



**City Council Workshop & Meeting  
September 8, 2020  
Agenda**

**This City Council workshop and meeting will be conducted in Council Chambers. We encourage citizens to participate, attendees will gather in the Community Room and watch the livestream of the meeting.** The meeting will be broadcast as usual on Great Falls TV (cable channel 1302) and on the City of Auburn [YouTube](#) channel.

**If you are attending and wish to offer public comment during the meeting,** you can walk across the hall to the council chambers and address the city council during the public comment session at the podium.

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

**5:30 P.M. City Council Workshop**

- A. Comprehensive Plan Update – Eric Cousens and Justin Poirier (30 minutes)
- B. City Charter Review – Phil Crowell, Michael Malloy and Sue Clements-Dallaire (30 minutes)
- C. Police Body Camera's – Jason Moen (30 minutes)

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

**Pledge of Allegiance**

- I. Consent Items** – All items with an asterisk (\*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.
  - 1. Order 99-09082020 \***  
Accepting the Assistance to Firefighter's Grant Award.
- II. Minutes**
  - August 17, 2020 Regular Council Meeting
- III. Communications, Presentations and Recognitions**
  - November 3, 2020 Election Communication Plan – Liz Allen, Rosemary Mosher, and Sue Clements-Dallaire
  - Covid-19, Grab and Go Program, and Recovery Update – Matt Fifield, Sabrina Best and Marc Gosselin
  - Council Communications (about and to the community)
- IV. Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

- V. Unfinished Business - None**
- VI. New Business**
  - 2. Order 100-09082020 Public hearing and vote**  
Approving the Special Amusement and Liquor License for Martindale, LLC., DBA Martindale Country Club located at 527 Beech Hill Road (new ownership).
  - 3. Order 101-09082020**  
Approving the proposed amendments to the Lewiston Auburn Water Pollution Control Authority (LAWPCA) Compost Facility agreement.
  - 4. Order 102-09082020 Public Hearing and First Reading**  
Approving the discontinuance of Butler Hill Road.
  - 5. Order 103-09082020**  
Appointing two Councilors to participate in the work group to create a Request for Proposal (RFP) study of Lake Auburn.
  - 6. Order 104-09082020**  
Appointing two Councilors to participate on the Comprehensive Plan Review Committee.
- VII. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.***
  - VIII. Reports (from sub-committees to council)**
    - a. Mayor’s Report
    - b. City Councilors’ Reports
    - c. City Manager Report
- VIII. Executive Session – Economic development, pursuant to 1 M.R.S.A. Sec. 405 (6)(C)**
- X. Adjournment**



## City of Auburn City Council Information Sheet

**Council Workshop or Meeting Date:** September 8, 2020

**Author:** Megan Norwood, City Planner II

**Subject:** Comprehensive Plan Update

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**Information:** At the August 3, 2020 meeting, the City Council discussed the Comprehensive Plan update process and responded to the correspondence provided by the Planning Board. There were two additional topics discussed by the City Council to be included in the update process: Equity (researching to see if anything in the Comprehensive Plan currently promotes inequity in the City) and Fragmentation/Gateways (looking at the proposed Future Land Use Map for access points to the City and their designated zoning to reduce fragmentation in the City). The Planning Board added one more topic to the list at their August 11<sup>th</sup> meeting to see if a reduction in the number of Future Land Use Zoning Districts is feasible.

Staff prepared the attached Comprehensive Plan 2020 Workgroup document which lays out the duties and responsibilities of the Ad-Hoc Committee, lists the known issues in the Comprehensive Plan and the Committee Member Composition.

Staff has prepared a map to present at the meeting that will review the current Ag-Zone lands proposed in the Future Land Use Plan to be converted to developable areas.

The City Council also asked for areas in which the ADAPT plan conflicts with or is referenced in the Comprehensive Plan. Included as an attachment is a summary of where these references are and what they mean. There are very limited references to the ADAPT plan that were carried forward in the Comprehensive Plan and most of it was replaced by the current Comp Plan and New Auburn Master Plan; Those elements carried forward have been completed. To end confusion between the two we will ask for a formal recognition that the ADAPT plan has been replaced by the more recent plans.

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**City Budgetary Impacts:** Update discussed at the May 4, 2020 meeting: An estimated 290 hours of Staff time and \$19,000. Information/correspondence provided by the Planning Board: An estimated 80 hours of Staff time plus public meetings with Council, Planning Board and topic specific existing Committees (Conservation, Agriculture, Recreation, Economic Development, etc.)

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**Staff Recommended Action:** Review and discuss any amendments to the Draft Comprehensive Plan Ad-Hoc Committee, Review areas recommended in the Future Land Use Plan to be changed from Ag to developable land and determine if the Update Committee and Planning board should consider additional areas that should be added.

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**Previous Meetings and History:** 2020 Budget and CIP Process, May 4, 2020 Meeting to discuss the Comprehensive Plan Update, August 3, 2020 City Council Workshop, August 17, 2020 City Council Workshop – Form Based Code Presentation.

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**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**

\*Adapt Plan References in Comprehensive Plan

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





# City of Auburn, Maine

Economic & Community  
Development

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

To: Auburn City Council  
From: Megan Norwood, City Planner II  
Re: ADAPT Plan References in the Comprehensive Plan  
Date: August 17, 2020

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The current Comprehensive Plan from 2010 references the ADAPT plan (Auburn Downtown Master Plan) from 1998 in the following three locations:

1. **Downtown Development Policy Goals:**

**Goal I.1:** A vibrant downtown that attracts and retains a variety of businesses.

**Objective I.1.1:** Attract and retain a wide range of small and medium size businesses to the Auburn and New Auburn downtowns that promote and enhance a vibrant urban environment.

**Strategy I.1.1.c:** Continue efforts to implement the ADAPT plan, including the expansion of the defined Downtown TIF District to include the New Auburn Village Center District, as a means of generating funds for the implementation of the New Auburn Master Plan.

2. **Implementation Strategy:**

**Policy Reference:** Ch1-I.1.1.c

**Activity:** Economic development – implement the ADAPT Plan and include New Auburn in Downtown TIF District

**Primary Responsibility:** City Manager & Council

3. **C.3 New Auburn Business Districts:**

**Objective 1:** The New Auburn Business Districts are revitalized.

**Short Term Strategy:** Seek out funding to undertake a New Auburn Village Center District Revitalization Plan that will focus specifically on developing the economic strategies necessary to support growth and development in the area. As part of this work:

- If New Auburn cannot be officially identified as an independent downtown, expand the Auburn ADAPT boundary to include the New Auburn Village Center District thereby incorporating the area into the City's Downtown TIF District.



## City of Auburn, Maine

Economic & Community Development

Eric Cousens, Interim Director

60 Court Street | Auburn, Maine 04210

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

**DATE:** 8/7/2020

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

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

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

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

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

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

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

**Responsibilities of Members:**

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

**Position Title:**

Comprehensive Plan Update Workgroup 2020 Member

**Selection:**

Appointments made by the City Council

**Term:**

10+/- month period until report is complete.

**Accountable to:**

Auburn City Council

**Time Commitment:**

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

**Qualifications:**

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

**Workgroup Membership:**

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

A Committee Chair shall be selected from the members in one of the following ways:

1. Appointment by the Planning Board of Chair OR
2. Planning Board recommendation of chair and City Council appointment

The appointed Chair should understand the multistep process of updating the Comprehensive Plan and that changes go before the Planning Board and City Council and State of Maine for final approval.





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 8, 2020

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

**Subject:** City Charter Review

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**Information:** The current City Charter was adopted in 2005. Section 2.8 -Review of Charter and ordinances states: The city council shall provide for the review of the city's charter and ordinances in their entirety at least once every 15 years.

The Charter does not state anything about establishing a Charter Commission to make changes. Establishing a Charter Commission opens up the Charter in its entirety and could potentially be repealed and replaced and possibly ending up with a different form of government.

Council does have the option of creating a Charter Study Committee or a Charter Review Committee and amend sections of the Charter by Order of the Council. Amendments would have to go before the voters at an upcoming election.

If making revisions to the Charter, a Charter Commission would be necessary, however a Charter Commission would not be necessary to make amendments to the Charter.

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**City Budgetary Impacts:**

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**Staff Recommended Action:**

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**Previous Meetings and History:** The current City Charter was adopted in 2005. On July 15, 2013, a Council workshop was held for discussion and the consideration of a Charter Commission. On 1/12/2014, a motion to approve the establishment of a Charter Commission for the purpose of revising the City Charter failed 0-7. It was discussed again at a Council workshop on June 24, 2019, and on July 1, 2019 a Resolve supporting the formation of a Charter Review Ad-hoc Committee failed 2-5. It was discussed again on March 2, 2020 during a Council workshop with future direction to be provided by the City Council.

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**City Manager Comments:**

I concur with the recommendation. Signature:

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

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**Attachments:**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 8, 2020

**Author:** Chief Jason Moen

**Subject:** Body Camera Discussion

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**Information:** In FY22, the Department is scheduled to move forward with Body Camera implementation for all 54 officers. This represents a substantial step towards maintaining the transparent relationship we have with our community.

A comprehensive policy will be established to provide guidelines on camera activation, video retention, video redaction and dissemination of video.

The body camera system will be interoperable with the in-car camera system purchased in the FY21 CIP Budget. Both systems are cloud based, reducing hardware costs.

This project aligns with the President Obama's Task Force on 21<sup>st</sup> Century Policing recommendations.

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**City Budgetary Impacts:**

\$277,000 in FY22 CIP Budget

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**Staff Recommended Action:** No action needed at this time.

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**Previous Meetings and History:**

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**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 8, 2020

**Order:** 99-09082020

**Author:** Robert Chase, Fire Chief

**Subject:** Assistance to Firefighters Grant Award Acceptance.

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**Information:** The Fire Department applied for and has been awarded an Assistance to Firefighters grant. The grant was written to improve Firefighter wellness. Cancer and heart disease are the top two causes of death among firefighters, and firefighters are almost twice as likely to contract some cancers than the general population.

The grant addresses these concerns on multiple fronts. A portion of the grant will pay for advanced Physical Exams and Health screenings in compliance with National Fire Protection Standards.

The grant also funds a series of cancer screenings for the cancers most prevalent in firefighters.

Lastly, approximately \$43,000 of the grant will be used to purchase and install two gear washers. These washers will give us the cleaning capacity to ensure that every firefighter's gear can be cleaned of harmful carcinogens after each fire.

The total cost of the project as described above is \$111,630.

\$101,481.82 is funded by federal grant dollars

The City's required local match to the federal contribution is \$10,148.18. No additional funding allocation is needed. The local grant match is funded in the FY 21 Fire department budget. The department budget includes \$14,000 for employee physicals and OSHA required medical clearance exams. The advanced medical screenings conducted with this grant will exceed all these requirements, therefore these funds can be applied to the local funding requirement.

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**City Budgetary Impacts:** No additional funding required. Local grant match is funded in the FY 21 Fire Department Budget.

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**Staff Recommended Action:** Accept the grant

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**Previous Meetings and History:** None

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**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. **Signature:**

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**Attachments:**



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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDER 99-09082020

**ORDERED**, that the City Council hereby accepts the Assistance to Firefighter's Grant Award in the amount of \$101,481.82, with the City's required local match to the federal contribution being \$10,148.18 which is already funded in the FY 21 Fire Department budget. No additional funding is needed.

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Carrier had an excused absence. All other Councilors were present.

**I. Consent Items**

**1. Order 94-08172020\***

Approving the change of roles on the County Budget Committee to Phil Crowell as municipal officer and Andy Titus as resident representative.

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

Passage 6-0.

**II. Minutes - August 3, 2020 Regular Council Meeting**

Motion was made by Councilor Walker and seconded by Councilor Boss to approve the minutes of the August 3, 2020 Regular City Council meeting.

Passage 6-0. At the request of the Mayor, a roll call vote was taken.

**III. Communications, Presentations and Recognitions**

- Planning Board Comprehensive Plan updates – Michael Chammings
- Lead Hazard Reduction Grant Program – Brian Woods
- Covid-19 and Recovery Update – Phil Crowell
- Council Communications
  - Mayor Levesque reviewed a memo to the City Council clarifying Council Communications vs. Council Reports
  - Councilor Gerry provided information regarding the Market Bucks (part of the Food Security Program)
  - Councilor Walker commented on using Market Bucks at the Farmers Market

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

**V. Unfinished Business - None**

**VI. New Business**

**2. Order 95-08172020**

Authorizing the sale of the tax acquired property located at 5 Sprucewood Road.

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

Public comment – no one from the public spoke.

Passage 6-0.

**3. Order 96-08172020**

Approving the location of the 3 polling places for the November 3, 2020 Election.

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

Public comment – no one from the public spoke.

Passage 6-0.

**4. Order 97-08172020**

Receiving and acknowledging that the Leads of the Local Foods Local Places Community Action Plan have rescinded their request to seek council action on the Action Plan, therefore no action is needed on Order 80-07202020 which was postponed to the second meeting in October.

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

Public comment – no one from the public spoke.

Passage 6-0.

**5. Order 98-08172020**

Nominating Phillip Crowell, Jr., Auburn City Manager as a write-in candidate on the official ballot for Maine Municipal Association's Legislative Policy Committee for District 20 from July 1, 2020 – June 30, 2022 with Assistant City Manager Brian Wood as Auburn's alternate member, in the absence of either City Manager Phillip L. Crowell Jr. or Mayor Jason Levesque.

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

Public comment – no one from the public spoke.

Passage 6-0.

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

**VIII. Reports**

**Mayor Levesque** – provided an update on the progress of work being done on the Mayor's Ad hoc Committee on Boards and Committees, and reported that he, along with the City Manager, and Assistant City Manager are working with the Chamber of Commerce to work on a recovery plan.

**Councilor Gerry** – no report

**Councilor MacLeod** – no report

**Councilor Lasagna** – no report

**Councilor Milks** – reported that the Auburn Water and Sewer District Board of Trustees will be meeting this week in the Community Room of Auburn Hall (Tuesday and Wednesday at 4:00 PM).

**Councilor Walker** – reported that there is a 911 meeting scheduled for Thursday the 20<sup>th</sup>, and a Waste to Energy meeting on the 25<sup>th</sup> of this month.

**Councilor Boss** – reported that the Auburn Public Library Board of Trustees will be meeting tomorrow morning and there will be Census workers there on Thursday the 27<sup>th</sup> to enroll people.



**City Manager** – reported that be providing the Council with information on the Grab and Go program on 9/8/2020, and he also updated the City Council with some staffing changes.

**Jill Eastman, Finance Director** – July 2020 Monthly Finance Report

Motion was made by Councilor Milks and seconded by Councilor Walker to accept and place on file the Finance report for July 2020. Passage 6-0.

**VIII. Executive Sessions**

**Economic Development, pursuant to 1 M.R.S.A. Sec. 405 (6)(C).**

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

Passage 6-0. Time 8:05 PM.

Council was declared out of executive session at 8:15 PM.

**Economic Development, pursuant to 1 M.R.S.A. Sec. 405 (6)(C).**

Motion was made by Councilor MacLeod and seconded by Councilor Milks to enter into executive session.

Passage 6-0. Time 8:15 PM.

Council was declared out of executive session at 8:22 PM.

**Economic Development, pursuant to 1 M.R.S.A. Sec. 405 (6)(C).**

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

Passage 6-0. Time 8:23 PM.

Council was declared out of executive session at 8:28 PM.

**X. Adjournment**

Motion was made by Councilor MacLeod and seconded by Councilor Boss to adjourn, unanimously approved, the meeting adjourned at 8:28 PM.

A TRUE COPY

ATTEST



Susan Clements-Dallaire, City Clerk



August 14, 2020

Dear Mayor Levesque, Auburn City Council, and Agriculture Committee,

The Leads of the Local Foods, Local Places (LFLP) Community Action Plan are writing today with reflections from the Auburn City Council meeting from July 20, 2020. We would like to begin by extending our gratitude and appreciation to the honorable Mayor and Councilors for their concerned attention and thoughtful dialogue regarding food access and food-based businesses within Auburn. The creation of the Agriculture Committee, the recent work on agriculture zoning, and the time dedicated through workshops and council agendas are evidence of the importance that food and farm-based businesses hold to Auburn residents and elected officials.

As witnesses to these steps, and from participation in the LFLP two-day workshop from Auburn residents, business owners, and city staff, we are also grateful for the reminder that there is great variety in the process and approach taken by the many municipalities involved in the greater Auburn-Lewiston food system. We recognize how the municipality-led approach of Auburn adds value to our shared goals - a vibrant local food system that grows the local economy and increases access to good food. We look forward to progressing the goals of the LFLP Plan with the Agriculture Committee as appropriate, and in partnership with the many farmers, businesses, and community leaders deeply engaged in the food-based economy who work and/or live in Auburn.

Should it be of future interest, we would be excited to work alongside Auburn residents and the city in developing their own city-wide food action plan as other cities have done. Although LFLP Action Plans are living documents, they are typically not altered after they have been developed by the community. LFLP Plans have, however, served as inspiration for other planning processes. For example, in March, 2020, the city of [Phoenix approved a city-wide food action plan](#) which was informed by the important food access issues raised by residents and advocates who participated in the South Phoenix LFLP workshop two years prior.

Recognizing the above, we respectfully rescind our request for Council action on Order 80-07202020. We are encouraged by the alignment of the LFLP goals with the Agriculture Committee's priorities, and look forward to the many ways we can work together with the committee, farmers, and food-based businesses to achieve a vibrant economy.

Sincerely,

Julia Harper, on behalf of the Good Food Council of Lewiston-Auburn  
& The Leads of the Local Foods Local Places Action Plan

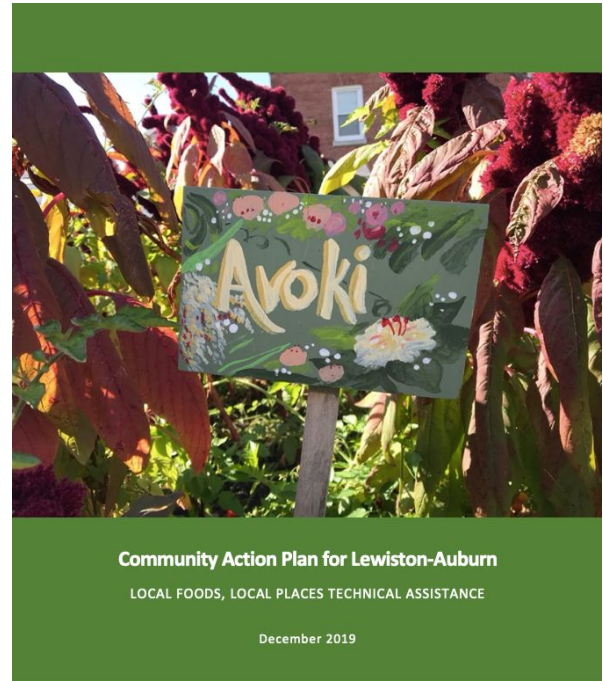
For more information about LFLP, please see the attached FAQs, and the full LFLP Action Plan at:  
[goodfood4la.org/resources/lflp-action-plan](https://goodfood4la.org/resources/lflp-action-plan)

Frequently Asked Questions  
Local Foods, Local Places Community Action Plan for Lewiston-Auburn  
2020

## What is the LFLP Community Action Plan for Lewiston-Auburn?

The Local Foods, Local Places (LFLP) Community Action Plan is a:

- **PLAN** to help strengthen the local food system and local economy across the region that consists of 4 goals and 16 action steps
- **GUIDE** to support and inform other local food and local economic activities for Auburn-Lewiston
- **TOOL** that can be used to leverage resources to support implementation of the LFLP actions and/or related local food and agriculture initiatives and activities



## The Goals of the LFLP Action Plan are:

1. Strengthen Access To Local Food While Expanding Market Opportunities and Infrastructure for Farm and Food Businesses.
2. Integrate Local Food and Agriculture into City Planning and Economic Development Strategies.
3. Build Food and Agriculture as a Defining Brand for Lewiston-Auburn.
4. Increase Equitable Access, Ownership, and Preservation of Land to Grow Food in Lewiston-Auburn.

## How was the Plan Created?

- The LFLP Community Action plan was drafted by over 80 participants from business, farming, education, municipal, social service, and other sectors across Lewiston-Auburn.
- The Plan was drafted during a two-day community workshop that took place in Oct 2019
- The LFLP Plan was made possible by an Environmental Protection Agency (EPA) technical assistance [Local Foods, Local Places \(LFLP\) Program](#) grant awarded to the St. Mary's Nutrition Center in 2019. The process and completion of the Plan was led by a steering committee of community stakeholders and with support from the EPA.
- Local Foods Local Places Program aims to further capitalize on L-A's unique characteristics as an urban hub with significant access to farms and farmland to create



Frequently Asked Questions  
Local Foods, Local Places Community Action Plan for Lewiston-Auburn  
2020

vibrant communities and opportunities for local farmers and food businesses, and create greater access to healthy food.

**What is the timeline for the Plan and can it be changed?**

- The Plan is expected to have a life of about 3-5 years.
- Although LFLP Action Plans are living documents, they are typically not altered after they have been developed by the community.
- LFLP Plans have, however, served as inspiration for other planning processes. For example, in March, 2020, the city of [Phoenix approved a city-wide food action plan](#) which was informed by the important food access issues raised by residents and advocates who participated in the South Phoenix LFLP workshop two years prior.

**How is the Plan being Implemented?**

- The 16 action steps are being pursued by different Action Teams made up of community residents and stakeholders from different sectors.
- Each team has one or more Lead; Leads were first identified at the community workshop in October 2019.
- The implementation of the actions in the plan are designed to be participatory and collaborative, and the addition of voices and resources as implementation continues are welcome.
- The overall Implementation Phase of the Plan, including support for Leads and Action Teams, is being coordinated by staff of the Good Food Council of Lewiston-Auburn, working closely with a small Coordinating Team.

**What's happening right now with the plan?**

Some of the actions are already underway! As of March, 2020, eight of the sixteen actions in the LFLP Action Plan are either in progress or in early stages.

**How can I support the LFLP Action Plan?**

1. Read + share the [LFLP Action Plan](#)
2. Join the email list **here** - we'll be in touch with at least quarterly updates about progress on the plan, and various opportunities to get involved

Frequently Asked Questions  
Local Foods, Local Places Community Action Plan for Lewiston-Auburn  
2020

**Who can I contact with questions?**

The overall Implementation Phase of LFLP Action Plan is being coordinated by staff of the Good Food Council of Lewiston-Auburn, working closely with a small Coordinating Team.

Questions about the specific actions in the plan can be directed to individuals listed as Leads in the Action plan (Actions and Leads are found on pages 9-28 of the [LFLP Action Plan](#)). All other questions can be directed to Julia Harper, Coordinator for the Good Food Council of Lewiston-Auburn, at 207-464-4800 or [goodfood4la@gmail.com](mailto:goodfood4la@gmail.com)





## City of Auburn, Maine

### Recreation & Sports Tourism

Marc Gosselin, Executive Director

Sabrina Best, Recreation Director

48 Pettengill Park Road | Auburn, Maine 04210

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

Date: September 2, 2020

RE: Grab 'N Go Grocery Program Update

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The Auburn Recreation department, with support from PAL and local businesses, have been operating a food program since mid March. The program has evolved from Hot Meals to a once a week Grocery Box pick-up for any Auburn household in need. Currently the GNG Grocery program is operating in the following capacities:

- The Auburn Senior Community Center is the primary location for storing and distribution of the groceries. The Center has been divided into two rooms with the larger banquet side housing over 10 frig/freezers, dry goods, and the 150 boxes that are weekly packed for pick-up/delivery. Recently staff has relocated the food to the smaller side to allow for larger group sizes for senior programs and city meetings.
- Every Wednesday over 100 families pick up their boxes between 12-5pm while the rest are delivered throughout the week.
- Combined with PAL Families, the program is currently serving a total of **154 Auburn Households** for a total of **445 individuals**.
- Of the individuals being served 108 are over the age of 50.
- Of the 445 individuals, roughly 175 are PAL families and 270 are enrolled thru the Rec.
- The Good Food Shepard has waived their fee's for food over the summer but will start charging again on September 1.
- The numbers have increased since the beginning of June as some families benefits or subsidy programs have been discontinued. There has been a handful of families that have been removed from the list due to going back to work or moving.
- Currently working on installing a walk-in Frig/Freezer combo at the PAL center by end of October the latest.
- Advocating for an Expansion Project of the PAL Center that would include a Food Pantry area.

The current format of this program ended on Wednesday Sept 2, staff has put together two options on how best to move forward with the program. Staff did inform the participants of the

end of the program and collected self-certified applications in case the program continues and is only offered to qualifying households.

**OPTION A – Continue the program but change the location, qualifications, and format**

- All participants will need to qualify under the CDBG income limits to use the funding from CDBG for the purchasing of food when the Good Food Shepard starts charging Sept 1. This should eliminate those households that are using this program out of convenience vs. need.
- No longer offer a once a week pick-up option, instead GNG Groceries would be delivered to all participants. This will help eliminate the need to 'pack' up on food for the one day unload and help spread staff time out across the week. This will also eliminate the need to set-up 150 boxes in a space resulting in the need of less space to operate.
- Would look to add 1-3 volunteers to help deliver the groceries throughout the week again cutting down the amount of staff needed to operate.
- Once the PAL frig/freezer is installed and the activity space is cleaned out, relocate the 'food pantry' over to the PAL Center completely (unless there is a need to use the frig/freezers at the Senior Center).
- The Grocery program would not be actively advertised but rather offered to the current users and occasionally a family or individual that needs just a once a month grocery box.
- If this option is chosen staff is prepared to begin the week of Sept 14.
- Staff would establish a set amount to be spent each week on food to ensure the long term continuation of the program.

**OPTION B – Continue the program for PAL families ONLY**

- End the GNG Grocery program for the Rec enrolled individuals (270) on Sept 2.
- PAL participants will need to qualify under the CDBG income limits to use the funding from CDBG for the purchasing of food when the Good Food Shepard starts charging Sept 1. This should eliminate those households that are using this program out of convenience vs. need.
- Groceries would continue to be delivered to PAL families (as Shawn does his weekly wellness checks on the kids).
- We would still need to hold the food pantry in the Senior Center until PAL was ready with the walk-in frig/freezer and cleaned out activity space to make space for the program.

- Once the PAL frig/freezer is installed and the activity space is cleaned out, relocate the 'food pantry' over to the PAL Center completely (unless there is a need to use the frig/freezers at the Senior Center).
- Rec staff would only assist if there is a big food pick-up at the Good Shepard. Shawn would continue this program as the PAL center cannot open for indoor programming due to space limits.

Both options would continue to utilize Shawn as the lead programmer, if program continues to REC and PAL participants there would be a need for 1-2 part time staffers and 1-3 volunteer drivers. Both options would operate towards the end goal of having the food pantry located at the PAL which is anticipated to happen by the end of October. Both options would utilize funding from CDBG and require participants to qualify under the HUD guidelines.

Respectfully Submitted,  
Sabrina Best, Recreation Director



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 8, 2020

**Author:** Liz Allen, Director of Communications & Community Engagement

**Subject:** 2020 General (Presidential) Election Communications Plan

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**Information:** Workshop presentation regarding the November 3 election and steps that Team Auburn is taking to communicate with residents and promote new voting locations, voter registration, absentee voting and safe in-person voting. Communications staff will discuss election timeline and demonstrate new "Auburn Elections & Voting Hub."

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** None

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**Previous Meetings and History:**

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**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

---

**Attachments:** None



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 8, 2020

**Order:** 100-09082020

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

**Subject:** Liquor License & Special Amusement Permit request for Martindale, LLC. D/B/A Martindale Country Club

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**Information:** Martindale, LLC. D/B/A Martindale Country Club, an existing business, located 527 Beech Hill Road, is under new ownership and they've applied for a Liquor License and Special Amusement Permit. Police, Fire, Finance and Code have granted approval.

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**City Budgetary Impacts:** None

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

---

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

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**City Manager Comments:**

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

I concur with the recommendation. Signature:

---

**Attachments:**

- Application
- Public Notice
- Order

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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDER 100-09082020

**ORDERED**, that the City Council hereby approves the liquor license and Special Amusement Permit for Martindale, LLC. D/B/A Martindale Country Club located at 527 Beech Hill Road.

## **CITY OF AUBURN PUBLIC NOTICE**

A public hearing will be held on Tuesday, September 8, 2020 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Special Amusement and Liquor License Application for:

**Martindale, LLC, D/B/A Martindale Country Club  
527 Beech Hill Road, Auburn, Maine**

All interested persons may appear or provide written comment to show cause, if any they may have, why this license should not be granted. Written comments may be submitted via email to: [comments@auburnmaine.gov](mailto:comments@auburnmaine.gov)



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

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

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

Section I: Licensee/Applicant(s) Information;  
Type of License and Status

Legal Business Entity Applicant Name (corporation, LLC): Martindale LLC	Business Name (D/B/A): Martindale Country Club
Individual or Sole Proprietor Applicant Name(s): Nicholas Glicos	Physical Location: 527 Beech Hill Road
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: P.O. Box 1036
Mailing address, if different from DBA address:	Email Address: nglicos@martindalecc.com
Telephone # 207-782-1107	Fax #: 207-782-1107
Federal Tax Identification Number: 84-5014393	Maine Seller Certificate # or Sales Tax #: 1207588
Retail Beverage Alcohol Dealers Permit: 	Website address: www.martindalecc.com

1. New license or renewal of existing license? ☒ New Expected Start date: 07/01/2020  
☐ Renewal Expiration Date: \_\_\_\_\_

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$100,000 Beer, Wine or Spirits: \$65,000 Guest Rooms: \$0.00

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits



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

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

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

5. Business records are located at the following address:

527 Beech Hill Road, Auburn, ME 04210

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

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

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

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

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

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

☐ Yes ☐ No

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

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

☒ Yes ☐ No

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

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

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

Name of Business	License Number	Complete Physical Address
Martindale Country Club	GC-2010-5285	5127 Beech Hill Road, Auburn, ME 04210

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

Full Name	DOB	Place of Birth
Nicholas Glicos	12/27/1972	Portland, ME

Residence address on all the above for previous 5 years

Name	Address:
Nicholas Glicos	29 Rocklinn Drive, Windham, ME 04062
Name	Address:
Name	Address:
Name	Address:



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

☐ Yes ☒ No

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

\_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

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

Currently in the process of acquiring JN Enterprises which is the holder of the MCC license

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

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

Golf course and building which includes banquet facility, deck, tent and restaurant.

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

Name: church

Distance: 1.00

## Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 6/12/20



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

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

Nicholas 6/12/20  
Printed Name Duly Authorized Person

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



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

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

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

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

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

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.



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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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



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

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

**A. Repealed**

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

**4. Repealed**

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

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

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

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



## Section V: Fee Schedule

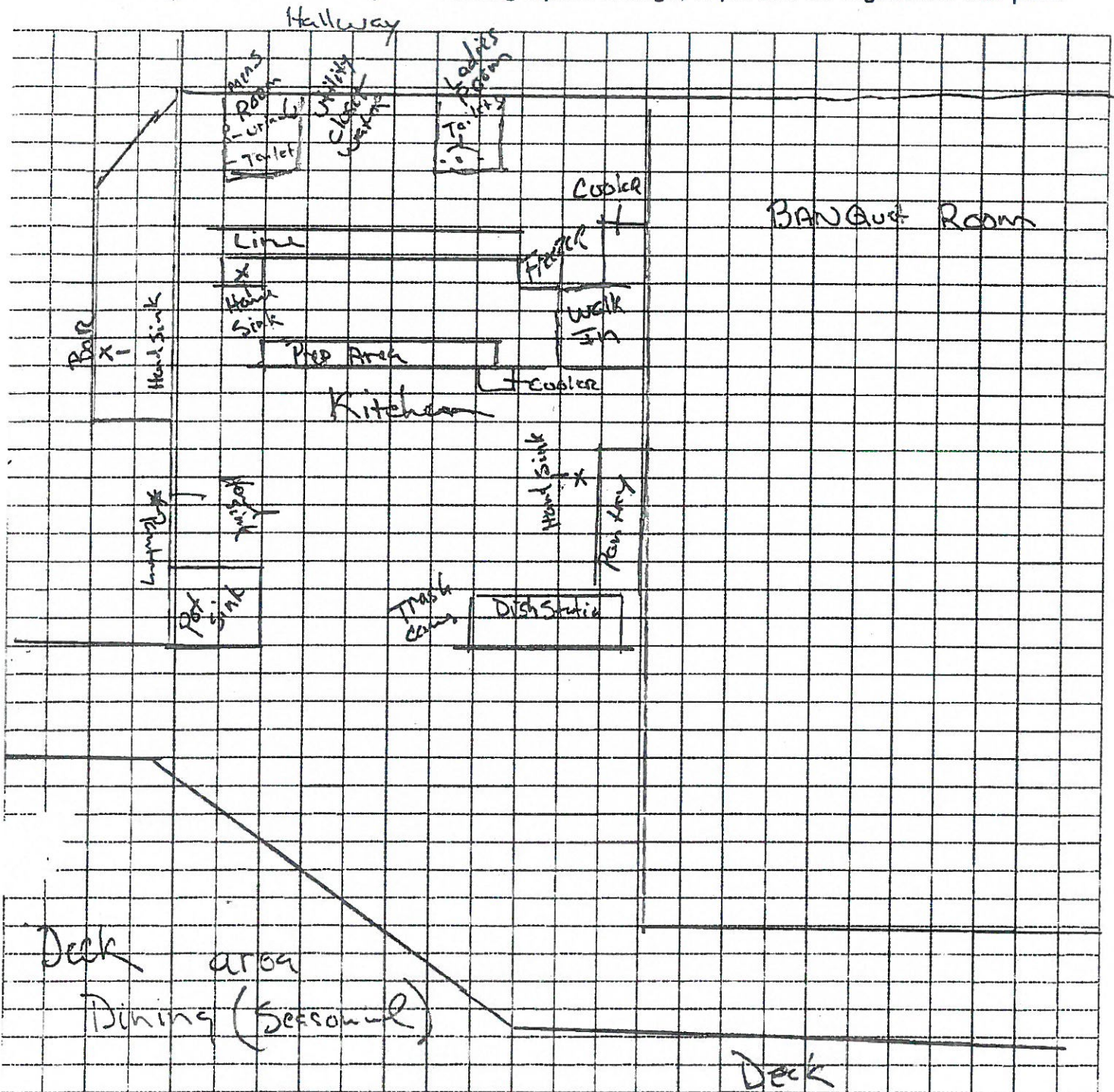
**Filing fee required.** In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

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

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



Use this grid to draw a floor plan including square footage, or provide an engineered floor plan.



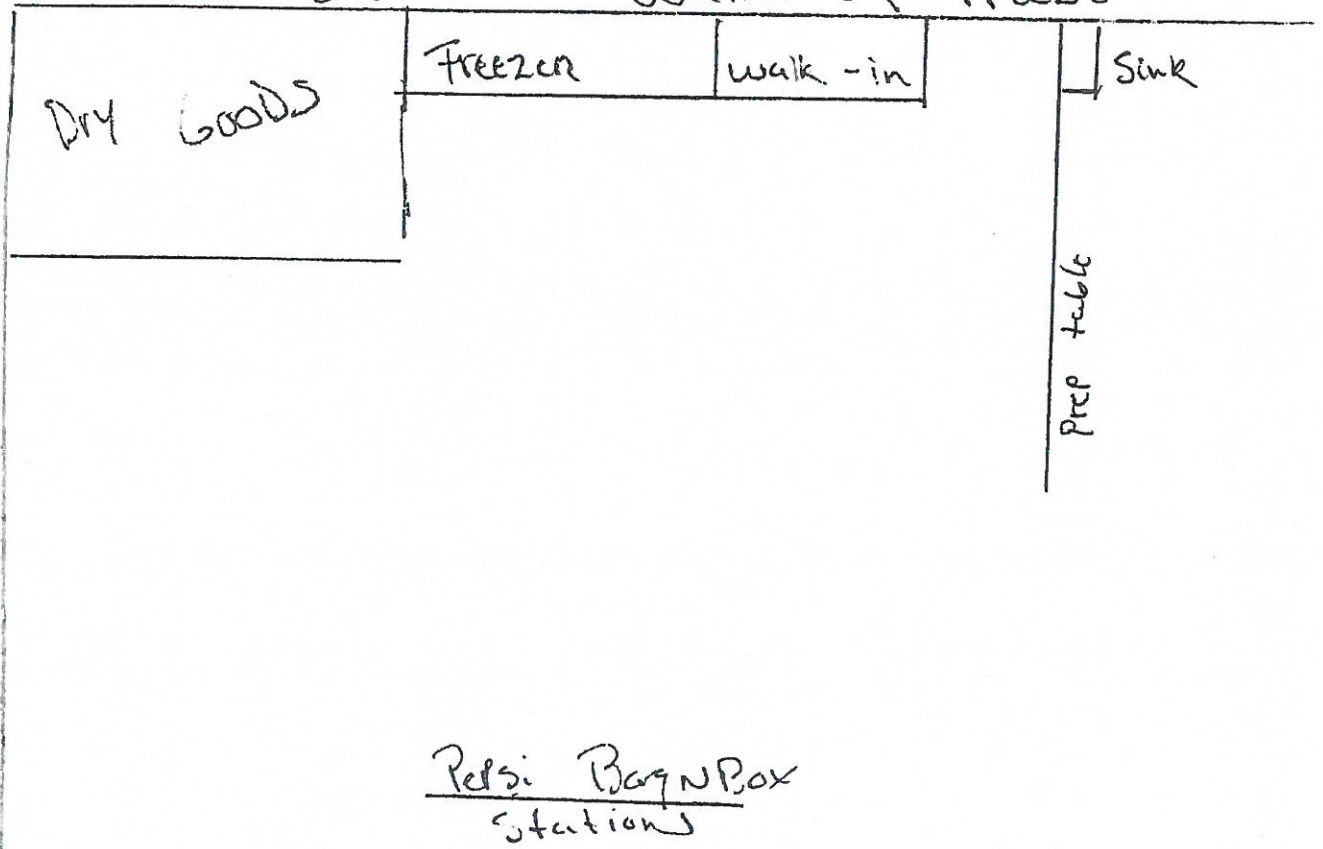
Each square is approximately 1/4 inch by 1/4 inch. Please include square Footage.

Floor plan should include the following items:

Sinks:	Toilet Facilities:	Refrigeration:	Facilities:
1. Hand Washing ✓	1. Water Closets	1. Walk-in Coolers	1. Food Preparation Areas ✓
2. Ware Washing ✓	2. Lavatories	2. Walk-in Freezers	2. Food Storage Areas ✓
3. Utility ✓	3. Urinals	3. Freestanding Coolers	3. Trash/Refuse/Redemption Areas -
4. Food Prep	4. Other	4. Freestanding Freezers	4. Dining Areas
5. Dipper Wells		5. Other	5. Break Rooms/Office <i>None</i>
6. Other ✓			6. Equipment/Counters/Seats/Tables
			7. Dry Storage/All Other Storage

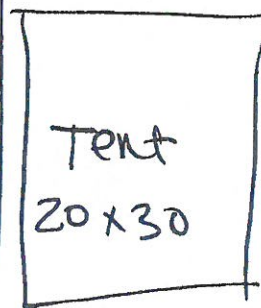
Down stairs walk in & freezer on back / storage.

Basement Walkin / Freezer



← ← ← To Dumpster & Cardboard located at  
end of parking lot

Golf  
Course



Golf  
Course



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

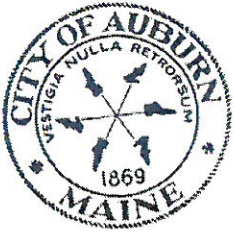
Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207)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

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

1. Exact legal name: Martindale, LLC
2. Doing Business As, if any: Martindale Country Club
3. Date of filing with Secretary of State: 04/01/2020 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Nicholas Glicos	29 Rocklinn Drive	12/27/2072	Owner	100.0000

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



# CITY OF AUBURN

## BUSINESS LICENSE APPLICATION

☒ NEW ☐ RENEWAL Expires: \_\_\_\_\_

Business Name: Martindale, LLC

Office of the City Clerk  
60 Court St, Auburn, ME 04210

207.333.6600

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

Brandon Chaloux - License Specialist- [bchaloux@auburnmaine.gov](mailto:bchaloux@auburnmaine.gov)  
Laura Reny - License Specialist - [lreny@auburnmaine.gov](mailto:lreny@auburnmaine.gov)

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

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

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

### Food Service Establishments:

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

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

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

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

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

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

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

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

- ☐ \*FSE with Sit Down (On/Off), no Alcohol.....

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

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

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

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

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

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

- ☐ FSE Prepackaged Only

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

### Other Business Licenses Applying for:

- ☒ \*Special Amusement ..... \$125

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

- ☐ \*Pawnshop/Pawn Broker ..... \$100

- ☐ \*Secondhand Dealer ..... \$85

- ☐ \*Massage Establishment/Therapist..... \$150  
State license #: \_\_\_\_\_

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

- ☐ \*Tattoo Artist..... \$150

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

- ☐ Bowling Alley (fee per lane)..... \$85  
# of lanes: \_\_\_\_\_

- ☐ Roller Skating Rink.....  
☐ Partial Kitchen: \$60  
☐ Full kitchen: \$120

- ☐ Coin-Op Devices (fee per device).....  
\$50 per device up to 10 devices/\$30 per device 10 or more  
# of devices: \_\_\_\_\_  
(Please provide list of devices)

- ☐ Motion Picture Theater (fee per screen)..... \$50  
# of screens: \_\_\_\_\_

- ☐ Juke Box (each)..... \$30  
# of boxes: \_\_\_\_\_

- ☐ Lodging House..... # of rooms: \_\_\_\_\_  
10 rms or less: \$75  
More than 10: \$150

- ☐ Pool Hall (fee per table)..... \$50  
# of tables: \_\_\_\_\_

Seating: 250 in/75 out Occupancy load: 250 in

LICENSING FEE(S) TOTAL DUE: \$ 825



NAME OF BUSINESS: Martindale, LLC BUSINESS ADDRESS: 527 Beech Hill Road  
BUSINESS MAILING ADDRESS: PO Box 1036  
OWNER'S NAME (LOCAL/ONSITE): Nicholas Glicos DOB: 12/27/72 PHONE: 2073101039  
OWNER'S ADDRESS: 29 Rocklinn Drive, Windham MAILING ADDRESS: same  
PREFERRED EMAIL: nglicos@martindalecc.com  
MANAGER'S NAME: Jami Glicos PHONE #: 2072395970 DOB: 3/25/73  
PREFERRED CONTACT NAME: Jami Glicos PHONE #: \_\_\_\_\_  
EMAIL ADDRESS: jglicos@martindalecc.com  
DESCRIPTION OF BUSINESS: Golf course, restaurant, banquet facility  
TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): same

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

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

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

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
Nicholas Glicos	29 Rocklinn Drive, Windham, ME 04062	12/27/72	100	Owner

OWNER OF BUILDING/UNIT: Nicholas Glicos PHONE # 207-310-1039  
OWNER'S ADDRESS: 29 Rocklinn Drive, Windham, ME 04062

HOURS OF OPERATION: Mon: 9-11 Tues: 9-11 Wed: 9-11 Thurs: 9-11  
Fri: 9-11 Sat: 9-11 Sun: 9-11

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

Name: \_\_\_\_\_ Date of conviction: \_\_\_\_\_

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

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

Include additional pages if needed.

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

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

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

**CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY**

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

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

Applicant Signature:  Date: 6/10/20

**FOR OFFICE USE ONLY**

**REPORT OF INSPECTING OFFICERS:**

<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	FIRE INSPECTOR _____
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	CODE ENFORCEMENT OFFICER _____
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	POLICE _____
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	FINANCE _____

**Comments:**

Application date: 6/18/20 License issued on: \_\_\_\_\_  
Fees paid: License fee(s) 825. Public hearing fee \_\_\_\_\_ Background fee \_\_\_\_\_ Late fee \_\_\_\_\_  
Total amount paid = \$ 825. # 183



## Special Amusement Questionnaire:

(Please only fill if you are applying for a Special Amusement license)

Exact entertainment to be provided at establishment:

Beverage cart

(Specify hours of entertainment) Mon: 11-5 || Tues: 11-5 || Wed: 11-5 || Thurs: 11-5 ||  
Fri: 11-5 || Sat: 11-5 || Sun: 11-5 ||

Describe in detail the room(s) to be used under the permit:

Golf course

Include a diagram or floor plan of your business. On the diagram please list the following:

Main Entrance, Secondary Entrances, Fire Escapes, Fire Extinguishers, Location of Stationary Security Personnel, Food Serving or preparation areas, the direction of any speakers, Dancing Area, Locations where alcohol will be sold.

Have any of the applicants, including the corporation ever had a special amusement license denied or revoked?

☐ Yes ☒ No If yes, Please explain (Including location and timeframe):

PLEASE PROVIDE THE FOLLOWING, IF APPLICABLE:

CURRENT LIQUOR LICENSE # Pending EXPIRATION DATE:

PLEASE BE ADVISED THAT THE APPLICANT MAY BE REQUIRED TO COMPLY WITH THE FOLLOWING CONDITIONS:

Applicant agrees to have two counters or clickers at each entrance. One will be used to document the patrons that have entered the establishment. The second will be used to document the patrons that have exited the establishment. This will give the staff and public safety personnel an accurate count of patrons in the establishment.

Applicant agrees to have the maximum seating and or occupancy capacity clearly listed in each room that is open to the public, and to have security and or staff stationed at all times at all entrances and exits used by the public.

Applicant agrees to, if so ordered by the Chief of Police, to hire sworn members of the Auburn Police Department for security. The rate will be at the current City of Auburn detail rate. These officers will supplement the existing staff or security.

The below chart will be used as a guide in determining the numbers of officers required.

Number of Attendees	Number of Police
1 - 200	2
201 - 400	4
401 - 600	6
601+	One supervisor and one additional officer for each 200 attendees or portion thereof in excess of 601

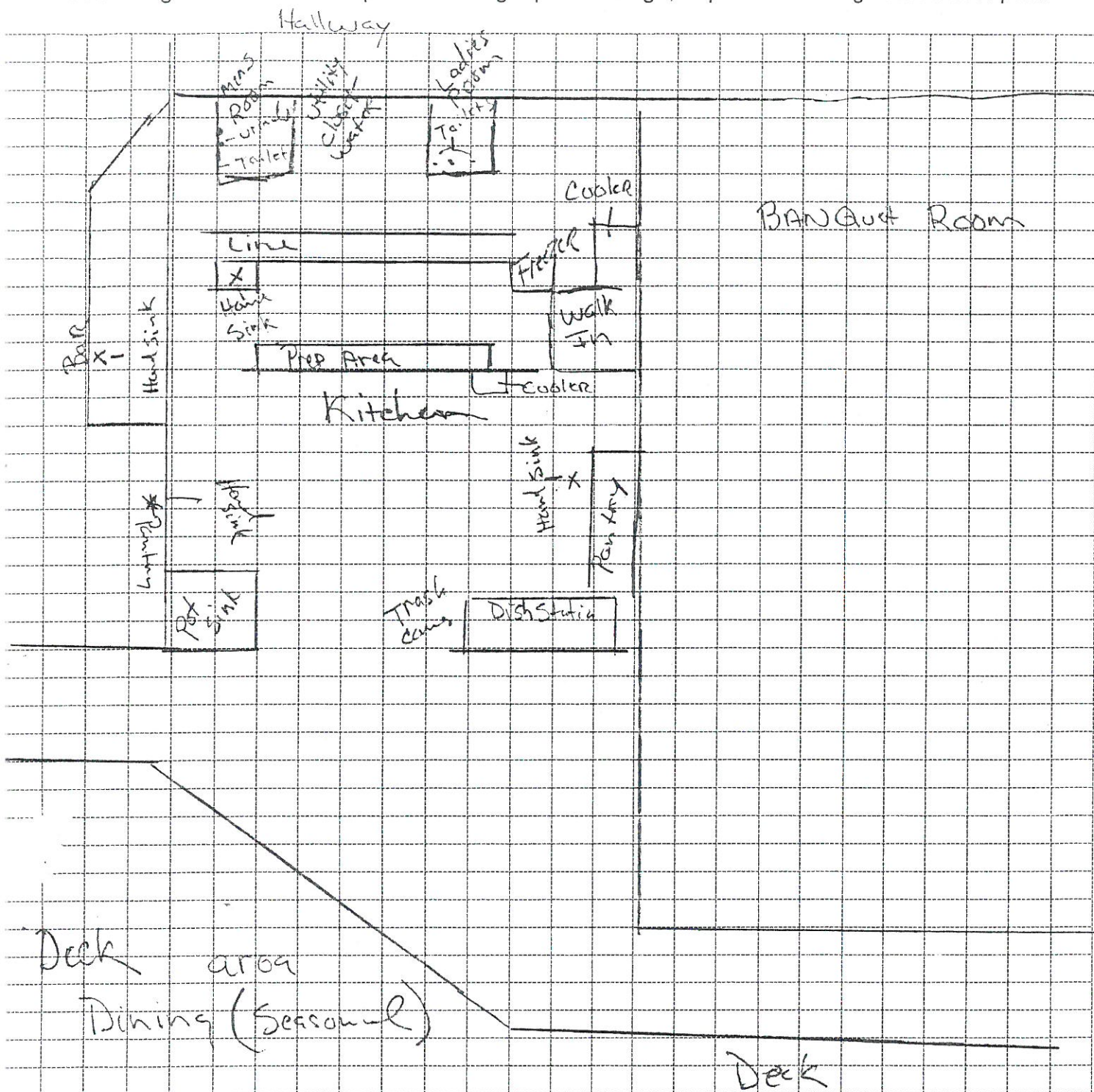
All requests for modification(s) of the approved Special Amusement license must be submitted in writing to the City of Auburn. Any changes made without approval from the City of Auburn may result in an immediate suspension of the license. Signature on application releases the Auburn Police Department, its agents and representatives from any and all liability of every nature and kind arising out of the furnishing, inspection or collection of such documents, records and other information or the investigation made by the Auburn Police Department.

I do hereby authorize Auburn Police Department and its agents to receive copies of records and/or any information concerning my background, character, bank accounts, businesses, places of employment, schools and any other source necessary for the purpose of obtaining a Special Amusement License.

I have read and understand section 14-600 to 14-609, Special Amusement Permits, of the City of Auburn's business license ordinance. \_\_\_\_\_ (Initial)



Use this grid to draw a floor plan including square footage, or provide an engineered floor plan.



Each square is approximately 1/4 inch by 1/4 inch. Please include square Footage.

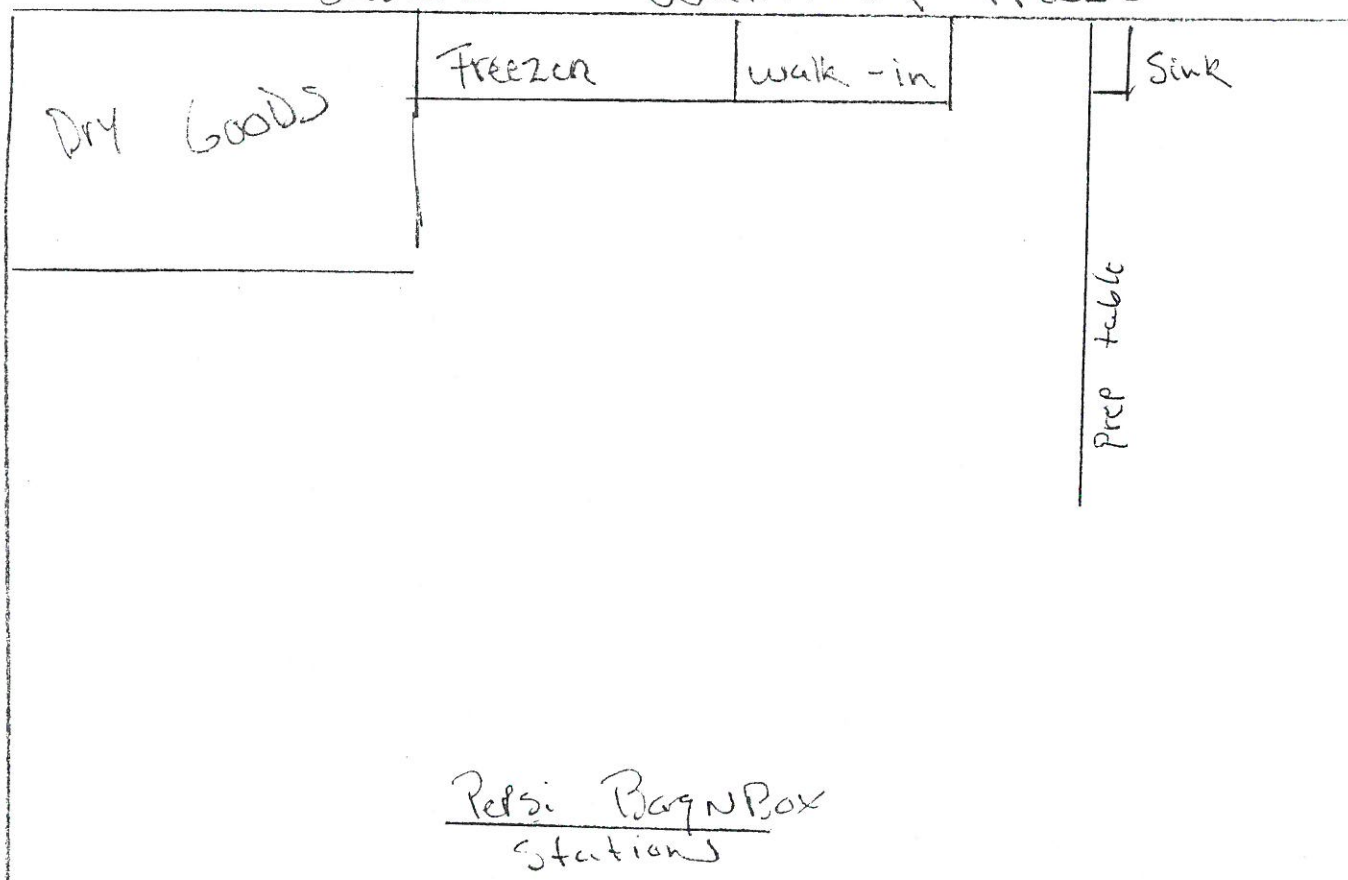
Floor plan should include the following items:

Sinks:	Toilet Facilities:	Refrigeration:	Facilities:
1. Hand Washing ✓	1. Water Closets	1. Walk-in Coolers	1. Food Preparation Areas ✓
2. Ware Washing ✓	2. Lavatories	2. Walk-in Freezers	2. Food Storage Areas ✓
3. Utility ✓	3. Urinals	3. Freestanding Coolers	3. Trash/Refuse/Redemption Areas -
4. Food Prep ✓	4. Other	4. Freestanding Freezers	4. Dining Areas
5. Dipper Wells		5. Other	5. Break Rooms/Office None
6. Other ✓			6. Equipment/Counters/Seats/Tables
			7. Dry Storage/All Other Storage

Down stairs Walk in & Freezer on back / Storage

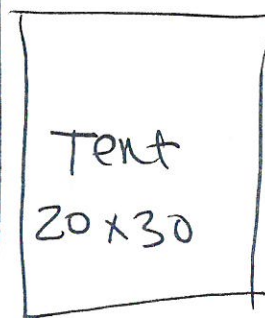


Basement Walk-in / Freezer



← ← ← TO Dumpster & Cardboard located at  
end of parking lot

GOLF  
Course



GOLF  
Course



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 8, 2020

**Order:** 101-09082020

**Author:** Megan Norwood, City Planner II

**Subject:** Lewiston Auburn Water Pollution Control Authority Agreement Change

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**Information:** The Lewiston Auburn Water Pollution Control Authority (LAWPCA) is the Wastewater Treatment Plant servicing Lewiston and Auburn located on Penley Corner Road. The facility has been in operation since 1993. Overtime, with technology and regulatory changes, the facility has had to adapt and recently completed a pilot project with the Maine DEP from September of 2019 to January of 2020 to evaluate operating with composting LAWPCA produced, anaerobically digested solids, with no odor control system. The pilot project was successful and LAWPCA secured approval to operate that way from DEP in June of 2020.

The approval was granted in the form of approved license amendments, which also require amendments to City agreements and Planning Board approvals. The main changes include: Operating the facility with less volume, using material derived only from the LAWPCA treatment facility and eliminating an odor mitigation system. LAWPCA is seeking approval from the City Council and Planning Board for these changes. At the May 18, 2020 City Council workshop, the City Council was comfortable dissolving the City agreement and allowing LAWPCA to operate under the conditions of the Planning Board agreement.

The Planning Board will be reviewing the proposed changes to the agreement at their September 15, 2020 meeting.

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**City Budgetary Impacts:** None.

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**Staff Recommended Action:** Discussion and Council approval of amended agreement.

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**Previous Meetings and History:** May 18, 2020 Council Workshop.

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**City Manager Comments:**

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

I concur with the recommendation. Signature:

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**Attachments:** Planning Board Staff Report, September 15, 2020



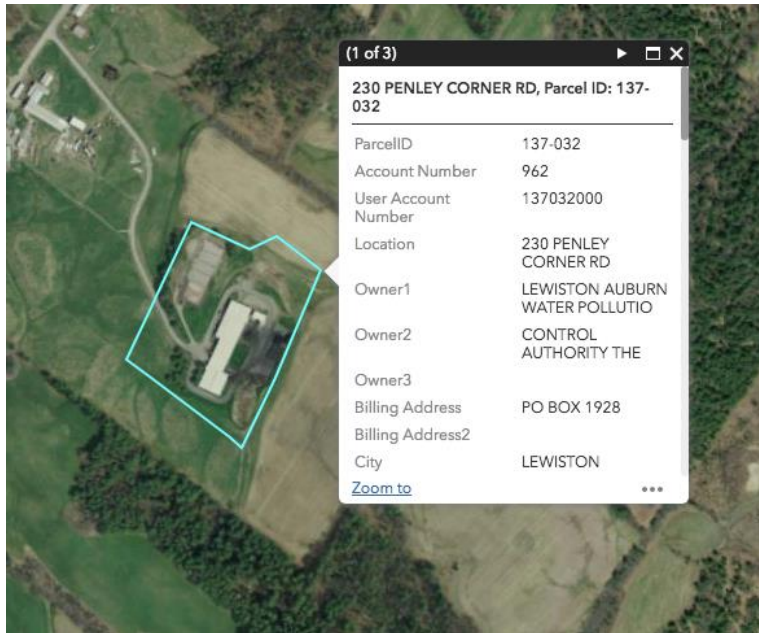
## City of Auburn, Maine

Economic & Community Development

60 Court Street | Auburn, Maine 04210

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

**To:** Auburn Planning Board  
**From:** Megan Norwood, City Planner II  
**Re:** Lewiston Auburn Water Pollution Control Authority (LAWPCA) proposal to change current City Agreements and 1992 Planning Board Approvals after a successful pilot project with the Maine DEP to evaluate how the facility may be operated with composting only LAWPCA-produced, anaerobically digested solids with no odor control system. The changes proposed do not include changes to the originally approved Site Plan but do include: Operating the facility with less volume, using material derived only from the LAWPCA treatment facility and eliminating an odor mitigation system that has impacted groundwater at the facility, located at 230 Penley Corner Road, PID: 137-032 in the Agriculture and Resource Protection Zoning District.  
**Date:** September 15, 2020



**I. PROPOSAL:** The Lewiston Auburn Water Pollution Control Authority (LAWPCA) is the Wastewater Treatment Plant servicing Lewiston and Auburn located on Penley Corner Road. The facility has been in operation since 1993. Overtime, with technology and regulatory changes, the facility has had to adapt and recently completed a pilot project with the Maine DEP from September of 2019 to January of 2020 to evaluate operating with composting LAWPCA produced, anaerobically digested solids, with no odor control system. The pilot project was successful and LAWPCA secured approval to operate that way from DEP in June of 2020.

The approval was granted in the form of approved license amendments, which also require amendments to City agreements and Planning Board approvals. The main changes include: Operating the facility with less volume, using material derived only from the LAWPCA treatment facility and eliminating an odor mitigation system. LAWPCA is seeking approval from the City Council and Planning Board for these changes. At the May 18, 2020 City Council workshop, the City Council was comfortable dissolving the City agreement and allowing LAWPCA to operate under the conditions of the Planning Board agreement.

As part of the Planning Board approval, LAWPCA is seeking to have the agreements consolidated. Included in the Planning Board packets for this month is a marked up Planning Board approval that summarizes all of this information into one document. On the first page, it updates the findings to include a 2020 approval based on operational history, requested changes and participation by the City Manager on the LAWPCA Board of Directors, providing the City with additional capacity to monitor the ongoing activities at LAWPCA.

Municipal Wastewater Sewerage Sludge Facilities are permitted in the Ag-Zone, provided the following conditions are met:

- A. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the Planning Board.
- B. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
- C. An end-use plan must be filed as part of the Planning Board process.

One of the original Planning Board conditions stated that all compost and amendment materials shall be stored inside or under a roof. LAWPCA has removed that condition and stated that any biosolids being temporarily stored at the facility prior to composting, land application disposal shall be managed so as not to produce runoff or odors capable of impacting the surrounding properties or general environment. To address the above requirements, they have also added that all materials shall be screened from the public way and abutting properties.

An end-use plan was provided in the 90s that needed updates. LAWPCA has provided an updated end-use plan for the facility, which includes the basic steps necessary to safely close down the facility. It is expected at the time the facility is no longer in effect, that a formal plan is submitted to the City for deactivation that includes: future use or demolition of the buildings and structures, disposal of any new waste materials on the site including but not limited to: Sewage sludges, compost, amendment materials, equipment and vehicles.

The condition regarding traffic was removed, this was reviewed in the 90s and upgrades were made to Penley Corner Road to address the concerns, no issues have been noted today. The same condition also made reference to LAWPCAs ability to provide adequate water supply/storage capacity to meet building requirements. These have also been satisfied.

In the 90s, an assessment was completed that reviewed potential impacts to property values as determined by the Assessor at the time. There have not been any impacts to property values since the facility has been in operation, however, the Planning Board still has to keep that finding in there to ensure moving forward there will not be any impacts as it is a requirement of Site Plan/Special Exception. The Applicant provided a list of abutters and City Staff calculated the estimated property values from 2010 to present. Nearly all of the property values have increased with the exception of one that had a barn demolished between 2010 and 2017.

2020 Value	2017 Value	2010 Value
\$38,300.00	\$35,900.00	\$31,100.00
\$39,200.00	\$39,200.00	\$39,200.00
\$135,400.00	\$126,700.00	\$131,900.00
\$12,100.00	\$11,900.00	\$11,300.00
\$401,900.00	\$405,200.00	\$400,300.00
\$231,400.00	\$231,400.00	\$346,600.00
\$188,000.00	\$191,800.00	\$196,100.00
\$272,700.00	\$274,200.00	\$247,400.00

LAWPCA states that over the course of many years, the facility has never received a complaint concerning noise from the facility. The only equipment used outside is a front-end loader, for periods of

about one and a half hours per day, this same type of equipment is currently used in surrounding farm areas. The same 70dBA noise standard still applies as a light industrial zoning area under Sec. 60-1037 of the Ordinance today. The application makes it clear that the 70dBA noise limit will be met by the facility.

LAWPCA has included in their submission an Operations and Maintenance Plan for the facility.

The biggest change proposed are the odor system amendments, LAWPCA agrees to perform odor intensity testing at any dwelling or public road and agrees that only anaerobically digested sewage sludge from treatment plant and amendment materials having little or no potential to generate odors (saw dust, wood shavings, wood ash, spent coffee grounds) will be composted at the facility unless the proposed material is low in potential to produce odors and is approved in advance by the City of Auburn.

The agreement wraps up with information regarding the contract and that the facility cannot be subcontracted or responsibility transferred without the consent of the Auburn City Council.

## II. DEPARTMENT REVIEW:

- b. *Police* – No comments received.
- c. *Auburn Water and Sewer* – No comments received.
- d. *Fire Department* – No comments received.
- e. *Code Enforcement* – No comments received.
- f. *Engineering* – No comments received.
- g. *Addressing* – No comments received.
- h. *Airport* – No comments received.
- i. **NEW (Comprehensive Plan Conflict):** *While this proposal is not a new or revised Site Plan before the Planning Board, Staff wanted to get in the habit of including a new Comprehensive Plan section to the Staff Report per the Planning Board request at the August 11, 2020 meeting. It also gives the Planning Board an opportunity to revise the format if needed for future proposals.*

YES

✓NO – The property is located in the Agriculture and Resource Protection Zoning District which allows as a Special Exception Sec.60-145(b)(#12): Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

- A. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the Planning Board.
- B. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
- C. An end-use plan must be filed as part of the Planning Board process.

The Future Land Use Map designates the area as Agriculture/Rural. Page 109 of the Future Land Use Plan (Allowed Uses for the Agriculture/Rural District) states that the Agriculture/Rural District should continue to include the uses allowed in the existing AG/RP zoning district.

## II. PLANNING BOARD ACTION – Sec. 60-1277. – Objective. In considering a site plan, the Planning Board shall make findings that the development has made provisions for:

- (1) Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air;
- (2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;
- (3) Adequacy of the methods of disposal for wastes; and
- (4) Protection of environment features on the site and in adjacent areas.

Sec. 60-1336. – As conditions prerequisite to the granting of any special exceptions, the board shall require evidence of the following:

- (1) That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception.
- (2) That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.
- (3) That the special exception sought will not block or hamper the master development plan pattern of highway circulation or of planned major public or semipublic land acquisition.
- (4) That the exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of property adjoining and neighboring the property under application.
- (5) That reasonable provisions have been made for adequate land space, lot width, lot area, stormwater management in accordance with section 60-1301(14), green space, driveway layout, road access, off-street parking, landscaping, building separation, sewage disposal, water supply, fire safety, and where applicable, a plan or contract for perpetual maintenance of all the common green space and clustered off-street parking areas to ensure all such areas will be maintained in a satisfactory manner.
- (6) That the standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the city building code and by the provisions of this chapter.
- (7) That essential city services which will be required for the project are presently available or can be made available without disrupting the city's master development plan.

**III. STAFF RECOMMENDATIONS** – Staff recommends the Planning Board approve the new agreement. Suggested Condition:

1. Upon deactivation of the facility, a plan shall be provided to the City of Auburn that includes future use or demolition of the buildings and structures and disposal of any new waste materials on the site including but not limited to: Sewage sludges, compost, amendment materials, equipment and vehicles.

***Suggested Motion:*** *I make a motion to approve the proposed changes to the Lewiston Auburn Water Pollution Control Authority (LAWPCA) agreements with the City as presented in the application and cover letter dated August 5, 2020 located at 230 Penley Corner Road (PID: 137-032) in the Agriculture and Resource Protection Zoning District.*

1. *Upon deactivation of the facility, a plan shall be provided to the City of Auburn that includes future use or demolition of the buildings and structures and disposal of any new waste materials on the site including but not limited to: Sewage sludges, compost, amendment materials, equipment and vehicles.*

*Megan Norwood*

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Megan Norwood  
City Planner II

## CITY OF AUBURN PLANNING BOARD

### APPLICATION OF THE LEWISTON-AUBURN WATER POLLUTION

CONTROL AUTHORITY FOR ~~SITE PLAN APPROVAL AND SPECIAL~~

~~EXCEPTIONS PERMIT TO APPROVAL OF CONTINUED OPERATION OF CONSTRUCT~~ A MUNICIPAL WASTE  
WATER

SLUDGE COMPOSTING FACILITY.

The Planning Board approves the application of the Lewiston-Auburn Water

Pollution Control Authority ("LAWPCA" or "Applicant") for ~~a Special Exceptions~~

~~Approval and Site Plan Review~~ Approval to continue operations under modified conditions and parameters under the Auburn Zoning Ordinance. After review of

the LAWPCA Application, and after notice and hearing as required under the

Ordinance, the Planning Board makes the following findings of fact and conclusions of

law in support of its decision.

### PROCEDURAL HISTORY

On February 10, 1992 LAWPCA submitted a complete written application for

Site Plan Approval and a Special Exception Permit to construct a Municipal Waste

Water Sludge Composting Facility on Penley Corner Road in Auburn. After

appropriate notice, the Planning Board held a public hearing on the application on

March 10, and continued the proceeding for additional public hearings, Board

deliberations, and decision on the following dates: March 12, March 23, and April 2,

1992.



The ~~proposed~~ Penley Corner Road ~~location for the~~ sludge composting facility lies wholly within an area designated by the Auburn Zoning Ordinance as an "Agriculture and Resource Protection District." Article 3.31 of the Auburn Zoning Ordinance provides that permitted uses within this zone include farms, plant and tree nurseries, greenhouses, the handling, storage and sale of agricultural products grown on the premises, livestock operations and wayside stands. Special Exception uses approved for the zone include sawmills, veterinary hospitals, handling, storage and sale of agricultural services, municipal sanitary landfills, wholesale nurseries, and municipal waste water sewerage sludge composting facilities.

The Planning Board ~~has~~ reviewed the LAWPCA application, public hearing testimony and exhibits, as well as the February 27, 1992 Planning Board Report Submitted by Planning Board Staff and independent consultants, E.A.

Environmental/EMCOM, Inc. Based upon this review, the Board ~~finds~~found that the proposed sludge composting facility ~~wi~~ll be in harmony with the expressed intent of the Zoning Ordinance and with the major purposes of the Auburn Master Development Plan as required by Chapter 29, Article 7.2 of the Auburn Zoning Ordinance. The

Board ~~finds~~ further found that pursuant to Article 7.2 that the proposed use ~~wi~~ll substantially serve the public convenience and welfare of all Auburn residents, and will not involve

dangers to health or safety. The Board finds that in this year, 2020, the facility has operated for many years with little or no detrimental effect to residents in the general area of the facility. The Board finds after review of the facility, its operational history, and changed circumstances since the original approval of the facility that a new approval for the facility is warranted. The Board further notes that as a voting member of the Lewiston-Auburn Water Pollution Control Authority Board of Directors, the Auburn City Manager or the Manager's designee is in a unique position to monitor the activities of the LAWPCA and its compost facility in the best interests of Auburn citizens.

3

The Board makes the following findings:

~~The Board makes the following findings concerning the prerequisite conditions for Special Exception approval set forth in Article 7.2.B.1.a through g of the Zoning~~



Ordinance:

a. The proposed sludge composting facility fulfills the specific requirements set forth in the Zoning Ordinance for the “Processing and Storage of Compost and Bulking Agents” from the Municipal Waste Water Sewerage Sludge Facility, set forth in Section 3.31.B.2.1. The Board finds specifically that the proposed use fulfills the three criteria for such compost facilities:

1. The site plan shows that all compost and amendment materials will be stored inside or under a roof. In addition, the Operations Plan (LAWPCA application Exhibit 18) states that there will be no outdoor storage.

21. All plans presented to the Planning Board are in full compliance with all applicable federal, state and local ordinances. No federal permits are required for operation of the facility and appropriate State permits have been obtained by the Lewiston-Auburn Water Pollution Control Authority. However, federal and state regulations will govern use of the compost product.

Applicant is seeking the necessary state Site Location of Development permit. The local ordinance provisions are satisfied by the project as conditioned in this decision.

23. Applicant has demonstrated the ability to operate the facility and make a product which is beneficial to the community and affirms that the Lewistons-Auburn Water Pollution Control Authority will submit, for approval by the City, an end use plan upon the event that the facility is no longer to be operated. submitted an End-Use Plan to the Board which satisfies the requirements of the Ordinance. Applicant also will be required to submit updated End-Use Plans consistent with the experience at the facility pursuant to Article IX of the Siting of Composting Facility Agreement (“Agreement”) between the City of Auburn and LAWPCA.

b.3. The Board fiounds that the proposed composting facility wiould neither create

nor aggravate a traffic hazard, a fire hazard or any other safety hazard.

4.

~~The applicant has submitted a Traffic Impact Analysis which indicates the current traffic levels on Route 136 and the Penley Corner Road will not be further aggravated by the development of this facility. Nevertheless, under the Agreement, LAWPCA has agreed to specific off-site improvements which will improve the functioning of the roadway and intersection as compared to pre-project conditions. At this time, the facility has not been designed to include an automatic fire suppression system or fire hydrant protection. Applicant will be required to provide for adequate well water supply or water storage capacity to meet Building Code requirements for fire suppression. A special condition has been added to address this requirement.~~

~~No other safety hazards have been identified.~~

~~c.~~ The Board finds that ~~the Special Exception~~continued operation of the facility under the limitations and modifications as soughtproposed will not block or

hamper the Master Development plan pattern of highway circulation or of planned major public or semi-public land acquisition. Neither the City of Auburn nor any quasi-public local entity has expressed any intention of acquiring land on or in the immediate vicinity of this parcel. The City is also unaware of any plans to extend or create new highways within the proposed development area.

~~d.~~ The Board finds that the ~~Special Exceptionoperating facility -proposed use will~~has not altered the essential characteristics of the neighborhood and ~~will~~has not ~~tend to depreciatenegatively the~~affected the value of property adjoining and neighboring the property under application.

5.

The composting facility is ~~proposed to be~~ located in the Agriculture and Resource Protection District of Auburn. This District is classified as a Resource District rather than a Residential District, reflecting the City's goal of maintaining its agricultural base to the maximum extent possible. To that end, no new residences are allowed in this District except those associated with substantial on-site agricultural or forest-based activities. This minimizes the potential for future residential use conflicts for the ~~proposed sludge~~compost facility.

The ~~proposed~~ compost facility ~~will~~ consumes only a small portion of the active agricultural land on the Gauthier Farm. Pursuant to the Agreement between Mr. Gauthier and the applicant, Mr. Gauthier is obligated to continue agricultural use of the property as part of his life tenancy. ~~In the event he decides to discontinue active agricultural use.~~ Thus, the project will preserve the essential agriculture characteristics of the neighborhood.

~~Based upon a report generated by the City of Auburn's tax assessor, set forth in the Planning Board Report dated March 6, 1992, and testimony offered at the public hearing, the Planning Board finds that the proposed project will not tend to depreciate the value of the property adjoining and neighboring the property under application.~~

6

~~First, the Board finds that as conditioned in this decision, the proposed project will have no unreasonable net effect on the assessed value of adjoining or neighboring property. The tax assessor for the City of Auburn has confirmed that experience in other communities indicates that market prices are not affected in the long term by this type of facility. He also indicated that there is no discernible difference between any short-term property value impacts that might be associated with such a sludge composting facility from those associated with a full-scale farming operation (permitted use) or sawmill (special exception use) in this agricultural zone.~~

~~Second, the Board finds that, as conditioned in this decision, the proposed sludge~~

composting facility will not have any unique or distinctive characteristics that would cause any greater short or long term property devaluation than another municipal waste water sewerage sludge facility, or with other permitted or special exception uses allowed within the District. This project would not have any greater impact on property values due to odor, noise, or traffic than permitted farm activities on the same site, which could include sludge or manure spreading on croplands, composting, sale of produce at wayside stands, or even large scale livestock operations, such as poultry or hog farms. The project would not have any greater property value

7

impact than any other special exception use approved for the zone, including sawmills or municipal landfills.

[e6](#). Reasonable provisions have been made for the criteria listed in Article

7.2.B.1.e, including adequate lot area, drainage, road access, parking, landscaping, building separation, and sewerage disposal.

The plan is deficient in a minor area involving driveway layout for fire safety as noted in the Fire Department's comments. To remedy this deficiency, a special condition will require that the driveway be extended to include a gravel road to the westerly corner of the facility, consistent with Fire Department recommendations. A special condition has also been added to assure that an adequate water supply for both composting operations and fire suppression. Exhibit 9, Water Supply, of LAWPCA's State Site Location of Development permit application, states that peak water usage is expected to be 20 gallons per minute during the weekly plant washdown. Testimony at the public hearing indicated that LAWPCA might face higher water demands if significant quantities of water had to be used in operation of the biofilter. LAWPCA indicated at the hearing that additional private wells on the property could handle the demand, but that a special storage tank might be installed for fire suppression water supplies. A special condition has been included to assure that fire

~~suppression and operational water supplies are adequate.~~

87.

f. The standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the Auburn Building Code and by the provisions of this Chapter.

~~As indicated previously, special conditions have been imposed to assure that an automatic fire suppression system will be installed, supplied by an adequate water source, to meet the Building Code requirements.~~

The Board notes that ~~the proposed use~~ composting complies with the Environmental Compliance Standards of Chapter 29, Article 5.6 of the Ordinance, specifically the noise and odor provisions.

The Board finds that the Agricultural and Resource Protection District is properly considered a “light industrial/industrial zone” for purposes of determining the maximum permitted sound level under Ordinance Articles 5.6.C.3 and .4. This category is the most compatible with the goals and purposes of the Agriculture and Resource Protection District, assuring that there will be sufficient latitude to allow new farming activities and compatible special exception uses to be developed within the District. LAWPCA’s application makes clear that the 70 dBA noise limit, as modified by the intermittent noise provisions of 5.6.C.4, will be met by the proposed facility. Over the course of many years of operation, LAWPCA has never received a complaint concerning noise from the facility.

The Board finds that the proposed project, as conditioned by this decision, ~~and as limited by Article IX of the Agreement,~~ will not have any significant or unreasonable odor impact on adjoining properties. A reasonable reading of Article 5.6.E, consistent with the goals and objectives of the

98.

Ordinance, leads to the conclusion that a new non-residential use must not have a

significant or unreasonable impact on surrounding properties, even though some odors may from time to time be detectable at property lines. A stricter reading of these Ordinance provisions could halt new farm or other non-residential development altogether in the City, a result certainly not intended by the City Council in creating the ordinance standard. The Board's reading is consistent with the odor control provisions of the Site Location of Development Act regulations (Department of Environmental Protection Regulations Chapter 373.4), the standards which the Council sought to satisfy in order to gain DEP approval as a delegated municipal approval authority under 38 M.R.S.A. §489-A when the Ordinance Article 5.6 provisions were adopted.

Therefore, properly read, the Board finds that the provisions of Article 5.6.E are satisfied by the ~~strict special~~ conditions concerning odor imposed upon the project.

~~g. The central City Services which will be required for the project are presently available or can be made available without disrupting the City's Master Development Plan. Provided that applicant supplies an acceptable alternative means of water supply for fire suppression, all essential City services required for the project are presently available to the site.~~

In sum, the Planning Board finds that all criteria for approval of a Special Exception as set forth in Article 3.31.B.2 and 7.2.B.1.a – g have been satisfied.

10

#### SITE PLAN APPROVAL

The Planning Board finds that LAWPCA also ~~has~~ satisfied all Site Plan Review criteria set forth in Article 7.1. The applicant ~~has~~ submitted the necessary Site Plan review application and supporting documents required under 7.1.D.1 and 2. Applicant has demonstrated that the proposed project will constitute a suitable development and will not result in detriment to the City, neighborhood or the environment, as required by Articles 7.1.A and 7.1.D.5 The Board finds further that none of the reasons for denial

of an application listed in 7.1.D.5.a – i are applicable. The Board finds that the

~~proposed project~~facility as operated and, as conditioned, fulfills all the objectives set forth in 7.1.B.1 – 4, as

detailed further by the specific factual findings in the Special Exception Use section above.

#### 1. Protection of adjacent areas against detrimental uses on the site

##### A. Surface water drainage

~~The applicant~~LAWPCA has made provisions for the containment of surface water runoff by the establishment of ~~a~~ detention ponds. ~~The~~is detention ponds ~~has~~ve been sized in accordance with Chapter 32 of the Auburn Ordinance and ~~is~~are determined to be adequate to contain surface water runoff.

##### B. Buffers against artificial and reflected light

The facility is ~~proposed for~~ located on 10 acres in the middle of a 116 acre site.

All outdoor lighting is ~~proposed to be~~ directed down so that light and glare are not shed outside

~~11~~

of the project site. ~~The use of o~~Outdoor lighting ~~will~~is only ~~be~~ used during hours of operation and, therefore, ~~are~~is designed not to be a detriment or nuisance to adjacent properties.

##### C. Sight

This site is located on the backside of a knoll located in the middle of the property. Locating the facility in this way and the further buffering of the building by

the ~~construction of a~~ bio-filter on the street side will tend to reduce any visual impact. Although the biofilter is no longer in use and has been closed and capped in compliance with Maine Department of Environmental Protection Rules, the closed biofilter continues to provide this visual buffering function.

~~The applicant has submitted a landscape plan which shows the introduction of~~ LAWPCA also planted trees and

other vegetation which ~~will offer~~ provides additional site buffering.

#### D. Sound

~~The applicant has provided a noise study that indicates that there will be minimal increased noise levels from the proposed facility.~~ LAWPCA has operated the facility for many years without noise issues. The only equipment that ~~will be~~ is used

outside is a front-end loader, for periods totaling ~~only~~ about one and one-half hours per day. This type of equipment is used currently in the surrounding farm areas.

#### E. Dust

There ~~will~~ has not ~~been~~ any significant increase in dust levels due to the project, given the paved road and gravel area design, and prohibition against on-site amendment reduction.

#### F. Vibration

There ~~will~~ has not ~~been~~ any significant vibration associated with the operation of the facility.

~~12~~

#### G. Preservation of Light and Air

This criterion is applied when structures are being built in a very dense pattern, in order to assure that healthful conditions exist between buildings (i.e. setbacks). This is not a concern at this 116 acre project site.

#### 2. Vehicular and pedestrian movement

The applicant ~~has~~ submitted a site plan which ~~has been~~ was reviewed by both the Police and Fire Departments. Neither Department ~~has~~ stated any major concerns with the project. ~~A minor concern regarding the access for fire vehicles will be addressed~~



~~through a special condition in this decision.~~ Off-site considerations ~~aw~~ere limited to the impact of the additional traffic on Penley Corner Road and Riverside Drive, and, as indicated previously, applicant ~~has agreed to~~completed off-site improvements through its Agreement with the City of Auburn that ~~will actually improve~~d current road conditions.

### 3. Waste disposal

The solid waste generated at this facility will be taken care of by three methods of disposal: (1) All general office wastes that are generated at the facility will disposed of in a manner consistent with other businesses by utilizing the Mid Maine Waste Action Corporation's facility on Goldthwaite Road; (2) Any debris that cannot be handled at the MMWAC facility will be disposed of ~~in the City of Auburn landfill located on Gracelawn Road or~~ at another licensed landfill; (3) Any residual waste water created at the facility is ~~proposed to be~~ stored in a holding tank located on the site. The holding tank

13

~~will be is~~ periodically pumped and the waters taken to the LAWPCA wastewater treatment plant in Lewiston facility for proper

treatment. Domestic sanitary waste water ~~will be is~~ treated on site utilizing a subsurface waste water disposal system.

### 4. Protection of the environment features on the site and in adjacent areas

~~The applicant~~ LAWPCA has taken steps to protect all environmental features on the site.

This includes the identification and buffering of wetlands from development; the development and design of ~~a~~ detention ponds to adequately collect all surface runoff

waters ~~as a resulting from of~~ the development; and ~~the commitment to the~~ in cooperation with Mr. Gauthier, has ~~continuedance of~~

farming activities on the site. Noting that the facility is ~~proposed to be~~ located in the middle of a 116 acre site, there are no environmental features on adjacent lands that have been or are likely to be impacted.

Based upon these findings of fact and conclusions of law, the Planning Board approves the LAWPCA ~~application for approval of~~ Special Exception Use of the Penley Road site as a Municipal Waste Water Sewerage Sludge Facility under Article 3.31.B.2, and also approves the Site Plan under Article 7.1 and 7.2, subject to the following special conditions:

#### SPECIAL CONDITIONS

~~A. On or before May 1, 1992, LAWPCA shall submit letters to the Planning Board the City of Auburn and MMWAC to show that both the landfill and the~~

~~14~~

~~incineration plant have the capacity to accept any non-composting waste generated at the sludge composting facility. If the landfill and the incineration plant do not have the capacity to accept any non-composting waste generated at the sludge composting facility, LAWPCA shall submit letters from alternative disposal facilities stating that such disposal capacity is available.~~

~~B. On or before July 1, 1992, LAWPCA shall submit to the Planning Board for its review and approval, with or without conditions, a plan demonstrating that an adequate water supply can be obtained for the operation and maintenance of the sludge composting facility, as well as the fire suppression systems required by the Building Code. Approval of this plan by the Planning Board shall be required before any building permit may be issued to the facility.~~

~~C. LAWPCA shall design the facility in a manner consistent with the preliminary Plan of Operation submitted to the Planning Board in the Site Plan Review Application. At least 60 days prior to commencement of operations, LAWPCA shall submit to the Planning Board, for its review and approval, with or without conditions, a final Plan of Operation meeting all~~

~~criteria of Article VIII, Section 1 of the Siting of Sludge Composting Facility~~

~~Agreement between LAWPCA and the City of Auburn dated February, 1992. The~~

15 On or before September 30, 2020 LAWPCA shall submit to the Auburn City Manager for approval and consultation with the Planning Board, a plan of operations that will document any changes to the operation of the facility from its original designed operation.

~~sludge composting facility shall be operated as described in the Plan of Operation approved by the Planning Board.~~

~~D. At least 60 days prior to commencement of operations, LAWPCA shall submit to the Planning Board for its review and approval, with or without conditions, a final Marketing and Distribution Plan that includes provisions for seasonal storage of compost off the Gauthier Farm site, such that no compost will be stored outside the curing building. A minimum of six months off-site storage for compost shall be provided in the Plan for the period of November through April.~~

~~E. LAWPCA shall deactivate the sludge composting facility in accordance with the End Use Plan dated March 13, 1992. In the event that LAWPCA decides or is required by a governmental entity having jurisdiction to cease operation of the facility, it shall deliver to the Auburn City Manager for approval by the Planning Board, a plan for deactivation of the facility. The plan will include future use or demolition of the buildings and structures, disposal of any waste materials on the site including but not limited to sewerage sludges, compost, amendment materials, equipment and vehicles.~~

~~F. F. LAWPCA shall conduct any emergency backup procedures at the facility in accordance with the Emergency Backup Disposal Plan submitted to the Planning Board in this application.~~

~~G. LAWPCA shall be responsible for the construction of all off-site improvements as outlined in Article VIII of the Agreement between LAWPCA and the City of Auburn.~~

~~H. Prior to any construction of the sludge composting facility, LAWPCA shall design the driveway at the sludge composting facility to include a gravel driveway to~~

~~the westerly most corner of the curing building. Said driveway shall be approved by the Auburn Fire Chief.~~

~~I. Prior to any construction of the sludge composting facility, LAWPCA shall submit design details to the Planning Board for its review and approval, with or without~~

16

~~condition, for the detention pond's emergency spillway and an explanation as to how the sedimentation trap will function during the construction period.~~

~~J. LAWPCA shall ensure that the design of the curing building provides for 40 days detention time at a maximum depth of eight feet. These are design requirements only, and shall not control actual operations. The curing building shall be equipped with an aeration system to provide negative aeration for all curing compost, consistent with the requirements of Article IX of the Agreement. Exhaust from the aeration system shall be treated in the biofilter.~~

~~K. Prior to commencement of operations, LAWPCA shall install a "Stop" sign at the intersection of the sludge composting facility access road and Penley's Corner Road.~~

~~L~~G. No amendment preparation (e.g. size reduction or metal separation) shall take place at the sludge composting facility. All amendment material at the sludge

composting facility, including rejected materials, shall be stored inside the building. Any biosolids being temporarily stored at the facility prior to composting, land application or disposal shall be managed so as not to produce runoff or odors capable of impacting the surrounding properties or general environment, all materials shall be screened from the public way and abutting properties.

~~M~~H. The granting of this approval is dependent upon and limited to compliance with the proposals, plans and oral statements as submitted by or on behalf of LAWPCA to the Auburn City Council and the Auburn Planning Board.

~~N~~I. LAWPCA shall comply with the Agreement and all applicable federal, state, and local laws and requirements, including, but not limited to, licenses, permits, authorizations, conditions, agreements, and orders ~~prior to or during construction and~~

operation.

17

~~O. If either construction of the sludge composting facility is not completed or operation of the sludge composting facility has not begun within five years from the date approval is granted by the Planning Board, the board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to changes in circumstances which may have occurred during the five year period.~~

~~P. LAWPCA shall pay the reasonable costs incurred by the City of Auburn or its Planning Board not to exceed \$15,000 to retain a consultant of its choice to advise the City or Board during the review, design, and construction of the proposed bio-filter and associated air handling system.~~

QJ. All trucks carrying sludge, amendment, or end product to and from the facility shall be covered and adequately sealed at all times traveling through the City of Auburn.

RK. ~~LAWPCA shall ensure that an odor control system is installed at the Facility which meets the following performance standards.~~ The facility shall operate in compliance with the following performance standards at all times:

18

1. LAWPCA shall ensure that odor intensity measured at any dwelling or any public road shall not be more than 1.0 unit higher than background levels if the odor is characteristic of sludge, compost or the composting process and attributable to the composting operation. Odor intensity shall be measured on the butanol scale in accordance with ASTM E 544.



2. The odor control system discharge shall have an odor concentration not exceeding 100 units at ED50 as determined in accordance with ASTM E 679. All air spaces where sludge or non-finished compost is stored, processed, transported or otherwise handled shall be considered air streams required to undergo odor control treatment. Air spaces where bulking agents are stored, processed, transported or otherwise handled, may be required to undergo odor control treatment.

Before the facility is constructed, LAWPCA will ensure that an

independent air emissions study is conducted at the site to establish baseline odor levels and to develop odor dispersion modeling. Background odor intensities shall be measured by the butanol scale at two time periods: at the time of spring sludge spreading when background odor intensity is highest; and at mid-winter when odor intensity is minimum. During both time periods, odor intensity shall be measured during conditions of low atmospheric dispersion.

19

Prior to the Commencement Date of Operations, a period of full scale operations, not to exceed sixty days, shall be conducted at the Facility to ensure that ED50 maximum value of

100 is achieved under normal operating procedures through use of the odor control system. LAWPCA must demonstrate to the Planning Board, through testing, that the ED50 maximum value of 100 is, and will continue to be, attained when the odor control system is functioning. The Commencement Date of Operations shall not occur until the Planning Board, after reviewing the demonstration made by LAWPCA, has approved operation of the odor control system, which approval shall not be unreasonably withheld.

~~After the Commencement Date of Operations, the odor control system discharge shall be monitored annually during the month of July using an odor panel (ASTM E 679). During periods of operation, at the request of the Auburn City Manager or the Auburn Planning ABoard, LAWPCA agrees to perform additional tests using either odor units at the point of discharge (ASTM # 679) or odor intensity testing at any dwelling or public road per (ASTM E 544.) may be requested at other times by the City Manager, or a City Councilor provided that the sum of all additional tests shall not exceed 12 per year, to ascertain whether the odor levels~~

20

~~as specified in this Article, have been achieved. The City Manager or City Councilor shall not unreasonably request additional odor monitoring.~~

Recognizing the odor potential of any composting operation, LAWPCA agrees that only anaerobically digested sewage sludge from its treatment plant and amendment materials having little or no potential to generate odors ( such as sawdust, wood shavings, wood ash and spent coffee grounds) will be composted at the facility unless material that is low in potential to produce odors and is approved in advance by the City of Auburn.

~~A~~All studies, tests and monitoring required by this Article shall be conducted by independent laboratories agreed upon by LAWPCA and the City Manager. LAWPCA shall submit the results of any studies and testing required under this Article to the City Manager and the City Council. If the standards for odor control referred to in this Article are violated, LAWPCA will have 72 hours to comply and if unable to do so, will shut

down operations and cease bringing amendments to the site until such time as it can comply. If the facility must shut down more than 3 times in any 12\_ month period, it will remain shut down until such time as it can comply. If the facility must shut down more than 3 times in any 12\_ month period, it will remain shut down until such time as

LAWPCA demonstrates, to the satisfaction of the City Council, that continued operation of the Facility will not violate such odor control standards. In the event that the facility must be shut down due to odors, or for some other reason under agreement between the City of Auburn and LAWPCA, LAWPCA shall have ~~7~~ 30 days to complete removal of compost material and sludge unless an alternative schedule is agreed upon by the City Manager and LAWPCA in order to minimize odor impacts.

~~S. LAWPCA shall create a special board to advise LAWPCA with respect to noise, odor or any other operational issues of concern, as need requires. This board~~

~~21~~

~~shall consist of at least two members from the neighborhood, two members from the Planning Board, and one City Councilor.~~

~~T. All road improvements along the Penley Corner Road shall be undertaken in such a way so as minimize disturbance of the property identified as the "Old School House", now the Charest residence.~~

2. LAWPCA shall not subcontract the operation of the Facility, or otherwise transfer responsibility for operating the Facility, without obtaining the consent of the Auburn City Council, which consent will not be unreasonably withheld. If LAWPCA desires to transfer operating responsibilities for the Facility, such transfer shall be subject to the Auburn City Council finding, prior to the transfer, that the proposed operator has adequate financial capacity to ensure the Facility will be operated in full compliance with this Agreement and to secure the payment of any cost or damage arising out of noncompliance. Such financial assurance may but is not required to include, without limitation and subject to the approval of the Auburn City Council, a performance bond, letter of credit or other form of liquid, third-party credit enhancement.

Approval by the Auburn City Council for the transfer shall also be conditioned upon the conclusion of a separate agreement between the City and LAWPCA regarding financial assurance, including but not limited to: (1) the amount and type of financial assurance mechanism; (2) the City's rights to receive payment under the mechanism; (3) actions by the private contractor which trigger the City's right to recover under the mechanism; and, (4) the period of time for which approval of the transfer is granted by the Auburn City Council.

Notwithstanding the transfer of operating responsibilities, LAWPCA acknowledges that it retains responsibility for operation of the Facility and for full compliance with this Agreement.

3. LAWPCA agrees that the Facility shall be operated in compliance with all state and federal laws and regulations and local ordinances, including the Environmental Performance Standards adopted by the City, and will not become a private or public nuisance as a result of noise, odor, fumes or otherwise. LAWPCA also agrees that the Facility shall be operated in such a manner that it will not violate any state, federal, or local health standard.

4. LAWPCA agrees that the Facility will be maintained in good repair including provision for an adequate reserve of any and all spare and replacement parts such that the Facility will be operated in accordance with the Agreement. The City shall have the right to enter the Site at reasonable times for the purpose of assuring that LAWPCA is complying with the terms of this Agreement.

5. LAWPCA shall defend, indemnify and hold harmless the City and its respective officials, agents and employees (the "City employees") from and against all losses, costs, damages and expenses (including reasonable attorneys' fees) incurred by the City or the City employees arising out of any claim, action, demand or liability threatened or asserted against the City or the City employees relating in any way to the Facility including, without limitation, the design, construction, maintenance or operation of

the Facility or the transportation of the Sludge, the Bulking Agents or the composted material. LAWPCA specifically agrees to defend and indemnify the City and the City employees from any claims brought against them by employees of LAWPCA or employees of any subcontractor of LAWPCA for injuries allegedly suffered during the course of their employment. Provided, nevertheless, that to the extent such injury is caused by any willful or negligent act or omission by the City, LAWPCA shall have a right of contribution against the City

#### BINDING EFFECT

This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective successors and assigns.

#### OTHER DOCUMENTS

Each party promises and agrees to execute and deliver any instruments and to perform any acts which may be necessary or reasonably required in order to give full effect to this Agreement.

#### SEVERABILITY

In the event any covenant, condition or provision of this Agreement is held to be invalid or unenforceable by a final judgment of a court of competent jurisdiction, or by any other tribunal, board, or other entity, the decision of which is binding upon the parties and which becomes final, such invalidity or unenforceability shall in no way affect any of the other covenants, conditions or provisions of this Agreement.



### APPLICABLE LAW

The laws of the State of Maine shall govern the validity, interpretation, and performance of this Agreement.

### AMENDMENT OF AGREEMENT

No amendment to this Agreement may be made unless it is in writing and signed by both parties.

### NONDISCRIMINATION

The parties agree that the terms of this Agreement will be performed in a manner which allows equal opportunity and which shall not discriminate on the basis of age, race, religion, color, creed, sex, sexual preference, disability, financial status or national origin: (a) in the persons served or in the manner of service; or (b) in the hiring, assignment, promotion, salary determination or other conditions of employment.

### NOTICE

All notices required or permitted to be given or furnished under this Agreement by either party to the other shall be in writing and shall be deemed sufficiently given and served upon the other party if hand delivered or sent postage prepaid, addressed as follows: if to the City: City Manager, 60 Court Street, Auburn, Maine 04210; if to LAWPCA: Superintendent, P.O. Box 1928, Lewiston, Maine 04241.

Said notice shall be deemed given when mailed. By notice given in conformity with this article, each party shall have the right, from time to time, to designate a different person or address to whom or to which notice shall be given.

### ARBITRATION

Any dispute arising under this Agreement shall be resolved by arbitration in accordance with the rules of the American Arbitration Association. The arbitration proceeding shall be held in Auburn, Maine and each party shall pay its own costs of the proceeding plus one half the costs and charges of the arbitrators.

### ENTIRE AGREEMENT

This Agreement sets forth the entire understanding of the parties with respect to the subject matter hereof and supersedes all prior understandings and Agreements between the parties, and may be altered or amended only by a writing signed by the parties.

DATED: APRIL 3, 1992 \_\_\_\_\_

Robert Hayes, Chairman

Auburn Planning Board

# **Lewiston Auburn Water Pollution Control Authority**

## **Composting Facility End Use Plan**

The facility will be closed in a manner that minimizes the need for further maintenance; and so that the facility will not pollute any waters of the state, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance. All compost, wastes, secondary materials, leachate, residue, including compost screenings, will be removed from the facility. All site soils will be stabilized in accordance with Maine erosion and sediment control best management practices. The facility structures and equipment will be cleaned. Additionally, the below will continue to be specifically done:

- Lock all doors
- Post emergency contact phone numbers on office door
- Remove all trash
- Remove all tools and mobile equipment
- Shut off water and drain lines
- Shut off all electrical circuits with the exception of essential circuits for interior and exterior lighting
- Pump out septic tank
- Pump out holding tank
- Maintain water tanks for fire fighting
- Facility inspections a minimum 1 time per week
- Close and lock access gate
- Plow to ensure fire department access
- Mow grounds
- Remove all paints, solvents, fuels
- Shut off and lock out propane tanks
- Comply with all ME DEP requirements such as groundwater monitoring, leachate pumping, biofilter mowing, biofilter inspections
- Comply with all State and Local ordinances

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



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

Jason J. Levesque, Mayor

## **IN CITY COUNCIL**

### **ORDER 101-09082020**

**ORDERED**, that the Auburn City Council hereby adopts the proposed amendments to the Lewiston-Auburn Water Pollution Control Authority (LAWPCA) agreement for continued operation of a municipal wastewater sludge composting facility located at 230 Penley Corner Road in Auburn, Maine. The continued operation shall be under one agreement that merges elements of the original City Council agreement from April 3, 1992 into the Planning Board approval from February 27, 1992 and allows the facility to operate under the conditions of one City document.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 8, 2020      **Order:** 102-09082020

**Author:** Dan Goyette, Director of Public Works

**Subject:** Road Discontinuance

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**Information:**

A petition from David C. Haines was submitted to discontinue a portion of Butler Hill Road. Mr. Haines is the sole owner of all land abutting the sections of the Butler Hill Road being discontinued. He has also waived any claim for damages as part of the discontinuance. An easement has also been granted to the City in order to construct a turn-around for City equipment.

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**City Budgetary Impacts:**

There will be a minimal cost to the City in order to erect signs and construct a turn-around. There will be a savings in maintenance, as there will be virtually no traffic on the road after the closure so grading and winter maintenance will be decreased.

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**Staff Recommended Action:** Add action to a regular meeting for a vote

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**Previous Meetings and History:** Presented at the 8/17/2020 City Council Workshop.

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**City Manager Comments:**

I concur with the recommendation. Signature:

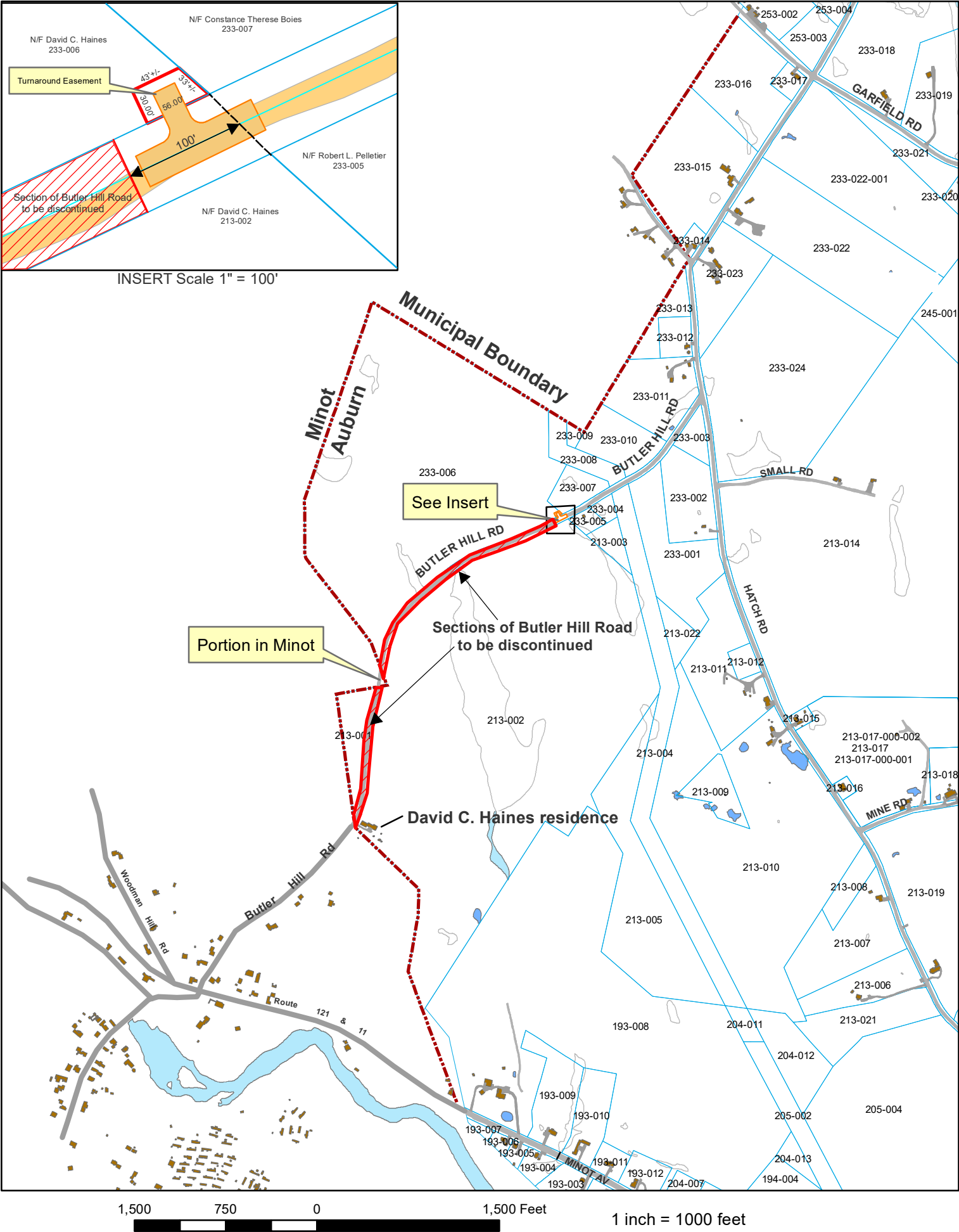
A handwritten signature in black ink that reads "Phillip Crowell Jr." with a stylized flourish at the end.

**Attachments:** Easement, Order, Map and Road Status

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# Butler Hill Road Discontinuance



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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDER 102-09082020

**ORDERED**, that the Municipal Officers of the City of Auburn hereby order the discontinuance of those portions of the Butler Hill Road in Auburn, as described herein, both as a town way and a public easement.

Beginning at a point on the centerline of the Butler Hill Road, said point being located one hundred (100) feet southwesterly, as measured along said centerline, from where the northeasterly boundary line of property of David C. Haines as described in Book 1727, Page 223 of the Androscoggin County Registry of Deeds, crosses Butler Hill Road; thence from the point of beginning, running southwesterly and southerly along the centerline of said Butler Hill Road, crossing and then re-crossing the Auburn/Minot Municipal Boundary, approximately three thousand two hundred sixty (3,260) feet to the intersection with the most southerly crossing of the Auburn/Minot Municipal Boundary, near the residence of David C. Haines.

Having given best practicable notice to David C. Haines, the sole owner of all land abutting the sections of the Butler Hill Road being discontinued, and as he has waived any claim for damages, we further order damages in the amount of \$0.00.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 8, 2020

Order: 103-09082020

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

**Subject:** Appointing two City Councilor's to participate in the work group to create a Request for Proposal (RFP) study of Lake Auburn

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**Information:** The City Manager and the Water District Superintendent presented to the city council a proposal to develop a work group consisting of two city councilors, two water district trustees, and support staff to create a Request For Proposal (RFP) for a study that will have the following outcomes, as it pertains to impact:

1. Economically
2. Environmentally
3. Regulatory
4. Community

In 2013, a regulatory RFP was created in response to the 2011 Comprehensive Plan Objective A.1.1.2: Strategy A.1.2.c and A.1.4.c. The new RFP will expand on the 2013 RFP to include the impacts noted above.

Proposed timeline:

- September 8th – city council appoints representatives along with the AWD Trustees
- October 19th – the workgroup will present to the City Council the RFP for approval
- November 2nd – council will adopt the RFP
- November and December – the workgroup will review and interview respondents
- January 4, 2021 – the city council will vote to accept the workgroup recommendation

Councilor Carrier has submitted an email expressing his interest in serving on this work group.

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**City Budgetary Impacts:**

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**Staff Recommended Action:** Appoint two City Councilor's

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**Previous Meetings and History:** Water District Superintendent, Sid Hazelton and City Manager Phil Crowell presented this proposal during the 8/17/2020 City Council workshop.

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**City Manager Comments:**

A handwritten signature in cursive script that reads "Philip Crowell Jr.".

I concur with the recommendation. Signature:

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**Attachments:**

**From:** [Phil Crowell](#)  
**To:** [Susan Clements-Dallaire](#)  
**Subject:** FW: interest in committees  
**Date:** Thursday, August 20, 2020 10:47:20 AM  
**Attachments:** [image001.png](#)

---

Phil



**Phillip L. Crowell, Jr. | City Manager**  
**City of Auburn, Maine | 207.333.6601 X1212**

The City of Auburn is subject to statutes relating to public records. E-mail sent or received by City employees are subject to these laws. Senders and receivers of City e-mail should presume that messages are subject to release.

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**From:** Brian Carrier (Council) <bcarrier@auburnmaine.gov>  
**Sent:** Wednesday, August 19, 2020 4:48 PM  
**To:** AuburnElectedOfficials <AuburnElectedOfficials@auburnmaine.gov>  
**Cc:** Phil Crowell <pcrowell@auburnmaine.gov>; Brian Wood <bwood@auburnmaine.gov>  
**Subject:** interest in committees

Mayor and Councilors, Stu7dy

I am writing to submit my name for consideration for either the Comprehensive Plan Update Committee, or for the Lake Auburn ad hoc committee. Having served on the Zoning Board of Appeals, the Planning Board, and the Mayors ad hoc committee on Agriculture I believe I have knowledge that could be beneficial in serving on the either of those committees.

Thank you for the consideration  
Brian

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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDER 103-09082020

**ORDERED**, that the City Council hereby appoints the following two Councilors to participate on the Request for Proposal (RFP) study of Lake Auburn.

1. \_\_\_\_\_
2. \_\_\_\_\_





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 8, 2020      Order: 104-09082020

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

**Subject:** Appointing two City Councilors to serve on the Comprehensive Plan Ad-hoc Committee

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**Information:** The Planning Board met on 8/11/2020 and they discussed the Comprehensive Plan update process. This was reviewed and a memo was provided to the City Council during the 8/17/2020 Council meeting. As part of the Comprehensive Plan update process, the Planning Board is recommending the creation of a Comprehensive Plan Ad-hoc Committee. The proposal is to have two Councilors serve on that Committee. Councilors Carrier, MacLeod, and Boss have all submitted emails to the City Manager expressing their interest in serving on this Ad-hoc Committee.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Appoint two Councilors to serve on the Committee.

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**Previous Meetings and History:** Review and memo provided at the 8/17/2020 Council meeting during communications.

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**City Manager Comments:**

I concur with the recommendation. Signature:

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

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**Attachments:**

**From:** [Phil Crowell](#)  
**To:** [Susan Clements-Dallaire](#)  
**Subject:** FW: interest in committees  
**Date:** Thursday, August 20, 2020 10:47:20 AM  
**Attachments:** [image001.png](#)

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Phil



**Phillip L. Crowell, Jr. | City Manager**  
**City of Auburn, Maine | 207.333.6601 X1212**

The City of Auburn is subject to statutes relating to public records. E-mail sent or received by City employees are subject to these laws. Senders and receivers of City e-mail should presume that messages are subject to release.

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**From:** Brian Carrier (Council) <bcarrier@auburnmaine.gov>  
**Sent:** Wednesday, August 19, 2020 4:48 PM  
**To:** AuburnElectedOfficials <AuburnElectedOfficials@auburnmaine.gov>  
**Cc:** Phil Crowell <pcrowell@auburnmaine.gov>; Brian Wood <bwood@auburnmaine.gov>  
**Subject:** interest in committees

Mayor and Councilors, Stu7dy

I am writing to submit my name for consideration for either the Comprehensive Plan Update Committee, or for the Lake Auburn ad hoc committee. Having served on the Zoning Board of Appeals, the Planning Board, and the Mayors ad hoc committee on Agriculture I believe I have knowledge that could be beneficial in serving on the either of those committees.

Thank you for the consideration  
Brian

**From:** [Phil Crowell](#)  
**To:** [Susan Clements-Dallaire](#)  
**Subject:** FW: Comprehensive Plan Update Committee - Letter of Interest  
**Date:** Wednesday, August 19, 2020 2:18:48 PM  
**Attachments:** [image001.png](#)

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Phil



**Phillip L. Crowell, Jr. | City Manager**  
**City of Auburn, Maine | 207.333.6601 X1212**

The City of Auburn is subject to statutes relating to public records. E-mail sent or received by City employees are subject to these laws. Senders and receivers of City e-mail should presume that messages are subject to release.

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**From:** Katherine Boss (Council) <kboss@auburnmaine.gov>  
**Sent:** Wednesday, August 19, 2020 11:21 AM  
**To:** AuburnElectedOfficials <AuburnElectedOfficials@auburnmaine.gov>  
**Cc:** Phil Crowell <pcrowell@auburnmaine.gov>; Brian Wood <bwood@auburnmaine.gov>  
**Subject:** Comprehensive Plan Update Committee - Letter of Interest

Mayor & Councilors,

I am writing to submit my name for consideration for the Comprehensive Plan Update Committee. As a former member of the Planning Board, my experience in understanding Auburn's zoning would be beneficial to this Committee, given that many Comp Plan updates are focused on our zoning, Future Land Use Map, and potential expansion of Form Based Code.

Best,  
Katie

Katie Boss, MPH  
City Councilor At-Large  
207-370-4683

*The city of Auburn is subject to statutes relating to public records. Email sent to or received from this address are subject to these laws. Senders and receivers of City email should presume that messages are subject to release.*

**From:** [Phil Crowell](#)  
**To:** [Susan Clements-Dallaire](#)  
**Subject:** FW: Comp Plan Committee  
**Date:** Wednesday, August 19, 2020 2:19:01 PM  
**Attachments:** [image001.png](#)

---

Phil



**Phillip L. Crowell, Jr. | City Manager**  
**City of Auburn, Maine | 207.333.6601 X1212**

The City of Auburn is subject to statutes relating to public records. E-mail sent or received by City employees are subject to these laws. Senders and receivers of City e-mail should presume that messages are subject to release.

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**From:** Tim Macleod (Council) <tmacleod@auburnmaine.gov>  
**Sent:** Wednesday, August 19, 2020 12:17 PM  
**To:** AuburnElectedOfficials <AuburnElectedOfficials@auburnmaine.gov>  
**Cc:** Phil Crowell <pcrowell@auburnmaine.gov>; Brian Wood <bwood@auburnmaine.gov>  
**Subject:** Comp Plan Committee

Mayor and Councilors,

I would like to help with the comprehensive plan update committee. I am excited to get historical views to see how far we have come and help guide the direction the city could go.

-Tim

The City of Auburn is subject to statutes relating to public records. Email sent or received by City employees are subject to these laws. Senders and receivers of City email should presume that messages are subject to release.

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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDER 104-09082020

**ORDERED**, that the City Council hereby appoints the following two Councilors to serve on the Comprehensive Plan Ad-hoc Committee.

1. \_\_\_\_\_
2. \_\_\_\_\_





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 8, 2020

**Subject:** Executive Session

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

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

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

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

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

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

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

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

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

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

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

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