be by public auction. All bidders for the property will be required to make a deposit of \$5,000.00 in cash, certified or bank check at the time of the public sale made payable to Shechtman Halperin Savage, LLP, which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within thirty (30) days of the public sale. In the event a representative of Deutsche Bank National Trust Company, As Trustee for Soundview Home Loan Trust 2006-EQ1 Asset-Backed Certificates, Series 2006-EQ1 is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved.

Additional terms will be announced at the public sale.

Deutsche Bank National

Trust Company, As Trustee

for Soundview Home Loan

Trust 2006-EQ1 Asset-Backed

Certificates, Series 2006-EQ1,

by its attorneys, Shechtman

Halperin Savage, LLP

Christine A. Johnson, Esq.

1080 Main Street,

Pawtucket, RI 02860

(401) 272-1400

1324972-1

Sun Journal

Sept. 2, 2016

Miscellaneous Notices

Maine Community Development Block Grant Program Environmental Review

Notice of Intent to Request a Release of Funds

Date:

September 2, 2016

Grantee:

Town of Lisbon

Address:

300 Lisbon Street

Lisbon ME 04250

Telephone:

207-353-3000

On or about 12, 2016, the Town of Lisbon will submit a request to the Department of Economic and Community Development (OCD) for the release of CDBG funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake the project described as the Lisbon Façade Improvement Program.

Total estimated funding is \$150,000 in HUD CDBG and \$150,000 in local building owner funds.

The activities proposed are categorically excluded under the HUD regulations at 24CFR Part 58 from National Environmental Policy Act requirements. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at:

Grantee:

Town of Lisbon

Address:

300 Lisbon Street

Lisbon ME 04250

Telephone:

207-353-3000

The ERR may be examined or copied Monday through Thursday from 7:30 a.m. to 6:00 p.m.

Public Comments

Any individual, group, or agency, disagreeing with this determination or wishing to comment on the project, may submit written comments on the ERR to the Town of Lisbon at: 300 Lisbon Street, Lisbon ME 04250.

All comments received by September 9, 2016 will be considered by the Town of Lisbon prior to submission of a request for release of funds.

Release of Grant Funds

The Town of Lisbon certifies to DECD that (Chief Executive Officer) Diane Barnes, in her official capacity consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to the environmental review process, and that these responsibilities have been satisfied. DECD's acceptance of the certification satisfies its responsibilities under NEPA and allows the Town of Lisbon to use Program funds.

Objections to Release of Funds

DECD will accept objections to its release of funds and the Town certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if it is on one of the following bases: (a) the certification

was not executed by the Chief Executive Officer of the Town of Lisbon; (b) the ERR indicates omission of a required step, decision or finding; (c) the grant recipient has incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by DECD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be address to DECD at 59 State House Station, Augusta, ME 04333-0059. Potential Objectors should contact DECD to verify the actual last day of the objection period.

Diane Barnes, 300 Lisbon Street, Lisbon ME 04250

Chief Executive Officer

1326374-1

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EXHIBIT F

ATTESTED COPY OF PUBLIC HEARING MINUTES

2016. _____

IN CITY COUNCIL, SEPTEMBER [DATE], 2016

WHEREAS, the City of Auburn (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to designate a specified area within the City as the **62 Spring Street Municipal Development and Tax Increment Financing District** (#20) (the "District") and adopt a development program (the "Development Program") for the District pursuant to the Act; and

WHEREAS, there is a need for economic development in the City of Auburn, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the City of Auburn; and to improve the general economy of the City of Auburn and the surrounding region; and

WHEREAS, designation of the District and adoption of the Development Program will help to improve and broaden the tax base in the City of Auburn and improve the economy of the City of Auburn and the region by attracting business development to the District; and

WHEREAS, the City desires to designate the District and adopt the Development Program; and

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

ORDERED AS FOLLOWS:

Section 1. The City of Auburn hereby designates the 62 Spring Street Municipal Development and Tax Increment Financing District (#20) and hereby adopts the Development Program for said District; such designation and adoption to be pursuant to the following findings, terms, and provisions:

Section 2. The City Council hereby finds and determines that:

a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for commercial uses; and

b. The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the proposed District) does not exceed five percent (5%) of the total acreage of the City; and

c. The original assessed value of all existing and proposed tax increment financing districts (including the proposed District) does not exceed five percent (5%) of the total value of equalized taxable property within the City as of the most recent April 1 for which such value is available; and

d. The designation of the District and adoption of the related Development Program will make a contribution to the economic growth and well-being of the City of Auburn and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Auburn, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City Council has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program.

Section 3. The City Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226; and further is authorized to execute a Credit Enhancement Agreement consistent with the provisions of the District's Development Program as presented and approved herein, and to create the accounts and take all the actions described in such agreements.

Section 4. The foregoing designation of the District and approval of the Development Program shall automatically become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by the Department, without requirement of further action by the City, the City Council, or any other party.

Section 5. The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the Development Program as the City Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and/or the Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

**ECONOMIC DEVELOPMENT
CITY OF AUBURN, MAINE**

An Application for a Municipal Development and Tax Increment Financing District

**SECOND AMENDMENT TO THE DOWNTOWN MUNICIPAL DEVELOPMENT
AND TAX INCREMENT FINANCING DISTRICT #10 DEVELOPMENT PROGRAM**

[Removing the Auburn 62 Spring Street Municipal Development and Tax Increment Financing
District area from the District]

Presented to:
CITY OF AUBURN CITY COUNCIL
September 12, 2016

TABLE OF CONTENTS

	<u>Page</u>
I. Development Program Amendment Narrative	1
A. Introduction/Summary of the Second Amendment to the Downtown Municipal Development and Tax Increment Financing District #10 Development Program.....	1
B. The Existing District and Development Program	1
C. Physical Description and Original Assessed Value	1
II. Evidence of Public Hearing and Vote for Amendment	2
A. Notice of Public Hearing	2
B. Minutes of Public Hearing.....	2
C. Authorizing Votes.....	2
III. DECD Forms	2
A. Application Cover Sheet.....	2
B. Statutory Requirements & Threshold Form	2

EXHIBITS:

EXHIBIT A	AMENDED MAP OF THE DISTRICT
EXHIBIT B	AMENDED ASSESSOR'S CERTIFICATE
EXHIBIT C	NOTICE OF PUBLIC HEARING
EXHIBIT D	CERTIFIED COPY OF THE PUBLIC HEARING MINUTES
EXHIBIT E	CITY COUNCIL ORDER
EXHIBIT F	APPLICATION COVER SHEET
EXHIBIT G	STATUTORY REQUIREMENTS AND THRESHOLDS FORM

I. Development Program Amendment Narrative

A. Introduction/Summary of the Second Amendment to the Downtown Municipal Development and Tax Increment Financing District #10 Development Program

The City seeks an amendment to the Downtown Municipal Development and Tax Increment Financing District #10 (“the District”) and the Development Program (as amended, the “Development Program”). The *Second Amendment* removes a certain area of the geographic acreage in order to make it available for the designation of a separate and distinct *Auburn 62 Spring Street Municipal Development and Tax Increment Financing District*. The Second Amendment coincides with the designation of the *Auburn 62 Spring Street Municipal Development and Tax Increment Financing District* (the “62 Spring Street District”) and the adoption of a development program therefor. Through this change, the City intends to further encourage and facilitate economic development within the downtown area of the City and in the City at large. The *Second Amendment* is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as Amended.

B. The Existing District and Development Program

In 2002, the City designated the Downtown Municipal Development and Tax Increment Financing District #10 and adopted the Development Program for the District. The Department of Economic and Community Development (“DECD”) approved the original district in 2002. The original term of the District was twenty (20) years. The District was amended in 2014. In the First Amendment to the District and Development Program, the City added acreage to the District resulting in a total updated District acreage of 266 acres, added municipal projects to the Development Program and allowed for the possibility of entering into Credit Enhancement Agreements with individual developers or companies.

The acreage being removed from the District in this proposed Second Amendment is the subject of an existing Credit Enhancement Agreement between the City and the Auburn Housing Development Corporation dated as of September 8, 2014. Unfortunately, in order for the project to be competitive in the federal tax credit competition, the Credit Enhancement Agreement must run for a total of 20 years and the District does not have that capability under existing law. Thus, the proposal would remove this project area from the District and allow it an opportunity to be included in a new district, the 62 Spring Street District. This Second Amendment will also be accompanied by either a termination or amendment of the existing Credit Enhancement Agreement in the District. All other aspects of the District and Development Program specifically not mentioned in this Second Amendment shall remain consistent with the original Development Program.

C. Physical Description and Original Assessed Value

Prior to this Second Amendment, the District was comprised of 266 acres, located in the City’s downtown area. Prior to this Amendment, the District had an original assessed value of \$84,411,000 as of March 31, 2002 (April 1, 2001). Following the removal of the 62 Spring

Street District (Tax Map 240-Lot 257), the new acreage of the district will be reduced from 266 acres to 265.19 acres, and the original assessed value will be reduced from \$84,411,000 to \$84,002,000, reflecting the removal of the original assessed value of 62 Spring Street (\$409,000). Please see Exhibit A for an amended map of the District and Exhibit B for an updated Assessor's Certificate for the District.

II. Evidence of Public Hearing and Vote for Amendment

A. Notice of Public Hearing

Attached as Exhibit C is a copy of the Notice of Public Hearing published in the Lewiston Sun Journal, a newspaper of general circulation in the City, on a date at least ten (10) days prior to the public hearing.

B. Minutes of Public Hearing

Attached as Exhibit D is a certified copy of the minutes of the public hearing held on September 12, 2016, in accordance with the requirements of 30-A M.R.S.A. § 5226(1), at which time the proposed Second Amendment was discussed by the public.

C. Authorizing Votes

Attached as Exhibit E is an attested copy of the City of Auburn Council Order which was approved by the City Council at a City Council meeting duly called and held on September 12, 2016.

III. DECD Forms

A. Application Cover Sheet

Attached as Exhibit F is a completed application cover sheet for the Second Amendment.

B. Statutory Requirements & Thresholds Form

Attached as Exhibit G is a completed statutory requirements and thresholds form for the District.

TIF #10

Exhibit A

Downtown Omnibus Municipal TIF District



City of Auburn

60 Court St
Auburn, ME 04210
207-333-6601
www.auburnmaine.gov



The data used in these applications were derived from Auburn's digital databases. While every effort has been made to ensure that these data are accurate and reliable, the City of Auburn cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. Users of the information displayed on this map are strongly cautioned to verify all information before making any decisions.

0 0.1 0.2 Miles

**SECOND AMENDMENT TO THE DOWNTOWN MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT #10**

ASSESSOR'S CERTIFICATE (AMENDED)

CITY OF AUBURN, MAINE

The undersigned Assessor for the City of Auburn does hereby certify pursuant to the provisions of M.R.S.A. Title 30-A § 5227(2) that:

The assessed value of the taxable real property of the Downtown Municipal Development and Tax Increment Financing District #10 as described in the amended Development Program to which this Certificate is included, was \$84,002,000 as of March 31, 2002 (April 1, 2001).¹

In witness whereof, this Certificate has been executed as of this ___ day of September, 2016.

ASSESSOR

Karen Scammon, CMA

¹ This original assessed value reflects the removal of 62 Spring Street in 2016, which comprised \$409,000 of the original assessed value as of March 31, 2002 (April 1, 2001).



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(1 Pages)

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Sun Journal

Sept. 2, 2016

Miscellaneous Notices

**CITY OF AUBURN
PUBLIC NOTICE**

Notice is hereby given that the City Council of the City of Auburn will hold a public hearing on September 12, 2016, at 7:00 p.m. or as soon as possible thereafter at the City Council Chambers in the Auburn Hall Building at 60 Court Street, Auburn Maine, for purposes of receiving public comments on the following:

1. Amendment to Downtown Development and Tax Increment Financing District #10 to remove the parcel at 62 Spring Street, (Municipal Tax Map 240- Parcel 257) from the District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended. A map of the Downtown Tax Increment Financing District is on file with the City Clerk and it is generally located in Auburn's Downtown and ADAPT Plan areas from Minot Avenue to the Androscoggin River.
2. Establishment of an Economic Development and Tax Increment Financing District #20 to designate the parcel at 62 Spring Street, (Municipal Tax Map 240- Parcel 257) as TIF # 19 and the adoption of a development program for said Municipal Development and Tax Increment Finance District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed Development and Tax Increment Finance District consists of the entirety of said parcel totaling .81 Acres in area and is intended to offset operating costs in a mixed income housing project proposed for the parcel. The proposed Municipal Development and Tax Increment Finance District consists of property within the area designated as the ADAPT area in the City's Comprehensive Plan and the Downtown revitalization Plan Area.

3. Establishment of an Affordable Housing Development and Tax Increment Financing District #21 to designate a portion of 37 Loring Avenue (Municipal Tax Map 211- Parcel 282) pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed Development and Tax Increment Finance District consists of the westerly portion of said parcel totaling approximately 5 Acres in area and is intended to offset operating costs in an affordable housing project proposed for the parcel. The proposed Municipal Development and Tax Increment Financing District consists of property within New Auburn Master Plan area in the City's Comprehensive Plan.

A copy of the proposed development programs for the districts will be on file with the City Clerk and may be reviewed at the offices of the City Clerk during normal business hours. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

1326645-1

Sun Journal

Sept. 2, 2016

Miscellaneous Notices

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Judgment of Foreclosure and Sale entered May 09, 2016 in the action entitled Deutsche Bank National Trust Company, As Trustee for Soundview Home Loan Trust 2006-EQ1 Asset-Backed Certificates, Series 2006-EQ1 v. Robert Neuschwanger et al., by the Maine District Court, Division of Farmington, Docket No.: FARDC-RE-15-43, wherein the Court adjudged the foreclosure of a mortgage granted by Robert Neuschwanger and Elizabeth Neuschwanger to Mortgage Electronic Registration Systems, Inc., acting solely as nominee for Equifirst Corporation, its successors and/or assigns, dated June 29, 2006 and recorded in the Franklin County Registry of Deeds in Book 2780, Page 313, should the period of redemption have expired without redemption of the property by the mortgagor(s), a public sale of the property described in the mortgage will be conducted on

October 4, 2016 commencing at 10:00 AM at Office of Shechtman Halperin Savage LLP, 190 U.S. Route One, 2nd Floor-Rear, Falmouth, Maine.

The property is located at 482 Depot Street, Wilton, Franklin County, Maine, reference as described in said mortgage.

The sale will be by public auction. All bidders for the property will be required to make a deposit of \$5,000.00 in cash, certified or bank check at the time of the public sale made payable to Shechtman Halperin Savage, LLP, which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within thirty (30) days of the public sale. In the event a representative of Deutsche Bank National Trust Company, As Trustee for Soundview Home Loan Trust 2006-EQ1 Asset-Backed Certificates, Series 2006-EQ1 is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved.

Additional terms will be announced at the public sale.

Deutsche Bank National

Trust Company, As Trustee

for Soundview Home Loan

Trust 2006-EQ1 Asset-Backed

Certificates, Series 2006-EQ1,

by its attorneys, Shechtman

Halperin Savage, LLP

Christine A. Johnson, Esq.

1080 Main Street,

Pawtucket, RI 02860

(401) 272-1400

1324972-1

Sun Journal

Sept. 2, 2016

Miscellaneous Notices

Maine Community Development Block Grant Program Environmental Review

Notice of Intent to Request a Release of Funds

Date:

September 2, 2016

Grantee:

Town of Lisbon

Address:

300 Lisbon Street

Lisbon ME 04250

Telephone:

207-353-3000

On or about 12, 2016, the Town of Lisbon will submit a request to the Department of Economic and Community Development (OCD) for the release of CDBG funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake the project described as the Lisbon Façade Improvement Program.

Total estimated funding is \$150,000 in HUD CDBG and \$150,000 in local building owner funds.

The activities proposed are categorically excluded under the HUD regulations at 24CFR Part 58 from National Environmental Policy Act requirements. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at:

Grantee:

Town of Lisbon

Address:

300 Lisbon Street

Lisbon ME 04250

Telephone:

207-353-3000

The ERR may be examined or copied Monday through Thursday from 7:30 a.m. to 6:00 p.m.

Public Comments

Any individual, group, or agency, disagreeing with this determination or wishing to comment on the project, may submit written comments on the ERR to the Town of Lisbon at: 300 Lisbon Street, Lisbon ME 04250.

All comments received by September 9, 2016 will be considered by the Town of Lisbon prior to submission of a request for release of funds.

Release of Grant Funds

The Town of Lisbon certifies to DECD that (Chief Executive Officer) Diane Barnes, in her official capacity consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to the environmental review process, and that these responsibilities have been satisfied. DECD's acceptance of the certification satisfies its responsibilities under NEPA and allows the Town of Lisbon to use Program funds.

Objections to Release of Funds

DECD will accept objections to its release of funds and the Town certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if it is on one of the following bases: (a) the certification

was not executed by the Chief Executive Officer of the Town of Lisbon; (b) the ERR indicates omission of a required step, decision or finding; (c) the grant recipient has incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by DECD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be address to DECD at 59 State House Station, Augusta, ME 04333-0059. Potential Objectors should contact DECD to verify the actual last day of the objection period.

Diane Barnes, 300 Lisbon Street, Lisbon ME 04250

Chief Executive Officer

1326374-1

Show results beginning at: 1



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Exhibit D
Certified Copy of the Public
Hearing Minutes

2016. _____

IN CITY COUNCIL, SEPTEMBER, 2016

WHEREAS, the City of Auburn (“the City”) designated its Downtown Municipal Development and Tax Increment Financing District #10 (“the Downtown District”) and adopted the Development Program for such district initially in 2002; and

WHEREAS, the City adopted the First Amendment to the development program in 2014 in order to add acreage, add some public projects and allow the ability for the City to enter into credit enhancement agreements; and

WHEREAS, the City entered into a credit enhancement agreement dated as of September 8, 2014 with the Auburn Housing Development Corporation relating to the property known on City tax maps as Map 240, Lot 257 but the project has not yet commenced; and

WHEREAS, the City has received a request for a new credit enhancement agreement from the developer of such mixed use project at the same lot, located inside the Downtown District, that would go beyond the statutory limit on the term of years for the Downtown District; and

WHEREAS, there is a need for economic development and for the development of affordable, livable housing in the City of Auburn, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base in the City of Auburn; and to improve the general economy of the City of Auburn and the region by attracting business development in the Downtown District; and

WHEREAS, implementation of the amended, existing development program for the Downtown District and the development program for the new affordable housing municipal development and tax increment financing district will help improve and broaden the tax base in the City of Auburn and improve the economy in the City of Auburn and the region by attracting business development and creating affordable housing in the area of these districts; and

WHEREAS, pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City desires to amend the Downtown District and approve the *Second Amendment to the Downtown Municipal Development and Tax Increment Financing District #10* (the “Second Amendment”) in order to remove the area to be developed in the 62 Spring Street mixed use and affordable housing project; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development approving this Second Amendment; and

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF AUBURN, MAINE:

Section 1 The City of Auburn hereby approves the Second Amendment to the Downtown District and the development program for such district. The Second Amendment shall be pursuant to the following findings, terms, and provisions:

Section 2 The City Council hereby finds and determines that:

a. This amendment to the Downtown District development program will not result in the Downtown District falling out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3); and

b. The pursuit of the Downtown District development program will make a contribution to the economic growth and wellbeing of the City of Auburn and the surrounding region, and will contribute to the betterment of the health, welfare, and safety of the inhabitants of the City of Auburn, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City has considered all evidence, if any, presented to it with regard to any adverse economic effects on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the amendment to the Downtown District and Downtown District development program.

Section 3 Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of increased assessed value to be retained as captured assessed value in accordance with the Downtown District development program is hereby set forth in the Downtown District development program.

Section 4 The City Manager, or his duly appointed representative, is hereby authorized, empowered, and directed to submit the proposed Second Amendment to the Downtown District and the Downtown District and the development program therefor to the State of Maine Department for Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 5 The foregoing adoption of the Second Amendment shall automatically become final and shall take full force and effect upon receipt by the City of approval by the State of Maine Department of Economic and Community Development, without requirement of further action by the City, the City Council, or any other party.

Section 6 The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the Downtown District and to the Downtown District development program as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Downtown District by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Downtown District development program.

APPLICATION COVER SHEET

MUNICIPAL TAX INCREMENT FINANCING

A. General Information

1. Municipality Name: City of Auburn		
2. Address: 60 Court Street, Auburn ME 04210		
3. Telephone: 207-333-6601 x1218	4. Fax: N/A	5. Email: mchammings@auburnmaine.gov
6. Municipal Contact Person: Michael Chammings, Director of Economic Development		
7. Business Name: N/A		
8. Address:		
9. Telephone:	10. Fax:	11. Email:
12. Business Contact Person:		
13. Principal Place of Business:		
14. Company Structure (e.g. corporation, sub-chapter S, etc.):		
15. Place of Incorporation:		
16. Names of Officers:		
17. Principal Owner(s) Name:		
18. Address:		

B. Disclosure

1. Check the public purpose that will be met by the business using this incentive (any that apply):		
job creation	job retention	capital investment
training investment	tax base improvement	public facilities improvement
other (list): see Exhibit B of the original Development Program for a full list of projects		
2. Check the specific items for which TIF revenues will be used (any that apply):		
real estate purchase	machinery & equipment purchase	training costs
debt reduction	other (list): see Exhibit B of the original Development Program for a full list of projects	

C. Employment Data

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

N/A

STATUTORY REQUIREMENTS AND THRESHOLDS
Downtown TIF #10 | AMD-2

SECTION A. Acreage Caps		
1. Total municipal acreage;		
2. Acreage of proposed Municipal TIF District;		
3. Downtown-designation ¹ acres in proposed Municipal TIF District;		
4. Transit-Oriented Development ² acres in proposed Municipal TIF District;		
5. Total acreage [=A2-A3-A4] of proposed Municipal TIF District counted toward 2% limit;		
6. Percentage [=A5÷A1] of total acreage in proposed Municipal TIF District (CANNOT EXCEED 2%).		
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ³	Existing	
	Proposed	
	Total:	
30-A § 5223(3) EXEMPTIONS⁴		
8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district;		
9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:		
10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:		
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁵ Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above:		
12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;		
13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).		
14. Real property in proposed Municipal TIF District that is:	ACRES	% [=Acres÷A2]
a. A blighted area;		
b. In need of rehabilitation, redevelopment or conservation;		
c. Suitable for commercial or arts district uses.		
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		

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

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

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

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

⁵ PTDF districts approved through December 31, 2008.

STATUTORY REQUIREMENTS AND THRESHOLDS
Downtown TIF #10 | AMD-2

SECTION B. Valuation Cap		
1. Total TAXABLE municipal valuation—use most recent April 1;		
2. Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;		
3. Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts:	Existing	
	Proposed	
	Total:	
30-A § 5223(3) EXEMPTIONS		
4. Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;		
5. Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:		
6. Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:		
7. Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation ⁶ Municipal TIF districts:		
8. Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such OAV also factored in Exemptions 4-7 above:		
9. Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;		
10. Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).		

COMPLETED BY	
NAME:	
DATE:	

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

CITY OF AUBURN PUBLIC NOTICE

Notice is hereby given that the City Council of the City of Auburn will hold a public hearing on September 12, 2016, at 7:00 p.m. or as soon as possible thereafter at the City Council Chambers in the Auburn Hall Building at 60 Court Street, Auburn Maine, for purposes of receiving public comments on the following:

- 1. Amendment to Downtown Development and Tax Increment Financing District #10** to remove the parcel at 62 Spring Street, (Municipal Tax Map 240- Parcel 257) from the District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended. A map of the Downtown Tax Increment Financing District is on file with the City Clerk and it is generally located in Auburn's Downtown and ADAPT Plan areas from Minot Avenue to the Androscoggin River.
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The proposed Development and Tax Increment Finance District consists of the entirety of said parcel totaling .81 Acres in area and is intended to offset operating costs in a mixed income housing project proposed for the parcel. The proposed Municipal Development and Tax Increment Finance District consists of property within the area designated as the ADAPT area in the City's Comprehensive Plan and the Downtown revitalization Plan Area.

- 3. Establishment of an Affordable Housing Development and Tax Increment Financing District #21** to designate a portion of 37 Loring Avenue (Municipal Tax Map 211- Parcel 282) pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed Development and Tax Increment Finance District consists of the westerly portion of said parcel totaling approximately 5 Acres in area and is intended to offset operating costs in an affordable housing project proposed for the parcel. The proposed Municipal Development and Tax Increment Financing District consists of property within New Auburn Master Plan area in the City's Comprehensive Plan.

A copy of the proposed development programs for the districts will be on file with the City Clerk and may be reviewed at the offices of the City Clerk during normal business hours. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 59-09122016

ORDERED, that the City Council hereby approves the City funding request for the Spring Street project, contingent upon passage of Orders 60-09122016 and 61-09122016.

Passage on 7/11/2016 7-0.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: September 12, 2016

Order: 56-09122016*

Author: Phillip L. Crowell, Jr., Chief of Police

Subject: Transfer of Forfeiture Asset – Anthony Borrrome

Information:

In July 2015, agents from the Maine Drug Enforcement Agency assigned to the Lewiston Task Force Office conducted a stop after observing a drug deal involving a known drug dealer. The stop occurred in the parking lot of Hannaford's in the City of Saco. Agents seized 2.3 grams of heroin from one suspect and another 9.2 grams of heroin from Mr. Borrrome. The 9.2 grams of heroin was packaged into eight individual baggies. Mr. Borrrome had \$1,601.00 in U.S. Currency on his person. Based on how the drugs were packaged and the large sum of money, it is reasonable to believe that Mr. Borrrome was trafficking in Schedule Drugs and the money was proceeds from the illegal sale of drugs.

Mr. Borrrome was arrested and charged with the following offense:

1. Unlawful Trafficking in Schedule W Drugs

The \$1,601.00 in U.S. Currency was seized from Mr. Borrrome for Criminal Forfeiture as suspected proceeds from the illegal sale and distribution of drugs.

Advantages: N/A

Disadvantages: N/A

City Budgetary Impacts: The State of Maine, Office of the Attorney General, seeks to transfer \$1,601.00 U.S. Currency to the Auburn Police Department.

Staff Recommended Action: Vote to accept the transfer of \$1,601.00.

Previous Meetings and History: N/A

Attachments:

Memo to City Manager
Order 56-09122016



Auburn Police Department

Phillip L. Crowell, Jr. | Chief of Police

Jason D. Moen | Deputy Chief of Police

www.AuburnPD.com | 207.333.6650

60 Court Street | Auburn, Maine 04210

MEMORANDUM

Date: August 31, 2016
To: Howard Kroll, City Manager
From: Phillip L. Crowell, Jr., Chief of Police

RE: TRANSFER OF FORFEITURE ASSET – ANTHONY BORROME

The Auburn Police Department seeks to accept the following Criminal forfeited assets:

- Superior Court Criminal Action Docket No. CR-15-31 Anthoy Borrorme

In July 2015, agents from the Maine Drug Enforcement Agency assigned to the Lewiston Task Force Office conducted a stop after observing a drug deal involving a known drug dealer. The stop occurred in the parking lot of Hannaford's in the City of Saco. Agents seized 2.3 grams of heroin from one suspect and another 9.2 grams of heroin from Mr. Borrorme. The 9.2 grams of heroin was packaged into eight individual baggies. Mr. Borrorme had \$1,601.00 in U.S. Currency on his person. Based on how the drugs were packaged and the large sum of money, it is reasonable to believe that Mr. Borrorme was trafficking in Schedule Drugs and the money was proceeds from the illegal sale of drugs.

Mr. Borrorme was arrested and charged with the following offense:

1. Unlawful Trafficking in Schedule W Drugs

The \$1,601.00 in U.S. Currency was seized from Mr. Borrorme for Criminal Forfeiture as suspected proceeds from the illegal sale and distribution of drugs.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 56-09122016

ORDERED, that the City Council hereby accept the transfer of \$1,601.00 forfeiture assets in U.S. currency to the Auburn Police Department (Superior Court Criminal Action Docket No. CR-15-31 – Anthony Borrrome).



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: September 12, 2016

Order: 57-09122016*

Author: Phillip L. Crowell, Jr., Chief of Police

Subject: Transfer of Forfeiture Asset – Hector Jimenez

Information:

In September 2015, the Auburn Police Department conducted a traffic safety check point. An Auburn officer encountered Hector Jimenez. While dealing with Mr. Jimenez, the officer learned his license was currently suspended. The officer arrested Mr. Jimenez for the violation. During the search of Mr. Jimenez, the officer located a plastic baggie containing two separate baggies of what the officer believed to be crack cocaine. The officer also located \$1,561.00 in U.S. Currency. Based on how the drugs were packaged and the large sum of money, it's reasonable to believe Mr. Jimenez was trafficking in Schedule Drugs.

Mr. Jimenez was arrested and charged with the following offenses:

- Operating After Suspension.
- Unlawful Trafficking in Schedule W Drugs

The \$1,561.00 in U.S. Currency was seized from Mr. Jimenez for Criminal Forfeiture as suspected proceeds from the illegal sale and distribution of drugs.

Advantages: N/A

Disadvantages: N/A

City Budgetary Impacts: The State of Maine, Office of the Attorney General, seeks to transfer \$1,561.00 U.S. Currency to the Auburn Police Department.

Staff Recommended Action: Vote to accept the transfer of \$1,561.00.

Previous Meetings and History: N/A

Attachments:

*Memo to City Manager

*Order 57-09122016



Auburn Police Department

Phillip L. Crowell, Jr. | Chief of Police

Jason D. Moen | Deputy Chief of Police

www.AuburnPD.com | 207.333.6650

60 Court Street | Auburn, Maine 04210

MEMORANDUM

Date: August 31, 2016
To: Howard Kroll, City Manager
From: Phillip L. Crowell, Jr., Chief of Police

RE: TRANSFER OF FORFEITURE ASSET – HECTOR JIMENEZ

The Auburn Police Department seeks to accept the following Criminal forfeited assets:

- Superior Court Criminal Action Docket No. CR-15-1277 Hector Jimenez

In September 2015, the Auburn Police Department conducted a traffic safety check point. An Auburn officer encountered Hector Jimenez. While dealing with Mr. Jimenez, the officer learned his license was currently suspended. The officer arrested Mr. Jimenez for the violation. During the search of Mr. Jimenez, the officer located a plastic baggie containing two separate baggies of what the officer believed to be crack cocaine. The officer also located \$1,561.00 in U.S. Currency. Based on how the drugs were packaged and the large sum of money, it's reasonable to believe Mr. Jimenez was trafficking in Schedule Drugs.

Mr. Jimenez was arrested and charged with the following offenses:

- Operating After Suspension.
- Unlawful Trafficking in Schedule W Drugs

The \$1,561.00 in U.S. Currency was seized from Mr. Jimenez for Criminal Forfeiture as suspected proceeds from the illegal sale and distribution of drugs.

James Pross, Ward One
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Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 57-09122016

ORDERED, that the City Council hereby accept the transfer of \$1,561.00 forfeiture assets in U.S. currency to the Auburn Police Department (Superior Court Criminal Action Docket No. CR-15-1277 – Hector Jimenez).



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: Sept. 12, 2016

Order: 58-09122016*

Author: Sue Clements-Dallaire, City Clerk

Subject: Setting the time for opening the polls for the November 8, 2016 Election

Information:

State law requires the Municipal Officers to set the time to open the polls for each election. The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. It is recommended that the polls open at 7:00 A.M. in Auburn for the November 8, 2016 Election.

§626. Polling times

The following provisions apply to polling times at any election.

1. Opening time flexible. The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. The municipal officers of each municipality shall determine the time of opening the polls within these limits. The municipal clerk shall notify the Secretary of State of the poll opening times at least 30 days before each election conducted under this Title.

Advantages: Opening the polls at 7:00 A.M. is consistent with past practice in Auburn and it allows additional time in the morning for people to have an opportunity to vote.

Disadvantages: It is a long day for City Clerk staff and Election Workers who are working the full day.

City Budgetary Impacts: Minimal – the cost for Election workers to start one hour early (under \$100).

Staff Recommended Action: Recommend Passage

Previous Meetings and History: N/A

Attachments:

Title 21-A Sec. 626

Order 58-09122016

Maine Revised Statutes
Title 21-A: ELECTIONS
Chapter 9: CONDUCT OF ELECTIONS

§626. POLLING TIMES

The following provisions apply to polling times at any election. [1985, c. 161, §6 (NEW).]

1. Opening time flexible. The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. The municipal officers of each municipality shall determine the time of opening the polls within these limits. The municipal clerk shall notify the Secretary of State of the poll opening times at least 30 days before each election conducted under this Title.

[2011, c. 342, §18 (AMD) .]

2. Closing time fixed. The polls must be closed at 8 p.m. on election day, except in municipalities of population less than 100 which may close the polls after all registered voters have voted.

A. The warden shall give all voters present at the voting place at closing time the opportunity to vote. Any person who arrives at the voting place after the time for closing the polls has passed may not vote. [1985, c. 161, §6 (NEW).]

[1985, c. 161, §6 (NEW); 1985, c. 277, (AMD) .]

3. Polling times in election notice. The municipal clerk shall state the times of opening and closing the polls in the notice of the election.

[1997, c. 436, §89 (AMD) .]

SECTION HISTORY

1985, c. 161, §6 (NEW). 1985, c. 277, (AMD). 1985, c. 580, (AMD).
1997, c. 436, §§88,89 (AMD). 2011, c. 342, §18 (AMD).

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James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 58-09122016

ORDERED, that the City Council hereby sets the time for opening the polls for the November 8, 2016 Election at 7:00 AM.

IN COUNCIL REGULAR MEETING AUGUST 15, 2016 VOL. 34 PAGE 272

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. Councilor Pross had an excused absence. All other Councilors were present.

I. Consent Items - None

II. Minutes

- August 1, 2016 Regular Council Meeting

Motion was made by Councilor Titus and seconded by Councilor Walker to accept the minutes of the August 1, 2016 Regular Council Meeting as presented.

Passage 6-0.

III. Communications, Presentations and Recognitions - None

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

Alfreda Fournier, 43 Davis Avenue, commented on the litigation that is going on between the County and Municipalities, stating that she thought it was time for discussions to take place adding that she would be happy to answer any questions regarding the issue.

Tim Doughty, 75 Cherry Vale Circle commented on his tax bill the homestead exemption.

Joe Gray, Sopers Mill Road spoke about a piece of property in Auburn and zoning issues with that property. He also provided Council with a handout relating to this property.

Dan Herrick, 470 Hatch Road, also commented on the zoning issue.

V. Unfinished Business - None

VI. New Business

1. Ordinance 06-08152016

Zoning amendment for Evergreen Subaru from Suburban Residential to General Business. Public hearing and first reading.

Motion was made by Councilor Stone and seconded by Councilor Walker to adopt the zoning amendment for Evergreen Subaru from Suburban Residential to General Business.

Public hearing - no one from the public spoke.

Passage 4-2 (Councilors Burns and Titus opposed). A roll call vote was taken.

2. Order 54-08152016

Casting votes for members of the Androscoggin County Budget Committee. Council may enter into executive session pursuant to 1 M.R.S.A. Section 405 (6)(C).

Motion was made by Councilor Stone and seconded by Councilor Titus to cast votes for members of the Androscoggin County Budget Committee voting for Andrew Titus of Auburn to be the District 5 representative and Norman J. Beauparlant of Poland and Steve Bolduc of Mechanic Falls as the District 6 representative.

Public comment – Alfreda Fournier, 43 Davis Avenue.

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

Motion was made by Councilor Stone and seconded by Councilor Walker to suspend the rules and add an item to the agenda (Order 55-08152016 confirming Chief Crowell's appointment of Tyler Ham as Constable with Firearm for the City of Auburn). Passage 5-1 (Councilor Titus opposed).

Motion was made by Councilor Stone and seconded by Councilor Walker to adopt Order 55-08152016 confirming Chief Crowell's appointment of Tyler Ham as Constable with Firearm for the City of Auburn. Passage 5-1 (Councilor Titus opposed).

VII. Executive Session – None

VIII. Reports

A. Mayor's Report – the Mayor spoke on the topic of creative crosswalks. He also provided hand outs to the Council.

B. City Councilors' Reports

Councilor Young – reminded everyone that the Transportation and Environment Council Committee will be meeting on Wednesday, 8/17/16, and the Great Falls TV Advisory Board bylaws will be reviewed by the committee. The Downing Shoe Shop and Knight House will be open on Saturday 8/20/2016.

Councilor Stone asked about the status on the Park Avenue construction.

Councilor Titus – reminded everyone that the Neighborhood Watch Group on Sunderland Drive will be meeting on the 6th of September, the Finance and Public Administration Council Committee met on August 11th and he provided an update. Their next meeting is to be held on September 8, 2016.

Councilor Gilbert – reported that the LATC (Lewiston Auburn Transit Committee) will be meeting at 6PM in Room 204 at Auburn Hall and will be meeting in Lewiston at 2PM on the same date (Thursday 8/18/2016).

Councilor Walker announced that the Neighborhood Watch group will be meeting on August 25th at Mr. and Mrs. King's house on South Main Street, and the United New Auburn Association will be meeting on Tuesday, August 30th at Rolly's Diner at 6PM.

Councilor Burns reported that the Economic and Community Development Council Committee will be meeting at 5:30 on 8/18/16. He also had an opportunity to present a framed copy of the proclamation declaring 8/13 as Make a Wish Day at the second annual Make a Wish block party at Macs Grill.

C. City Manager Report

Sue Clements-Dallaire, City Clerk addressed concerns that were brought up by a resident at the 8/15/16 Open Session regarding whether or not the Mayor Pro Tem is allowed to vote, and whether or not it is legal to hold an executive session during a Council workshop.

Jill Eastman, Finance Director went over the final budget numbers and discussed the overlay account which is used to cover abatements.

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*.

Joe Gray Sopers, Mill Road thanked the Mayor for his update on creative crosswalks. He said he would encourage this Council to watch the last Planning Board meeting. They did a great job talking to each other and working out the issues. He also noted that there was a resident that was opposed to the Evergreen Subaru Zoning item however she was not present for this meeting.

Mike Sargent, Main Street expressed pleasure on the Mayor's report about creative crosswalks. He said he was excited about the idea of Rainbow crosswalk supporting GLBTQ Community and supports the idea and suggested that the scope not be limited to only the best practices of the cities included in the Mayor's report.

Leroy Walker spoke saying he was sorry to see that the Joint Charter Commission will not be bringing the Consolidation Plan to a vote this November.

X. Adjournment - Motion was made by Councilor Titus and seconded by Councilor Stone to adjourn. All were in favor, the meeting adjourned at 8:17 PM.

A True Copy.

ATTEST Susan Clements Dallaire
Susan Clements-Dallaire, City Clerk



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: September 12, 2016

Ordinance 06-08152016

Author: Doug Greene, AICP, RLA City Planner

Subject: Zone Change Request for Evergreen Subaru for properties located at 16 Malibu Drive (PID # 301-006), 32 Malibu Drive (PID # 301-007), 40 Malibu Drive (PID # 301-012), and 40 Niskayuna Street (PID # 301-004) from Suburban Residential District to General Business District.

Information: Evergreen Subaru, currently located out Center Street, has been a successful auto dealership and has acquired 4 properties (listed above) that are adjacent and located on Malibu Drive and Niskayuna Street. These 4 properties are currently zoned Suburban Residential District and are being petitioned to have that zoning changed to General Business District. The 2010 Comprehensive Plan Future Land Use Map recommends the area requested for rezoning for Business Expansion Transition (BXT). The BXT land use designation is compatible with the General Business District and complies with the 2010 Comprehensive Plan.

The Planning Board voted unanimously (7-0) to forward a recommendation of APPROVAL on to the City Council. The required Planning Board report is attached with this information sheet.

Advantages: Approving the zone change will allow Evergreen Subaru to expand its business operation. The new zoning and land improvements will increase the tax assessment and revenues to the city.

Disadvantages: The expansion of General Business District into the existing Suburban Residential District will cause the demolition of 3 homes and create additional auto sales parking and potential buildings. Any new development activity will be reviewed and approved by the Planning Board who will carefully consider any potential noise, light and visual impacts on the remaining residential properties in the area.

City Budgetary Impacts: The zone change itself will not have a city budgetary impact. The potential future development will create a higher taxable value to the affected land and improvements. A potential future road closure as part of the business expansion may reduce city cost of service for maintaining a public road.

Staff Recommended Action: The Staff and Auburn Planning Board recommend the City Council APPROVE the zoning map amendment of the properties listed from Suburban Residential to General Business as the request complies with the Future Land Use Plan of the 2010 Comprehensive Plan.

Previous Meetings and History:

- The general area between Turner and Center Street was discussed during the development of the 2010 Comprehensive Plan.
- July 12, 2016 Planning Board meeting- A public hearing was held (no public response) and the Planning Board voted 7-0 to forward a positive recommendation to the City Council.
- 8/1/2016 Council Workshop discussion and public hearing and passage of first reading on 8/15/2016.

Attachments:

1. Planning Board Report to the City Council-
2. Staff Report and petition on Evergreen Subaru- July 12, 2016 Planning Board meeting
3. Ordinance 06-08152016



PLANNING BOARD CITY COUNCIL REPORT

To: Auburn City Council and Mayor LaBonte

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

Re: Evergreen Subaru- Rezoning Petition for Properties Located at Malibu Drive and Niskayuna Street.

Date: July 27, 2016

I. PROPOSAL- Evergreen Subaru submitted a petition to rezone 4 properties located at 16 Malibu Drive (PID # 301-006), 32 Malibu Drive (PID # 301-007), 40 Malibu Drive (PID # 301-012), and 40 Niskayuna Street (PID # 301-004). These properties are currently zoned Suburban Residential District and applicant is requesting the zoning be changed to General Business District. The applicant is the owner of the properties that are being requested for rezoning and wants to expand Evergreen Subaru's auto sales into that area. The total net acreage of the 4 properties is 1.24 acres and the gross acreage (include street right of way) is 1.51 acres.

II. DEPARTMENT REVIEW- The Plan Review Committee met on June 15th and Engineering and Public Services mentioned that a road closure might be considered in the future when a development was submitted to the Planning Board, should the rezoning be approved by the City Council. Otherwise there were no other department comments.

III. PLANNING BOARD ACTION- The Planning Board reviewed whether the proposed zone change complies with the 2010 Comprehensive Plan's Future Land Use Map.

Current Zoning- The properties located at (16 Malibu Drive (PID # 301-006), 32 Malibu Drive (PID # 301-007), 40 Malibu Drive (PID # 301-012), and 40 Niskayuna Street (PID # 301-004) are currently zoned Suburban Residential. The properties to the north are zoned Suburban Residential and General Business, to the east is zoned General Business, to the south is General Business and to the west is Suburban Residential. The residents in the proposed 4 properties are rental homes and the tenants are aware of the possibility of being relocated or having their lease terminated.

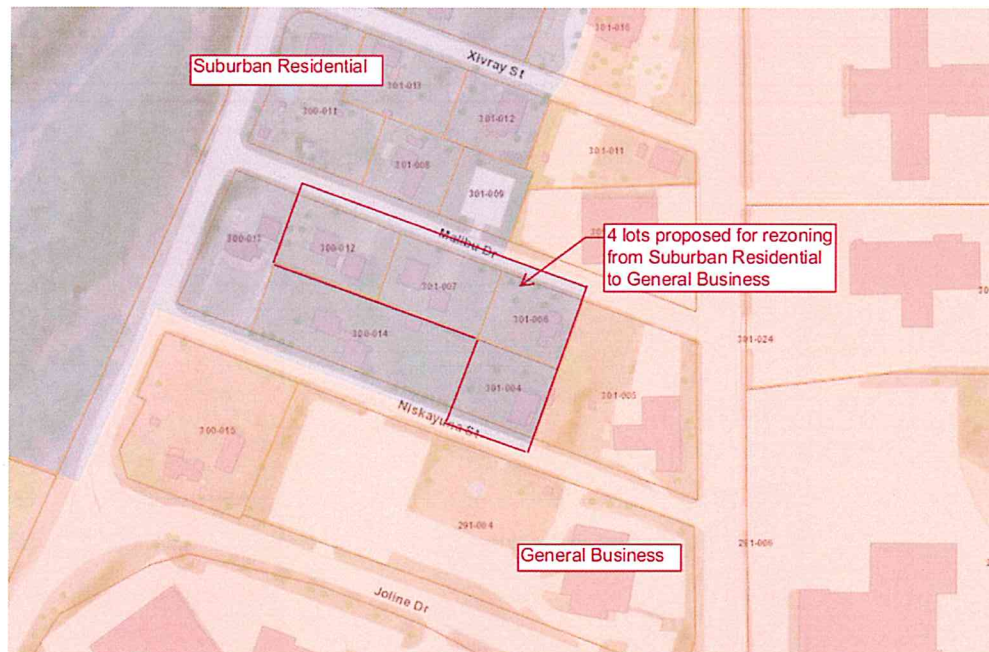
Future Land Use Plan- The area proposed for the rezoning is recommended for **Business Expansion Transition District (BXT)** in the 2010 Comprehensive Plan. Business Expansion Transition District (BXT) is describes in the 2010 Comprehensive Plan as follows:

“Business Expansion Transition District (BXT)”

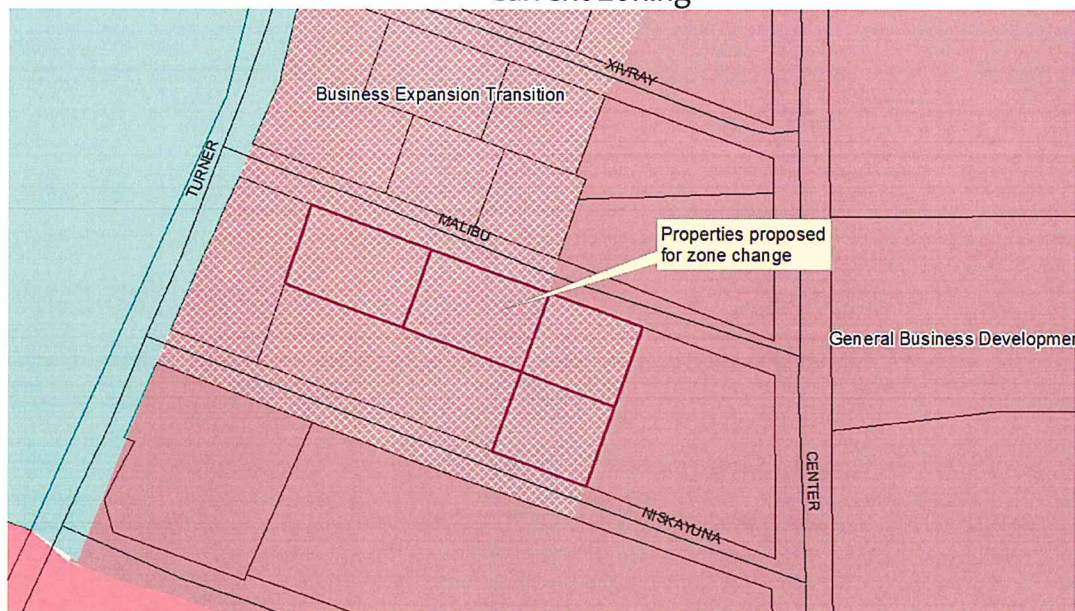
Objective – Allow for the orderly conversion of “pocket” or “island” residential neighborhoods that are adjacent to commercial zones to nonresidential use over time. The intention of this designation is that these areas remain zoned as they currently are and the residential uses be allowed to continue, but to provide for these areas to be rezoned to commercial/business use when there is an appropriate development proposal. In rezoning these areas, the rezoning process should occur in a way that expands the adjacent nonresidential zone in an orderly manner, while maintaining the livability of the remaining residential properties.

Allowed Uses – The current allowed uses should remain in force until these areas are rezoned.

Development Standards – The current development standards should remain in force until these areas are rezoned.” (2010 Comprehensive Plan page 101)



Current Zoning



Future Land Use Plan (210 Comprehensive Plan)



City of Auburn, Maine

Office of Economic & Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

IV. PLANNING BOARD PUBLIC HEARING, DELIBERATION AND RECOMMENDATION-

The Planning Board opened the public hearing portion of agenda item at the July 12, 2016 meeting and no one from the public spoke or gave comments. The Planning Board then discussed:

- The status of the surrounding properties understanding that all the property owners had been contacted and given options to sell.
- The Board also considered photos of the existing screening that had been grown over time to screen the existing car dealership from adjacent properties and was very impressed.
- The Board discussed the process and timing of the zone change through the City Council and subsequent development of an expanded car dealership
- The Board discussed the timing of any future development and how potential impacts on the remaining residential properties would be handled. The applicant would have to apply for a Special Exception and Site Plan Review to the Planning Board where impacts on surrounding properties would be addressed prior to any approval and construction.

The Planning Board considered the applicant's testimony and the Staff recommendation of Approval and voted with a favorable and unanimous vote of 7-0 to forward a recommendation of **APPROVAL** to the City Council of the proposed zone change from Suburban Residential to General Business for the properties located at 16 Malibu Drive (PID # 301-006), 32 Malibu Drive (PID # 301-007), 40 Malibu Drive (PID # 301-012), and 40 Niskayuna Street (PID # 301-004) with the following findings:

1. The properties proposed for rezoning meet the definition of Business Expansion Transition District.
2. The properties proposed for rezoning are in agreement with the 2010 Comprehensive Plan's Future Land Use Map.


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

Cc: File



City of Auburn, Maine

Office of Planning & Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

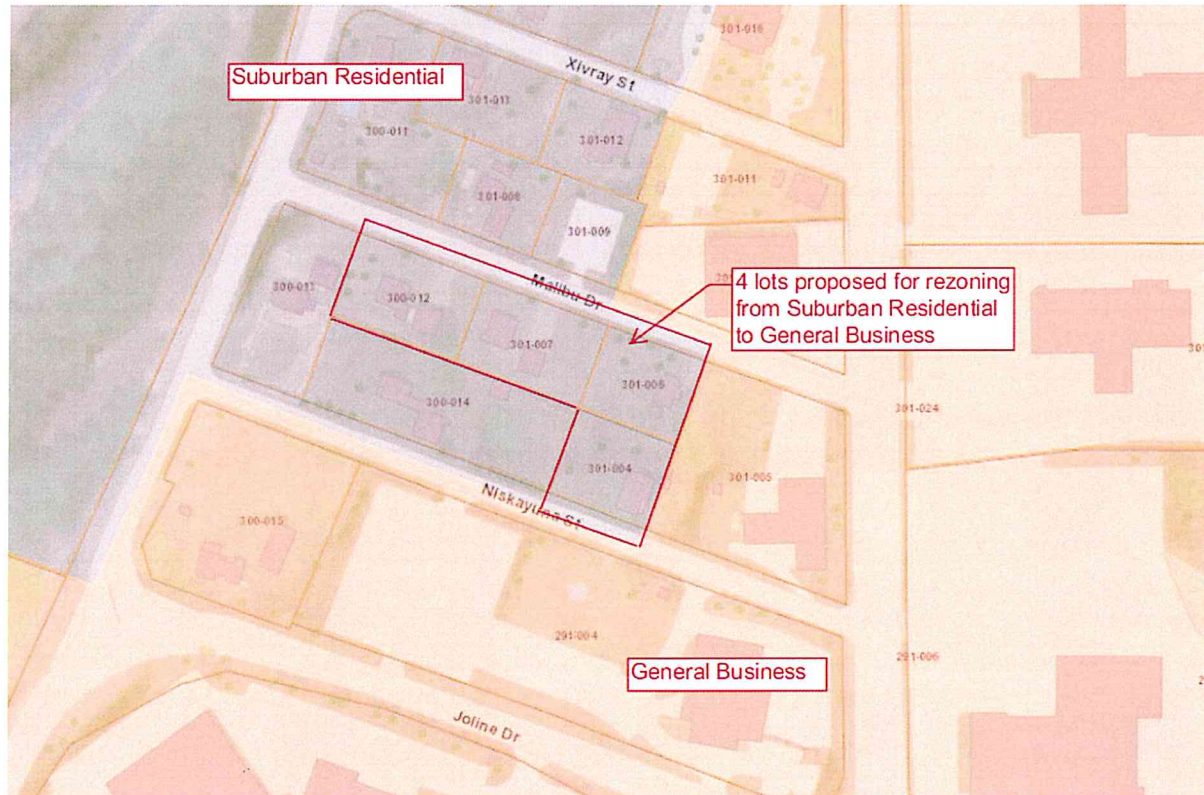
From: Douglas M. Greene; AICP, RLA
City Planner

Re: Evergreen Subaru- Rezoning Petition for Properties Located at Malibu Drive and Niskayuna Street.

Date: July 12, 2016

- I. PROPOSAL- Mike Gotto, of Stoneybrook Consultants, Inc., an agent for Evergreen Subaru has submitted a rezoning petition for properties located at 16 Malibu Drive (PID # 301-006), 32 Malibu Drive (PID # 301-007), 40 Malibu Drive (PID # 301-012), and 40 Niskayuna Street (PID # 301-004). These properties are currently zoned Suburban Residential and applicant is requesting the zoning be changed to General Business. The applicant is the owner of the properties that are being requested for rezoning and wants to expand their auto sales into that area. The total net acreage of the 4 properties is 1.24 acres and the gross acreage (include street right of way) is 1.51 acres.
- II. DEPARTMENT REVIEW- The Plan Review Committee met on June 15th and had the following comments:
 - a. Police- No comments.
 - b. Auburn Water and Sewer- No comments.
 - c. Fire Department- No comments.
 - d. Engineering- Mentioned the possibility a road closure at a future time. A turn around would be needed for the remaining residential property on Niskayuna Street.
 - e. Public Services- Will be involved in any future street closure discussion.
 - f. Planning and Development- No comment other than staff report comments.
- III. PLANNING BOARD ACTION- The Planning Board shall consider whether the proposed zone change complies with the 2010 Comprehensive Plan's Future Land Use Plan and Map. The Board will forward a recommendation to the City Council for final action.

Current Zoning- The properties located at (16 Malibu Drive (PID # 301-006), 32 Malibu Drive (PID # 301-007), 40 Malibu Drive (PID # 301-012), and 40 Niskayuna Street (PID # 301-004) are currently zoned Suburban Residential. The properties to the north are zoned Suburban Residential and General Business, to the east is zoned General Business, to the south is General Business and to the west is Suburban Residential.



Future Land Use Plan- The area proposed for the rezoning is recommended as Business Expansion Transition District (BXT) in the 2010 Comprehensive Plan. Business Expansion Transition District (BXT) is describes in the 2010 Comprehensive Plan as follows:

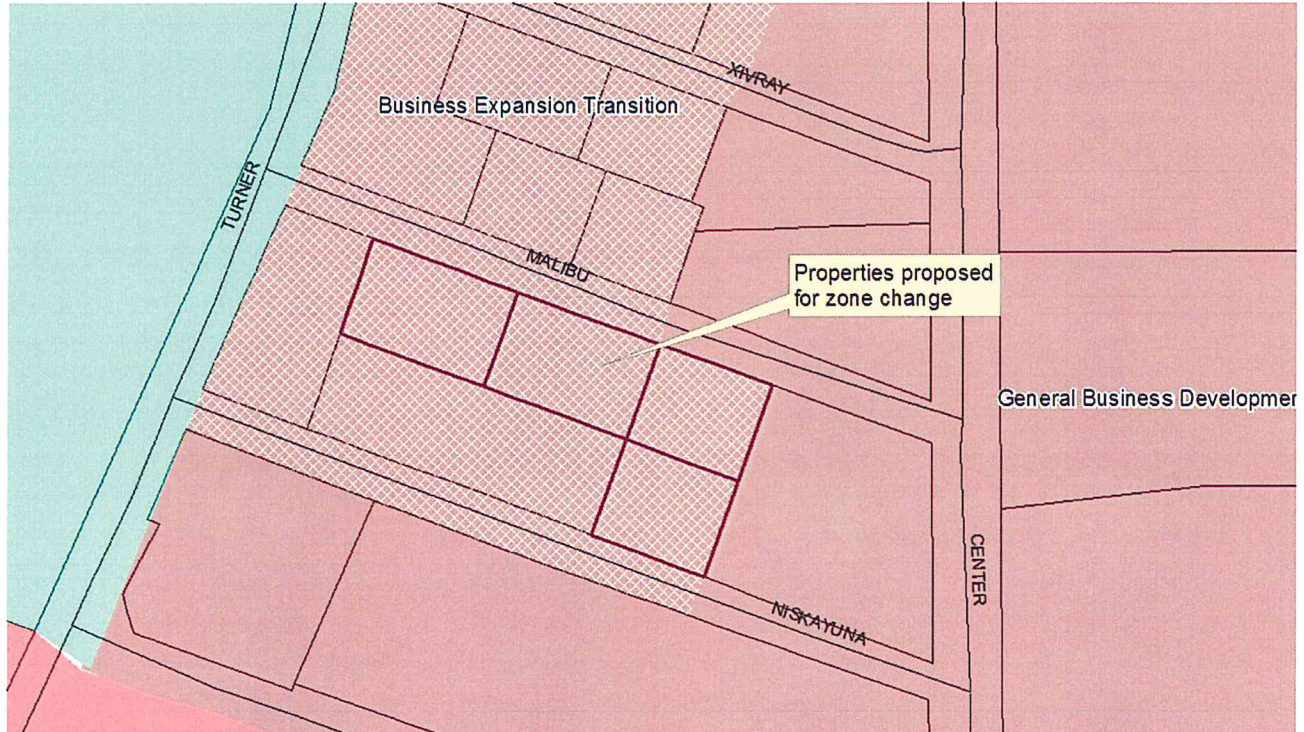
“Business Expansion Transition District (BXT)

Objective – Allow for the orderly conversion of “pocket” or “island” residential neighborhoods that are adjacent to commercial zones to nonresidential use over time. The intention of this designation is that these areas remain zoned as they currently are and the residential uses be allowed to continue, **but to provide for these areas to rezoned to commercial/business use when there is an appropriate development proposal. In rezoning these areas, the rezoning process should occur in way that expands the adjacent nonresidential zone in an orderly manner, while maintaining the livability of the remaining residential properties.**

Allowed Uses – The current allowed uses should remain in force until these areas are rezoned.

Development Standards – The current development standards should remain in force until these areas are rezoned.” (2010 Comprehensive Plan page 101)

Future Land Use Map- The 2010 Comprehensive Plan shows the properties proposed for rezoning to be in the Business Expansion Transition District (BXT).



IV. STAFF RECOMMENDATION- The Staff recommends the Planning Board forward a recommendation of **APPROVAL** to the City Council of the propose zone change from Suburban Residential to General Business for the properties located at 16 Malibu Drive (PID # 301-006), 32 Malibu Drive (PID # 301-007), 40 Malibu Drive (PID # 301-012), and 40 Niskayuna Street (PID # 301-004) with the following findings:

1. The properties proposed for rezoning meet the definition of Business Expansion Transition District.
2. The properties proposed for rezoning are in agreement with the 2010 Comprehensive Plan's Future Land Use Plan.


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

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Zoning Map in the area of 786 Center Street (PID # 301-005) to include 40 Niskayuna Street (PID # 301-004), 40 Malibu Drive (PID # 300-012), 32 Malibu Drive (PID # 301-007) and 16 Malibu Drive (PID # 301-006) in the General Business (GB) Zoning District as shown on the attached "Proposed Zoning Map Amendment". This proposal would extend the GB zone towards Turner Street as proposed in the City of Auburn Comprehensive Plan to allow more commercial activity along the busy Center Street corridor.

SIGNATURE
PRINTED NAME
ADDRESS

Scott Randall	Scott Randall	46 Orchard St.
Eric Verill	Eric Verill	64 Summer St.
Edward Gagne	Edward Gagne	1179 Center St.
Cindy Wadsworth	Cindy Wadsworth	1500 Minor Ave
Rachel B Randall	RB Randall	46 Orchard St.
Andrea Saniuk-Gove	Andrea Saniuk-Gove	553 Park Ave.
Chad Norcross	Chad Norcross	118 Orchard St.
Gar. I Robert T S	Gail Roberts	200 Stetson Rd #532
Kenneth Kierstead	Kenneth Kierstead	2 Field Ave.
Suzanne Arel	Suzanne Arel	1503 Washington St
James Arel	James Arel	1503 WASHINGTON ST
Thomas G. Lawson	Thomas G. Lawson	25 Russell Ave.
Reed Lizotte	Reed Lizotte	31 LEAVITT ST
Mary Sylvester	Mary Sylvester	208 Maple Hill Rd
Jon James	Jon James	40 Malibu Dr.
SUE PITTMAN	Sue Pittman	1079 TURNER ST.
Jon Pittman	Jon Pittman	1079 TURNER ST.
Laurie Russell	Laurie Russell	1109 TURNER ST.
David Gagne	David Gagne	1109 Turner St
		35 Malibu Dr.

20 signatures

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Zoning Map in the area of 786 Center Street (PID # 301-005) to include 40 Niskayuna Street (PID # 301-004), 40 Malibu Drive (PID # 300-012), 32 Malibu Drive (PID # 301-007) and 16 Malibu Drive (PID # 301-006) in the General Business (GB) Zoning District as shown on the attached “Proposed Zoning Map Amendment”. This proposal would extend the GB zone towards Turner Street as proposed in the City of Auburn Comprehensive Plan to allow more commercial activity along the busy Center Street corridor.

SIGNATURE
PRINTED NAME
ADDRESS

Renn M Wint	Renel M Grant	81 Jennifer Dr Auburn
Christo A Duchette	Christian A. Duchette	120 Blanchard Rd. Auburn
Jake P.	Jacob S. Keene	13 Boone Ave, Auburn
Kevin Crowell	Kevin D Crowell	154 Court St., Auburn
Ryan Pablo	Ryan Pablo	534 Turner St, Auburn
Marc Joyal-Myers	Marc Joyal-Myers	1023 Center Street, Auburn
Chris Dunn	Chris Dunn	24 North Auburn Pl, Auburn
Kris Ornsk	Kris Ornsk	1500 Minot ave, Auburn.
Donna Polley	Donna Polley	16 Gary St, Auburn
Candice Lamontagne	Candice Lamontagne	1500 Minot Ave. Pub
Joel Arel	Joel Arel	70 Beech Hill Rd
Craig Chamberlain	Craig Chamberlain	16 Dolores St.
Lucille Saacier	Lucille Saacier	145 Blanchard Rd, Aub.
Christina Anderson	Christine Anderson	170 Blanchard Rd Auburn

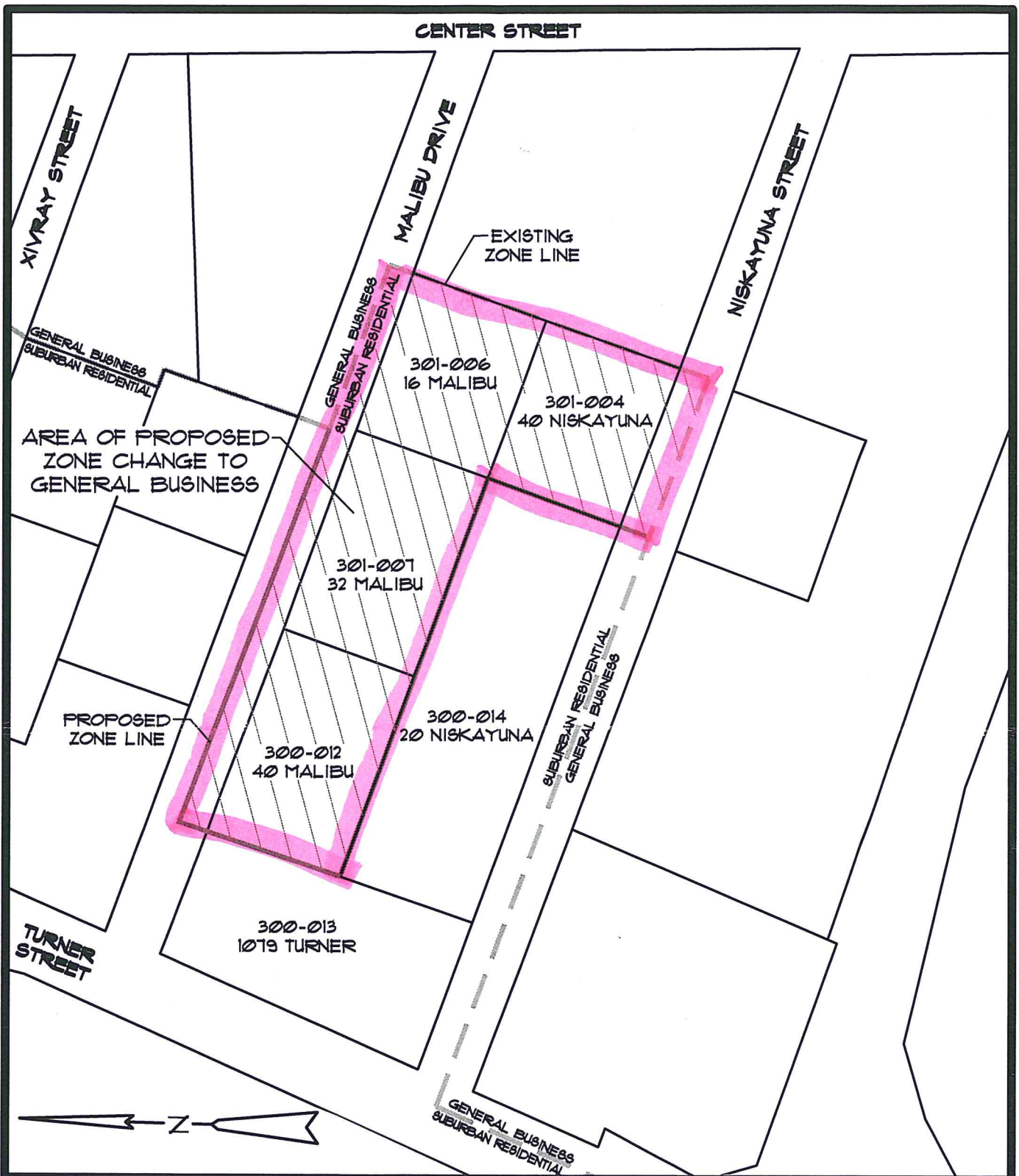
14 signatures.

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Zoning Map in the area of 786 Center Street (PID # 301-005) to include 40 Niskayuna Street (PID # 301-004), 40 Malibu Drive (PID # 300-012), 32 Malibu Drive (PID # 301-007) and 16 Malibu Drive (PID # 301-006) in the General Business (GB) Zoning District as shown on the attached “Proposed Zoning Map Amendment”. This proposal would extend the GB zone towards Turner Street as proposed in the City of Auburn Comprehensive Plan to allow more commercial activity along the busy Center Street corridor.

[illegible]

3 signatures.



PROPOSED ZONING MAP AMENDMENT

MALIBU DRIVE & NISKAYUNA STREET - AUBURN

APPLICANT: QUIZ KIDS, LLC

SCALE: 1" = 100'

DATE OF GRAPHIC: MAY 23, 2016

SOURCE: CITY OF AUBURN GIS

PUBLICATION DATE: 2015

Stoneybrook
Consultants, Inc.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 06-08152016

BE IT ORDAINED, that the City Council hereby amends the Auburn Zoning Map from Suburban Residential District to General Business District for the following properties; 16 Malibu Drive (PID # 301-006), 32 Malibu Drive (PID # 301-007), 40 Malibu Drive (PID # 301-012) and 40 Niskayuna Street (PID # 301-004) and as shown on the attached map, pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 59-09122016

ORDERED, that the City Council hereby approves the City funding request for the Spring Street project, contingent upon passage of Orders 60-09122016 and 61-09122016.

Passage on 7/11/2016 7-0.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL
SEPTEMBER 12, 2016
ORDER 60-09122016**

WHEREAS, the City of Auburn ("the City") designated its Downtown Municipal Development and Tax Increment Financing District #10 ("the Downtown District") and adopted the Development Program for such district initially in 2002; and

WHEREAS, the City adopted the First Amendment to the development program in 2014 in order to add acreage, add some public projects and allow the ability for the City to enter into credit enhancement agreements; and

WHEREAS, the City entered into a credit enhancement agreement dated as of September 8, 2014 with the Auburn Housing Development Corporation relating to the property known on City tax maps as Map 240, Lot 257 but the project has not yet commenced; and

WHEREAS, the City has received a request for a new credit enhancement agreement from the developer of such mixed use project at the same lot, located inside the Downtown District, that would go beyond the statutory limit on the term of years for the Downtown District; and

WHEREAS, there is a need for economic development and for the development of affordable, livable housing in the City of Auburn, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base in the City of Auburn; and to improve the general economy of the City of Auburn and the region by attracting business development in the Downtown District; and

WHEREAS, implementation of the amended, existing development program for the Downtown District and the development program for the new affordable housing municipal development and tax increment financing district will help improve and broaden the tax base in the City of Auburn and improve the economy in the City of Auburn and the region by attracting business development and creating affordable housing in the area of these districts; and

WHEREAS, pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City desires to amend the Downtown District and approve the ***Second Amendment to the Downtown Municipal Development and Tax Increment Financing District #10*** (the "Second Amendment") in order to remove the area to be developed in the 62 Spring Street mixed use and affordable housing project; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development approving this Second Amendment; and

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF AUBURN, MAINE:

Section 1 The City of Auburn hereby approves the Second Amendment to the Downtown District and the development program for such district. The Second Amendment shall be pursuant to the following findings, terms, and provisions:

Section 2 The City Council hereby finds and determines that:

a. This amendment to the Downtown District development program will not result in the Downtown District falling out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3); and

b. The pursuit of the Downtown District development program will make a contribution to the economic growth and wellbeing of the City of Auburn and the surrounding region, and will contribute to the betterment of the health, welfare, and safety of the inhabitants of the City of Auburn, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City has considered all evidence, if any, presented to it with regard to any adverse economic effects on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the amendment to the Downtown District and Downtown District development program.

Section 3 Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of increased assessed value to be retained as captured assessed value in accordance with the Downtown District development program is hereby set forth in the Downtown District development program.

Section 4 The City Manager, or his duly appointed representative, is hereby authorized, empowered, and directed to submit the proposed Second Amendment to the Downtown District and the Downtown District and the development program therefor to the State of Maine Department for Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 5 The foregoing adoption of the Second Amendment shall automatically become final and shall take full force and effect upon receipt by the City of approval by the State of Maine Department of Economic and Community Development, without requirement of further action by the City, the City Council, or any other party.

Section 6 The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the Downtown District and to the Downtown District development program as the City Manager

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Downtown District by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Downtown District development program.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL
SEPTEMBER 12, 2016
ORDER 61-09122016**

WHEREAS, the City of Auburn (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to designate a specified area within the City as the **62 Spring Street Municipal Development and Tax Increment Financing District (#20)** (the "District") and adopt a development program (the "Development Program") for the District pursuant to the Act; and

WHEREAS, there is a need for economic development in the City of Auburn, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the City of Auburn; and to improve the general economy of the City of Auburn and the surrounding region; and

WHEREAS, designation of the District and adoption of the Development Program will help to improve and broaden the tax base in the City of Auburn and improve the economy of the City of Auburn and the region by attracting business development to the District; and

WHEREAS, the City desires to designate the District and adopt the Development Program; and

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

ORDERED AS FOLLOWS:

Section 1. The City of Auburn hereby designates the 62 Spring Street Municipal Development and Tax Increment Financing District (#20) and hereby adopts the Development Program for said District; such designation and adoption to be pursuant to the following findings, terms, and provisions:

Section 2. The City Council hereby finds and determines that:

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for commercial uses; and

b. The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the proposed District) does not exceed five percent (5%) of the total acreage of the City; and

c. The original assessed value of all existing and proposed tax increment financing districts (including the proposed District) does not exceed five percent (5%) of the total value of equalized taxable property within the City as of the most recent April 1 for which such value is available; and

d. The designation of the District and adoption of the related Development Program will make a contribution to the economic growth and well-being of the City of Auburn and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Auburn, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City Council has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program.

Section 3. The City Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226; and further is authorized to execute a Credit Enhancement Agreement consistent with the provisions of the District's Development Program as presented and approved herein, and to create the accounts and take all the actions described in such agreements.

Section 4. The foregoing designation of the District and approval of the Development Program shall automatically become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by the Department, without requirement of further action by the City, the City Council, or any other party.

Section 5. The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
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Development Program as the City Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and/or the Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 22, 2016

Ordinance 07-09122016

Author: Doug Greene, City Planner

Subject: Colonial Ridge PUD- Zoning Map Amendment

Information: The Planning Board approved an amendment to the Colonial Ridge Planned Unit Development (PUD) at its July 12, 2016 meeting. The amendment changed a condominium style development area to a 15 single family lot style development. During the course of the plan review, the Staff noticed a small area (under 1 acre area) that was zoned Industrial. The industrial area includes the rear portions of lots 8, 9 and a detention/open space area. The Planning Board approved the plan and also initiated a zone change to correct the situation. The lots affected by the zoning conflict have enough residentially zoned space for a home to be built on but the future owner would be prevented from having any type of residential use in the rear (Industrially zoned) part of the lots.

The Planning Board took action on this zone change at its August 9th meeting and voted unanimously to forward a positive recommendation to the City Council to rezone portions of lots 8, 9 and a detention/open space area from Industrial District to Suburban Residential District. The Planning Board considered this zone change to be a corrective action.

Advantages: Approving the zone change will allow future home owners to use their entire property in residential uses and correct a zoning conflict on the affected properties.

Disadvantages: Having Industrial zoning on the rear of a residential property would limit its use and could cause difficulty in obtaining mortgage loans.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends the City Council move the Zoning Map Amendment forward to a 1st reading and public hearing.

Previous Meetings and History: The Auburn Planning Board considered the Colonial Ridge PUD at its July 12th and August 9th meetings.

Attachments:

1. Staff report from the August 9, 2016 Planning Board meeting.
2. Planning Board report on the Colonial Ridge PUD Zoning Map Amendment.
3. Mapping of the Zoning Map Amendment.
4. Ordinance 07-09122016



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David C. Young, At Large

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL
SEPTEMBER 12, 2016
ORDER 61-09122016**

WHEREAS, the City of Auburn (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to designate a specified area within the City as the **62 Spring Street Municipal Development and Tax Increment Financing District (#20)** (the "District") and adopt a development program (the "Development Program") for the District pursuant to the Act; and

WHEREAS, there is a need for economic development in the City of Auburn, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the City of Auburn; and to improve the general economy of the City of Auburn and the surrounding region; and

WHEREAS, designation of the District and adoption of the Development Program will help to improve and broaden the tax base in the City of Auburn and improve the economy of the City of Auburn and the region by attracting business development to the District; and

WHEREAS, the City desires to designate the District and adopt the Development Program; and

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

ORDERED AS FOLLOWS:

Section 1. The City of Auburn hereby designates the 62 Spring Street Municipal Development and Tax Increment Financing District (#20) and hereby adopts the Development Program for said District; such designation and adoption to be pursuant to the following findings, terms, and provisions:

Section 2. The City Council hereby finds and determines that:

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Jonathan P. LaBonte, Mayor

a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for commercial uses; and

b. The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the proposed District) does not exceed five percent (5%) of the total acreage of the City; and

c. The original assessed value of all existing and proposed tax increment financing districts (including the proposed District) does not exceed five percent (5%) of the total value of equalized taxable property within the City as of the most recent April 1 for which such value is available; and

d. The designation of the District and adoption of the related Development Program will make a contribution to the economic growth and well-being of the City of Auburn and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Auburn, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City Council has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program.

Section 3. The City Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226; and further is authorized to execute a Credit Enhancement Agreement consistent with the provisions of the District's Development Program as presented and approved herein, and to create the accounts and take all the actions described in such agreements.

Section 4. The foregoing designation of the District and approval of the Development Program shall automatically become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by the Department, without requirement of further action by the City, the City Council, or any other party.

Section 5. The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the

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Development Program as the City Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and/or the Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.



PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

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

Re: Colonial Ridge PUD- Zoning Map Amendment- Industrial District to
Suburban Residential

Date: August 9, 2016

I. PROPOSAL- The Auburn Planning Board initiated a zoning map amendment for a small parcel of industrially zoned property to be rezoned to Suburban Residential at their July 12, 2016 meeting. The small .8 acre/35,000 sf parcel is part of the Colonial Ridge Planned Unit Development. At their July 12 meeting, the Planning Board approved an amendment to the PUD that included 15 new single family lots. The rear portions of lots 8, 9 and a detention area were found to be zoned industrial and the adjacent Colonial Ridge PUD residential development is zoned Suburban Residential.

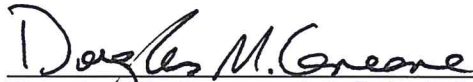
II. DEPARTMENT REVIEW- This zoning map amendment was reviewed by the Plan Review Committee on July 15, 2016.

- a. Police- No comments.
- b. Auburn Water and Sewer- No comments.
- c. Fire Department- No comments.
- d. Engineering- No comments.
- e. Public Services- No comments.
- f. Planning and Development- No comments.

III. PLANNING BOARD ACTION- The Planning Board is being asked to make a recommendation to change the identified parcel from Industrial to Suburban Residential and forward that recommendation on to the City Council. Normally, the Planning Board should consider the property's Future Land Use (FLU) designation from the 2010 Comprehensive Plan. In this the FLU is shown as industrial. The Staff researched older zoning maps and found the industrial zoning dates back at least 20 years and considers the zoning to be a mapping error.

IV. STAFF RECOMMENDATION- The Staff recommends the Planning Board send a recommendation of **APPROVAL** to change the zoning for the .8 ac/35,000 sf parcel shown as the rear portion of lots 8, 9 and the detention area of the amended Colonial Ridge PUD with the following findings:

1. The Planning Staff find that the area zoned Industrial in the Colonial Ridge PUD as shown on the Auburn Zoning Map is in error.
2. The area identified for rezoning is clearly within and associated with the Colonial Ridge PUD, a residential development.
3. Should the area identified for rezoning remain industrial, it would cause a hardship for future property owners to utilize the property for residential uses.

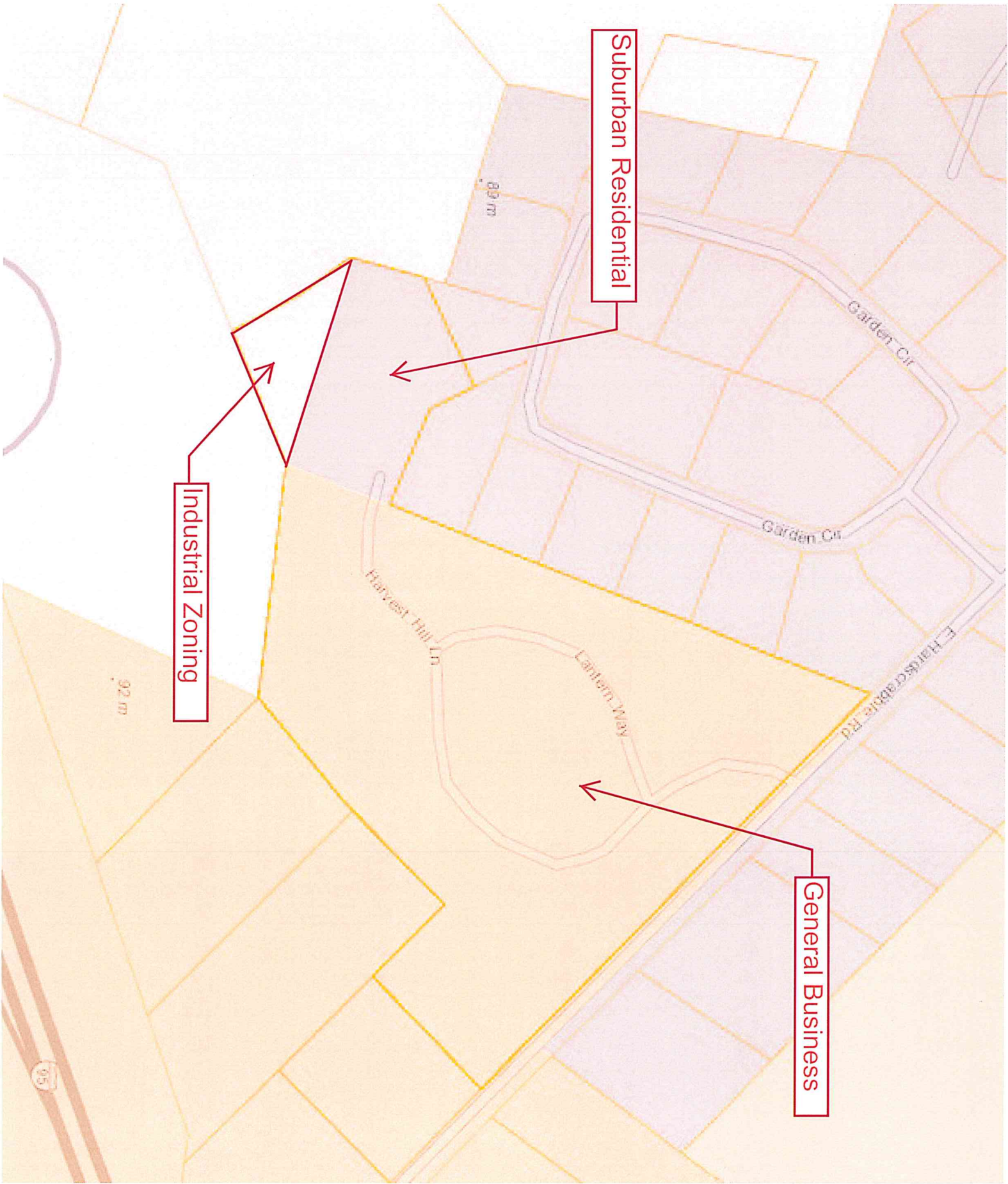


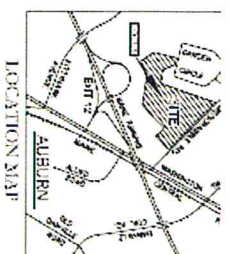
Douglas M. Greene, A.I.C.P., R.L.A.
City Planner

Suburban Residential

Industrial Zoning

General Business





50 AC. LAND AT
 COLONIAL RIDGE PUB. LOTS
 EAST WINDSORABLE ROAD
 AUBURN, MAINE
 50 AC. LAND AT
 COLONIAL RIDGE, LLC
 PO BOX 1150
 AUBURN, ME 04211
 100 AC. LAND AT
 COLONIAL RIDGE, LLC
 PO BOX 1150
 AUBURN, ME 04211



Suburban Residential Zone

Industrial Zone

General Business Zone

LEGEND

- SUBJECT BOUNDARY LINE
- PROPOSED PUD LOT BOUNDARY LINE
- ADJUTION OR BENT OF WAY LINE
- DRAINAGE EASEMENT LINE
- ZONING
- STONE WALL
- WELAND
- WELAND IMPACT
- NON OR FORMERLY
- DEED BOOK PAGE REFERENCE
- TAX MAP AND LOT NUMBER
- IRON PIPE/IRON/STEEL PIPING
- CHAPED IRON PIPE FOUND AT/ON
- 5/8" IRON W/ CAP TO BE SET
- UTILITY POLE
- REINFORCED CONCRETE
- DRYER WAREHOUSE
- CATCH BASIN
- WATER VALVE
- UTILITY BOX FOR UNDERGROUND ELECTRIC
- UTILITY BOX FOR UNDERGROUND CABLE
- UTILITY BOX FOR UNDERGROUND TELEPHONE

NOTES:

1. EXTERIOR BOUNDARY SHOWN HEREIN TAKEN FROM PLAN REFERENCE A. AND B. BELOW.
2. RECORD OWNER: COLONIAL RIDGE, LLC (P.A. & S.A.), J.A. LYNN ASSOCIATES, LLC.
3. PARCEL DEED REFERENCE: SEE DEED FROM NEAREST COMMERCIAL PROPERTIES TO J.A. LYNN ASSOCIATES, LLC DATED FEBRUARY 28, 2004, RECORDED AT THE ANNEUNOOGUN COUNTY REGISTERY OF DEEDS IN BOOK 2004, PAGE 19 AND DEED FROM J.A. LYNN ASSOCIATES, LLC DATED MAY 7, 2004, RECORDED AT THE SAME REGISTERY OF DEEDS IN BOOK 2004, PAGE 23.
4. ALL BOOK AND PAGE REFERENCES REFER TO THE ANNEUNOOGUN COUNTY REGISTERY OF DEEDS.
5. PARCEL TAX MAP REFERENCE: CITY OF AUBURN, MAP 133, LOT 89 AND MAP 133, LOT 8.
6. ALL BEARINGS AND REMEDIES TO MAGNETIC NORTH AS DEFINED ON PLAN REFERENCE A.
7. EXISTING CONCRETE FEATURES SHOWN WITHIN PUD LOT AREA LOCATED BY J.A. LYNN ASSOCIATES. FEATURES WITHIN EXISTING PUD LOT AREA TAKEN FROM PLAN REFERENCE A. & B. BELOW.
8. THE LOCATION, SIZE AND DEPTH OF UNDERGROUND UTILITY LINES, TANKS, AND/OR STRUCTURES NOT DETERMINED BY THIS SURVEY, EXCEPT AS SHOWN.
9. PLAN REFERENCE:

APPROVAL

THURSDAY _____ DATE _____
 CITY CLERK _____ DATE _____
 Androscoggin, Inc. Registry of Deeds
 Received _____ at _____ M.
 Recorded in Plan Book _____ Page _____
 Agent _____ Registrar _____

PLAN OF LAND OF
COLONIAL RIDGE PUD - LOTS
 EAST HARDSCRABLE ROAD
 AUBURN, MAINE

PREPARED FOR: COLONIAL RIDGE, LLC
 PO BOX 1150
 AUBURN, ME 04211

PREPARED BY:
JONES
 JACOGLAZES, INC.

RECORD OWNERS:
 J.A. LYNN ASSOCIATES, LLC
 DRA COLONIAL RIDGE, LLC
 PO BOX 1150
 AUBURN, MAINE

CERTIFICATION:

LEGAL NOTICE

City of Auburn

The Auburn City Council will hold a Public Hearing on Monday, September 12, 2016 at 7:00 PM in the City Council Chambers of Auburn Hall, 60 Court Street, Auburn, Maine. The following proposal will be heard:

Zoning map amendment in Colonial Ridge PUD for a .81 acre area of the southwest portion of lots 8 and 9 and an adjacent open space area from Industrial District to Suburban Residential District pursuant to Section 60-1445 Amendments to the Zoning Map.

For more information contact Douglas Greene @ 333-6601 ext. 1156 or dgreene@auburnmaine.gov.

To be placed in the Lewiston Sun Journal on Wednesday, August 31, 2016 and Monday, September 5, 2016.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Ernestine Gilbert, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 07-09122016

BE IT ORDAINED, that the City Council hereby adopts an amendment to rezone an .81 acre area located on Harvest Hill Lane in the Colonial Ridge PUD, consisting of the southwest portion of lots 8 and 9 and an adjacent open space area from Industrial District to Suburban Residential District pursuant to Section 60-1445, Amendments to the Zoning Map, and as shown on the attached map.

**THE FOLLOWING
INFORMATION IS
PROVIDED BY
COUNCILOR
LEROY WALKER
AUBURN WARD 5**

Mid-Maine Waste Action Corporation

*110 Goldthwaite Road
Auburn, Maine 04210
(207) 783-8805
Fax (207) 783-9831
www.midmainewaste.com*

MEMORANDUM

To: MMWAC Executive Committee
From: John P. King, Executive Director
Subject: Executive Committee Meeting
Date: August 11, 2016



The Executive Committee will meet at 11:30 AM, Tuesday, August 16, 2016 at MMWAC's offices in Auburn.

The agenda as well as minutes from the last meeting are attached.

Please contact me if you have any questions.

cc: Board of Directors

Reference No.: 03753

MEMBER COMMUNITIES:

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

**MID-MAINE WASTE ACTION CORPORATION
EXECUTIVE COMMITTEE MEETING**

Tuesday, August 16, 2016; 11:30 A.M.

Mid-Maine Waste Action Corporation
Conference Room
110 Goldthwaite Rd., Auburn

Agenda

1. Roll Call

- There are five (5) members of the Committee and three (3) members constitute a quorum.

2. Minutes

- Consider approval of the June 30, 2016 minutes

3. Monthly Activity reports

- Consider accepting the July 2016 Activity Report

4. Electric generation

- Discuss and consider proposal from Nextra

5. Audit

- Update on audit and discuss acceptance of

6. Mill property

- Update on consequences of leasing

7. Waste Management

- Discuss transfer station contract

8. Updates

- SS position
- Facility performance
- Fees for propane tanks and weight fees
- Other

Portions of the agenda of the Executive Committee meeting may be conducted in Executive Session, when appropriate, and upon a vote of the Committee.

Draft-Minutes of the June 30, 2016

Executive Committee Meeting

The Executive Committee of the Mid Maine Waste Action Corp met on Thursday June 30, 2016, at 5:15 P.M., at Fishbone's restaurant in Lewiston.

1. Roll call

President Landry called the meeting to order. Members present were: Curtis Lunt, Eda Tripp, Bradley Plante, and Leroy Walker, as well as staff John King, Marc Vachon, Ben Dow, and Mike Daily.

2. Minutes

Mr. Walker made a motion, seconded by Ms. Tripp, and approved 4/0, with Mr. Plante abstaining, to accept the minutes of the May 17, 2016 Executive Committee meeting.

3. Monthly Activity Reports

Ms. Tripp made a motion, seconded by Mr. Walker, and approved 5/0 to accept the March 2016 Monthly Activity Report.

4. Nominating Committee

The Executive Committee had a discussion about keeping the officers in place one more year to give the new Executive Director some stability and support. Paul Landry agreed to stay on as president, Curtis Lunt agreed to stay on as vice president, and Eda Tripp decided to stay on as treasurer with the board's approval. Mr. Walker made a motion, second by Mr. Plante, and approved 5/0 to recommend the current officers stay on for an additional year.

5. FY17 Reserve goal

Mr. King summarized the projected cash and investment balance as of 6/30/2016 and recommended the board establish a reserve goal of 5,900,000. The Executive Committee after some discussion wanted to recommend to the Board of directors to distribute any additional funds above the new reserve goal to the member towns. The cash would be distributed based on percent ownership found on Table 1 of the monthly report after the FY16 budget is completed. This would be consistent with past practice. Mr. Lunt made a motion, second by Mr. Walker, and approved 5/0.

6. Insurance renewal

Mr. King read thru the insurance proposal and recommended that the Executive Committee accept the proposal of \$135,368 for the upcoming year. Mr King mentioned that he and his staff

had inquired about additional coverage limits for replacement of the facility and cyber insurance. The additional premiums were quite expense and the Executive Committee decided not pursue them. Mr. Walker made a motion, second by Mr. Lunt, and approved 5/0 to accept the insurance proposal.

7. Updates

Mr. King summarized the projected cash and investment balance for 6/30/2016 and feels the tipping fees for FY18 be frozen. The Executive Committee will recommend to the board no CPI increase of member tipping fees for FY18. Mr. Plante made a motion, second by Mr. Walker, approved 5/0 to recommend no increase in tipping fees for FY18.

Mr. King stated that the bank resolution was extremely helpful in the management transition and would recommend to the Executive Committee and Board to renew.

Mr. King updated the Executive Committee on the facility performance. Mr. King stated that there have been three situations to date that would have been avoided had a spring outage taken place. All 3 incidents were short in duration and to this point the decision to skip the spring outage is a good one.

Mr. King informed the Executive Committee that he had reached out to Nextra Energy to see if they could assist in the power sales. The staff at MMWAC had sat thru a conference call and thought that it was worth pursuing further. Nextra has agreed to visit the facility to help staff further understand ISO New England. The Executive Committee encouraged staff to investigate whether Nextra could advise or guide them.

There being no further business Mr. Plante made a motion, second by Mr. Lunt, and approved 5/0, to adjourn at 6:04.

Mid-Maine Waste Action Corporation

*110 Goldthwaite Road
Auburn, Maine 04210
(207) 783-8805
Fax (207) 783-9831
www.midmainewaste.com*

MEMO

To: To Whom It May Concern
Date: August 3, 2016
Subject: Address Change

Please make note of our new address (we no longer have the PO Box):

**Mid-Maine Waste
110 Goldthwaite Road
Auburn, ME 04210**

Our telephone and fax numbers remain the same as well as our email address.

Reference No.: 03750


MEMBER COMMUNITIES:

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

Mid-Maine Waste Action Corporation

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MEMORANDUM

To: Board of Directors
From: John P. King, Executive Director 
Michael Dailly, Finance Director
Subject: July Financial/Activity Report - Unaudited
Date: August 10, 2016

Enclosed please find the unaudited July Activity Report covering the period from July 1 through July 31, 2016.

General Summary

Plant throughput for the month was 5,657 tons processed, or about 182 tons per day and running time throughput was 187 tons per day. Operating Revenues exceeded Expenses resulting in July having an operating gain of \$53,526 (These figures do not reflect balance sheet expenses). Cash and investments totaled \$6,065,174. Cash and investments are down \$5,981 from the start of FY17. The reserve goal established by the Board for FY17 is \$5,900,000 and is now at 102.8% of goal. The balance sheet shows current assets less liabilities at \$6,537,957, which is up \$53,526 from the beginning of the fiscal year.

Waste Deliveries/Operations

A total of 5,501 tons were delivered to the pit for an average of 177 tons per day. 7,716 tons were received from all sources for the month. Details on deliveries are presented in the following table:

Waste Type	Year-To-Date Tons		Variance	
	FY17 Actual	FY16 Actual	Tons	%
MSW Member	1,434	1,566	(132)	-8.4%
Comm Member	1,284	1,427	(143)	-10.0%
Municipal Non-Member	1,844	1,980	(136)	-6.9%
Gate/Hauler	1,489	1,702	(213)	-12.5%
OBW/Res TS	899	841	58	6.9%
Other	766	780	(14)	-1.8%
Total	7,716	8,296	(580)	-7.0%

MEMBER COMMUNITIES:

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

Waste flows to the plant and transfer station are running 7.0% below last year. Waste processed in the plant during the month was recorded at 5,657 tons, or an average of 182 tons per day. The monthly running time thruput was 187 tons per day. The transfer station processed 2,018 tons during the month from all sources averaging 89.7 tons per day for the month, (5.5 day receiving week). Recyclables totaled 194 tons for the month. Prior year and budget comparisons of processing records as follows:

	Prior Year Comparison YTD				Budget Comparison YTD			
	FY17	FY16	Variance		FY17	FY17	Variance	
	Actual	Actual	Tons	%	Actual	Budget	Tons	%
Waste-To-Energy	5,657	5,929	(272)	-4.6%	5,657	6,191	(534)	-8.6%
Transfer Station	2,018	1,972	46	2.3%	2,018	1,843	175	9.5%
Recycling	194	211	(17)	-8.1%	194	237	(43)	-18.1%
Total	7,869	8,112	(243)	-3.0%	7,869	8,271	(402)	-4.9%

Cash Available to Operations

Cash balances in checking and investments total \$6,065,174 down \$5,981 from the prior month. The following is the status of the reserve goal:

Reserve Status		
	FY 17 Goal	As of 7/31/16
Operating	2,006,000	2,062,159
Capital Improvement	944,000	970,428
20-Year Plan	1,711,000	1,758,900
Rate Stabilization	1,239,000	1,273,687
Total	5,900,000	6,065,174
Total Cash		6,065,174
Surplus or (Deficit)		165,174

Revenue

Revenue for the month totaled \$552,434. Major categories of revenue by month include: tipping fees, \$500,200; power contract, \$38,052; recycling, \$8,277; interest, \$5,175; other, \$730. Revenue for the month was \$48,828 below budget projections and \$32,315 below FY16.

Total gross kWh for the latest period was 1,902,538 of which 1,243,963 were sold to the grid. Net kWh per ton equaled 220, as compared to 237 for the comparable period in FY16.

The table that follows shows detail relative to electrical sale:

	Price per MWhr			Electrical Output MWhr			Electrical Revenue		
	FY16	FY17		FY16	FY17		FY16	FY17	
Month	Actual	Budget	Actual	Actual	Budget	Actual	Actual	Budget	Actual
Jul	\$27	\$40	\$31	1,408	1,400	1,244	\$38,308	\$55,691	\$38,052
YTD	\$27	\$40	\$31	1,408	1,400	1,244	\$38,308	\$55,691	\$38,052

Expenditures

Operating expenses in all categories total \$498,909 for the month, which is \$35,594 below budget projections, and \$37,253 below last year.

Investments Status

As of July 31, MMWAC's investments totaled \$6,065,174. Table 8 details all of our investments.

Capital Expenditures:

There were none for the month of July.

cc: Member Municipalities
Reference No.: 03751

LEWISTON/AUBURN 9-1-1 COMMITTEE

MINUTES

Date: Thursday, July 14, 2016
Time: 0800
Location: LEWISTON/AUBURN 9-1-1, 552 Minot Avenue Auburn, Maine 04210

1. ROLL CALL:

- A. Present: Chief Paul LeClair, Deputy Chief Brian O'Malley, Chief Geoff Low, Pat Mador, Esq., Heather Hunter, Councilor Tim Lajoie, Councilor Leroy Walker
- B. Staff: Director Phyllis Gamache, Systems Manager Drew McKinley
- C. Secretary: Katie Gallant

OPEN SESSION:

- A. Meeting called to order at 08:00 a.m.
- B. Review of the meeting minutes of May and June
 - i. Motion to accept as read by Pat Mador, Esq.
 - ii. DC O'Malley requested editing his name from Brain to Brian in June minutes
 - iii. Motion seconded by Chief Low
 - iv. Motion passes by majority, Heather Hunter abstained

C. *Financial Report*

- i. No report at this time

D. *Director's Report*

ii. *Personnel*

- 1. Jenna Brown is completing the hiring process
 - a. Has a degree in Criminal Justice and has bartending and bar management experience
 - b. Background check completed by APD as family in the LPD
 - c. When physical exam is complete, she will be offered employment
- 2. New employee began 24 May and doing well.
- 3. Three employees have left employment with the center in a six week period, and one person predicts she will not return once her maternity leave/FMLA is complete, for a total of four losses.
- 4. Previous employee returned after 4 weeks and has already put in for OT shifts
 - a. This return leaves the center down two, possibly three personnel, for a total of five, possibly six vacancies
- 5. Union had proposed a new schedule change to the daily hours, 12hr shifts over a two week pay period instead of 8hr shifts
 - a. Voted down by personnel – close split, may be revisited in the near future
- 6. Katie Gallant has been hired part time, temporary to fill in the admin roll. She worked temporarily at the APD and has already had a background check performed

7. Wage increase of 2.5% for union members was previously approved and went into effect July 1, 2016
8. Request to approve wage increase of 2.5% for non-union members retroactive to July 1, 2016
 - a. These funds are part of the FY2017 budget that has already been approved
 - b. Chief LeClair asks for motion
 - c. Pat Mador, Esq. moves to approve wage increase
 - d. Heather seconds
 - e. Motion carries
9. Suggestion to create Deputy Director position and permanent part-time Office position
 - a. Kristal's unexpected departure provides the center with the ability to re-examine its staffing formula, historical reasons cited for staff leaving and how to increase stability moving forward.
 - b. Director Gamache recommends combining the Office Manager and Dispatch Modified Power positions and funding a full time Deputy Director and a part time Payroll/Billing Clerk. Benefits include:
 - i. Good for the employees: Accession opportunities for dispatch staff (most commonly cited reason for leaving is the desire for 'normal' hours)
 - ii. Good for the 911 Committee: Succession planning for Director
 - iii. Good for PDs: Creates a long-term accreditation manager
 - iv. Good for Finance: Creates checks and balances for payroll/bill pay; avoids problems found at the end of FY16
 - v. Overall savings to the Center's budget of \$14,200
 - c. Chief LeClair said that while he supports the idea, he recommends waiting for possibly next budget cycle, and believes that LA911 needs a full time Office Manager. It is the Committee's job to administer the budget, not create new positions. Chief LeClair thinks the decision should/will come from the City Managers.
 - d. Committee agrees that Director Gamache should prepare a report and meet with the City Managers to present Deputy Director proposal

iii. *Operations*

1. APD Radio Issues Continue (Drew McKinley)
 - a. APD's frequency continues to have issues, hardware age being a major part of the problem. FairPoint replaced copper lines with fiber optics, which briefly improved the radio problem but the equipment is still losing sync and dropping out. IT and Dirigo Wireless looking at further troubleshooting options
 - b. Meeting Friday, 7/15/16 at 0900, with City Managers to discuss radio issues and budgeting

- c. Heather asked if there were quotes for phased-in implementation.
 - i. Will need to see where the proposal leads and wait for various vendors for pricing

2. LFD Filter Issue (Chief LeClair)

- a. Repair of Webber tower site (filters) for LFD radio bleed over in the amount of \$33,000 has been approved by the City Managers by using the fund balance
- b. Heather recommended having a formal request signed by the City Managers for paper trail
- c. Motion to approve funding by DC O'Malley
- d. Seconded by Pat Mador, Esq.
- e. Motion carries

3. County is moving their dispatch center operations (in same building) and has agreed to place two LA911 seats in the new center to serve as backup positions/emergency evac stations for LA911

- a. LA911 will need to consider funding at least two positions at ASO to create a viable back up
- b. Lack of a backup was a major issue during last CALEA reaccreditation

4. Poland can only do one year contracts due to town By-Laws

- a. Need to convert to one year contracts moving forward
- b. Contract is expected to be signed on the 7/28/16 meeting

5. Fire Department Protocols

- a. 100 more fire calls for quality assurance
- b. Need to budget for 3rd quality assurance position
- c. Each quality assurance reviewer receives a \$400 annual stipend

D. System Manager Report:

- a. Need approval of previously approved purchases not purchased due to budget freeze
 - i. Heather suggests we wait until June's Payroll and Accounts Payables are entered before approval
 - ii. Chief LeClair suggests we table until August and use encumbrances
- b. Drew would like to amend his title from Systems Manager to IT Director to align with the other agencies associated with L/A 911
 - i. DC O'Malley moves to amend as requested
 - ii. Pat Mador, Esq. seconds
 - iii. Motion carries

E. *No Public Comment.*

F. *Next meeting will be the regularly scheduled meeting, Thursday, August 18, 2016 at 0800*


G. Motion to adjourn made by DC O'Malley at 0900

- ii. Seconded by Heather Hunter
- iii. Motion passes

Mid-Maine Waste Action Corporation

110 Goldthwaite Road
P.O. Box 1750
Auburn, Maine 04211-1750
(207) 783-8805
Fax (207) 783-9831
www.midmainewaste.com

MEMORANDUM

To: Board of Directors
From: John P. King, Executive Director 
Michael Daily, Finance Director
Subject: June Financial/Activity Report - Unaudited
Date: July 20, 2016

Enclosed please find the unaudited June Activity Report covering the period from June 1 through June 30, 2016.

Fiscal Year-End Summary

The facility completed its 24th year of operations in FY16. Plant throughput was 70,829 tons. MMWAC produced 24,173,636 kilowatt-hours of electricity, of which 17,154,902 kilowatt-hours were sold to the grid. During non-maintenance periods the plant achieved a throughput rate of 200 tons per day.

MMWAC and Lewiston have extended the Ash-for-Trash agreement for another five years, which will extend the contract until June 2022. In addition to Lewiston, MMWAC provides disposal for its 12 member communities and 14 other contract municipalities. MMWAC will also provide waste disposal for the town of Winthrop starting in 2018.

MMWAC's Transfer Station continued to be an important piece of the waste handling solution. Excess MSW and CDD waste is hauled to the Waste Management landfill in Norridgewock, thus eliminating the need for local towns and contractors to travel all the way to the landfill. MMWAC's wood separation continues to grow and has diverted over 650 tons of wood from the landfill to wood boilers or remanufactured wood products. Total tonnage thru the transfer station was 16,839.

Member tip fees were \$41/ton, commercial member rates were \$60.78/ton, commercial haulers and non-contract municipal waste customers were charged \$84.65/ton, and transfer station waste was at \$96.29/ton. Member communities paid \$78.34/ton for transfer station service. Pricing for municipal contracts for FY16 ranged widely depending on timing and the length of the contract.

MMWAC financially out performed its FY16 budget despite a very weak wholesale electric market. This was mainly due to changes in operational procedures and the decision to have only one maintenance outage per year. At its June 30, 2016 Annual Meeting, the Board of Directors elected to increase the reserve fund target from

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\$5,872,511 to \$5,900,000 for FY17. The year-end cash and investment balance was \$6,071,155, which the board of directors elected to distribute \$171,155 back to the 12 member towns.

General Summary

Plant throughput for the month was 5,599 tons processed, or about 187 tons per day and running time throughput was 195 tons per day. Operating Revenues exceeded Expenses resulting in June having an operating gain of \$7,132 (These figures do not reflect balance sheet expenses). Year-to-date operating gain is \$348,432 compared to \$97,155 projected budget gain and a loss of \$211,345 in FY15. Cash and investments totaled \$6,071,155. Cash and investments are up \$122,535 from the start of FY16. The reserve goal established by the Board for FY16 is \$5,872,511 and is now at 103.4% of goal. The balance sheet shows current assets less liabilities at \$6,484,431, which is up \$161,380 from the beginning of the fiscal year. It should be noted that MMWAC decided to eliminate its spring outage and going forward will operate with only an autumn outage.

Waste Deliveries/Operations

A total of 5,444 tons were delivered to the pit for an average of 181 tons per day. 7,750 tons were received from all sources for the month. Details on deliveries are presented in the following table:

Waste Type	Year-To-Date Tons		Variance	
	FY16 Actual	FY15 Actual	Tons	%
MSW Member	16,625	16,276	349	2.1%
Comm Member	14,372	14,569	(197)	-1.4%
Municipal Non-Member	22,023	21,948	75	0.3%
Gate/Hauler	17,161	16,660	501	3.0%
OBW/Res TS	9,732	8,605	1,127	13.1%
Other	9,826	9,953	(127)	-1.3%
Total	89,739	88,011	1,728	2.0%

Waste flows to the plant and transfer station are running 2.0% above last year. Waste processed in the plant during the month was recorded at 5,599 tons, or an average of 187 tons per day. The monthly running time thrupt was 195 tons. Year-to-date tons processed in the plant are equal to 194 tons per day. Running time year-to-date throughput equaled 200 tons per day. The transfer station processed 2,097 tons during the month from all sources and averaging 87.4 tons per day for the month, (5.5 day receiving week) and 16,839 tons year-to-date. Recyclables totaled 213 tons for the month and 2,089 tons year-to-date. Prior year and budget comparisons of processing records as follows:

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	Prior Year Comparison YTD				Budget Comparison YTD			
	FY16	FY15	Variance		FY16	FY16	Variance	
	Actual	Actual	Tons	%	Actual	Budget	Tons	%
Waste-To-Energy	70,829	70,357	472	0.7%	70,829	69,803	1,026	1.5%
Transfer Station	16,839	15,275	1,564	10.2%	16,839	14,192	2,647	18.7%
Recycling	2,089	2,440	(351)	-14.4%	2,089	2,345	(256)	-10.9%
Total	89,757	88,072	1,685	1.9%	89,757	86,340	3,417	4.0%

Cash Available to Operations

Cash balances in checking and investments total \$6,071,155 up \$40,873 from the prior month. The following is the status of the reserve goal:

Reserve Status		
	FY 16 Goal	As of 6/30/16
Operating	1,996,654	2,064,193
Capital Improvement	939,602	971,385
20-Year Plan	1,703,028	1,760,635
Rate Stabilization	1,233,227	1,274,942
Total	5,872,511	6,071,155
Total Cash		6,071,155
Surplus or (Deficit)		198,644

Revenue

Revenue for the month totaled \$540,750. Major categories of revenue by month include: tipping fees, \$490,216; power contract, \$30,303; recycling, \$13,226; interest, \$4,960; other, \$2,045. Revenue for the month was \$18,749 below budget projections and \$5,986 above FY15. Year-to-date revenue is \$6,325,939, which is \$192,427 below budget and \$108,122 above FY15.

The table that follows shows detail relative to electrical sales:

Month	Price per MWhr			Electrical Output MWhr			Electrical Revenue		
	FY15	FY16		FY15	FY16		FY15	FY16	
	Actual	Budget	Actual	Actual	Budget	Actual	Actual	Budget	Actual
Jul	\$35	\$45	\$27	1,421	1,421	1,408	\$49,759	\$63,345	\$38,308
Aug	\$32	\$38	\$38	1,514	1,514	1,418	\$48,475	\$58,112	\$54,164
Sep	\$38	\$37	\$36	1,528	1,528	1,447	\$58,184	\$56,468	\$51,492
Oct	\$34	\$38	\$38	1,256	1,256	1,207	\$42,871	\$47,935	\$45,409
Nov	\$46	\$52	\$29	1,564	1,564	1,426	\$72,501	\$80,742	\$41,838
Dec	\$45	\$46	\$25	1,503	1,503	1,476	\$67,378	\$69,385	\$36,311
Jan	\$67	\$76	\$37	1,422	1,422	1,535	\$94,846	\$108,310	\$56,205
Feb	\$120	\$114	\$29	1,255	1,383	1,449	\$151,233	\$157,870	\$41,387
Mar	\$59	\$57	\$20	1,332	1,222	1,542	\$79,086	\$69,879	\$30,888
Apr	\$30	\$46	\$31	1,349	1,100	1,495	\$39,810	\$50,787	\$45,812
May	\$30	\$40	\$24	1,330	1,505	1,462	\$39,292	\$59,989	\$34,963
Jun	\$22	\$40	\$24	1,345	1,473	1,289	\$29,826	\$58,637	\$30,303
YTD	\$46	\$52	\$30	16,820	16,891	17,155	\$773,261	\$881,459	\$507,081

Total gross kWh for the latest period was 1,925,346 of which 1,289,132 were sold to the grid. Net kWh per ton equaled 230, as compared to 238 for the comparable period in FY15.

Expenditures

Operating expenses in all categories total \$533,618 for the month, which is \$43,047 above budget projections, and \$373 above last year. Year-to-date expenses are \$5,977,507 which is \$433,704 below budget and \$451,655 below FY15. A large portion of this reduction in expenses is due to MMWAC eliminating the spring outage and changes in operational procedures.

Investments Status

As of June 30, MMWAC's investments totaled \$6,071,155. Table 8 details all of our investments.

Capital Expenditures:

There were none for the month of June. Year-to-date expenditures total \$187,232, which is comprised of \$117,503 for 81 Goldthwaite Rd. (Grain Mill), \$62,900 for the Case 221F wheel loader, and lastly \$6,829 for two Mitsubishi heat pumps at the scale house.

cc: Member Municipalities
Reference No.: 03749

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AUBURN PUBLIC LIBRARY

DESCRIPTION

The Auburn Public Library, a Maine not-for-profit corporation founded in 1890, is a full-service public library providing an organized collection of information resources made accessible to all Auburn residents for reference or borrowing. We provide physical or digital access to a wide variety of materials, including books, periodicals, newspapers, microforms, CDs, DVDs, e-books, audiobooks, local history resources, and databases. We provide free computer and Wi-Fi access to all. We offer a variety of programming for all ages that instructs, informs and entertains. We provide meeting spaces for small and large community groups. We also offer a media lab for all cardholders and a computer lab for those with targeted needs. We collaborate with Lewiston Public Library and the Town of Minot. Approximately 80% of the Library's operating funds come from the City of Auburn.

MISSION STATEMENT

Auburn Public Library brings people, resources and ideas together to *engage, enlighten and enrich* community.

GOALS AND OBJECTIVES

Goal 1: Help customers of all generations to learn, grow, and have fun.

Objectives:

- ❖ Provide a variety of family programming that both educates and entertains our community.
- ❖ Assist with the development of early literacy skills.
- ❖ Foster and increase independent learning and research/literacy skills among teens through the use of library resources including but not limited to books and online resources.
- ❖ Teach technology skills to adults so that they may access information, apply for services, correspond with others, etc. in a virtual world.
- ❖ Ensure that customers are able to find materials that satisfy their need for rewarding reading, viewing and listening experiences.
- ❖ Establish services for customers unable to visit the library.

Goal 2: Prepare children to start school ready to learn.

Objectives:

- ❖ Offer parents and teachers materials and programs to prepare children to succeed in school and in life.
- ❖ Provide programs and materials that enrich the classroom experience.
- ❖ Assist parents, especially teen parents, in providing early childhood education to their children.

Goal 3: Foster an organizational and community culture of innovation.

Objectives:

- ❖ Increase adult/teen career and technological skills.
- ❖ Offer programs that will provide opportunities for adult library users to demonstrate and enhance their abilities to create and innovate.
- ❖ Encourage staff to broaden outlook and increase knowledge.
- ❖ Support local authors.
- ❖ Continue creating a maker space within the Library.

Goal 4: Promote community workforce and economic development.

Objectives:

- ❖ Support teens in developing career and/or college goals.
- ❖ Work with local agencies and business consultants and organizations to educate small business owners, entrepreneurs and job seekers.
- ❖ Explore opportunities to co-host events that will encourage entrepreneurship.

Goal 5: Broaden and strengthen community connections.

Objectives:

- ❖ Continue to partner with local area agencies who serve children in collaborating to bring library services to children.
- ❖ Strengthen links and foster future partnerships with teen community resources.
- ❖ Ensure that non-library users are aware of library resources and avenues of access to them.
- ❖ Increase community interaction through website, social media and presentations to the community.

Goal 6: Maintain facilities, resources and systems.

- ❖ Ensure that the Library facility is operated as cost-effectively as possible.
- ❖ Ensure security of building, contents and staff.
- ❖ Minimize damage in the event of a natural disaster.
- ❖ Work with vendors and custodians to ensure that all funded capital improvements are completed in a thorough and cost-effective manner.

Goal 7: Ensure stable and dependable funding.

- ❖ Continue to grow an annual special event that benefits APL.
- ❖ Create and implement planned giving program.
- ❖ Maximize use of fundraising technology to provide better data for fundraising purposes.

SOME LIBRARY FACTS

- The Library is completing its 125th year. Our annual meeting will be in Sept. where we will celebrate our anniversary.
- The Library is housed in a 33,000 SF building which is owned by the City. It was originally constructed in 1905 with the last renovation of approx. 20,000 SF completed in 2006. We offer public meeting rooms and study rooms. We have a both a media lab and a computer lab. The building also houses Café LA whose space is sublet from the Library.
- The Library employs 22 people – 10 full-time and 12 part-time. Personnel is approximately 70% of our budget which is in line with most public libraries. The longest serving staff member has been with us for more than 40 years. The newest has been on board for about 15 months.
- The Library is open 57 hours per week during the Winter and 51 hours during the Summer. We open at 9 a.m. Mon. – Sat. We are open Mondays and Thursdays until 8 p.m. and Saturdays until 5 from Labor Day until Memorial Day. During the Summer we close at 6 p.m. on Thursdays and 1 p.m. on Saturdays.
- We see approximately 600-700 people enter the Library each day. They borrow more than 200,000 items each year; attend more than 1,000 programs; borrow more than 8,000 items from other libraries; have access to a number online information resources (many of which are funded by the Maine State Library) for job searching, personal education, genealogy; use our public access computers; and take advantage of our free Wi-Fi system. (We are seeing a shift in the use of public access computers to personal devices connecting to the Internet via our We-Fi network.)
- Our Internet access is provided through the State of Maine’s “Maine School and Library Network.” Until this year this service, valued at \$6800/year, has been provided free of charge. The funding has come from a public utilities fund supported by landline fees. With the decline in landline use the fund has come up short. We are now being assessed a \$1,750 fee with the fee determined by our budget.
- Our budget for FY 2017 is set at just over \$1,220,000. 79% of our funding, or \$969,000, is provided by the City. This is in line with what a majority of libraries in Maine receive in municipal support. The Library provides the balance through our endowment income, investment earnings, donations, grants and other revenue sources. Our major fundraising efforts are concentrated on our annual appeal which brings in approximately \$40,000 and our newly established annual online auction which earned about \$6,800 in June. Our endowments total just over \$2 million dollars.
- The Library tries to take advantage of as many community collaborations as possible. They not only give us access to a wider audience for our programs, they provide expertise in specialized areas. They also give us access to grants for a number of programs. Some of our community partners include Head Start, the Auburn Rec Department, the Auburn School Department, the Child Development Center, the Boys and Girls Club, L/A College’s Senior College, and the Camden Conference.
- We contract for an annual fee of \$22,000 with the Town of Minot to provide library services to their residents. We have recently started taking a mini-library to their town hall monthly. We also provide collections to senior facilities such as Schooner Estates.
- We have become involved in a number of unique programs and grant opportunities over the last few years. We have been hosting “Discover NASA: From Our Town to Outer Space” since April. We will close this NASA sponsored exhibit this Friday. We were one of seven libraries in the country chosen to host this. We are participating in a federally-funded grant project

designed to help public libraries become community STEM resource centers. We are one of three libraries in Maine, along with Portland and Bar Harbor, to participate in this project which is being coordinated by the Maine State Library and Cornerstones of Science in Brunswick. We have received grants to reach out to reluctant teen readers (twice), provide French language programming for our youngest customers, and to make our recent immigrants feel more welcome at the Library and to encourage literacy. We are always looking for additional opportunities to make the Library more valuable to the community.

- Many of our staff are involved in a number efforts in the community including L/A Arts, Senior College, Head Start, the PAL Center, and more.

HEY!

NEW AUBURN IS WHERE IT'S HAPPENING!

**YOU ARE INVITED TO THE GRAND OPENING
RIBBON CUTTING CEREMONY
FOR THE**

BARKER MILL TRAIL EXTENSION

and

**WITNESS A SPECIAL ANNOUNCEMENT
REGARDING THE
NEW AUBURN VILLAGE CENTER PLAN!!**

**BE THERE on Monday, AUGUST 22nd at 1 p.m.
NEAR THE ENTRANCE TO THE BARKER
ARMS APARTMENTS ON MILL ST.**

Come support your NEW AUBURN!

For more information: Contact Doug Greene, City Planning at 207-333-6601 ext. 1156 or at
dgreene@auburnmaine.gov

HAPPY BIRTHDAY AUBURN PUBLIC LIBRARY



Celebrate 125 years of service to our community



Join us on Monday August 22nd from 5:30pm-7:30pm for Cake & Punch on the Library lawn. Great chance to say “Thank you” to APL Staff

Rain location Maggie Trafton Room in APL

City of Auburn, Maine

Maine's City of Opportunity

FOR IMMEDIATE RELEASE- Monday, August 12, 2016



In support of the LA Art Walk held in Auburn locations, the City of Auburn and its Recreation Department invite the community to a **RED TABLE PICNIC**, to be held on Friday, August 26th from 5:30pm to 8:00pm in Festival Plaza, located in downtown Auburn. Come experience Auburn, its great restaurants and shops while enjoying art and the park.

Although modeled after the diner en blanc concept founded in Paris almost 30 years ago, Auburn's pop up picnic will be uniquely Auburn- the hometown of the "Red Eddies". Maybe the inspiration were the small "bistro sets" (tables & chairs) in Festival Plaza which provide an opportunity to spontaneously sit, socialize, be near the beautiful water fountain feature, and enjoy the public space that is Festival Plaza.

Red Table Picnic is a unique community dinner party. The soiree on Friday functions much like the Paris experience except diners, dressed in red, attend the picnic-style evening meal. **Everyone brings his own food, tables, chairs and glassware to one of Auburn's best public location- Festival Plaza.** The festivities always occur in a public space, which diners are expected to leave just as clean as it was before they arrived. Of course, anyone coming to the picnic could pick up delicious local takeout food from these conveniently located restaurants.

The Red Table Picnic will give guests a chance to experience a public space in their city- but in a unique way. You will likely be surprised at what's in your own back yard- so to speak. The company of diners is meant to be integrated into the community and the Art Walk.

Guests set up their own belongings for a magical night in our magnificent city! Anything goes; it's really your participation that's desired. Here are some of the guidelines- but make up your own. Participants bring the following items from home:

Tables and Chairs-- any size is acceptable- but hopefully it will be covered in red. No table? No problem- bring your favorite red blanket.

Food-- Although we dine al fresco, keep the elegant spirit of the event in mind. Whether you bring a splendid creation from home or pick-up from your favorite gourmet counter, plan to enjoy an appetizer, main course, dessert, and non-alcoholic beverage. You must also bring your own trash bag and dispose of any waste at home. Once at home, you're encouraged to recycle!

Tableware-- The overall effect of your table should be red, elegant, and chic- or offbeat and kooky. Some may bring fine china, others dramatic paper plate settings. Feel free to bring flowers and other charming extras.

Dress Code-- guests are encouraged to "see red"- pants, shorts, shirts, skirts, dresses, and jackets. Hats and creative attire are encouraged.

If you would like to be involved in planning/organizing this event please contact the Auburn Recreation Dept at Auburnrec@auburnmaine.gov or 333-6601 ext. 2101. We will be happy to provide more information or answer questions. Let's fill Festival Plaza!

Auburn Recreation Department

Phone: 333-6601 ext. 2101
Address: 45 Dutton Street, Auburn, Maine 04224