



**City Council Workshop & Meeting
November 2, 2020
Agenda**

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

Due to the Election set up in the Community Room, the public can join the meeting via zoom for public comment https://us02web.zoom.us/webinar/register/WN_2NsbyvYjRuK0T42GiTT5kg

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. Your comments will be included in the meeting minutes.

5:30 P.M. City Council Workshop

- A. Communication Plan – Liz Allen (30 minutes)
- B. Court Street Plan – Justin Poirier (30 minutes)
- C. Executive Sessions
 - a. Economic Development, pursuant to 1 M.R.S.A. Sec. 405(6)(C).
 - b. Economic Development, pursuant to 1 M.R.S.A. Sec. 405(6)(C).

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

Pledge of Allegiance

- I. **Consent Items – None**
- II. **Minutes**
 - October 19, 2020 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Communication – Letter to the City Council
 - Covid-19 Update – Matt Fifield
 - Council Communications (about and to the community)
- IV. **Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*
- V. **Unfinished Business**
 - 1. **Ordinance 07-10192020**

Amending Appendix A (fee schedule) for delegated reviews of traffic stormwater and site location of development permits as proposed by staff. Public hearing and second reading.

VI. New Business

1. Ordinance 08-11022020

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

2. Ordinance 09-11022020

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

3. Ordinance 10-11022020

Adopting the proposed amendments to Chapter 12, Article IV – Housing Code, Division 1 – Generally, Section 12-146, Section and 12-226 of the Ordinances of the City of Auburn.

4. Order 125-11022020

Adopting the Lake Auburn Impact Study RFP (Request for Proposal).

5. Order 126-11022020

Appointing members to serve on the Comprehensive Plan 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

IX. Executive Session – None

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 2, 2020

Author: Liz Allen, Director of Communications & Community Engagement

Subject: Communications Plan Update

Information: A brief update on the progress made toward a strategic Communications & Community Engagement Plan for the City of Auburn.

City Budgetary Impacts:

Staff Recommended Action:

Previous Meetings and History: Effective communication benefits citizens, staff, elected officials, media and those who visit Auburn. One of the strategic recommendations that emerged from Auburn's recent Strategic Planning process was the need for a city-wide communications plan. Staff will provide an update on steps taken and progress made toward the creation of a plan that will meet the informational needs of our community.

City Manager Comments:

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

I concur with the recommendation. Signature:

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 2, 2020

Author: Justin L. Poirier, Urban Development Specialist

Subject: Court Street Improvements

Information: Staff has reviewed the pedestrian safety improvements that were outlined in the Court Street Improvement Study and has developed cost estimates for several of the plan's recommendations. Some of the recommendations can be put out to bid while others will require more extensive engineering work. The plan is to put the selected projects out to bid this winter and complete the work next year.

Included in your packet are cost estimates and drawings of the recommended improvements.

City Budgetary Impacts: The FY 2021 budget included approximately \$130,000 to make pedestrian and safety improvements to Court Street. Additional State funds may be available over the next two years.

Staff Recommended Action: Council direction on which projects to pursue with the available funding for the 2021 construction season.

Previous Meetings and History: FY 2021 budget process.

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments: Court Street improvements cost spreadsheet and study recommendations.
Kris Bennett e-mail explaining cost estimates.

2021 - Court Street Improvements

4.5 Court Street / Goff Street Safety Improvements

- 4.5.1 Painted island on N. Goff Street
- 4.5.2 Install "No Left Turn" sign
- 4.5.3 Second crosswalk on Court Street
- Ped Xing Signs
- Curb Cut for Court Street

Total

Estimated Cost

\$	1,000.00
\$	500.00
\$	800.00
\$	1,000.00
\$	3,000.00
\$	6,300.00

Recommended?

Engineering DPW

4.7 Court St./Minot Ave./Union St. Intersection

- 4.7.1 Removal of right turn lanes (Minot and Union)
- 4.7.2 Improved pedestrain safety & streetscape

Total

\$	-

4.9 Closing Railroad Street at Court Street

- 4.9.1 Install bollards on Court Street
- 4.9.2 Install "No left turn" sign

Total

\$	3,000.00
\$	500.00
\$	3,500.00

4.10 Pleasant Street Crosswalk

- 4.10.1 Install rectangular rapid flash system
- 4.10.2 Install advanced yield pavement markings
- 4.10.3 Install curb extension to SW corner

Total

\$	15,000.00
\$	1,000.00
\$	25,000.00
\$	41,000.00

4.12 Court Street at Turner Street

- 4.12.1 Eliminate one departure lane on Turner St. and convert to on-street parking
- 4.12.2 Adjust right turn radius off Turner St.

Total

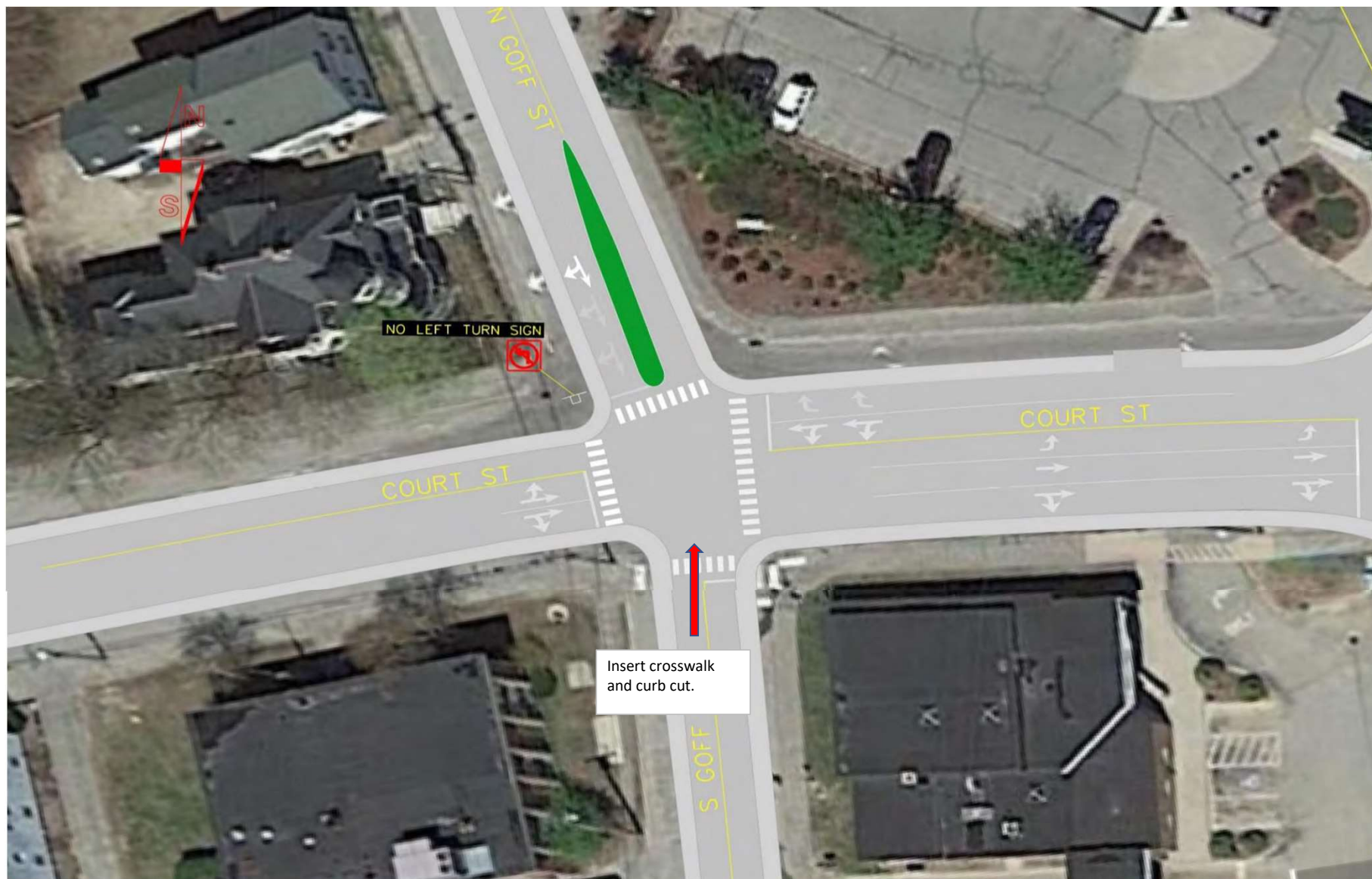
\$	65,000.00
\$	65,000.00

NO	

4.13 Turner St. at Hampshire Street

- 4.13.1 Install rectangular rapid flash system
- 4.13.2 Install advanced yield pavement markings
- 4.13.3 Install curb extensions on both ends & Raised xwalk
- 4.13.4 Enhance median refuge island
- 4.13.5 Narrow entrance to GFP to one-lane

\$	125,000.00



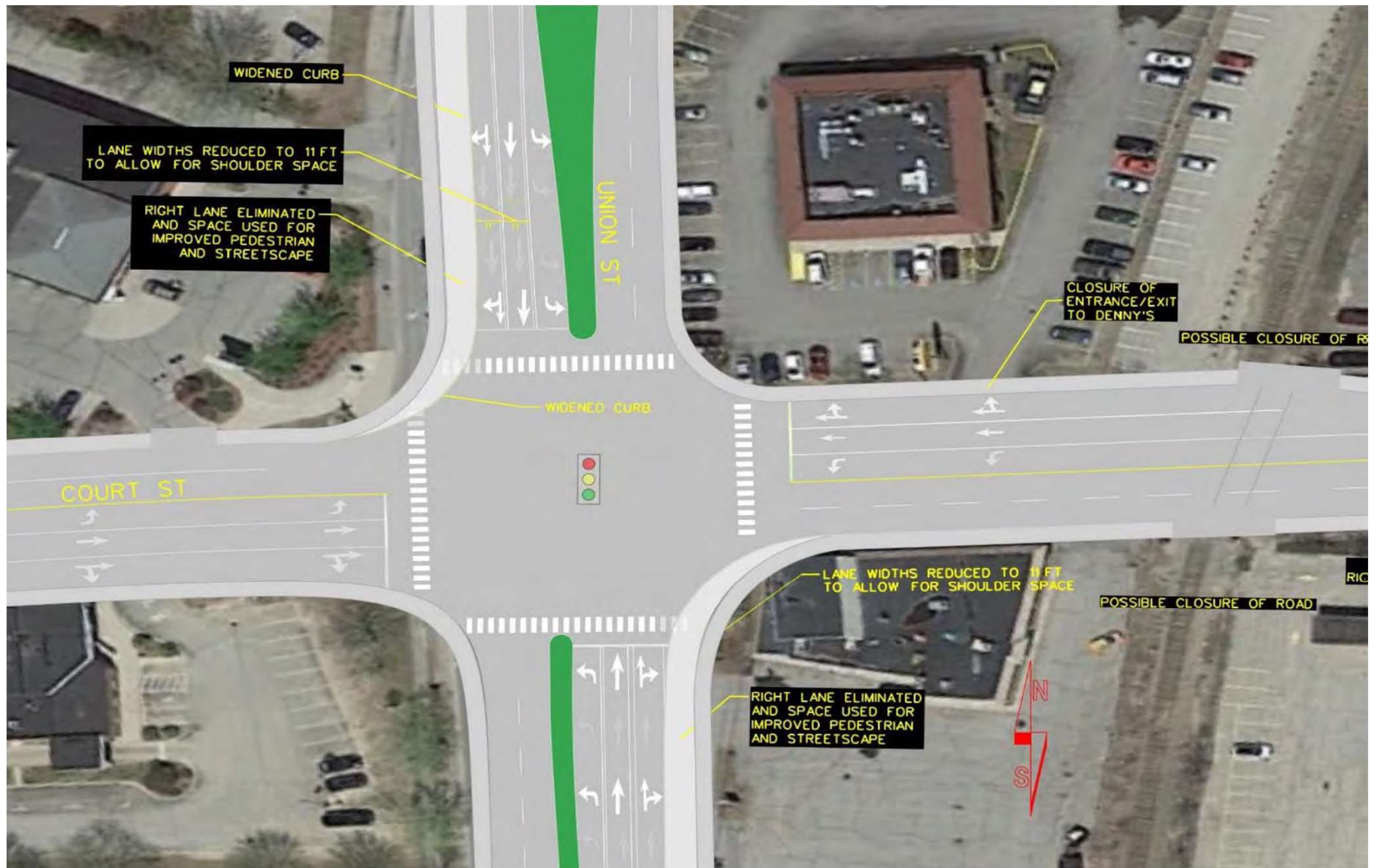
NO LEFT TURN SIGN

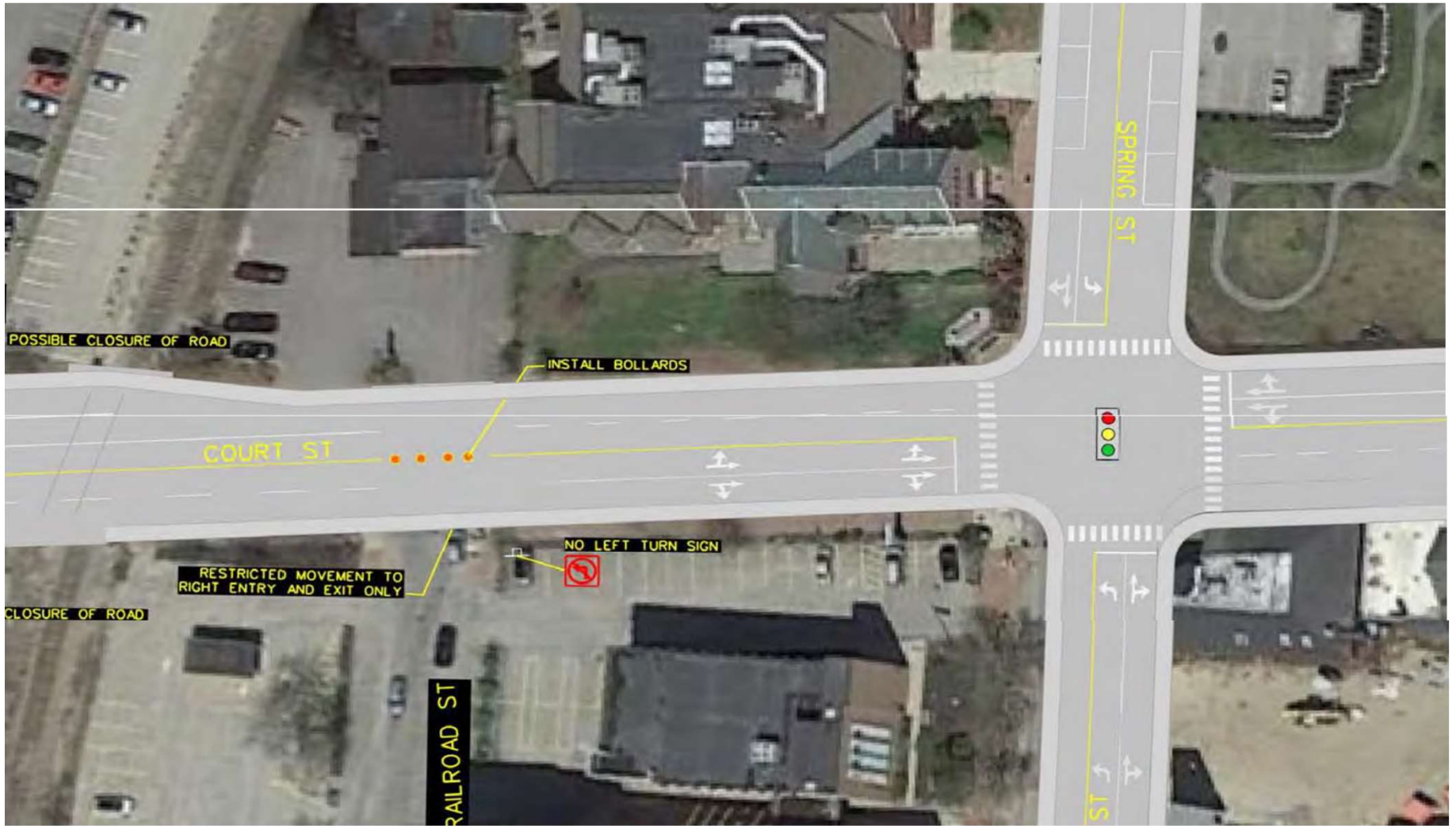
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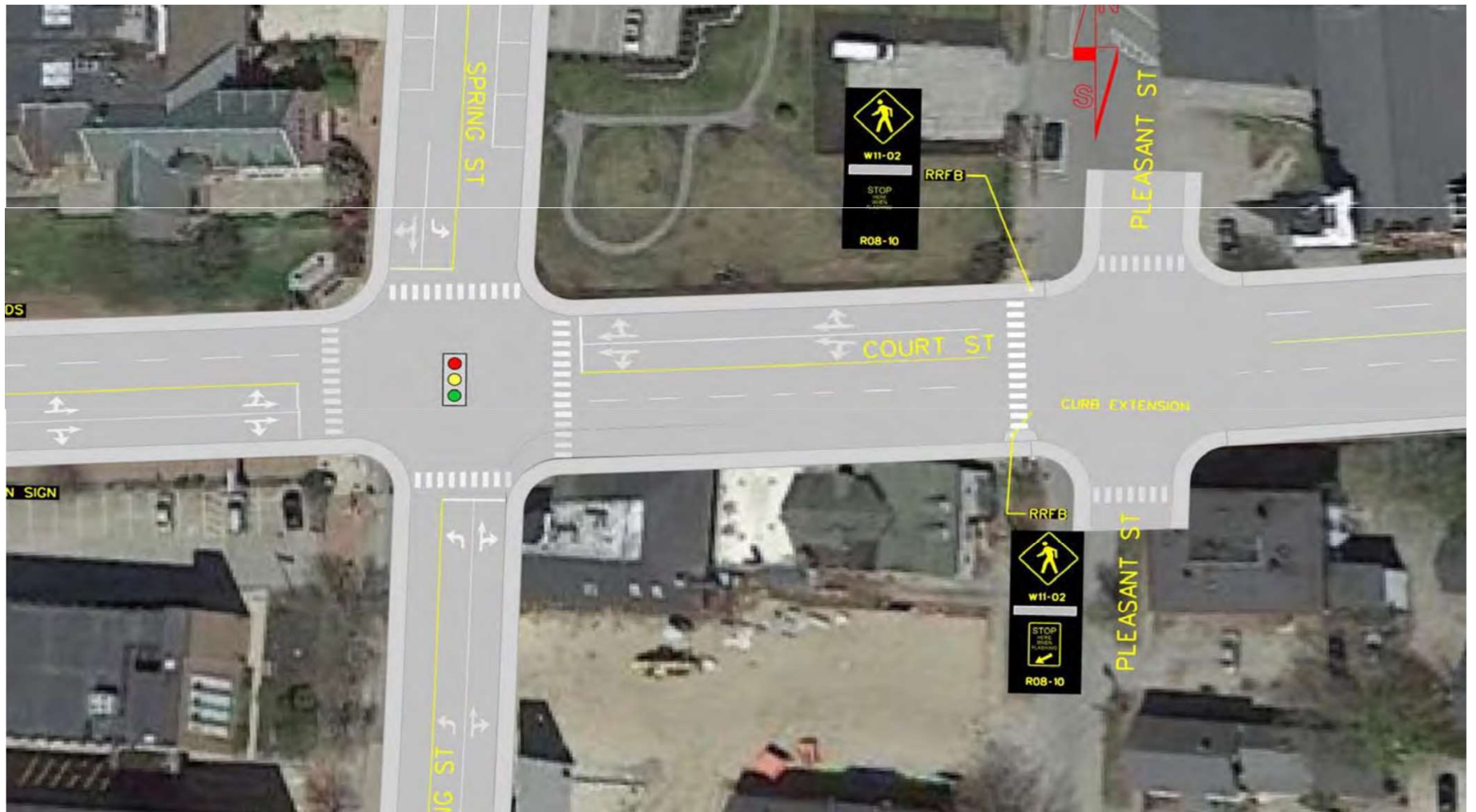
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Insert crosswalk
and curb cut.

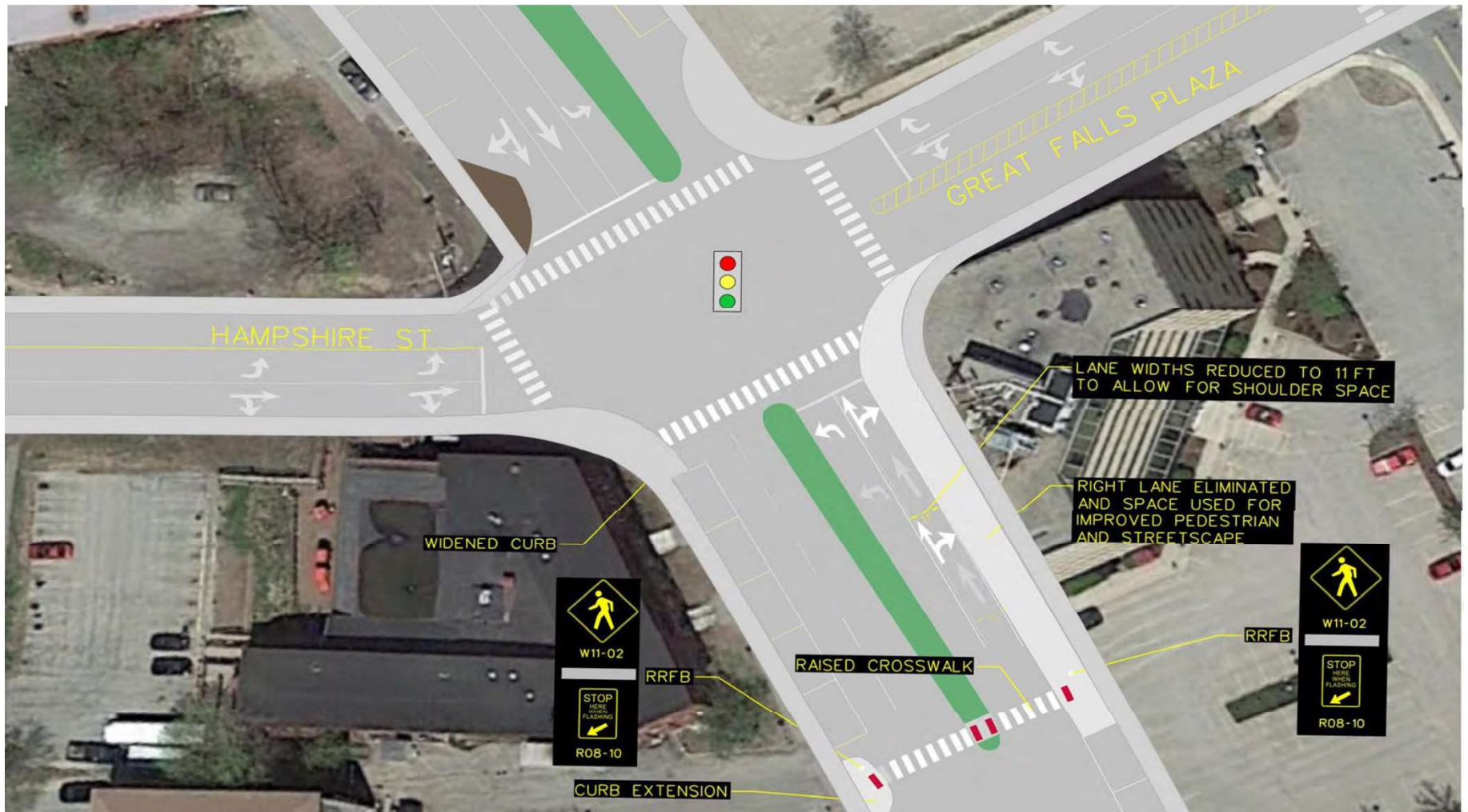
S COFF











Justin Poirier

From: Kristopher Bennett
Sent: Wednesday, September 30, 2020 9:53 AM
To: Justin Poirier
Subject: Court Street Estimates - Better late than never right!?
Attachments: Court Street Improvement Costs 20200911.xlsx

Justin,

It is hard to put numbers to these items because some will require engineering consulting work, but I added that into those items. I also have not worked with such small quantities, which inflates the pricing. This was not as quick and simple as it seems because in order to give a somewhat close number to these items, I am also being asked to design it in a sense to get to that number. Some comments about the diagrams are below as well.

4.5 Looks to have new arrow striping as well coming down Court Street which is not in the estimate. This may need to be looked at because I think currently that right/straight arrow is in a parking area.

4.7 Will need to be engineered with a full scope of work.

4.10 Will require drainage work which inflates this estimate.

4.12 Will require engineering and full scope of work for the sidewalk. The adjustment of turning Radius from Turner onto Court is not recommended based on the constant issues of large trucks making that turn currently. Maybe paint or some other means can work. Perhaps something else can be proposed without actually moving curb, but I only provided a price for the total work to go from Court onto Turner because you cannot do the elimination of a lane without changing the radius. Is the intent to turn that all into brickwork as well for sidewalks?

4.13 Will need some design work. I don't believe there is a recommendation from DPW on the 1 lane crossing Hampshire Street. I did not break down the 5 items, it would all be completed as one project so breaking this one down is moot.

Kris Bennett, PE

Assistant City Engineer, City of Auburn

60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1134

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.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 2, 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.



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Mayor Levesque called the meeting to order at 7:01 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

Workshop discussion was continued during the meeting.

I. Consent Items – None

II. Minutes – October 5, 2020 Regular Council Meeting

Motion was made by Councilor Milks and seconded by Councilor MacLeod to approve the minutes of the October 5, 2020 Regular Council Meeting. Passage 7-0.

III. Communications, Presentations and Recognitions

- Maine Town and City Managers Association (MTCMA) Award Presentation
Raegan Young, former intern for the City of Auburn was presented with the Edward F. Dow Award and former City Manager of Auburn, Peter Crichton was presented with MTCMA's Linc Stackpole Manager of the Year Award.
- Council Communications (about and to the community)
Councilor Walker reminded everyone of the upcoming Hello-ween event to be held at the New Anniversary Park on 10/31/2020 starting at 1:00 PM, and the Age Friendly Committee will be putting on a Thanksgiving take out dinner scheduled for Thanksgiving Day.
Councilor Gerry commented on the Grab and Go Program.
Mayor Levesque announced that he will be presenting an order at the next meeting that will take revenues acquired by the city from tax acquired properties (after fees, administrative costs, etc.) to go into an enterprise account to help residents remove blight from their property. He also announced that at the second meeting in November, he will be awarding the first Mayoral Award in memory of former Mayor John Jenkins that will go to an individual or group in Auburn that has had a positive impact on the mental or physical health in the City.

IV. Open Session – no one from the public spoke.

V. Unfinished Business

1. Ordinance 06-10052020

Adopting the General Assistance Maximums. Second reading.

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

Public comment – no one from the public spoke.

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

VI. New Business

1. Order 124-10192020

Temporarily suspending the temporary sign ordinance.

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

Public comment – no one from the public spoke.

Passage 7-0.

2. Ordinance 07-10192020

Amending Appendix A (fee schedule) for delegated reviews of traffic stormwater and site location of development permits as proposed by staff. First reading.

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

Public comment – no one from the public spoke.

Passage 7-0. A roll call vote was taken

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

VIII. Reports (from sub-committees to Council)

Mayor Levesque – reported that he has been working with others Mayor's around the State and others on CARES money

Councilor Carrier – provided an update on the Airport Board meeting and the School Committee meeting

Councilor Gerry – no report

Councilor MacLeod – provided an update on the LATC meeting

Councilor Lasagna – no report

Councilor Milks – reported that the Sewer District Board of Trustees will be meeting tomorrow at AVCOG, and the Water District Board of Trustees will be meeting on Wednesday in the Water District's garage

Councilor Walker – reported that a meeting is scheduled for tomorrow at 6:00 pm at Walton School to discuss the reconstruction of Walton school

Councilor Boss – reported that the Auburn Public Library Board will be meeting tomorrow morning. She also provided an update on the Ag Committee meeting, and she attended the Maine Agriculture Committee meeting

City Manager Crowell – thanked everyone for taking the time to present Peter Crichton and Raegan Young with their awards. He thanked Auburn businessman, Don Buteau, President and CEO of Furtureguard for taking the time to provide a nice tour of the business. He provided the following reminders: the County Budget Committee will hold a public hearing on Wednesday the 21st, absentee voting is going well and we are offering extended hours, and the Council retreat is scheduled for Saturday, 10/24/2020

Jill Eastman, Finance Director – September 2020 Monthly Finance Report

IN COUNCIL REGULAR MEETING OCTOBER 19, 2020 VOL. 36 PAGE 79

Motion was made by Councilor Carrier and seconded by Councilor Walker to accept and place on file the September 2020 monthly finance report.

Passage 7-0.

IX. Executive Session – Labor negotiations, pursuant to 1 MRSA Sec. 405(6)(D)

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

Passage. Time in 8:38 PM.

Council was declared out of Executive Session at 9:01 PM.

X. Adjournment

Motion was made by Councilor Milks and seconded by Councilor Gerry to adjourn.
Unanimously approved, adjourned at 9:01 PM.

A TRUE COPY

ATTEST



Susan Clements-Dallaire, City Clerk

Dear Auburn City Council,

I am writing to request permission for the city-owned land at 7 & 9 Fern Street to be used as a community garden. Above all else, the garden would serve as a place for community members to come together. As we grapple with changes in the world it is more and more important that we connect with each other on the most basic human level: as neighbors.

The idea for the community garden came to me last spring, as the ground began to thaw and many people were experiencing for the first time what it meant to both live and work from home. I walk by 7 & 9 Fern Street quite often. I asked my parents who owned it and they told me that the city did. The land was left over from a potential expansion to Lake Street School. I saw an opportunity and so I reached out to my city councilor. He then directed me to the Auburn Community Gardens Coordinator, Charis Heisey, to learn more about the current gardens and how they function.

Several months passed and I realized that even though my enthusiasm was great, I had no idea what my fellow community members and neighbors would think of the idea. And so I took the next step. I drafted a flier and pasted on the link to a google form. This functioned as a survey to gauge interest for the potential community garden. I understand that technology is not the most accessible form of survey but from the snapshot response I got from both the survey and verbal feedback— I knew that this project had to be brought forward.

I gave out fliers on *sections of* 4 different streets. These streets being some of the closest surrounding streets of the proposed garden location. If community members were outside then I also talked to them a little bit about the idea and answered any questions they had-- if possible. On the google form I got 15 responses. In person I was able to talk to 10 different people. The response was really enthusiastic and any concerns were related to the unknown, in that the conversation has only just begun. No decisions have yet been made.

I have lived on Fern Street all 16 years of my life, and while I have access to plenty of land, sunlight, tools, and everything I need for gardening, many of my neighbors do not. I am glad to have been able to bring this project to the council. I look forward to guiding further discussion about the garden as needed.

We are beginning to see what the next chapter in the history of Auburn will look like. I hope that you give value where you wish to receive value. Thank you.

Feel free to reach out to me with any questions or concerns,

Oliver Brown
92 Fern St.
Auburn, Maine, 04210
oliver.brown@baxter-academy.org



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 2, 2020

Ordinances: 08-11022020 and 09-11022020

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

Subject: Marijuana Meeting Ordinance Updates

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

- Residency Update to match State Changes – 4-year residency requirement deemed unconstitutional and visiting patients from qualifying states are allowed to purchase medical marijuana, but not cultivate or transfer.
- 25% Home Occupation Standards allows too much in larger single-family units (2000 sf home allows 500sf, 4000 sf Home allows 1000sf, 7000sf allows 1750 sf) Staff recommends a 500sf cap.
- Fees for Adult use conversions for existing medical businesses – Clarification that they are the same as a new application

City Budgetary Impacts: None. Clarifications and adjustments to match State may avoid legal expenses and manage required staff time.

Staff Recommended Action: Vote to approve first reading.

Previous Meetings and History: October 5th workshop

City Manager Comments:

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

I concur with the recommendation. Signature:

Attachments: Ordinance changes with tracked changes and Ordinance.

ARTICLE XVIII. - ADULT USE AND MEDICAL MARIJUANA BUSINESSES

Sec. 14-650. - Title.

This article shall be known and cited as the "City of Auburn Adult Use And Medical Marijuana Businesses Ordinance" and will be referred to hereinafter as "this ordinance". This ordinance limits all subject adult use and medical marijuana businesses to the zoning districts specified under the auburn zoning ordinance, prescribes definitions of adult use and medical marijuana businesses, and provides for permitting/licensing and regulation of adult use and medical marijuana businesses, and provides performance standards for adult use and medical marijuana businesses.

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

Sec. 14-651. - Authority and applicability.

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

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

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

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

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

Sec. 14-652. - Purpose.

It is the purpose of this ordinance to regulate adult use and medical marijuana businesses in order to promote the health, safety, and general welfare of the citizens of Auburn, and to establish reasonable and uniform regulations for the appropriate location of adult use and medical marijuana businesses in Auburn.

Persons or entities wishing to establish an adult use or a medical marijuana business within the City of Auburn shall first obtain a license from the Auburn City Council (hereinafter "the city council") and shall be subject to the provisions of this ordinance.

This ordinance may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

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

Sec. 14-653. - Conflict with other ordinances; state law.

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

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

Sec. 14-654. - Effective date.

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

Sec. 14-655. - Validity and severability.

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

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

Sec. 14-656. - Definitions.

Adult use cultivation facility means a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to adult use products manufacturing facilities, to adult use marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to adult use marijuana stores.

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

Adult use marijuana store means a facility licensed under this ordinance to purchase adult use marijuana, immature marijuana plants and seedlings from an adult use cultivation facility, to purchase adult use marijuana and adult use marijuana products from an adult use products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult use marijuana testing facility means a facility licensed under this ordinance to develop, research and test adult use marijuana, adult use marijuana products and other substances.

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

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

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

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

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

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

Marijuana business means medical marijuana cultivation facility, medical marijuana manufacturing facility, medical marijuana testing facility, registered dispensary, registered caregiver retail store, adult use marijuana cultivation facility, adult use marijuana products manufacturing facility, adult use testing facility, or adult use marijuana store licensed under this ordinance.

Medical marijuana cultivation facility means a facility licensed under this ordinance to cultivate, prepare and package medical marijuana at a location that is not the residence of the registered caregiver or qualifying patient.

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

Medical marijuana testing facility means a public or private laboratory that:

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

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

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

Qualifying patient means a person ~~who has been a resident of the state for at least 30 days and~~ who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B or a visiting qualified patient complying with Title 22 § 2423-D.

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

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

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

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

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

Sec. 14-657 - License required.

No person may establish, operate or maintain a marijuana business without first obtaining a license from the city council.

It is a violation of this ordinance for any person to operate a marijuana business without a valid marijuana business license issued by the city pursuant to this ordinance.

Pursuant to 28-B M.R.S.A. § 402, an applicant seeking to operate an adult use marijuana business may not submit an application for a license unless the applicant has been issued a conditional license by the State of Maine to operate the adult use marijuana business.

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

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

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

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

Sec. 14-658. - Application procedure.

- (a) *An application for a license must be made on a form provided by the city.*
- (b) *All applicants must be qualified according to the provisions of this ordinance.* Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this ordinance.
- (c) *Application to establish a marijuana business.*
 - (1) If the applicant who wishes to operate a marijuana business is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a marijuana business is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.
 - (2) The completed application for a marijuana business license shall contain the following information and shall be accompanied by the following documents:
 - a. If the applicant is an individual means the individual shall state their legal name and any aliases, and submit proof that they are at least 21 years of age.
 - b. If the applicant is a partnership. The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least 21 years of age.
 - c. If the applicant is a corporation. The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least 21 years of age.

- d. If the applicant is a limited liability company (LLC). The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least 21 years of age.
 - e. If the applicant intends to operate the marijuana business under a name other than that of the applicant, they must state the marijuana business' name and submit the required registration documents.
 - f. If the applicant, an officer, member or employee has been convicted of criminal activity under state and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
 - g. If the applicant has had a previous license under this ordinance or other similar marijuana business license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the marijuana business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the marijuana business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
 - h. If the applicant holds any other permits/licenses under this ordinance or other similar marijuana business license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.
 - i. The type of marijuana business for which the applicant is seeking a license.
 - j. The location of the proposed marijuana business, including a legal description of the property, street address, and telephone number.
 - k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the marijuana business pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.
 - l. The applicant's mailing address and residential address.
 - m. Recent passport-style photograph(s) of the applicant(s).
 - n. The applicant's driver's license.
 - o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
 - p. A copy of a city tax map depicting: The subject property lines and the property lines of other properties containing any existing marijuana businesses within 1,000 feet of the subject property; and the property lines of any public or preexisting private school within 750 feet of the subject property, measured in accordance with section 14-659.
- (3) All applications for a marijuana business license shall be kept confidential by the city.
- ~~(4) All applicants, including all individuals, officers, directors, managers, members, and partners, for any adult use marijuana business license, excepting adult use marijuana testing facilities, must be residents of the state, as defined in 28-B M.R.S.A. § 102, and a majority of shares, partnership interests, and membership interests, or other equity interests in corporate applicants must be held or owned by persons who are residents.~~

All applicants, including all individuals, officers, directors, managers, members, and partners, for any medical marijuana business license must be residents of the state, as defined in 22 M.R.S.A. § 2422.

- (5) If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents. This residency requirement does not apply to applicants for testing facility licenses.
- (e) *Application and license fees.* All applications must be submitted with a \$500.00 fee. If an application is approved, the following license fees must be paid before the city will issue a license:

Marijuana store. Annual operation license fee: \$5,000.00.

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

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

Adult use marijuana cultivation:

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

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

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

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

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

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

Renewal applicants for adult use marijuana cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section.

Applicants for adult use marijuana cultivation licenses may not hold more than three such licenses or a total combined plant canopy in excess of 30,000 square feet.

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

Sec. 14-659. - Standards for license.

(a) *General.*

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

Required setbacks shall be measured as the most direct, level, shortest, without regard to the intervening structures or objects, straight-line distance between the school property line and the

property line of the parcel of land on which the marijuana business is located. If the marijuana business is located within a commercial subdivision, the required setback shall be measured from the front door of the marijuana business to the property line of the school. Presence of a town, city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

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

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

Adult use and medical marijuana cultivation facilities and adult use and medical marijuana manufacturing facilities operating within the industrial zoning district are exempt from this setback requirement.

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

- (5) No outside cultivation or storage of marijuana, marijuana products, or related supplies is permitted, except that outdoor cultivation of marijuana in the agricultural district is permitted.
- (6) Pursuant to 22 M.R.S.A. § 2429-D(3), registered caregiver retail stores, registered dispensaries, medical marijuana testing facilities, and medical marijuana manufacturing facilities, as well as medical marijuana cultivation facilities, that were operating with city approval prior to December 13, 2018, are grandfathered in their current location and current use and shall be treated as legally non-conforming uses in accordance with article III of the Auburn Zoning Ordinance if their location or use is not in conformance with this ordinance or applicable zoning ordinances, provided, however, that said marijuana businesses shall apply for and obtain a license.

Notwithstanding section 60-79(4) of the Auburn Zoning Ordinance, the holder of a license for a medical marijuana cultivation facility or a medical marijuana manufacturing facility that complies with all applicable provisions of this ordinance and the Auburn Zoning Ordinance, may exchange their license for an adult use cultivation facility or adult use manufacturing facility license in the same location, provided they meet all requirements and standards to operate an adult use cultivation facility or adult use manufacturing facility, with the exception of the required setbacks between facilities and schools. Said holder must file an application and pay a \$500.00 fee.

Notwithstanding section 60-79(4) of the Auburn Zoning Ordinance, the holder of a license for a registered caregiver retail store that complies with all applicable provisions of this ordinance and the Auburn Zoning Ordinance may exchange their license for an adult use marijuana store license in the same location, provided they meet all requirements and standards to operate an adult use marijuana store. Said holder must file an a new application and pay a \$500.00new application and license fees s listed in Sec. 14-658(e).

- (7) All adult use marijuana stores and registered caregiver retail stores must be operated from permanent locations, which may utilize telephone and internet orders as long as the buyer pays for and picks up such orders in the store on the day the order is made, an exception is made for registered caregiver retail stores whereas it may be a necessity for the business to deliver

medical marijuana to a patient. These deliveries will be made by the business and no contracted/paid delivery service will be authorized. Delivery must be made directly to the qualified patient and proper identification is verified.

- (8) Adult use marijuana stores and registered caregiver retail stores may not use vending machines for sales, may not have "drive-through" or "drive-up" window-serviced sales, and may not have internet-based sales with credit/debit card payment and delivery by USPS, UPS, FedEx, DHL, or any other global or local delivery service or courier.
- (9) Security measures at all marijuana business premises shall include, at a minimum, the following:
 - a. Security surveillance cameras installed and operating 24 hours a day, seven days a week, with 30-day video storage, to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises; and
 - b. Door and window combination video and motion detector intrusion system with audible alarm and smart phone monitoring, maintained in good working condition; and
 - c. A locking safe permanently affixed to the premises that is suitable for storage of all marijuana, marijuana products, and cash stored overnight on the licensed premises; and
 - d. Exterior lighting that illuminates the exterior walls of the licensed premises during dusk to dawn, that is either constantly on or activated by motion detectors, and complies with applicable provisions of the lighting performance standards in the City of Auburn Zoning Ordinance; and
 - e. Deadbolt locks on all exterior doors and any other exterior access points, excepting windows which shall have locks; and
 - f. Methods to ensure that no person under the age of 21 shall have access to marijuana and marijuana products.
- (10) Ventilation. All marijuana businesses are required to be in compliance with the odor nuisance control and abatement performance standards in the city's zoning ordinance, and all marijuana cultivation facilities shall have odor mitigation systems and a plan.
- (11) Operating plan. marijuana businesses which cultivate, test, and/or manufacture are required to submit an operation plan that at a minimum addresses the following:
 - a. Wastewater; and
 - b. Disposal of waste.
- (12) Required notices. There shall be posted in a conspicuous location inside each marijuana store, at least one legible sign containing the following information:

On-site consumption of marijuana is illegal; open and public consumption of marijuana in the State of Maine is illegal; The use of marijuana or marijuana products may impair a person's ability to drive a car or operate machinery; No one under the age of 21 may purchase marijuana or marijuana products, except a minor with medical marijuana card; Loitering prohibited.
- (13) Signs. All signs used by and all marketing and advertising conducted by or on behalf of the marijuana business may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age. The signs, marketing, or advertising is prohibited from making any health or physical benefit claims. All signage shall meet the city's sign ordinance and may use an image or images of the marijuana plant or plants, or parts thereof, as long as they do not exceed 20 percent of the sign face, but there shall be no pictorial representations of other marijuana products, by-products, or paraphernalia associated with the use or distribution of retail marijuana.

The exterior of all marijuana stores shall display a one-inch by one-inch image of any universal symbol for medical or adopted by the state's department of administration and financial services.

- (b) *Right of access/background check/inspection.* Every marijuana business shall allow law enforcement officers and the Auburn Code Enforcement Officer ("CEO") to enter the premises at reasonable times for the purpose of checking compliance with all applicable State laws and this ordinance. Every owner and employee of a marijuana business applying for a license, shall contact the Auburn Police Department for the purposes of fingerprinting and criminal background checking, and all premises managers for marijuana businesses shall submit emergency contact information to the Lewiston - Auburn 911 Communication Center.

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

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

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

- (d) *State law.* In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, cultivation, manufacture, distribution, or testing of marijuana or marijuana products, the additional or stricter regulation shall control the establishment or operation of any marijuana business in Auburn.

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

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

Sec. 14-660. - Enforcement.

- (a) *Violations.*

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

- (b) Law enforcement officer ("LEO") and code enforcement. Law enforcement officers and the CEO may at any reasonable time conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to license approvals and shall investigate all complaints of alleged violations of the article.
- (1) If the LEO or CEO finds that any provision of this ordinance is being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the city council and be maintained as a permanent record.
 - (2) The LEO or CEO shall keep a complete record of all essential transactions of the LEO or CEO, including marijuana license applications submitted, permits/licenses granted or denied, training certifications, revocation actions, revocation of permits/licenses, appeals, court actions, violations investigated, violations found, and fees collected.
- (c) *Legal actions.* When the above notification and/or inspection actions do not result in the voluntary correction or abatement of the violation by the subject marijuana business, the City Council, upon receiving written notification from the LEO or CEO, may institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this ordinance.
- The city council, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines without court action.
- (d) *Penalties/fines.* Any person, including but not limited to, a marijuana business owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this ordinance, or fails to comply with any of its requirements, shall be penalized in accordance with 30-A M.R.S.A. § 4452.

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

Sec. 14-661. - Training.

- (a) Individuals who sell marijuana and marijuana products, pursuant to a marijuana store business license, must complete responsible marijuana vendor sales practices training, if and when such training is available. This training may be completed on-line and an employee must be certified within 30 days of employment.
- (b) Recordkeeping. Marijuana store licensees shall maintain on the licensed premises, written records of the vendor training programs completed by individuals who sell marijuana and marijuana products and shall produce those records upon request by the CEO or LEO with the Auburn Police Department.
- (c) Failure to comply with the training requirements. Failure to meet the training requirement imposed by section 14-661 may result in the denial/revocation of a marijuana business license.

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

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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 08-11022020

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

ARTICLE IX. - HOME OCCUPATION REGULATIONS

Sec. 60-735. - Definitions.

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

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

(Ord. of 9-21-2009, § 4.5B)

Sec. 60-736. - Purpose.

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

(Ord. of 9-21-2009, § 4.5A)

Sec. 60-737. - Objectives.

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

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

(Ord. of 9-21-2009, § 4.5C)

Sec. 60-738. - Criteria.

A home occupation shall:

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

(Ord. of 9-21-2009, § 4.5D)

Sec. 60-739. - Administrative procedures.

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

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

(Ord. of 9-21-2009, § 4.5G)

Sec. 60-740. - Appeals.

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

(Ord. of 9-21-2009, § 4.5H)

Sec. 60-741. - Enforcement.

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

(Ord. of 9-21-2009, § 4.5I)

Sec. 60-742. - Renewal.

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

(Ord. of 9-21-2009, § 4.5J)

Sec. 60-743. - Applicability.

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

(Ord. of 9-21-2009, § 4.5K)

Secs. 60-744—60-769. - Reserved.

Holly C. Lasagna, Ward One
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Brian S. Carrier, Ward Four



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Belinda A. Gerry, At Large
Katherine E. Boss, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 09-11022020

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 2, 2020

Ordinance: 10-11022020

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

Subject: Housing Ordinance Amendment

Information: Over time we have asked the Council to make changes to our Housing Code to better address conditions that are detrimental to residents and the community. Some changes have been made while others have been seen as too far reaching. Staff is recommending some basic changes that will improve our ability to address blight and ensure a safe housing stock, which will also expand access to our CDBG Spot Rehab funds. A poorly maintained building impacts the decisions of abutting property owners and reduces investment in surrounding properties. Poor housing quality makes it harder to attract residents to the area which further reduces market competition and demand for a particular neighborhood. Likewise, a poorly managed building that allows for trash and debris problems, nuisance noise and/or pervasive criminal activity affects the behavior of other residents and can become more widespread in a neighborhood, with impacts that are similar to a poorly maintained building. Generally, a poorly maintained building in a neighborhood is also a poorly managed building. When we address a code complaint, we often see only a portion of a building or the exterior based on the complaint and ensure the specific issue is corrected. Staff is attempting to be more targeted and holistic in our approach to stopping the spread of blight and improve the overall quality of life in targeted areas by looking at three criteria and targeting more intensive whole building inspections at properties that meet two or more of the following criteria: 1. Multiple verified Code Complaints in the last 12 months; 2. Exterior evidence of blight and/or a lack of maintenance; and 3. Higher than average emergency call volumes at a property. We will also target financial resources to properties that need the investment with our Spot Rehab Program if property owners are willing to work towards improvements. Making it known that we are targeting our approach to better address to address blight, ensure a safe housing stock and maintain high quality of life in our downtown neighborhoods will help achieve Strategic Plan Growth Goal 5, page 11 and page 24. The proposed changes will allow staff to better address the condition of buildings that contribute to blight and ensure safe housing.

City Budgetary Impacts: None. Improved housing conditions with more effective ordinance to address blight and deterioration as well as expanded access to our Spot Rehab Program.

Staff Recommended Action: Approve first reading and schedule second reading and Public Hearing for November 16, 2020.

Previous Meetings and History: Workshop October 19, 2020.

City Manager Comments:

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

I concur with the recommendation. Signature:

Attachments: Ordinance amendment proposal and Ordinance.

ARTICLE IV. - HOUSING CODE

DIVISION 1. - GENERALLY

Sec. 12-145. - Purpose.

The purpose of this article is to establish minimum standards for all dwellings and property incident thereto in the city to insure safety, health, and public welfare through the proper construction, maintenance, and use thereof.

(Code 1967, § 20-A(1.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-146. - Definitions and rules of construction.

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

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Chief of police means the legally designated head of the police department of the city or his authorized representative.

Dwelling or *dwelling unit* means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

Fire chief means the legally designated head of the fire department of the city or his authorized representative.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes ~~excluding~~ excluding bathrooms, water closet compartments, laundries, pantries, game rooms, foyers or communicating corridors and permanent built-in closets and storage spaces.

Health officer means the legally designated health authority of the city or his authorized representative.

Infestation means the presence or evidence of the presence within or around a dwelling, of any insects, rodents, or other pests.

Manufactured housing means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site, the term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. Manufactured housing shall include newer mobile homes and modular homes as defined in city zoning regulations.

Mobile homes, older, means any factory-built home that fails to meet the definition of manufactured housing and more specifically, any mobile home constructed prior to June 15, 1976. These units shall be restrict to location in approved mobile home parks.

Mobile home park means a parcel of land under single ownership in rural residence, suburban residence and cluster development districts that has been planned and improved for the placement of not less than three mobile homes for non-transient use.

Multiple dwelling means any dwelling containing more than three dwelling units.

Occupant means any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person, who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are rented or let or of an area where spaces are rented or let for mobile homes.

Owner means any person who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

Paint stabilization means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint to the affected areas.

Plumbing means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwasher, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents , and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Rooming house means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living, and sleeping, but not for cooking or eating purposes.

Rubbish means combustible and non-combustible waste materials except garbage, including, without limitation, residue from the burning of wood, coal, coke, or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and others.

Structural elements means all of the following components of a structure, including but not limited to: foundation, framing, sheathing, siding, roofing material, windows, doors, trim, eaves, porches, stairs, railings, guards; and interior surfaces such as sheetrock, plaster, ceiling tiles, ~~and~~ countertopscountertops, and floors.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations but not to exceed 30 days.

Supplied means paid for, furnished, installed or provided by or under the control of the owner or operator.

Temporary housing means any tent, trailer, or other structure used for human shelter that is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

- (b) Whenever the words "dwelling," "dwelling unit," "lodging house," "rooming unit," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

(Code 1967, § 20-A(art. V); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-147. - Compliance required.

- (a) No dwelling or dwelling unit shall be deemed to conform with the requirements of this article until it meets all of the minimum standards of this article as specified herein.
- (b) It is unlawful to construct, alter, maintain, occupy, let for occupancy, or use a building or structure, or part thereof, in violation of the provisions of this article.

(Code 1967, §§ 20-A(1.2), 20A(1.3); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-148. - Validity of other laws.

Nothing in this article shall be construed to prevent the enforcement of other laws that prescribe more restrictive limitations.

(Code 1967, § 20-A(1.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-149. - Exceptions permitted.

In seasonal dwellings, mobile homes, buildings erected prior to the original adoption of this article, or in agriculture and resource protection district as defined by the zoning provisions of the city, or in areas where public water or sewerage systems are not available, the code compliance officer shall upon application grant an exception for the use of buildings for dwelling purposes that do not meet the minimum standards set forth in this article when he determines that:

- (1) It is not feasible or practicable to comply with such minimum standards;
- (2) The safety, health, or general welfare of the occupants and the public will not be adversely affected; and
- (3) The effect of the granting of the exception will not adversely affect adequate light, air, overcrowding, of persons or property, the provision for public utilities, the character of the neighborhood, or traffic conditions as applied to the welfare of the occupants or the general public.

(Code 1967, § 20-A(1.6); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-150. - Procedure for granting exceptions.

- (a) The code compliance officer shall issue such exception in writing setting forth the date of granting, the reasons for granting the same, the date it shall expire, and the location of the premises.

- (b) No such exceptions shall be granted for a period of more than five years. Any exception may be renewed one or more times, upon application to the board of appeals. Each renewal shall not exceed additional periods of five years for such renewal. Each renewal shall contain the requirements of the original exception and in addition thereto the date of issuance of the original exception and the statement that it is a renewal.

(Code 1967, § 20-A(1.7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-151—12-169. - Reserved.

DIVISION 2. - INSPECTIONS

Sec. 12-170. - Authority of code compliance officer.

The code compliance officer is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and premises located within this city in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public.

(Code 1967, § 20-A(2.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-171. - Right of entry for inspection.

For the purpose of making such inspections, the code compliance officer is hereby authorized to enter, examine, and survey any or all dwelling units, rooming houses, rooming units, and premises at any mutually agreeable time but in any case within 20 days of notice to the owners or occupant of the intention to make such an inspection.

(Code 1967, § 20-A(2.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-172. - Owner and occupant to give free access.

- (a) *Access of code compliance officer.* The owner and occupant of every dwelling, dwelling unit, lodging house and rooming unit or the person in charge thereof, shall give the code compliance officer free access to such dwellings, dwelling unit, lodging house or rooming unit and premises at any mutually agreeable time for the purpose of such inspection, examination, or survey, but in any case within 20 days of notice to the owner or occupant of the intention to make such an inspection, examination, or survey.
- (b) *Access of owner.* Every occupant of a dwelling, dwelling unit, lodging house and rooming unit shall give the owner, and his agent or employee, access at all reasonable times to any part of the dwelling, dwelling unit, lodging house, rooming unit or premises for the purpose of compliance with the provisions of this article or any lawful order issued pursuant to this article.

(Code 1967, §§ 20-A(2.3), 20-A(2.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-173—12-194. - Reserved.

DIVISION 3. - ENFORCEMENT

Sec. 12-195. - Procedure generally.

- (a) If the code compliance officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, he shall initiate enforcement proceedings in accordance with the citation system established in this Code. Alternatively, he may initiate a land use complaint pursuant to state law, in which case the penalties therein provided shall apply.
- (b) Any notice issued pursuant to this article shall:
 - (1) Be in writing;
 - (2) Include a statement of the reasons why it is being issued;
 - (3) Set a reasonable time for the performance of any act it requires;
 - (4) Be served upon the owner or his agent, or the occupant, as the case may require; provided, however, that:
 - a. Complaints under this article be deemed properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally or by leaving a copy thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or
 - b. If a copy thereof is sent by registered or certified mail to his last known address or the address as shown on the records in the tax assessor's office of the city of auburn; and
 - c. If service is made personally or by leaving at his dwelling house or usual place of abode a statement signed by the person so serving stating the date of service shall be filed in the office of planning and development.
 - (5) May contain an outline of remedial action that, if taken, will effect compliance with the provision of this article.
- (c) After service of such notice, the owner or occupant to whom it is directed shall correct the condition constituting the violation within the time specified and promptly give notice to the code compliance officer that such corrective action has been taken.

(Code 1967, § 20-A(3.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-196. - Method of petitioning for hearing.

- (a) Any person affected by any notice issued in connection with the enforcement of any provision of this article, may request and shall be granted a hearing on the matter before the board of appeals; provided that such person shall file in the office of the board of appeals a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served.
- (b) Upon receipt of such petition, the board of appeals shall set a time and place for such hearing and shall give the petitioner notice thereof in person or by mail.
- (c) At such hearing, the board of appeals shall take evidence to determine whether such notice should be sustained, modified, or withdrawn.
- (d) The hearing shall be commenced not later than 30 days after the day on which the petition was filed; provided that upon application of the petitioner the board of appeals may postpone the date of the hearing for a reasonable time beyond such 30 day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

(Code 1967, § 20-A(3.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-197. - Power of board of appeals to alter notice.

After such hearing, the board of appeals shall sustain, modify, or withdraw the notice, depending upon its findings as to the compliance with the provisions of this chapter. If the board of appeals sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall automatically become an order if a written petition for a hearing is not filed in the office of the board of appeals within ten days after such notice is served. There shall be an appeal from the board of appeals to the superior court in the manner provided by state law.

(Code 1967, § 20-A(3.3); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-198. - Recording of public hearing.

The proceedings at such hearing, including the findings and decision of the board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the board of appeals. Such record shall also include a copy of every notice or order issued in connection with the matter.

(Code 1967, § 20-A(3.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-199. - Notice of intent to sell, transfer or rent property subject to order.

- (a) *When required.* Any person who proposes to sell, transfer or otherwise dispose of lease or sublet any dwelling unit, lodging house, rooming unit, or other premises against which there is any existing lawful order of the code compliance officer, the board of appeals or any court of competent jurisdiction shall furnish the proposed grantee or transferee a true copy of such order and shall notify the office of planning and development in writing of the intent to so sell, transfer, or otherwise dispose of lease or sublet in writing giving the name and address of the person to whom such transfer is proposed within three days of the proposed transfer.
- (b) *Penalty.* Any person who violates the terms of this section shall be in violation of this chapter and shall be subject to a penalty or fine of not less than \$50 and not more than \$100 to be enforced by complaint in a court of competent jurisdiction.

(Code 1967, § 20-A(3.5); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-200. - Placarding of buildings unfit for human habitation.

- (a) *Authority of code compliance officer.* If the person so affected fails to appeal to the board of appeals or if after an appeal, the board of appeals sustains the decision of the code compliance officer, the dwelling, dwelling unit, lodging house, or rooming unit so affected may be declared unfit for human habitation and placarded by the code compliance officer.
- (b) *Procedure.* To placard, the code compliance officer shall issue to the occupants and the owner or operator a written notice to vacate the premises within such time as the code compliance officer may deem reasonable, but not less than seven days, and a placard prohibiting continued occupancy or re-occupancy may be conspicuously posted on the premises, and a copy of such notice may be filed with the police department.
- (c) *Use of placarded buildings prohibited.* No dwelling or dwelling units, lodging house, or rooming unit which has been placarded as unfit for human habitation shall again be used for human habitation

until written approval is secured from, and such placard is removed by, the code compliance officer. The code compliance officer shall remove such placard whenever the defect or defects upon which the placarding action is based have been eliminated.

- (d) *Defacement and removal of placard prohibited.* No person shall deface or remove the placard from any dwelling or dwelling unit, lodging house or rooming unit, which has been declared unfit for human habitation and placarded as such.

(Code 1967, § 20-A(3.6); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-201. - Order to vacate dangerous premises.

In instances where the health officer, fire chief, and chief of police, or their duly qualified deputies, determine in writing that extreme danger or menace to the occupants or the public health exists, the code compliance officer, health officer, fire chief, and chief of police, or their duly qualified deputies may order immediate correction to be made or, if the circumstances warrant, may order that the occupants vacate the premises as provided in this article.

(Code 1967, § 20-A(3.7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Secs. 12-202—12-224. - Reserved.

DIVISION 4. - MINIMUM STANDARDS

Sec. 12-225. - Compliance with city codes and state law required.

All structures and structural elements of buildings and the construction, use and occupancy thereof shall be in accordance with the requirements of this Code, including the building and technical codes adopted by the city, and with state law and regulations.

(Code 1967, §§ 20-A(6.1), 20-A(12.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-226. - Maintenance.

(a) All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

(b) All painted exterior surface areas of pre 1978 properties must be maintained in a manner to not cause a public nuisance or affect the health and safety of the occupants of the property where the condition exists or of surrounding properties. Paint stabilization must occur if the potential for such a condition exists.

(Code 1967, § 20-A(6.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-227. - Plumbing.

Every dwelling unit shall contain a kitchen sink and a bathtub or shower. In addition, every dwelling unit shall contain, within a room which affords privacy, a flush water closet and a lavatory basin. All plumbing facilities required by this Code shall be in accordance with the requirements of the plumbing code adopted by the city as of date of installation and maintained in good sanitary working condition; water-related plumbing facilities required by this Code shall be connected to adequate supply of water.

(Code 1967, § 20-A(art. 7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-228. - Heating and ventilation.

- (a) *Maintenance.* All heating and ventilating facilities shall be maintained in safe operating condition for use without danger of asphyxiation or of overheating combustible material.
- (b) *Requirements when central heating plant not available.* When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the basic building code to permit the use of heating equipment capable of providing heat as required by this section.
- (c) *Heating facilities required in rented or leased premises.* Every habitable room, let for occupancy, shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of three feet from the exterior walls, five feet above floor level, as required by prevailing weather conditions. In addition, the heating facilities must be operated to protect the building equipment and systems from freezing.
- (d) *Window specifications.* Every habitable room shall have a window or windows with a total sash area equal to at least eight percent of its floor area opening on a street, alley, yard, or court open to the sky and constructed and maintained so that at least one-half of the sash area can be opened, except that an approved method of mechanical ventilation may be substituted for such window or windows

(Code 1967, § 20-A(art. 8); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-229. - Electrical and lighting.

All lighting and other electrical facilities shall be in accordance with the requirements of the electrical code adopted by the city and shall be maintained in good, safe and suitable electrical order.

(Code 1967, §§ 20-A(9.1), 20-A(9.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-230. - Passageways, stairways and exits.

- (a) *Exits.* Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading from the interior of the building to safe and open spaces at ground level in accordance with applicable statutes and ordinances.
- (b) *Lighting.* Every passageway and stairway shall have at least one ceiling-type or wall-type electric light fixture adequate to provide safe passage.
- (c) *Obstructions.* Every hallway, stairway, corridor, exit, fire escape door or other means of egress shall be kept clear of obstructions at all times.

(Code 1967, §§ 20-A(9.3), 20-A(12.3), 20-A(12.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-231. - Garbage and rubbish.

- (a) *Method of disposal.* Every responsible occupant of a dwelling or dwelling unit shall dispose of all his garbage and rubbish in a clean and sanitary manner. Every owner of rental property shall provide his tenants with suitable waste containers as required by city ordinance.
- (b) *Accumulations prohibited.* Every dwelling shall be clean and free from garbage or rubbish. When a dwelling or dwelling unit is not reasonably clean or free from garbage or rubbish, the code compliance officer may cause the responsible person to put the dwelling or dwelling unit in a clean and sanitary condition.

(Code 1967, § 20-A(10.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

Sec. 12-232. - Insect and rodent control.

- (a) *Owner responsible for extermination in multiple dwellings.* If infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- (b) *Occupant responsible for extermination.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises.

(Code 1967, § 20-A(10.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-233. - Space and occupancy.

- (a) *Floor space requirements.* The total area of every dwelling unit shall contain at least 250 square feet of floor area, with an additional 125 square feet for each occupant over two.
- (b) *Ceiling height.* At least one half of the floor area of every habitable room shall have a room ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (c) *Use of basement.* No basement space shall be used as a habitable room or dwelling unit unless it conforms to the minimum requirements of this article.

(Code 1967, § 20-A(art. 11); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

Sec. 12-234. - Dwelling occupancies prohibited adjacent to hazardous establishments.

No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids or producing toxic gases or vapors in any quantity that may endanger the lives or safety of the occupants.

(Code 1967, § 20-A(12.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 10-11022020

ORDERED, that the Auburn City Council hereby adopts the proposed amendments to Chapter 12, Article IV – Housing Code, Division 1 – Generally, Section 12-146, Section and 12-226 of the Ordinances of the City of Auburn as shown on the attached copy of the Ordinance.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 2, 2020

Order: 125-11022020

Author: Phil Crowell, City Manager

Subject: Lake Auburn Impact Study RFP

Information:

Workgroup Members:

Councilor Belinda Gerry, Councilor Brian Carrier, Trustee Mary Sylvester, Trustee Jason Pawlina; Staff: City Manager Phil Crowell, AWD Superintendent Sid Hazelton, and Facility Manager Derek Boulanger

Purpose:

Develop 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

Timeline:

Completed

- September 8th – city council appointed representatives along with the AWD Trustees
- September 22nd workgroup holds first meeting – determined meeting dates and decided we would use the 2013 ordinance RFP as our template. Started reviewing the economic outcomes.
- September 28th – workgroup met and completed economic section and began the work on regulatory.
- October 5th – workgroup met and completed the regulatory outcomes and began discussion on the environmental outcomes. It was determined the areas that we would propose for outcomes on community impact were being addressed in the other three categories.
- The original timeline had the workgroup presenting to the council on October 19th. With meeting constraints, the final editing of the RFP was completed by email with the group participating over the last few weeks.

Pending/Proposed

- November 2nd – council adopts the RFP
 - December – the workgroup will review and interview respondents
 - January 2021 – a recommendation will be provided to the city council for consideration
-



City Budgetary Impacts: Depending on the RFP proposals, staff proposes to use Comprehensive Plan implementation funds to conduct the study.

Staff Recommended Action: Submit the RFP as proposed

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments: 2020 Lake Auburn Impact Study RFP

City of Auburn, Maine | Request for Proposals



Lake Auburn Impact Study
BID #2021-015



City of Auburn,
Maine

Financial Services | Jill Eastman, Director
www.auburnmaine.gov | 207.333.6601
60 Court Street, Auburn, Maine 04210

October 9, 2020

Dear Bidder;

The City of Auburn is accepting written proposals for the **Lake Auburn Impact Study**. The City reserves the right to accept or reject any or all proposals in whole or in part and to waive any informality the City may determine necessary. The City also reserves to itself the exclusive right to accept any proposals when it is deemed by the City to be in its best interest. The City of Auburn is governed by Title 1 M.R.S.A. § 401-410, otherwise known as the Freedom of Information Act, which considers bid specifications as public documents. In awarding any proposal, the City may consider, but not be limited to, any of the following factors: Bidder qualifications, price, experience, financial standing with the City, warranties, references, bonding, delivery date, and service of Bidder. Vendors/Contractors shall be current on all amounts due to the City of Auburn prior to the City entering into any contract agreement. All proposals must include FOB to Auburn, Maine unless otherwise specified.

Proposals will not receive consideration unless submitted in accordance with the following instructions bidders.

Please mark sealed envelopes plainly: **"2021-015 Lake Auburn Impact Study"**.

Questions regarding this Request for Bids should be directed to Derek Boulanger, Facilities Manager/Purchasing Agent at dboulanger@auburnmaine.gov or 207-333-6601 X1135.

Please submit your proposal to the City of Auburn by 2:00 p.m. on **Thursday, December XX, 2020**. Proposals will be opened at 2:00 p.m. Proposals must be delivered to **Derek Boulanger, Facilities Manager/Purchasing Agent, 60 Court Street, Auburn, Maine 04210** on or before the date and time appointed. No proposals will be accepted after the time/date listed above.

Sincerely,

Derek Boulanger
Facilities Manager/Purchasing Agent

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1. Summary

The purpose and intent of this project is to evaluate the impact of Lake Auburn as it pertains to economic, environment, and regulation for the City of Auburn, Maine. The outcomes of the evaluation will be used to help the Auburn Water District, Lake Auburn Watershed Protection Commission, Planning Board and City Council adopt ordinance amendments, determine recreation and growth opportunities, ensure the drinking water quality is protected.

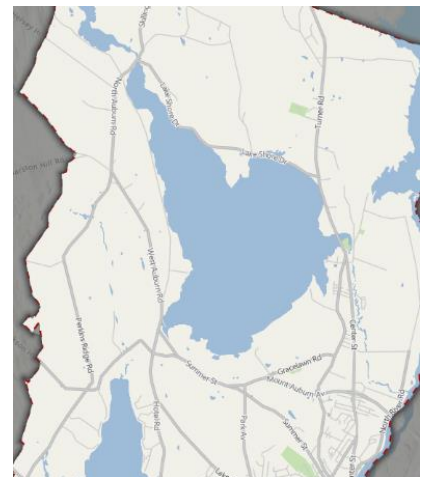
2. Municipal Profile



A. Community

Situated along the banks of the Androscoggin River in central Maine, the City of Auburn, with a population of approximately 23,000, is the fourth largest in the State of Maine. According to the United States Census Bureau, it has a total land area of 65.8 square miles (sq. mi.), of which 59.8 sq. mi. are land and 6.0 sq. mi. are water. Auburn has two large bodies of water, Lake Auburn and Taylor Pond, which account for roughly

one-tenth (1/10th) of the City's total area. Lake Auburn is the water supply for the Cities of Auburn, Lewiston, and part of the Town of Poland.



Auburn is the seat of Androscoggin County, and is located approximately 31 miles north of the City of Portland, the State's largest, and 40 miles southwest of Augusta, the State capital. Auburn also directly borders Lewiston, the State's second largest city, and as such is strategically located between both major population and government centers in the State of Maine. The City also occupies a position of regional significance, lying a mere two- and one-half-hour car ride (136 miles) northeast of Boston, Massachusetts—the northern terminus of a 50 million person "megapolitan" region known as the Bos-Wash corridor.

Together, Auburn and Lewiston are colloquially known as the "Twin Cities," and comprise an important node of the Combined Portland-Lewiston-South Portland-Biddeford Metropolitan Statistical Areas, with a total population of more than half a million. Auburn and Lewiston alone are home to nearly 60,000 people and together represent central Maine's primary commercial center and residential base.

As a key municipality and major population and service center within an otherwise largely rural state, Auburn is at the heart of a constantly changing economic and residential base. With a strong and storied past in shoe manufacturing, and a bright and diverse economic future, Auburn is a growing and ever-changing city. It is also one that, while growing, seeks to maintain a balance between urban and rural ideals, growth, and quality of life. In sum, Auburn seeks to ensure that its neighborhoods are safe and well connected, people take pride in their community, open space is preserved and protected, and adequate economic, recreation, and housing opportunities exist to meet the needs of all residents. Evidencing Auburn's commitment to these ideals is the City's long history of comprehensive planning. In 1919, Auburn adopted its first long range plan. Due to the City's large land size, more than fifty years ago it realized a need to protect sensitive and largely undeveloped areas from disjointed, leapfrogging land development and urban sprawl; to that end, Auburn adopted the Agricultural and Resource Protection (AG) zoning district in 1961. The AG zone restricts the use of land situated in it to agricultural uses and prohibits residential encroachment.

The City has thirteen zoning districts (one for industrial uses, five for varying commercial purposes, six for residential use, and one for agricultural purposes). Approximately forty percent (40%) of Auburn's land mass is located within the AG zone, and as a result the City has a strong track record of preventing sprawl in targeted areas, thereby protecting natural resources and directing growth to only those areas where municipal services can be efficiently extended.

The City of Auburn, in its pioneering commitment to preservation through land use regulation, has established what amounts and is referred to in other areas of the country as an Urban Growth Boundary (UGB). Both Auburn's strategic location and its commitment to planning are reflected in its transportation network.



B. Water Supply

Auburn and Lewiston's municipal water is drawn from Lake Auburn. The lake is located entirely within Auburn city limits, there is no swimming allowed in the lake and access to portions of the lake is restricted. The Auburn Water District and Lake Auburn Watershed Protection Commission have pursued aggressive policies of watershed protection and land conservation within the watershed. In 1993, the Environmental Protection Agency (EPA) determined

water from Lake Auburn met all the requirements of the Safe Drinking Water Act, Surface Water Treatment Rule. This allowed the Auburn Water District and Lewiston Water Division to be exempted from the rule's filtration requirements. This was due to the exceptional water quality of Lake Auburn and the efforts to protect it.

C. Industry & Employers

In terms of industry, the largest consist of high-precision manufacturing, financial services, distribution & logistics, retail/services, and telemarketing. Adequate and high-quality water supply at an affordable cost gives Auburn an edge in attracting businesses that require large volumes of water for processing or cooling.

Auburn is home to some of the state's most successful companies, including Tambrands (a Procter & Gamble company), Futureguard, Formed Fiber Technologies, and TD Bank Operations Center. As an example of recent development, Auburn is home to Proctor and Gamble – Tambrands North American

manufacturing which continues to grow and is representative of sustained private sector interest in the City. Moreover, two industrial and business parks, an intermodal facility, and a riverside recreational walking path now abuts the Androscoggin River in the City's Downtown core, enhancing the quality of life for area residents and, as a result, the City's attractiveness to outside investors.

3. City of Auburn Comprehensive Plan

The City of Auburn adopted its current Comprehensive Plan on April 19, 2011 after a lengthy public process. The Natural Resource Goals, specifically Goal A.1, is included (right) to highlight the Community recognition of Lake Auburn's importance in that process. The Comprehensive Plan identifies the need for or benefits of watershed protection in nearly every policy section including Natural Resources, Water and Sewer, Public Facilities, Recreation, Community Development, Economic Development, Future Land Use, Regional Coordination, and other land use policies.

Bidders are encouraged to review the City's strategic planning hub site, which features our "Comp Plan Progress Report," with detailed staff updates on the status of various Comprehensive Plan goals and initiatives. It can be found at: <https://strategicplanning-auburnme.opendata.arcgis.com/>. Special attention should be paid to the "Natural Resources" tab within the "Comp Plan Report."

4. Lake Auburn Natural Profile

Lake Auburn, formerly known as Wilson Pond, is a 2,290 acre glacially carved lake located entirely within the city limits of Auburn. The Lake Auburn watershed encompasses 9,800 acres of land stretching primarily northwest of the lake. The watershed extends into the towns of Minot, Turner, Buckfield, and Hebron and consequently all these towns play a role, along with the City of Auburn, in protecting the quality of water in the lake. Lake Auburn is fed by The Basin, a small lake formed when the North Auburn Dam was built at the inlet to Lake Auburn, by Little Wilson Pond and Mud Pond in Turner and by Townsend Brook which flows into the lake from North Auburn. Lake Auburn's outlet flows through a culvert on the eastern shoreline and over a dam into Bobbin Mill Brook that runs to the Androscoggin River. Lake Auburn completely flushes its water about every four years

5. Watershed Protection History

Since 1875, Lake Auburn has been the public water supply for the City of Auburn. The City of Lewiston was authorized to take water from Lake Auburn in 1899. The first measure taken to protect the quality of the water in the lake came just a few years later. The State Legislature imposed a "No Bathing" regulation for the Lake under the Private and Special Laws of 1880, Chapter 218 and the City of Auburn subsequently adopted this guideline as city ordinance. The reason for the prohibition was a concern for

Natural Resource Goals:

Goal A.1: Maintain the exceptional water quality of Lake Auburn and existing waiver from filtration to avoid or delay the need for costly treatment.

Goal A.2: Protect the water quality in Taylor Pond to maintain the environmental and economic value of the pond.

Goal A.3: Protect the water quality and shoreline of Auburn's rivers to preserve the environmental and economic value of these resources.

Goal A.4: Protect significant streams and brooks in Auburn to preserve water quality in the watersheds.

Goal A.5: Protect floodplains in Auburn to limit the potential for flood damage.

Goal A.6: Improve the quality and manage the quantity of stormwater discharged to surface waters.

Goal A.7: Protect the quality of groundwater in aquifers as part of efforts to preserve the overall health of watersheds.

Goal A.8: Protect the function and value of wetlands.

Goal A.9: Protect significant wildlife habitats and provide wildlife corridors to link habitat blocks.

waterborne infectious diseases such as cholera and yellow fever, which could be spread to the drinking water supply by human contact with the water.

In 1923 the State Department of Health mandated the first measure of water treatment for the lake; evidence of bacterial pollution in the drinking water required a chlorinator to be installed at the pumping stations. The next year, to help insure the quality of the water for future citizens, the trustees of the newly formed Auburn Water District adopted the policy "to purchase land boarding on Lake Auburn as such land comes on the market." This marks the beginning of the effort to prevent development around the lake that can be a major source of pollution. The next year the Water District began a reforestation program on a ten-acre parcel in North Auburn. The District has henceforth promoted the forestry management policy of gradually replacing hardwood deciduous trees with softwood pine trees that promote a healthier lake substrate.

With these two new policies, the practice of purchasing and managing land on the shoreline and in the watershed was set into motion. By 1927, with the purchase of the land and water rights of the Union Water Power Company, the Auburn Water District owned and managed one third of the Lake Auburn shoreline. By 1941, records show that nearly 200 cottages had been removed from the shore of Lake Auburn and that less than 40 remained. Today the Watershed Protection Commission owns and manages approximately 80% of the shoreline.

During the 1920s, the City of Auburn and the Water District began the practice of full-time patrols around the lake and, after an outboard motor equipped rowboat was purchased in 1926, in the Lake itself. Population growth began to raise concerns about the total withdrawal possible of water from the Lake and thus, in 1927, the Auburn Water District adopted a policy of keeping the lake level as high as possible. According to current projections, the lake can sustain a withdrawal rate of sixteen million gallons per day and still fill each year. The current usage rate is approximately eight million gallons per day for the cities of Auburn and Lewiston.

The 1930s saw the use of federal programs to help protect the ecosystem of the lake. The practice of thinning the forests where needed began on a forty-acre lot in 1933. This provided not only a healthier ecosystem but also a moderate source of income for the Auburn Water District. Although checks for the pine weevil and bluster rust were started in the late 1920s, the Civilian Conservation Corps removed the white pine weevil from all lands surrounding the lake in 1934. In 1935 the District cleared its land of brush and most hardwood trees and for two years relief workers from the Works Progress Administration were used to clear brush, dead wood, and stumps and to plant trees on District land. In 1941, then Assistant Superintendent of the Auburn Water District and graduate forester, Lynn Parker developed a more comprehensive plan for thinning and planting the trees on District land in an attempt to beautify and protect the Lake and its watershed. In 1958, the District began a program of extensive thinning, removing every sixth row of adult trees. Ten years later the District began to work in conjunction with the State Forest Department to help manage and improve its land.

The first measures to directly protect the water around the intake site came in 1939. The Androscoggin Fish and Game Association convinced the Legislature to prohibit fishing in a two hundred-acre area of Lake Auburn around the intakes. This represented a closing of approximately one-tenth of the Lake.

Today, after the adoption of the By-Laws for the Protection of Lake Auburn, approximately one third of the Lake is closed to fishing and all other activity.

In 1973, at the request of the Auburn Water District, the Auburn City Council adopted the Lake Auburn Watershed Overlay Districts. The Watershed Overlay Districts is a comprehensive plan to define land usage and control measures to help protect the Lake Auburn Watershed. The Overlay Districts define the Lake Auburn Watershed itself and give guidelines for agricultural use, waste disposal, erosion control, and construction within the watershed. These guidelines reflected growing concerns that non-point pollution and phosphorous levels were increasing in the Lake, and that these forms of pollution were just as great a threat to water quality as bacterial contamination. The source of this pollution was and still is primarily private residences and thus it is important to control development and waste disposal within the watershed. This ordinance gave the Auburn Water District the right to inspect any septic systems within the watershed to ensure that all plumbing and waste disposal units have as minimal an impact as possible. From 1988 to 1995 the District conducted annual sanitary surveys of watershed waste disposal systems. These surveys are being continued today.

Recently the Water District has had to shift its focus to more preventative measures. In 1975, the District adopted a "no trespassing from sunset to sunrise" rule for land owned by the District in the watershed. This regulation discouraged unwanted camping on the land that could pose a threat to water quality. In 1986 there was an initiative to rezone a portion of the watershed to allow for more dense residential development. The District was able to thwart this plan by giving the City a projection of the phosphorous and turbidity impacts that such development would have on the Lake and consequently on water quality. In 1988 again the Auburn Water District managed to block the creation of a gravel pit in the watershed by showing the potential impact it could have on Townsend Brook and consequently on the Lake itself.

In 1987, the Auburn Water District and the Lewiston Water Division jointly conducted the Lake Auburn Watershed Study to analyze the effects which withdrawing water from the Lake could have on the health of the Lake itself. It also analyzed the best course of action for the protection of the overall quality of Lake water. The study revealed that the Lake's inflow relies 34% on surface rain, 31% on springs and groundwater inflow, and 35% on surface flow from the Basin and Townsend Brook as well as other smaller streams. As for the outflow of the Lake, 18% flows over the dam into Bobbin Mill Brook, 24% evaporates into the atmosphere, and 58% is used for the water supply. The Watershed Study estimated the Safe Yield of the Lake to be around 16 million gallons per day, whereas its current withdrawals are approximately 8 million gallons for the two cities.

To help clarify the "No Bathing" regulation, now over a century old, the City of Auburn amended the Lake Auburn Ordinance to clarify that "no bathing" meant "no swimming or body contact" with the water. In 1991, the Auburn Water District adopted the By-Laws for the Protection of Lake Auburn (see Addendum II) and the Phosphorous Control Ordinance (see Addendum III). These measures were intended to help clarify the laws and guidelines about activity on the Lake and within the watershed. The Phosphorous Control Ordinance restricted most development within the watershed. The By-Laws outlined what is permitted in the different protection levels on the Lake and in the watershed also urged the creation of an organization to oversee watershed protection.

The following year, the Auburn Water District took several preventative measures because of concerns of overuse of the Lake and of extensive erosion increasing phosphorous contamination. In the spring of 1992, the Icehouse Boat Launch, in the more restricted section of the Lake was closed. In the summer of that same year nearly two miles of Spring Road, which runs almost congruently with the westerly shore of the Lake, were closed to motor vehicle traffic and the paved road was replaced with a dirt pathway open to jogging, walking, and biking.

Finally, in 1993, the Lake Auburn Watershed Protection Commission was formed. The principal purposes of the Lake Auburn Watershed Protection Commission were to maintain safe and healthful environmental conditions within the Lake Auburn Watershed, to prevent and control water pollution and to protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed. In order to accomplish these goals the LAWPC was given title to all District land owned at that time in the Watershed and the LAWPC was given the authority to continue to acquire land within the Watershed for the purpose of protection. The Commission must act on behalf of the interests of the Auburn Water District and the Lewiston Water Division when implementing ordinances, regulations, and policies in the Watershed. The LAWPC also was given authority to take legal action to enforce laws and ordinances relative to the watershed and to drinking water pollution. The LAWPC consists of a nine member board composed of three members appointed by the Auburn Water District, three appointed by the City of Lewiston, one appointed by the Town of Turner, one appointed by the Androscoggin Valley Council of Governments, and one member representing collectively the interests of the towns of Buckfield, Minot, and Hebron. At the time of its creation, the LAWPC owned and managed approximately 720 acres of land within the watershed. Due to an aggressive program of land acquisition over the past ten years, the creation of Conservation Easements, and the generosity of some land owners to give control of their land to the Commission in the form of Life Estates, the Commission has dramatically increased the amount of land it controls in the Watershed. To date the Commission controls nearly 1,800 acres, or nearly 20%, of the entire Watershed, an increase of over one thousand acres since its creation. The Commission has also placed an emphasis on acquiring land bordering on the Lake itself, and as a result nearly 80% of the shoreline along Lake Auburn is Commission controlled.

The LAWPC does more than merely acquire property along the Lake. It enforces the laws and regulations regarding watershed protection by frequent in lake and shoreline patrols, cooperation with the City of Auburn and through an extensive program of posting the land and the shoreline with informative placards. The Commission also manages the land that it owns.

In the most recent years, the Commission has been engaged in a new battle against invasive aquatic plants. Variable-leaf milfoil was identified in the Lake right by the inlet at the North Auburn Store and in the Basin. This plant completely takes over the areas it invades, killing other native plant life and choking the Lake, not only diminishing the beauty and recreational possibilities of the Lake, but harming water quality itself. Milfoil can easily be spread from one lake to another or from one area of Lake Auburn to another on the backs of motorboats or trailers. Fortunately, to this date milfoil has not been detected in any other area of the Lake. Nonetheless, the LAWPC has been working on the local and state levels to educate the public about this potential threat. Signage has been posted at all boat launches and heavy fines are imposed for transporting any aquatic plants.

Due to an algae bloom in 2012, the lake experienced widespread anoxia that resulted in a kill off of many lake trout. This event prompted a diagnostic study of the lake in 2013/2014. The study suggested a comprehensive watershed plan, along with a suggestion to control future algae blooms through the use of the algaecide copper sulfate.

In response to an impending algae bloom in the summer/fall of 2018, the lake was dosed with copper sulfate covering an area of 300 acres around the intake. In accordance with the Management Plan, and consultation with our team of in-lake experts, we followed the algaecide treatment with an alum treatment in the summer/fall of 2019. This project involved a low dose of alum covering 2/3 of the entire lake surface, and over 250,000 gallons of alum. As a result of this project, we hope to experience up to 10 years of improved water quality, which will buy us time to identify and eliminate sources of phosphorus that are entering the water from a variety of sources.

6. Existing Water Quality Related Ordinances

- Chapter 60, Article XII, Division 4, Lake Auburn Watershed Overlay District
The Lake Auburn Watershed District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.
- Chapter 60, Article XIII, Division 2, Phosphorus Control
The purpose of this division is to provide protection against additional phosphorus export to Taylor Pond and Lake Auburn from new land uses and changes in existing land uses by ensuring that development within the watersheds does not generate more phosphorus than the water bodies can handle and by eliminating or reducing existing sources of phosphorus. Phosphorus, a nutrient, stimulates algal growth, the main cause of water quality decline. The primary source of new and increasing phosphorus loading in the state lakes is land development: residential, commercial, and industrial.
- Chapter 60, Article XII, Division 5, Shoreland Zoning Overlay District and Shoreland zoning map related to Lake Auburn and Tributaries.
The purposes of this Shoreland Overlay District (SLO) are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

7. Previous and Current Lake Auburn Watershed Studies

Title

Lake Auburn Watershed Study
Protecting "The Landscape's Eye:" Preserving Lake Auburn...
Application for Exception to the SDWA Filtration Requirement
Turbidity & Bacteria Study

Completed

December 1987
July 1990
August 1991
June 1993

A Report of the Severity of Bluff Erosion - Lake Auburn	May 1994
Phosphorus Levels & Sediment Core - Lake Auburn Watershed	May 1994
Studying the Bathymetry of Lake Auburn	May 1994
Acoustic Sub-bottom Profiling - Lake Auburn	May 1994
Water Profile Studies of Lake Auburn	May 1994
Water Profile of Lake Auburn	June 1995
Water Chemistry of the Lake Auburn Watershed	June 1995
Sedimentation Study of Lakes - Lake Auburn	June 1995
Boundary & Budget Analysis for Townsend Brook Watershed	May 1996
Inspection of East and North Auburn Dams	November 1996
The Lake Auburn Watershed - Land Use Planning	May 1998
GIS Mapping for the Lake Auburn Watershed	August 1999
Engineering Services for Repairs to the East Auburn Dam	April 2002
Forest Management Plan for the Lake Auburn Watershed	June 2002
Development of Emergency Response Plan for the East Auburn Dam	September 2002
Development of Emergency Response Plan for the North Auburn Dam	September 2002
Source Water Assessment Plan - Lake Auburn Watershed (SWAP)	April 2003
Timber Harvesting Plan for the Lake Auburn Watershed Commission	November 2003
Water Budget for Lake Auburn, Maine	January 2004
Lake Auburn Watershed Sanitary Survey for Wilson Pond Area	June 2005
Lake Auburn Watershed Sanitary Survey for Townsend Brook Area	August 2005
Safe Drinking Water Act Compliance Study	December 2005
Lake Auburn Bacteria Study Update	February 2006
Lake Auburn Bike and Pedestrian Master Plan - Southern Link	September 2007
DRAFT - Lake Auburn Watershed Management Plan	February 2010
FINAL - Lake Auburn Watershed Management Plan	April 2010
Lake Auburn Watershed Diagnostic Study	February 2013

8. Scope of Work and Deliverables

A. Analysis of Regulatory Impacts

Determine impact of regulations in and around Lake Auburn.

- 1) Review existing ordinances and bylaws for the protection of Lake Auburn and identify strengths, weaknesses, obsolescence and concerns with existing ordinances and bylaws
- 2) Review existing studies and reports regarding consideration of the filtering drinking water and identify options for updates or improvements
- 3) Determine if the current "multi barrier approach" to water quality, and its impact to stakeholders, compare with best practices of other protected water sources

Questions based upon the data acquired:

- a) *What conclusions and recommendations can be drawn from this analysis?*
- b) *Can building restrictions/regulations within the watershed be eased if a filtration plant is built?*
- c) *What is working and what is not working?*

B. Analysis of Environmental Impacts

Determine short- and long-term environmental impacts as it pertains to past and future watershed and in-lake strategies and make recommendations that will ensure long-term viability of Lake Auburn as a public drinking water supply, future development, and possible recreational activities.

All objectives should consider impervious surface, human waste that may result in the transfer of pathogens, loss of filtration waiver, taste or odor, cyanotoxins, spread of invasive organisms, amounts of phosphorus (P), nitrogen (N), and sediment.

- 1) Investigate the magnitude of changes in water quality in Lake Auburn that could result from changes in development standards or enhanced recreational activities.
- 2) Review existing resources and practices as it pertains to land conservation, erosion control, and forest management.
- 3) Review Lake Auburn Watershed Protection Commission land purchase strategy and history of purchases.

Questions based upon the data acquired:

- a) *What conclusions and recommendations can be drawn from this analysis?*
- b) *Is the current amount of protected land too much, too little, or sufficient to meet water quality goals for an unfiltered public water supply?*
- c) *Do additional recreational opportunities exist that will not impact the overall environmental health of Lake Auburn?*
- d) *Can changes occur to development standards in the Lake Auburn watershed area?*

C. Analysis of Economic Impacts

Determine the financial impacts to the City of Auburn, past and future, to provide a public drinking water supply for the customers of the Auburn Water District. All objectives should consider lost tax revenues, unrealized economic activity which includes development and recreational, and rate payer impacts (past, present, and future).

- 1) Quantify the full picture of the economic cost of the added protection through ordinances and regulations for Lake Auburn protection.
- 2) Quantify the costs of various drinking water treatment scenarios including modern filtration and other technologies to ensure both quality drinking water and long-term lake health - taking into account all costs required to construct & maintain (including the potential for supplementary or alternate drinking water sources).
- 3) Pinpoint Lake Auburn's standing compared to other filtered drinking water sources to demonstrate where Auburn currently is, and where Auburn could be by using a matrix to compare Lake Auburn to other filtered lakes and drinking water sources around the US, including consideration for variables such as lake size and depth, permissible types of development and recreation, cost to construct and maintain, and other factors that will show the range of paths taken by other water districts to demonstrate where Auburn currently is, and real world comparable that show where Auburn could be.

D. Final Report Outcomes

It is envisioned that the Consultant shall, at a minimum, meet the following goals and objectives as it pertains to the final report.

- 1) Compare identified options in all three categories and make holistic recommendations on bundled improvements
- 2) Present options to Planning Board
 - a. Accept and consider public input
 - b. Draft Ordinance Revisions for Adoption by Council
- 3) Present options and Planning Board recommendations to City Council
 - a. Workshop with Council
 - b. Present for public input and amend as directed by Council
 - c. Finalize revisions for adoption by Council

9. Proposal Elements

Specific proposals should include an explanation of how the consultant will complete the following and identify the key deliverables included in the proposal:

1. Project Initiation
2. Public Input and Stakeholder Outreach
3. Identified Regulatory Impacts
4. Identified Ordinance Review and Analysis
5. General Land Use Analysis Relating to Proposed Ordinance Revisions
6. Identify Options for Revisions
7. Identified Environment Impacts
8. Anticipated Impacts on Water quality
9. Identified Economic Impacts
10. Analysis and Preparation of draft/final Reports to Planning Board and City Council
11. Draft and present final reports with changes as proposed to the City Council

10. Staff Participation

The City of Auburn will provide project oversight, participate in meetings and the final review and approval of all deliverables related to the evaluation. It is envisioned that the selected consultant/firm will be responsible for most of the tasks during the process; however, the City of Auburn is expected to perform or to assume lead responsibility for the following tasks:

- A. Provides access to all ordinances and any relevant studies at the request of the consultant.
- B. Review all draft reports and recommendations prior to their reproduction and distribution
- C. Assist with media outreach and distribution of media advisories
- D. Schedule required public meetings with the Consultant, Planning Board and City Council and provide meeting space
- E. Provide updates via the City Website and make relevant document deliverables available to the public upon request
- F. Provide existing GIS Data and information

11. Project Timeline

Staff expects to select the team in December 2020 and return to City Council in January to request authorization to award the contract to the best qualified team. The City expects this process to be completed within four months of selection, including submission of the completed ordinance amendments for consideration at the Planning Board and City Council meetings.

12. Selection Criteria

Proposals will be evaluated by a committee. The evaluation committee will be contacting references and/or conducting all required inquiries the City deems necessary to assist in the evaluation of all proposals. Proposals will be qualifications-based. Committee evaluations will be measured and tallied across the following dimensions:

- A. Statement of Qualifications and Experience: 30 points, summary of the proposer's qualifications and recent experience in providing services for similar Projects. Experience referenced shall be of similar or greater scope, size, and complexity (proposer shall furnish information of similar work performed within the past ten years, including current contact information for each project).
- B. Project Approach and Understanding of Objectives: 20 points, describe your firm's approach and team organization to perform services. Include a brief description on the collaborative process/methods to be used by key personnel, stakeholder outreach, as well as a summary of your Firm's understanding of project, broad technical requirements, constraints affecting implementation.
- C. References and Completeness: 20 points, summary of references as outlined in Exhibit G and overall quality/completeness of proposal package.
- D. Cost: 20 points, price to include all labor, equipment, etc. for consultant services as outlined in Exhibit H and shall be delivered in a separate sealed envelope.
- E. Work Schedule and Timeline: 10 points, summary of durations for submittal of deliverables and milestone dates/events. The City acknowledges and understands that completion schedule will be dependent on timely City responses, seasonal data gathering and analyses, and the full scope of deliverables will be dependent on processing information from stakeholder outreach and discussions.

13. Proposal Format

Submit one (1) original proposal with five (5) copies and required forms, along with a USB in Microsoft Word or PDF format which shall include, but is not limited to the following:

- A. Letter of Transmittal (not to exceed one page)
- B. Table of Contents (not to exceed one page)
- C. Proposer's Business Information (not to exceed one page per firm/sub-consultant – see Exhibit C)
- D. Statement of Qualifications & Experience (not to exceed ten pages)

Proposals must contain a statement as to qualifications of the proposer and any sub-consultants; identify the project manager, additional staff and/or sub-consultant staff having assignments under the contract. Resumes of all staff shall fully describe qualifications, experiences, and projects for which they had progressive responsibility, along with the duration of time with the proposer's firm. The project manager will be expected to be fully involved and conversant in the schedule and deliverables, as well as coordinate with the technical experts contributing to specific subject areas.

Proposals shall describe the organizational structure of staff members and sub-contractors and provide a summary of the business' general experience in providing the Scope of Work listed in Section 8. This section shall also include a description of three recent projects of similar scope and magnitude.

E. Approach & Methodology (not to exceed five pages)

Proposals must address the minimum tasks outlined in Section 8. The City requests that any additional list of tasks which the proposer expects City staff to perform (i.e. any not contained in this RFP) be included in their proposal.

F. Work Schedule and Timeline (not to exceed two pages)

Proposals must contain an outline of a proposed work schedule and timeline that includes all tasks and deliverables for completion. The work schedule shall explain what respective roles and tasks that City staff would be expected to complete the Scope of Work.

G. Exceptions to Scope of Work

Any deviation from Specifications and Scope of Work must be identified on Exhibit D (Additions, Deletions and/or Exceptions). Failure to note said exceptions will be interpreted to convey that the proposer proposes to perform in the manner described and/or specified in this solicitation. If exception(s) are taken or alternatives offered, complete descriptions must be shown separately

H. Project Cost (not to exceed two pages)

Not-to-Exceed project cost for the performance of all services described in the scope of work, must be identified in the format outlined in Exhibit B, which shall be delivered in a separate sealed envelope.

I. Billing schedule (not to exceed two pages)

A payment schedule shall accompany the project cost sheets which shall be delivered in a separate sealed envelope. The billing schedule shall clearly identify:

- 1) Proposed rates and method of payment for all services to be performed by the Proposer including hourly rates, description of any reimbursable charges, and rental or purchase of equipment and/or instrumentation.
- 2) An estimated cost breakdown for each major component of the scope of work, with a cross-reference to each component identified in Section 8.

J. References and completeness (not to exceed one page)

Provide a minimum of three (3) references from recent projects of similar or greater size and scope on Exhibit A, preferably those from other Maine agencies.

Exhibits

Exhibit A: References

REFERENCES Please provide three (3) customer references from recent projects, within last ten (10) years. Local and similar size contract references are preferred.	
REFERENCE #1	
NAME OF FIRM	
ADDRESS	
CITY, STATE, ZIP CODE	
TELEPHONE #	
CONTACT	
PROJECT NAME/COMPLETION DATE	
APPROX. COST	
REFERENCE #2	
NAME OF FIRM	
ADDRESS	
CITY, STATE, ZIP CODE	
TELEPHONE #	
CONTACT	
PROJECT NAME/COMPLETION DATE	
APPROX. COST	
REFERENCE #3	
NAME OF FIRM	
ADDRESS	
CITY, STATE, ZIP CODE	
TELEPHONE #	
CONTACT	
PROJECT NAME/COMPLETION DATE	
APPROX. COST	

Exhibit B: Cost Proposal

The undersigned, as proposer, certifies that this submittal is made without collusion with any other person, firm, or corporation; and in submitting a response to this request; has examined instructions, specifications, and all terms and conditions of the solicitation. Proposer proposes and agrees to execute and fully perform in accordance with the instructions, specifications, terms and conditions of this request and any resulting agreement.

Not to Exceed Price for the Scope of Work contained herein (fixed price including all reimbursable):

\$ _____

Not to Exceed Price (in words): _____

Name of Firm _____ Date _____

Authorized Signature _____

Name _____

Mailing Address _____

Phone _____

Fax _____

Email Address _____

Attach an itemization of costs that follows the format listed on the following pages. If necessary, recreate the table to add subcomponents or additional line items to further clarify costs for the City. If a specific item(s) does not apply, then state not applicable with clarifying rationale.

Exhibit B shall be submitted in a separate sealed envelope labeled, "RFP FOR #2021-015 – DO NOT OPEN UNTIL EVALUATIONS ARE COMPLETE," the contents of which shall include the following:

1. Total cost by task (see table below and reference Section 8 above)
2. A separate spreadsheet outlining a detailed breakdown of estimated labor hours, proposed rate, and method of payment for all services, hourly rates, description of any reimbursable charges, equipment or instrument rentals or purchases, et al.
3. Not-to-exceed price for all work included herein.

TASK #	ITEM	COST
1	Analysis of Regulatory Impacts	
2	Analysis of Environmental Impacts	
3	Analysis of Economic Impacts	
4	Final Report	
	Mark-up on direct costs	
	Overhead rate as a percentage of direct labor (%)	
	TOTAL:	

Exhibit C: Business Information

Complete one form for the **primary firm** included in the proposal.

1. Length of time your firm has been in business: _____

2. Length of time at current location: _____

3. List types and business license number(s):

4. Names and titles of all officers of the firm:

5. Is your firm a sole proprietorship doing business under a different name? ☐ Yes ☐ No

6. If yes, please indicate sole proprietorship name/name under which you are doing business:

7. Please indicate your Federal Tax ID Number: _____

8. Is your firm incorporated? ☐ Yes ☐ No

9. Primary business address: _____

Complete one form for each **sub-consultant** included in the proposal.

1. Length of time your firm has been in business: _____

2. Length of time at current location: _____

3. Total number of employees: _____

4. List types and business license number(s):

5. Names and titles of all officers of the firm:

6. List the names of similar projects you have worked on within the last ten years.

7. List the number of past projects partnering with Primary Consultant.

Exhibit D: Additions, Deletions and/or Exceptions to Scope of Work

Please state any and all Additions, Deletions and Exceptions that you are making to any portion of this solicitation. If not addressed below, then City of Auburn assumes that the Proposer will adhere to all terms and conditions listed.

Exhibit E: Scope of Work and Schedule of Performance

Exhibit F: Compensation Rates and Charges

Exhibit G: Certificate of Consultant

I HEREBY CERTIFY that I am the _____, and a duly authorized representative of the firm of _____, whose address is _____, and that neither I nor the above firm I here represent has:

- a. Employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above consultant) to solicit to secure this Agreement
- b. Agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the Agreement; or
- c. Paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above consultant) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the Agreement;

Except as here expressly stated (if any):

I acknowledge that this certificate is subject to applicable State and Federal laws, both criminal and civil.

Signature

Date

Exhibit H: Consultant Evaluation Form

The City is interested in maximizing the value of outsourcing consultant services. Prospective firms should propose the most cost-effective methodology and technology to meet the requirements of this RFP. Completed copies of evaluation forms will not be made available to proposers. However, upon completion of the evaluation and selection process, proposers will be advised of the top-ranked firms. The selected firm will be invited to negotiate the terms of an agreement for services with the City. If an agreement is not reached within a reasonable period, negotiations will be opened with the next ranked choice of the selection committee.

CONSULTANT EVALUATION FORM				
	Criteria	Maximum Score	Score	Comments
1	Statement of qualifications and experience: summary of the proposer's qualifications and recent experience in providing services related to the topics requested in this proposal (including a list of subconsultants and their qualifications and experience).	30		
2	Approach and methodology: summary of proposer's approach and team organization which shall include a summary of the firm's understanding of issues, approach to gathering information, potential challenges, and proposed solutions, etc. as outlined in Section 8.	20		
3	References and completeness: summary of references as provided in Exhibit A and overall quality and completeness of proposal package.	20		
4	Cost: price to include all labor, equipment, etc. for consultant services as outlined in Section III and shall be delivered in a separate sealed envelope.	20		
5	Work schedule and timeline of assigned timelines to each task and/or subtask.	10		
	(MAXIMUM SCORE: 100)	TOTAL SCORE:		

Exhibit I: Conditions and Instructions to Bidders

1. Bidders shall use the enclosed bid form for quotations. Whenever, in bid forms, an article is defined by using a trade name or catalog number, the term "or approved equal", if not inserted, shall be implied.
2. Submit a separate unit price for each item unless otherwise specified in the bid request. Award will be made on a basis of each item, or as a group, whichever is in the best interest of the City. Prices stated are to be "delivered to destination".
3. Bid proposals must be completed in full, in ink and must be signed by firm official. Bids may be withdrawn prior to the time set for the official opening.
4. Bids will be opened publicly. Bidders or representatives may be present at bid opening.
5. Awards will be made to the lowest responsible bidder, considering the quality of the materials, date of delivery, cost which meets specification and is in the best interest to the City of Auburn.
6. All travel and transportation charges, including expense for freight, mail, etc. shall be prepaid and be at the expense of the vendor unless otherwise specified in the bid.
7. The terms and cash discounts shall be specified. Time, in connection with discount offered, will be computed from date of delivery at destination after final inspection and acceptance or from date of correct invoice, whichever is later.
8. The City is exempt from payment of Federal Excise Taxes on the articles not for resale, Federal Transportation Tax on all shipments and Maine Sales Tax and Use Taxes. Please quote less these taxes. Upon application, exemption certificate will be furnished with the Purchase Order when required.
9. Time of delivery shall be stated. If time is of the essence, the earliest date may be a factor in the bid award.
10. No contract may be assigned without the written consent of the Finance Director or her designee. The contract shall not be considered valid until a purchase order has been issued to the successful bidder.
11. Please state **"2021-015 Lake Auburn Impact Study"**. on submitted, sealed envelope.
12. The City of Auburn reserves the right to waive any formality and technicality in bids whichever is deemed best for the interest of the City of Auburn.
13. Bidder will clearly outline all options that are included in the bid price.
14. Word and PDF versions of all project documents submitted shall be considered property of the City of Auburn.

Exhibit J: General Conditions

1. Equal Employment Opportunity

The City of Auburn is an Equal Opportunity Employer and shall not discriminate against an applicant for employment, and employee or a citizen because of race, color, sex, marital status, physical and/or mental handicap, religion, age, ancestry or natural origin, unless based upon a bona-fide occupation qualification. Vendors and contractor or their agents doing business with the City shall not violate the above clause or the Civil Rights Acts of 1964. Violations by vendors shall be reviewed on a case-by-case basis and may mean an automatic breach of contract or service to the City of Auburn.

2. Save Harmless

The Bidder agrees to protect and save harmless the owner from all costs, expenses or damages that may arise out of alleged infringement of patents of materials used.

3. Subcontracting

The Bidder shall not subcontract any part of the work or materials or assign any monies due it without first obtaining the written consent of the municipality. Neither party shall assign or transfer its interest in the contract without the written consent of the other party.

4. Warranty

The Bidder warrants that all work will be of good quality and free from faults and defects, and in conformance with the specifications. All work not so conforming to these standards may be considered defective. The Bidder agrees to be responsible for the acts and omissions of all of its employees and all subcontractors, their agents and employees, and all other persons performing any of the work under a contract with the Bidder.

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 125-11022020

ORDERED, that the Auburn City Council hereby adopts the Lake Auburn Impact Study RFP (Request for Proposal).



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 2, 2020

Order: 126-11022020

Author: Susan Clements-Dallaire, City Clerk

Subject: Comprehensive Plan Committee Appointments

Information: Four prior comp plan member applications were received for the Comprehensive Plan Ad-hoc committee. The city council needs to approve three of the four applicants listed below.

Jeremiah Bartlett
Dan Bilodeau
Bob Hayes
Jonathan LaBonte'

Additional Members

- (2) City Councilors Boss and MacLeod - appointed by the Council to serve at the 9/8/2020 meeting.
- (1) School Committee Representative Donald Poisson – appointed by the School Committee.
- (2) Planning Board Representatives Stephen Martelli and Dana Staples – appointment by the Planning Board.

City Budgetary Impacts: None

Staff Recommended Action: Motion to approve the appointments as presented.

Previous Meetings and History: 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. This was discussed at the 9/8/2020 Council workshop and Councilor's Boss and MacLeod were appointed to serve on that ad hoc committee at the 9/8/2020 Council meeting.

City Manager Comments:

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

I concur with the recommendation. Signature:

Attachments: Four applications of prior comp plan members



City of Auburn, Maine

Economic & Community Development

Eric Cousens, Interim Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

DATE: 8/7/2020

COMMITTEE INFORMATION SHEET: Comprehensive Plan Update Workgroup 2020

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 BOARD & COMMITTEE APPOINTMENT APPLICATION

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

Date: October 15, 2020

Last name: Bartlett First name: Jeremiah Middle initial: J

Residence address: 107 Shepley Street Ward: 2

City: Auburn State: ME Zip code: 04210

Home phone: (207) 874-8891 Work phone: (207) 874-8891 Cell phone: (207) 632-1065

Email address: jeremiahbartlett@gmail.com

Current occupation: City of Portland Transportation Systems Engineer/Transportation Manager

Previous occupation (if retired or no longer working): N/A

Educational and/or experience (or attach your resume): B.S. Northeastern University, 22 yrs. experience

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

- | | |
|---|---|
| <input type="checkbox"/> 9-1-1 Committee | <input type="checkbox"/> Airport Board |
| <input type="checkbox"/> Auburn Housing Authority | <input type="checkbox"/> Audit & Procurement Committee |
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Cable TV Advisory Board |
| <input type="checkbox"/> CDBG Loan Committee | <input type="checkbox"/> Community Forest Board |
| <input type="checkbox"/> Complete Streets Committee | <input type="checkbox"/> Conservation Commission |
| <input type="checkbox"/> Ethics Panel | <input type="checkbox"/> Finance Committee |
| <input type="checkbox"/> L/A Transit Committee | <input type="checkbox"/> Parks & Recreation Advisory Board |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Sewer District |
| <input type="checkbox"/> St. Louis Bells Committee | <input type="checkbox"/> Water District |
| <input type="checkbox"/> Zoning Board of Appeals | <input checked="" type="checkbox"/> Other: <u>Comp Plan Committee</u> |

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

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). I had the pleasure of serving on the Comp Plan Committee in 2010 and would like to be able to contribute and build upon the Committee's previous work.

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). Being closely involved with municipal infrastructure decisions and serving as the Vice-Chair of the L/A Complete Street Committee, I feel that I can uniquely serve the Committee from a technical and planning perspective from a sustainability perspective.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? Vice-Chair of the Complete Streets Committee.

Dates served (if known)? Since formation of CS Committee as an official permanent Committee in Auburn to present.

Have you previously served on a City or Community Board or Committee? If so, which one(s)? Served on the previous Comp Plan Committee.

Dates served (if known)? 2010.

How did you learn of this vacancy? Dana Staples/Eric Cousens

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

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

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

Signature:  Date: October 15, 2020

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

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



CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

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

Date: 9/1/2020
Last name: Bilodeau First name: DAN Middle initial: L
Residence address: 207 N. Auburn Rd Ward: 1
City: Auburn State: Maine Zip code: 04210
Home phone: 650-2398 Work phone: Same Cell phone: Same
Email address: dan.bilodeau@yahoo.com
Current occupation: Airline Pilot, Lake Auburn & Trail Volunteer
Previous occupation (if retired or no longer working): N/A
Educational and/or experience (or attach your resume): B.S. Aeronautical Science & Flight Safety

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

☐ 9-1-1 Committee
☐ Auburn Housing Authority
☐ Board of Assessment Review
☐ CDBG Loan Committee
☐ Complete Streets Committee
☐ Ethics Panel
☐ L/A Transit Committee
☐ Planning Board
☐ St. Louis Bells Committee
☐ Zoning Board of Appeals

☐ Airport Board
☐ Audit & Procurement Committee
☐ Cable TV Advisory Board
☐ Community Forest Board
☐ Conservation Commission
☐ Finance Committee
☐ Parks & Recreation Advisory Board
☐ Sewer District
☐ Water District

☒ Other 2020 Comp Plan Review

(I was a member of the 2010
Comp Plan Update Committee)

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

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). Lake Auburn is the Great Pond located within Auburn & is also our water supply. I want to support the City's Agenda before all other Stake holders.

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). Planning for science based policy & ordinance updates that will be best for Auburn citizens going forward. Recreation - Environment - Community has been my motto. In all the committees I have served on,

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? Water District & Lake Auburn Watershed Protection Commission.

Dates served (if known)? 2014 - Present

Have you previously served on a City or Community Board or Committee? If so, which one(s)? Flag Committee; Comprehensive Plan Update Committee; planning Board; AWD; LAWPC; Forestry Board

Dates served (if known)? 2007 - Present

How did you learn of this vacancy? City Council meeting

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

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

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

Signature: [Signature] Date: 9/1/2020

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

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



CITY OF AUBURN BOARD & COMMITTEE APPOINTMENT APPLICATION

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

Date: 10/23/20

Last name: HAYES First name: ROBERT Middle initial: P

Residence address: 172 ALLAN AVE Ward: 2

City: AUBURN State: ME Zip code: 04210

Home phone: 207-282-1386 Work phone: 207- Cell phone: 207-232-3903

Email address: JL HAYES1868@yahoo.com

Current occupation: RETIRED

Previous occupation (if retired or no longer working): SMALL BUSINESS OWNER/MGR

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

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

- | | |
|---|--|
| <input type="checkbox"/> 9-1-1 Committee | <input type="checkbox"/> Airport Board |
| <input type="checkbox"/> Auburn Housing Authority | <input type="checkbox"/> Audit & Procurement Committee |
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Cable TV Advisory Board |
| <input type="checkbox"/> CDBG Loan Committee | <input type="checkbox"/> Community Forest Board |
| <input type="checkbox"/> Complete Streets Committee | <input type="checkbox"/> Conservation Commission |
| <input type="checkbox"/> Ethics Panel | <input type="checkbox"/> Finance Committee |
| <input type="checkbox"/> L/A Transit Committee | <input type="checkbox"/> Parks & Recreation Advisory Board |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Sewer District |
| <input type="checkbox"/> St. Louis Bells Committee | <input type="checkbox"/> Water District |
| <input type="checkbox"/> Zoning Board of Appeals | <input type="checkbox"/> Other <u>COMP ALAN VORATEK COM.</u> |

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

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

DESIRE TO STAY INVOLVED AND HAVE
EXPERIENCE FROM 13 YEARS ON THE PLANNING BOARD
AND 13 YEARS ON THE COUNCIL

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

TO ADVANCE THE RECENTLY DEVELOPED STRATEGIC
PLAN AND TO PARTICIPATE IN THE REVIEW & UPDATE
OF THE CITY'S COMPREHENSIVE PLAN

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

Dates served (if known)? _____

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

YRS

PLANNING BOARD & CITY COUNCIL

Dates served (if known)? PLANNING BOARD '77-'90
COUNCIL '05-'15, '18-'19

How did you learn of this vacancy? _____

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

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

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

Signature: [Signature] Date: 10/23/20

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210

207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: _____

APPOINTMENT DATE: _____

TERM EXPIRATION DATE: _____

OATH DATE: _____

For more than 60 years, I have been involved in our community,

- as student in the Auburn Public Schools,
- as owner/manager of J.L.Hayes/Agway,
- as member of the Chamber of Commerce,
- as member/chairperson of the Planning Board,
- as Ward 2 City Councilor,
- as member of the L/A Railroad Co. Board,
- as City representative to the L/A Airport Board,
- as a certified ski instructor at Lost Valley.

EDUCATION:

- Auburn Public Schools (ELHS 65)
- Union College, Schenectady, NY (Industrial Economics)
- Univ. of Southern Maine (Business Administration)
- Univ. of Maine – Augusta (Public Administration)
- Navy Officer Candidate School, Newport, RI
- Navy Supply School, Athens, GA

PROFESSIONAL EXPERIENCE:

- United States Navy (Active '70-'73; Reserve '73-'95; Retired Commander, Supply Corps)
- E.C.Jordan Co., Portland, ME (Community and Regional Land-Use Planner '69-'70, '73-'75)
- J.L.Hayes/Agway (Small Business Manager 1975-2015)

COMMUNITY INVOLVEMENT:

- Chamber of Commerce (1975-2015)
- Auburn Planning Board (Member '77-'90, Chairperson '88-'90)
- Lewiston Downtown Development & Management Corp. (Director '80-'87, Chairperson '85-'87)
- Auburn City Council (Ward 2, 2005-2015)
- Auburn Board of Assessment Review (2013-2019)
(2016-2017)

From: donotreply@auburnmaine.gov
To: [Susan Clements-Dallaire](#)
Subject: A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, October 28, 2020 7:15:17 PM

The following form has been submitted by an end-user of the website: Board/Committee Application

Date of Application: 10/28/2020

First Name: Jonathan

Middle Initial: P.

Last Name: LaBonte

Residence Address: 39 Coachman Avenue

Ward: Ward 2

City: Auburn

Home Phone: N/A

Cell Phone: 207-577-5356

E-mail Address: jlabonte08@gmail.com

Current Occupation: E.D. - Forest-based Environmental Education NGO

Previous Occupation (if retired or no longer working):

Education and/or experience: B.S. Chemical Engineering (UMaine), Public Administration graduate courses in Regional Governance, City and Regional Planning, and Information Technology (UMaine), Business administration graduate courses in Project Management, Quantitative Analysis

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one):: Planning Board

OTHER (Ad-Hoc Committees not on the list above):: Comprehensive Plan Update Committee (noted Planning Board above as this is planning function)

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): Having studied the history of Auburn's settlement and development, first through the lens of my family's immigration story, then through graduate study and analysis, and finally in appointed and elected roles, I am deeply committed to supporting Auburn charting a continued path for sustainable, inclusive growth into the future. Comprehensive Plan processes can collect and process data to support policy makers in making informed decisions that influence growth and development over a generation, and that is a responsibility I would take seriously in support of city staff and this Mayor/Council.

My experience with residential/commercial development policy, including previous service with GrowSmart Maine and the Congress for New Urbanism New England Chapter, and natural resource economy experience from my previous professional work at the Androscoggin Land Trust and current position in forest research and education align closely with Council priorities.

What do you hope to accomplish?: I would hope to support the City Council and city staff in their collection of data, and its analysis, to support policies for consideration by elected officials. If asked what policy areas could receive near term attention, the opportunity to revisit housing policy/zoning to support growth in the number of Auburn residents would top that list. Attracting and retaining a talented workforce can be supported by diverse, inclusive and engaged neighborhoods and Auburn has the "bones" to do that.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Lewiston-Auburn Railroad Corporation

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: 2010 Comprehensive Plan Committee and New Auburn Master Plan Committee, Mayor 2011-2017

Dates served (if known):

How did you learn of this vacancy?: Reading news articles in the Lewiston Sun Journal regarding community development priorities and housing policy

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Jonathan P. LaBonte

Date of Electronic Signature: 10/28/2020

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 126-11022020

ORDERED, that the City Council hereby appoints three prior members Comprehensive Plan Committee to serve on the Comprehensive Plan Ad-hoc committee as listed below.

1. _____
2. _____
3. _____