



**City Council Workshop & Meeting  
September 16, 2019  
Agenda**

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

- A. Community Solar Licensing – Megan Norwood (15 minutes)
- B. Ah-Hoc Agricultural & Natural Resources Committee – Mayor Levesque (45 minutes)
- C. Policy on tax acquired & City owned properties– Michael Malloy (20 minutes)

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

**Pledge of Allegiance**

- I. **Consent Items** - All items with an asterisk (\*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.
  - 1. **Order 108-09162019\***  
Approving the renewal of the Auto Graveyard/Junkyard permit for M & P Auto located at 227 Merrow Road.
  - 2. **Order 109-09162019\***  
Approving the renewal of the Auto Graveyard/Junkyard permit for Randy's Auto Parts located at 899 Broad Street.
  - 3. **Order 110-09162019\***  
Approving the renewal of the Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC located at 522 Washington St. N.
  - 4. **Order 111-09162019\***  
Approving the renewal of the Auto Graveyard/Junkyard permit for Morris Auto Parts located at 940 Washington St. N.
  - 5. **Order 112-09162019\***  
Approving the renewal of the Auto Graveyard/Junkyard permit for Isadore T. Miller Co., a Division of Schnitzer NE located at 78 & 80 Hotel Road.
- II. **Minutes** – September 9, 2019
- III. **Communications, Presentations and Recognitions**

- IV. **Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.
- V. **Unfinished Business**
- VI. **New Business**
  - 1. Hearing on the appeal of the denial of a business license for Relief Clinic (Owner Evelyne Leavitt) pursuant to section 14-39 of our Code of Ordinances.
- VII. **Reports**
  - a. **Mayor's Report**
  - b. **City Councilors' Reports**
  - c. **City Manager Report**
  - d. **Finance Director, Jill Eastman – August 2019 Monthly Report**
- VIII. **Open Session** - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.
- IX. **Executive Session** - Personnel Matter, pursuant to 1 M.R.S.A. §405(6)(A)
- X. **Adjournment**





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 16, 2019

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

**Subject:** Commercial Solar Installation Discussion

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**Information:** The Economic and Community Development Department has been fielding inquiries from Developers exploring opportunities for commercial solar installation projects in the City. The way the ordinance is currently written, the only Zoning District that would allow these installations would be the Industrial District using the umbrella of *"Electric Generating Plants"* coupled with *"uses similar to those in this section and not elsewhere named in the following subsections, provided that the use will not be noxious."* The Ordinance does not currently have any performance standards regulating commercial solar installation projects.

Most commercial solar installations require a minimum of 20 acres to be successful and some Developers are looking into the possibility of using existing landfills. Most of the landfills in the City are located in the Ag-Zone, however, and the ordinance does not permit commercial solar installations in the Ag-Zone.

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**City Budgetary Impacts:** None.

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**Staff Recommended Action:** Consider opportunities for commercial solar installations in the City, where and how should they be sited? Should standards be developed for commercial solar installations to help regulate them in the Industrial District? What about others? Should they be permitted in the General Business and/or Agricultural Zone by right or a Special Exception or not at all?

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**Previous Meetings and History:** None

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**City Manager Comments:**

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Cuthbert".

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**Attachments:**

# Draft Agriculture and Resource Protection Ordinance Amendments proposed at the 2/11/19 MAGARP Committee Meeting

## DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

### Sec. 60-144. - Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outlined here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

### Sec. 60-145. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, ~~except the siting requirements of section 60-173, as set forth in a~~Article XII of this chapter, ~~that is~~ accessory to farming operations as defined in Sec. 60-2, Farm. subject to the following restrictions:
  - a. For a period of five years after the effective date of this amendment no person shall divide a parcel of land for the purposes of constructing a dwelling. During the five years following the adoption of this amendment only a single dwelling, accessory to farming operations, under this section may be permitted per parcel existing on January 1, 2018.
  - b. No person shall create by conveyance made after the effective date of this amendment any subdivision as the term "subdivision" is defined in Title 30-A, section 4401 of the Maine Revised Statutes; and No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.
  - bc. The Planning Board shall not grant subdivision approval to any proposed subdivision as defined under the aforesaid statute for the purposes of constructing a dwelling; In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
  - d. Nothing herein shall prohibit the approval of a subdivision in the Agriculture and Resource Protection Zoning District for one or more permitted uses other than residential use.
  - e-e. ~~Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the P~~lanning ~~B~~oard following a recommendation by the

# Draft Agriculture and Resource Protection Ordinance Amendments proposed at the 2/11/19 MAGARP Committee Meeting

Agricultural Advisory Board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

f. Siting of residential structures shall avoid prime farmland soils and soils of statewide significance when alternatives exist on the parcel.

- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
  - (3) Forest products raised for harvest.
  - (4) Field crop farms.
  - (5) Row crop farms.
  - (6) Orchard farms.
  - (7) Truck gardens.
  - (8) Plant and tree nurseries.
  - (9) Greenhouses.
  - (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
  - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
  - (12) Wayside stands.
  - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
    - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
    - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
    - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
  - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
  - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
  - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the Planning Board following a recommendation by the Agricultural Advisory Board, based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the

# Draft Agriculture and Resource Protection Ordinance Amendments proposed at the 2/11/19 MAGARP Committee Meeting

conditions upon which such altered use may be continued shall be made a part of the permanent records.

- (5) Recreational uses of land intended or designed for public use subject to the following conditions:
  - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
  - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
- (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
  - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
  - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
- ~~(7) Rifle, pistol, skeet or trap shooting ranges, public or private.~~
- ~~(8)~~ Cemeteries, subject to the following conditions:
  - a. At least 20 acres in area.
  - b. Not located in any environmental overlay district or over any known aquifer.
- ~~(9)~~ Municipal sanitary landfills, subject to the following conditions:
  - a. Not located in any environmental overlay district or over any known aquifer.
  - b. Provisions shall be made to avoid surface water and groundwater pollution.
  - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- ~~(10)~~ Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
  - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
  - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- ~~(11)~~ Wholesale nurseries, subject to the following conditions:
  - a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
  - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- ~~(12)~~ Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

## Draft Agriculture and Resource Protection Ordinance Amendments proposed at the 2/11/19 MAGARP Committee Meeting

- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
- b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
- c. An end-use plan must be filed as part of the planning board process.
- (~~43~~12) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (~~44~~13) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
  - a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the Watershed of Taylor Pond, the Shoreland Overlay District or the Floodplain Overlay District.
  - b. The proposed use shall not occupy more than 10,000 square feet of building area.
  - c. The number of employees shall be limited to not more than 15.
  - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
  - e. Hours of operation shall limited to between 6 a.m. and 8 p.m.
- (~~45~~14) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
  - a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
  - b. Provisions shall be made to avoid surface and groundwater pollution.
  - c. Provisions shall be made to counteract vermin, insects and odors.
  - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
  - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (~~46~~15) Adaptive reuse of structures of community significance.
- (~~47~~16) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
  - a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
  - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
  - c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017)

Sec. 60-146. - Dimensional regulations.

# Draft Agriculture and Resource Protection Ordinance Amendments proposed at the 2/11/19 MAGARP Committee Meeting

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created containing less than 10 acres and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. ~~and/or a~~ No building shall be erected on a lot containing less than ~~ten-three~~ acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring ~~not~~ less than 250 feet in width at the street frontage, and 200 feet in depth. Lots greater than 3 acres in area, but less than 10 acres, in existence as of January 1, 2018 shall not be subject to the minimum width, street frontage, depth and density requirements.
  - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
  - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
- (2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres.
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
  - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.31C)

# Draft Agriculture and Resource Protection Ordinance Amendments proposed at the 11/29/18 MAGARP Committee Meeting

Secs. 60-147—60-199. - Reserved.

## **Sec. 60-2. - Definitions.**

~~The term "farm," under the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:~~

~~Accessory structure or building means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district. ***Except that in the Ag Zone an accessory structure is permitted for farm use and may be constructed without the precondition of any Primary or Principal structure existing on the Farm if the land is in productive use or preserved open space.***~~

~~Agricultural Advisory Board means a member board appointed for a term by whose primary functions are to review, monitor or document agricultural, conservation and residential activity in the Agriculture and Resource Protection zoning district of the City of Auburn.~~

~~Farm means A farm is means an area of land that is devoted primarily to agricultural products as those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bees' products, livestock and livestock products, manure and compost and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. "Agricultural products" does not include trees grown and harvested for forest products.. processes with the primary objective of producing food and other crops; it is the basic facility in food production.[1] The name is used for specialisedspecialized units such as arable farms, vegetable farms, fruit farms, dairy, pig and poultry farms, and land used for the production of natural fibresfibers, biofuel and other commodities. It includes ranches, feedlots, orchards, plantations and estates, smallholdings and hobby farms, and includes the farmhouse and agricultural buildings as well as the land. In modern times the term has been extended so as to include such industrial operations as wind farms and fish farms, both of which can operate on land or sea. any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying.~~

~~A farmer[1] (also called an agriculturer) is a person engaged in agriculture, raising living organisms for food or raw materials. The term usually applies to people who do some combination of raising field~~



crops, orchards, vineyards, poultry, or other livestock. A farmer might own the farmed land or might work as a laborer on land owned by others, but in advanced economies, a farmer is usually a farm owner, while employees of the farm are known as farm workers, or farmhands. However, in the not so distant past, a farmer was a person who promotes or improves the growth of (a plant, crop, etc.) by labor and attention, land or crops or raises animals (as livestock or fish).

The term "farm," under tThe Agricultural and Resource Protection District further, ~~shall be further defines agriculture and resource conservation land use d-as meeting at least two of the the following criteria:~~

- (1) At least the minimum required farm income for the filing of an IRS Form-F, as adjusted by the IRS, of the farmer occupant living in the farm residence will be derived from such uses; or,
- (2) At least minimum required income from forestry products equivalent to that required of a farm for the filing of an IRS Form-F, as adjusted by the IRS, of the occupant living in the farm residence will be derived from such uses; or
- (3) At least two and one half acres (2.5 acres) devoted to the production of crops, grazing of livestock, or to the long-term resource conservation such as forestry, wildlife habitat or other specific protected natural resource; or,
- 3) At least 50% of land area enrolled in the state Farm, Open Space or Forest Management preservation and State Farmland, Open Space or Treegrowth tax assessment programs (§§.36-1102-1120); or
- 4) A minimum investment of \$1000 or more in crops, livestock, reforestation, or other farm or resource conservation effort as defined herein or by the Agricultural Advisory Board.

Verification of the above may be completed by a mutually agreeable third party if not available as a public record or if confidential information is needed to make the determination. If a dwelling is proposed prior to meeting the above a farm plan demonstrating the intent to meet the requirements must be provided with the building permit application. Compliance with the farm plan must be achieved within 24 months of the issuance of a certificate of occupancy and continued for XXX yearsverified annually. Relief from the requirement to comply after the 24 month period must be obtained from the Agricultural Advisory Board pursuant to Section 60-145(1)æ.

~~For purposes of this definition, the term "poultry" means no fewer than 100 fowl and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.~~

Farm, Livestock (,at least 2 cattle or other animals being raised for commercial purposes) means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals, and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger, **with standards as follows:**

(1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.

(2) Horse: 1.5 animal units per acre of cleared hay/pasture land.

(3) Sheep: Three animal units per acre of cleared hay/pasture land.

(4) Swine: Two animal units per acre of cleared land.

(5) poultry: a minimum of 10 fow~~u~~

Other livestock farms: ~~The required~~ lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals

**Forested land.** means land that is used in the growth of trees but does not include ledge, marsh, open swamp, bog, water and similar areas that are unsuitable for growing trees

~~Accessory structure or building means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district. Except that in the Ag Zone an accessory structure is permitted for farm use and may be constructed without the precondition of any Primary or Principal structure existing on the Farm.~~

**Open space land.** means any area of land, including state wildlife and management areas, sanctuaries and preserves designated as such in Title 12, the preservation or restriction of the use of which provides a public benefit in any of the following areas: A. Conserving scenic resources; B. Enhancing public recreation opportunities; C. Promoting game management; or D. Preserving wildlife or wildlife habitat

**Open Space, Usable.** means an otherwise buildable area that can be used for recreation or other passive or active outdoor activity.

~~Except that in the Ag Zone an accessory structure is permitted for farm use and may be constructed without the precondition of any Primary or Principal structure existing on the Farm.~~

~~Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.~~



## City of Auburn, Maine

Office of the Assessor

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

Auburn, Maine 04210

207.333.6601

To: Mayor Jason Levesque

From: Karen Scammon, Assessor

Date: September 11, 2019

Subject: Land valuation

In Maine, real estate is assessed according to Just Value. "All taxes upon real and personal estate, assessed by the authority of this State, shall be apportioned and assessed equally according to the just value thereof." (Constitution of the State of Maine, Article IX §8) Just value has been interpreted to be synonymous with market value. As agents of the State, Assessors are tasked with maintaining market value by evaluating sales of similar properties over a period of time and developing a mass appraisal model for each group of properties.

The time required for collecting and analyzing market data will vary depending on the number of usable sales for a specific type of property. If there are a sufficient number of sales of similar properties in a similar area over a sufficient time period that support an adjustment to value, changes will be made. The sufficient number and sufficient time both fluctuate depending on the market and the sales themselves.

The Assessing Department receives Declarations of Value from the State monthly that provide information on all sales throughout the City. Staff tracks the sales and compares the sale prices to the current assessed values. Over time staff is able to establish market trends for similar categories of properties. When staff has collected solid market data determining one category of properties is trending outside the parameters of the others it is time to reevaluate those properties and possibly make adjustments either up or down to maintain fair and equitable assessments among all categories of properties.

The land tables currently in place for valuing land throughout the City were originally established as part of the citywide revaluation that began in late 2002 and was completed in 2004. The values established through the revaluation were phased in over a two year period beginning in the 2006-2007 tax year. Market data collected since the revaluation has warranted some downward adjustments to existing land tables to reflect just value and maintain equity.

Currently vacant land in the AG Zone, other than that in a special land use classification or land locked parcels, is assessed at a flat \$800 per acre. The assessment of improved land in the AG Zone is dependent on permitted uses and the location of the property within the Zone. Market data established different base house lot values for different areas within the AG Zone using the same methodology throughout the City. "Excess" land beyond the initial house lot is assessed on a sliding scale and the price per acre diminishes as the lot size increases. In the case of a property being located in a split zone with the house lot located in the LDCR or RR Zone the property is assessed using the same methodology as the improved property in the AG Zone except that the land located in the AG Zone portion is assessed at \$800 per acre. Currently the value of a 1 acre base house lot for improved properties in the AG Zone is between 30,500 and 56,000.

Any proposed changes to the use and/or zoning of land in the Agricultural Zone may warrant adjustments to the land values depending on what changes are made. For instance, if formerly vacant land located in the Agricultural Zone meets the criteria as a buildable house lot and a permit is issued for a dwelling or the parcel is marketed as a house lot, etc., the parcel will be reassessed using the methodology currently in place for other buildable parcels. It should be noted that even if the proposed changes are not made in the Agricultural Zone adjustments to land value may be necessary to maintain fairness and equity. Assessing staff will continue to track sales and if trends are established through market data indicating adjustments are warranted to the land value they will be made regardless of any use or zoning change.

The changes to the Agricultural Zone are at this point speculation. It is impossible from an assessing standpoint to predict what will happen in the market if the Agricultural Zone is opened up to development. Only with market data derived from future sales of property over time will we be able to develop a solid model for land values. Until that time we must depend on the tables in place for similar properties.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 16, 2019

**Author:** Jason Levesque, Mayor

**Subject:** Proposed Amendment to the Agriculture and Resource Protection Zone

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**Information:**

This will be a data driven presentation regarding the Agriculture and Resource Protection (AG) Zone and proposed amendment to the zone. An amendment to the City definition of a "farm" will also be reviewed. These amendments are the result of the most recent AG Zone Ad Hoc committee. The presentation will review the creation, history, and findings of various committees that have been created to review this zone in advance of further City Council workshops and eventual ordinance modification.

Members of the Planning Board and Conservation Committee are planning to make statements, and a letter from the Assessor regarding valuation methodology will be provided.

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** Discussion

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**Previous Meetings and History:**

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**City Manager Comments:**

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Carthage".

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**Attachment(s):**

Draft- Agriculture and Resource Protection Ordinance Amendment  
Draft- Farm Definition Amendment  
Letter from the Assessor

# Draft Agriculture and Resource Protection Ordinance Amendments proposed at the 2/11/19 MAGARP Committee Meeting

## DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

### Sec. 60-144. - Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outlined here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

### Sec. 60-145. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, ~~except the siting requirements of section 60-173, as set forth in a~~Article XII of this chapter, ~~that is~~ accessory to farming operations as defined in Sec. 60-2, Farm. subject to the following restrictions:
  - a. For a period of five years after the effective date of this amendment no person shall divide a parcel of land for the purposes of constructing a dwelling. During the five years following the adoption of this amendment only a single dwelling, accessory to farming operations, under this section may be permitted per parcel existing on January 1, 2018.
  - b. No person shall create by conveyance made after the effective date of this amendment any subdivision as the term "subdivision" is defined in Title 30-A, section 4401 of the Maine Revised Statutes; and No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.
  - bc. The Planning Board shall not grant subdivision approval to any proposed subdivision as defined under the aforesaid statute for the purposes of constructing a dwelling; In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
  - d. Nothing herein shall prohibit the approval of a subdivision in the Agriculture and Resource Protection Zoning District for one or more permitted uses other than residential use.
  - e-e. ~~Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the P~~lanning ~~B~~oard following a recommendation by the

# Draft Agriculture and Resource Protection Ordinance Amendments proposed at the 2/11/19 MAGARP Committee Meeting

Agricultural Advisory Board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

f. Siting of residential structures shall avoid prime farmland soils and soils of statewide significance when alternatives exist on the parcel.

- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
  - (3) Forest products raised for harvest.
  - (4) Field crop farms.
  - (5) Row crop farms.
  - (6) Orchard farms.
  - (7) Truck gardens.
  - (8) Plant and tree nurseries.
  - (9) Greenhouses.
  - (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
  - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
  - (12) Wayside stands.
  - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
    - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
    - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
    - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
  - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
  - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
  - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the Planning Board following a recommendation by the Agricultural Advisory Board, based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the

# Draft Agriculture and Resource Protection Ordinance Amendments proposed at the 2/11/19 MAGARP Committee Meeting

conditions upon which such altered use may be continued shall be made a part of the permanent records.

- (5) Recreational uses of land intended or designed for public use subject to the following conditions:
  - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
  - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
- (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
  - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
  - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
- ~~(7) Rifle, pistol, skeet or trap shooting ranges, public or private.~~
- ~~(8)~~ Cemeteries, subject to the following conditions:
  - a. At least 20 acres in area.
  - b. Not located in any environmental overlay district or over any known aquifer.
- ~~(9)~~ Municipal sanitary landfills, subject to the following conditions:
  - a. Not located in any environmental overlay district or over any known aquifer.
  - b. Provisions shall be made to avoid surface water and groundwater pollution.
  - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- ~~(10)~~ Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
  - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
  - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- ~~(11)~~ Wholesale nurseries, subject to the following conditions:
  - a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
  - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- ~~(12)~~ Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:



## Draft Agriculture and Resource Protection Ordinance Amendments proposed at the 2/11/19 MAGARP Committee Meeting

- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
- b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
- c. An end-use plan must be filed as part of the planning board process.
- (~~43~~12) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (~~44~~13) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
  - a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the Watershed of Taylor Pond, the Shoreland Overlay District or the Floodplain Overlay District.
  - b. The proposed use shall not occupy more than 10,000 square feet of building area.
  - c. The number of employees shall be limited to not more than 15.
  - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
  - e. Hours of operation shall limited to between 6 a.m. and 8 p.m.
- (~~45~~14) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
  - a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
  - b. Provisions shall be made to avoid surface and groundwater pollution.
  - c. Provisions shall be made to counteract vermin, insects and odors.
  - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
  - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (~~46~~15) Adaptive reuse of structures of community significance.
- (~~47~~16) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
  - a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
  - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
  - c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017)

Sec. 60-146. - Dimensional regulations.

# Draft Agriculture and Resource Protection Ordinance Amendments proposed at the 2/11/19 MAGARP Committee Meeting

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created containing less than 10 acres and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. ~~and/or a~~ No building shall be erected on a lot containing less than ~~ten-three~~ acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring ~~not~~ less than 250 feet in width at the street frontage, and 200 feet in depth. Lots greater than 3 acres in area, but less than 10 acres, in existence as of January 1, 2018 shall not be subject to the minimum width, street frontage, depth and density requirements.
  - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
  - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
- (2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres.
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
  - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.31C)

# Draft Agriculture and Resource Protection Ordinance Amendments proposed at the 11/29/18 MAGARP Committee Meeting

Secs. 60-147—60-199. - Reserved.

## **Sec. 60-2. - Definitions.**

~~The term "farm," under the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:~~

~~Accessory structure or building means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district. ***Except that in the Ag Zone an accessory structure is permitted for farm use and may be constructed without the precondition of any Primary or Principal structure existing on the Farm if the land is in productive use or preserved open space.***~~

~~Agricultural Advisory Board means a member board appointed for a term by whose primary functions are to review, monitor or document agricultural, conservation and residential activity in the Agriculture and Resource Protection zoning district of the City of Auburn.~~

~~Farm means A farm is means an area of land that is devoted primarily to agricultural products as those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bees' products, livestock and livestock products, manure and compost and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. "Agricultural products" does not include trees grown and harvested for forest products.. processes with the primary objective of producing food and other crops; it is the basic facility in food production.[1] The name is used for specialisedspecialized units such as arable farms, vegetable farms, fruit farms, dairy, pig and poultry farms, and land used for the production of natural fibresfibers, biofuel and other commodities. It includes ranches, feedlots, orchards, plantations and estates, smallholdings and hobby farms, and includes the farmhouse and agricultural buildings as well as the land. In modern times the term has been extended so as to include such industrial operations as wind farms and fish farms, both of which can operate on land or sea. any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying.~~

~~A farmer[1] (also called an agriculturer) is a person engaged in agriculture, raising living organisms for food or raw materials. The term usually applies to people who do some combination of raising field~~

crops, orchards, vineyards, poultry, or other livestock. A farmer might own the farmed land or might work as a laborer on land owned by others, but in advanced economies, a farmer is usually a farm owner, while employees of the farm are known as farm workers, or farmhands. However, in the not so distant past, a farmer was a person who promotes or improves the growth of (a plant, crop, etc.) by labor and attention, land or crops or raises animals (as livestock or fish).

The term "farm," under tThe Agricultural and Resource Protection District further, ~~shall be further defines agriculture and resource conservation land use d-as meeting at least two of the the following criteria:~~

- (1) At least the minimum required farm income for the filing of an IRS Form-F, as adjusted by the IRS, of the farmer occupant living in the farm residence will be derived from such uses; or,
- (2) At least minimum required income from forestry products equivalent to that required of a farm for the filing of an IRS Form-F, as adjusted by the IRS, of the occupant living in the farm residence will be derived from such uses; or
- (3) At least two and one half acres (2.5 acres) devoted to the production of crops, grazing of livestock, or to the long-term resource conservation such as forestry, wildlife habitat or other specific protected natural resource; or,
- 3) At least 50% of land area enrolled in the state Farm, Open Space or Forest Management preservation and State Farmland, Open Space or Treegrowth tax assessment programs (§§.36-1102-1120); or
- 4) A minimum investment of \$1000 or more in crops, livestock, reforestation, or other farm or resource conservation effort as defined herein or by the Agricultural Advisory Board.

Verification of the above may be completed by a mutually agreeable third party if not available as a public record or if confidential information is needed to make the determination. If a dwelling is proposed prior to meeting the above a farm plan demonstrating the intent to meet the requirements must be provided with the building permit application. Compliance with the farm plan must be achieved within 24 months of the issuance of a certificate of occupancy and continued for XXX yearsverified annually. Relief from the requirement to comply after the 24 month period must be obtained from the Agricultural Advisory Board pursuant to Section 60-145(1)æ.

~~For purposes of this definition, the term "poultry" means no fewer than 100 fowl and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.~~

Farm, Livestock (,at least 2 cattle or other animals being raised for commercial purposes) means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals, and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger, **with standards as follows:**

(1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.

(2) Horse: 1.5 animal units per acre of cleared hay/pasture land.

(3) Sheep: Three animal units per acre of cleared hay/pasture land.

(4) Swine: Two animal units per acre of cleared land.

(5) poultry: a minimum of 10 fow

Other livestock farms: ~~The required~~ lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals

**Forested land.** means land that is used in the growth of trees but does not include ledge, marsh, open swamp, bog, water and similar areas that are unsuitable for growing trees

~~Accessory structure or building means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district. Except that in the Ag Zone an accessory structure is permitted for farm use and may be constructed without the precondition of any Primary or Principal structure existing on the Farm.~~

**Open space land.** means any area of land, including state wildlife and management areas, sanctuaries and preserves designated as such in Title 12, the preservation or restriction of the use of which provides a public benefit in any of the following areas: A. Conserving scenic resources; B. Enhancing public recreation opportunities; C. Promoting game management; or D. Preserving wildlife or wildlife habitat

**Open Space, Usable.** means an otherwise buildable area that can be used for recreation or other passive or active outdoor activity.

~~Except that in the Ag Zone an accessory structure is permitted for farm use and may be constructed without the precondition of any Primary or Principal structure existing on the Farm.~~

~~Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.~~



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 16, 2019

**Author:** Phil Crowell, Assistant City Manager

**Subject:** Review of the revised policy regarding the acquisition and disposition of city-owned property

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**Information:** The purpose of this policy is to establish a procedure for the acquisition, management, and disposition of all real property owned by the City ("City-Owned Property"), which includes real estate acquired through the non-payment of taxes ("Tax Acquired Property") or through any other means. It is in the City's and its residents' best interest to have a clear policy with respect to the management and disposition of City-Owned Property in order to: pursue the City's Comprehensive Plan and Strategic Plans, broaden the tax base, reduce blight, and balance the City's obligations to collect tax revenue with the desire of homeowners to remain in their Homestead. It is the City of Auburn's goal to make a reasonable effort to return Tax-Acquired Property to its previous owner(s) by working with them to find a way to redeem the property, while maintaining the integrity and fiscal well-being of the City.

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**City Budgetary Impacts:** By having a clear process for city-owned property, the city is receiving the value of the non-payment of taxes, and the properties are being sold more efficiently resulting in future taxes being received.

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**Staff Recommended Action:** Staff has work with Attorney Michael Malloy and have approved the attached policy your consideration.

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**Previous Meetings and History:** The policy was originally adopted by the city council on July 6, 2009 and amended on January 23, 2017

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**City Manager Comments:**

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Coulton".

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**Attachments:**

**POLICY REGARDING THE ACQUISITION AND DISPOSITION OF CITY-OWNED PROPERTY**



**CITY OF AUBURN**  
**POLICY REGARDING THE ACQUISITION AND DISPOSITION OF CITY-OWNED PROPERTY**

**ARTICLE I. PURPOSE; DEFINITIONS**

**Section 1.1. Statement of Purpose.** The purpose of this policy is to establish a procedure for the acquisition, management, and disposition of all real property owned by the City ("City-Owned Property"), which includes real estate acquired through the non-payment of taxes ("Tax Acquired Property") or through any other means. It is in the City's and its residents' best interest to have a clear policy with respect to the management and disposition of City-Owned Property in order to: pursue the City's Comprehensive Plan and Strategic Plans, broaden the tax base, reduce blight, and balance the City's obligations to collect tax revenue with the desire of homeowners to remain in their Homestead. It is the City of Auburn's goal to make a reasonable effort to return Tax-Acquired Property to its previous owner(s) by working with them to find a way to redeem the property, while maintaining the integrity and fiscal well-being of the City.

**Section 1.2. Definitions.** Capitalized terms not specifically defined in this policy shall be interpreted in accordance with their definitions or meaning under Title 36 of the Maine Revised Statutes.

**Section 1.3. Consolidation of Policies.** This policy amends, consolidates, and supersedes in their entirety, the policy regarding the Review and Disposition of City Property for Redevelopment Purposes previously authorized by the City Council, as well as the City's Policy Regarding the Acquisition and Disposition of Tax-Acquired Property, previously adopted and amended by the City Council.

**ARTICLE II. ESTABLISHMENT OF CITY-OWNED PROPERTY COMMITTEE**

**Section 2.1. Committee Established.** The City Manager shall designate representatives of various City departments to serve on a staff committee which shall meet regularly to discuss the acquisition, management, and disposition of City-Owned Property, and to deliver recommendations to the City Manager for action by the City Council (the "City-Owned Property Committee" or the "Committee"). The City Manager's office will coordinate the work of the committee.

**Section 2.2. Committee Composition.** The Committee shall include the City Manager or his or her designee, the Finance Director, the Tax Collector, the City Attorney, and the Facilities/Purchasing Manager. The Committee may also include representatives of the following departments: Economic and Community Development, Assessing, Public Works, Recreation, Fire, and Police, as well as any other staff members designated by the City Manager. The City Manager shall designate from among its members, a Chairperson for the Committee who shall be responsible for scheduling

**Deleted:** <object>

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**Deleted:** the

**Deleted:** disposal of tax acquired property

**Deleted:** to have that property disposed of efficiently as possible

**Deleted:** ¶

Return properties to

**Deleted:** tax rolls;¶  
Reduce

**Deleted:** opportunity for neighborhood

**Deleted:** by not having buildings or lots sit vacant and unattended, thus potentially becoming an eyesore

**Deleted:** a target for vandalism;¶  
Preserve neighborhoods by having properties sold in a timely manner, thus reducing...

**Deleted:** likelihood of deterioration or becoming dilapidated. ¶

**Deleted:** properties

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**Deleted:** Article 2. Administration - "Tax Acquired Property Management Committee"¶

¶  
**Section 2.1. Committee Established.** With the passage of the policy a staff committee will be established and will be called the "Tax Acquired Property Management Committee".¶  
¶

**Deleted:** Permanent members of the committee will be

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the Committee's meetings and reporting on the Committee's work.

### ARTICLE III. DUTIES AND RESPONSIBILITIES OF COMMITTEE MEMBERS

**Section 3.1. List of City-Owned Property.** The Tax Collector shall maintain a list of all City-Owned Properties, as well as all real estate within the City for which the Tax Collector has delivered a notice that a tax lien is claimed, or upon which the City has recorded a tax lien certificate under 36 M.R.S. § 942 (the "City-Owned Property List"). The City-Owned Property List shall contain sufficient information required by the Committee to fulfill its duties, which shall include at a minimum, the manner in which the City acquired ownership of the property, such as through the foreclosure of a tax lien mortgage, gift, or purchase.

**Section 3.2. Pre-Foreclosure Notices to Taxpayers.** Prior to recording a tax lien certificate, the Tax Collector shall, pursuant to 36 M.R.S. § 942, notify the owners of all Homesteads who have failed to timely pay their taxes, that they may be eligible to file an application for a poverty abatement, and shall provide such additional pre-foreclosure information and resources, as required by Section 942.

**Section 3.3. Circulation of Property List.** At least forty-five (45) days prior to the expiration of the 18-month period for redemption in 36 M.R.S. § 943 (the "Foreclosure Date"), the Tax Collector shall notify the Committee of the impending Foreclosure Date and the properties subject to the impending tax lien foreclosure. The Tax Collector shall also provide this information to the City's Director of Health and Social Services and the City Clerk, so that they may assist taxpayers who may be eligible to apply for a poverty abatement or other forms of relief.

**Section 3.4. Pre-Foreclosure Department Review.** Committee members shall regularly review the Property List and make reasonable inquiries to determine whether circumstances exist that may justify the City's waiver of the automatic tax lien foreclosure process. At least one member of the Committee should view each property on the list to the extent practicable. Committee members may consider any factor they deem relevant to this determination, including: the existence or likelihood of environmental hazards on the property; the proximity of the property to publicly owned land or water supplies; the existence of any violations of the City's zoning, land use, or building codes at the property; the presence of a nuisance at the property; whether structures on the property are dilapidated, pose a risk to health and safety, or should otherwise be demolished; or, whether the property would otherwise pose undue risk or expense to the City in the event of the automatic foreclosure of the City's tax lien mortgage.

**Section 3.5. Waiver of Automatic Foreclosure.** Prior to the Foreclosure Date, the Committee shall meet to discuss the results of the Committee members' inquiries. Following that meeting, the Committee Chairperson shall notify the City Manager of any properties for which the Committee recommends that the City waive the automatic foreclosure of its tax lien mortgage. The City Manager shall have the authority to waive the automatic foreclosure of a tax lien mortgage if the Committee deems such foreclosure

**Deleted:** Section 2.3 Meetings. The Committee will meet as often as necessary to carry out the duties and responsibilities set forth in this policy.¶

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**Deleted:** identify each property on the list and

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**Deleted:** use if improved with buildings, and any other information available that the Tax Collector feels will be helpful to the committee. **Section 3.2 Notice to Departments.** The Tax Collector shall notify the following departments of the impending foreclosure, and provide the list of properties and the same information as provided to the committee:

**Deleted:** , Health and Social Services and City Clerk

to pose an undue risk to the City. Upon the City Manager's approval, the Tax Collector shall take such action as is necessary to waive the automatic foreclosure. In addition, the City Manager may direct the Tax Collector to waive the automatic tax lien foreclosure for any other real estate on the Property List if the City Manager concludes that the City's ownership of such property is likely to create undue risk or expense, or is otherwise in the best interests of the City, regardless of any recommendations of the Committee. In the event the City records a waiver of foreclosure, nothing in this policy shall be deemed to relinquish the City's other rights to collect taxes owed under 36 M.R.S. § 944, or otherwise existing at law or in equity.

#### **ARTICLE IV. MANAGEMENT OF CITY-OWNED PROPERTY**

**Section 4.1. Collection of Taxes.** Following the automatic foreclosure of any City tax lien mortgage, all Tax-Acquired Property shall remain on the Property List until disposed of in accordance with this policy or as otherwise directed by the City Council. The City shall continue to assess taxes to any parties, other than the City, who may be in possession of City-Owned Property, as required by law. The City shall designate such parties as a "Party in Possession" on the tax bill.

Moved (insertion) [3]

**Section 4.2. Possession and Occupancy of Tax-Acquired Property.** The City Manager shall have the discretion to determine whether to permit former owners of Tax-Acquired Property to remain in possession of the premises pending either the taxpayer's redemption of the property by repayment in full of all outstanding costs and fees; the City's consideration of an exemption or abatement application; or, the City's disposition of the property. Any former owners permitted to occupy a Tax-Acquired Property shall be solely responsible for insuring the property against risk of loss. Nothing in this Policy shall be deemed a waiver of the City's immunity under the Maine Tort Claims Act. To the extent permitted by law, the City Manager may decline to exercise his or her discretion, and may initiate a forcible entry and detainer process against former owners and all other occupants of Tax-Acquired Property who fail to provide the City with satisfactory evidence of insurance, that contain outstanding violations of City ordinances, that become a nuisance or Dangerous Building under Title 17 of the Maine Revised Statutes, or where the City Manager otherwise concludes that the City's prospects for reuse or disposition of the Tax-Acquired Property or the best interests of the City so require.

Moved (insertion) [4]

**Section 4.3. Review and Management of City-Owned Properties.** The Committee will regularly meet to review and manage all real estate on the Property List in order to pursue the purposes stated above, and to ensure that the City's management practices continue to comply with changes in the law. The Chairperson of the Committee shall periodically submit the Committee's recommendations for action by the City Council.

Moved (insertion) [5]

**Deleted: Section 3.3 Request for Department Review.** At the time of the notice, the Tax Collector will request the departments to review the property list for the purpose of advising the committee of any properties which the City should not acquire through the lien foreclosure process. When appropriate, the department should perform a field visit to the property. In reviewing the list, each department will consider the criteria and guidelines established in this policy and by the Committee.¶

In order for the Committee to perform its work, each department must conduct its review and return its written findings and recommendations to the Tax Collector within five (5) business days

#### **ARTICLE V. DISPOSITION OF CITY-OWNED PROPERTY**

**Section 5.1. City Council Action.** The City Council shall review and decide on all recommendations of the Committee with respect to the retention or disposition of City-Owned Property;

provided nevertheless, that in the case of Tax-Acquired Property, the Finance Director or his or her designee, is hereby designated the authority to grant a municipal quitclaim deed to the most recent prior owner of a qualifying Homestead under 36 M.R.S. § 683 upon the prior owner's payment of all outstanding taxes, fees, interest and expenses of the City, without the necessity for Council action.

**Section 5.2. Redemption of Homesteads.** The immediate former owner of Tax Acquired Property which the former owner occupied as a qualifying Homestead prior to foreclosure of the City's tax lien mortgage, may redeem the property for a period of up to 30 days from the Foreclosure Date, provided the Tax-Acquired Property is not subject to any outstanding Notices of Violation of the City's ordinances. The City will not enter into installment sale contracts, bonds for deeds, mortgages, or otherwise or finance the redemption of Tax-Acquired Property. Payment must be made in a maximum of two lump sum amounts, and shall include all past due taxes, interest, costs, attorney's and paralegal fees and other reasonable expenses of the City. In addition, all current year taxes must be timely paid prior to redemption or the City shall have no obligation to convey the Homestead to its former owner, and the City may otherwise dispose of the property.

**Section 5.3. Sales.** Depending on its nature, the City Council may authorize staff to dispose of City-Owned Property through the use of sealed bids, requests for proposals, or the services of a licensed real estate broker as the Council, in its discretion, deems appropriate following a recommendation of the Committee or the City Manager. Nothing in this policy shall be deemed to limit or modify the discretion of the City Manager or the City Council to reject any offer to purchase City-Owned Property, should they deem it in the best interests of the City to do so. All properties must be sold for uses in keeping with the City's zoning ordinance. The City may also place criteria on the disposition of any City-Owned property to further the City's planning and economic development objectives, including: the density of development, design standards, the intended use (even when the particular use is allowed in that zone), and evidence of the buyer's financial ability to develop the property. All sales of City-Owned Property shall be subject to any additional terms and conditions of sale which the City Council may require or which the City Attorney may reasonably advise.

**Section 5.4. Sale of Homesteads Formerly Owned by Persons 65 Years of Age or Older.** Notwithstanding the preceding Sections of this Article V, the City shall not list any Tax-Acquired Property for sale unless it has first complied with the requirements of 36 M.R.S. § 943-C, to the extent applicable to any particular property and former owner. Any member of the Tax-Acquired Property Committee may serve as the City Council's designee for purposes of administering the City's obligations and making the determinations required under Section 943-C.

Adopted by the Auburn City Council: July 6, 2009  
Amended by the Auburn City Council: January 23, 2017; [REDACTED], 2019

**Moved up [1]:** . ¶

¶

**Section 3.**

**Deleted:** 4 Guidelines for reviewing ¶

¶

When reviewing properties that may be subject to foreclosure, the Committee and the affected departments will, at a minimum, consider the following guidelines and criteria in determining whether the City should: (1) retain the property for public use, (2) sell the property, or (3) waive foreclosure:¶

¶

the property is either unfit or unnecessary for City use;¶  
the City wishes to retain ownership for municipal purposes;¶  
the property is adjacent to publicly owned land;¶  
there are buildings on the property that should be demolished;¶  
there are environmental liabilities or hazards present on the site¶  
the property has investment or marketable value;¶  
there are uses that the property is suited for which meet t...

**Moved up [2]:** . ¶

¶

**Section**

**Moved up [5]:** ¶

**Section 4.**

**Deleted: Disposition of Tax Acquired Property.** All tax acquired properties will automatically be eligible for disposition immediately following foreclosure by the City w...

**Deleted: 2 Sale to the Prior Owner.** The City will first offer tax acquired property to the prior owner, it shall be offered upon the following conditions: Upon acquiring a property, ...

**Moved up [3]:** ¶

**Section 4.**

**Moved up [4]:** ¶

¶

**Section 4.**

**Deleted:** to the Manager and City Council regarding disposition ...

**Deleted: Action/Recommendations.** The committee will meet to review the comments received from each department. The Committee will then forward a ...

**Deleted: 4 Sales.** Depending on the type of property and its value, the City may use a variety of marketing methods, as indicated below. Regardless of the method, the City reserv...

**Deleted:** property.¶

¶

**Section 3.5**

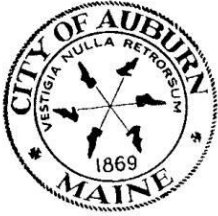
**Deleted: 4.1 Guidelines Regarding the Sale**

**Deleted: 4. Rejection of Bid or Purchase Offer.** All properties will be sold at a price acceptable to meet the City's priorities for reuse, taking into consideration the assessed ...

**Deleted:** bid

**Deleted:** that meet or

**Deleted: Article 5. Occupied Residential Properties.** Prior to the conveyance by the City of a foreclosed residential property, the City will manage the property in accordance with the provisions of Ti...



**CITY OF AUBURN**  
**POLICY REGARDING THE ACQUISITION AND DISPOSITION OF CITY-OWNED PROPERTY**

**ARTICLE I. PURPOSE; DEFINITIONS**

- Section 1.1. Statement of Purpose.** The purpose of this policy is to establish a procedure for the acquisition, management, and disposition of all real property owned by the City ("City-Owned Property"), which includes real estate acquired through the non-payment of taxes ("Tax Acquired Property") or through any other means. It is in the City's and its residents' best interest to have a clear policy with respect to the management and disposition of City-Owned Property in order to: pursue the City's Comprehensive Plan and Strategic Plans, broaden the tax base, reduce blight, and balance the City's obligations to collect tax revenue with the desire of homeowners to remain in their Homestead. It is the City of Auburn's goal to make a reasonable effort to return Tax-Acquired Property to its previous owner(s) by working with them to find a way to redeem the property, while maintaining the integrity and fiscal well-being of the City.
- Section 1.2. Definitions.** Capitalized terms not specifically defined in this policy shall be interpreted in accordance with their definitions or meaning under Title 36 of the Maine Revised Statutes.
- Section 1.3. Consolidation of Policies.** This policy amends, consolidates, and supersedes in their entirety, the policy regarding the Review and Disposition of City Property for Redevelopment Purposes previously authorized by the City Council, as well as the City's Policy Regarding the Acquisition and Disposition of Tax-Acquired Property, previously adopted and amended by the City Council.

**ARTICLE II. ESTABLISHMENT OF CITY-OWNED PROPERTY COMMITTEE**

- Section 2.1. Committee Established.** The City Manager shall designate representatives of various City departments to serve on a staff committee which shall meet regularly to discuss the acquisition, management, and disposition of City-Owned Property, and to deliver recommendations to the City Manager for action by the City Council (the "City-Owned Property Committee" or the "Committee"). The City Manager's office will coordinate the work of the committee.
- Section 2.2. Committee Composition.** The Committee shall include the City Manager or his or her designee, the Finance Director, the Tax Collector, the City Attorney, and the Facilities/Purchasing Manager. The Committee may also include representatives of the following departments: Economic and Community Development, Assessing, Public Works, Recreation, Fire, and Police; as well as any other staff members designated by the City Manager. The City Manager shall designate from among its members, a Chairperson for the Committee who shall be responsible for scheduling

the Committee's meetings and reporting on the Committee's work.

### **ARTICLE III. DUTIES AND RESPONSIBILITIES OF COMMITTEE MEMBERS**

- Section 3.1. List of City-Owned Property.** The Tax Collector shall maintain a list of all City-Owned Properties, as well as all real estate within the City for which the Tax Collector has delivered a notice that a tax lien is claimed, or upon which the City has recorded a tax lien certificate under 36 M.R.S. § 942 (the "City-Owned Property List"). The City-Owned Property List shall contain sufficient information required by the Committee to fulfill its duties, which shall include at a minimum, the manner in which the City acquired ownership of the property, such as through the foreclosure of a tax lien mortgage, gift, or purchase.
- Section 3.2. Pre-Foreclosure Notices to Taxpayers.** Prior to recording a tax lien certificate, the Tax Collector shall, pursuant to 36 M.R.S. § 942, notify the owners of all Homesteads who have failed to timely pay their taxes, that they may be eligible to file an application for a poverty abatement, and shall provide such additional pre-foreclosure information and resources, as required by Section 942.
- Section 3.3. Circulation of Property List.** At least forty-five (45) days prior to the expiration of the 18-month period for redemption in 36 M.R.S. § 943 (the "Foreclosure Date"), the Tax Collector shall notify the Committee of the impending Foreclosure Date and the properties subject to the impending tax lien foreclosure. The Tax Collector shall also provide this information to the City's Director of Health and Social Services and the City Clerk, so that they may assist taxpayers who may be eligible to apply for a poverty abatement or other forms of relief.
- Section 3.4. Pre-Foreclosure Department Review.** Committee members shall regularly review the Property List and make reasonable inquiries to determine whether circumstances exist that may justify the City's waiver of the automatic tax lien foreclosure process. At least one member of the Committee should view each property on the list to the extent practicable. Committee members may consider any factor they deem relevant to this determination, including: the existence or likelihood of environmental hazards on the property; the proximity of the property to publicly owned land or water supplies; the existence of any violations of the City's zoning, land use, or building codes at the property; the presence of a nuisance at the property; whether structures on the property are dilapidated, pose a risk to health and safety, or should otherwise be demolished; or, whether the property would otherwise pose undue risk or expense to the City in the event of the automatic foreclosure of the City's tax lien mortgage.
- Section 3.5. Waiver of Automatic Foreclosure.** Prior to the Foreclosure Date, the Committee shall meet to discuss the results of the Committee members' inquiries. Following that meeting, the Committee Chairperson shall notify the City Manager of any properties for which the Committee recommends that the City waive the automatic foreclosure of its tax lien mortgage. The City Manager shall have the authority to waive the automatic foreclosure of a tax lien mortgage if the Committee deems such foreclosure

to pose an undue risk to the City. Upon the City Manager's approval, the Tax Collector shall take such action as is necessary to waive the automatic foreclosure. In addition, the City Manager may direct the Tax Collector to waive the automatic tax lien foreclosure for any other real estate on the Property List if the City Manager concludes that the City's ownership of such property is likely to create undue risk or expense, or is otherwise in the best interests of the City, regardless of any recommendations of the Committee. In the event the City records a waiver of foreclosure, nothing in this policy shall be deemed to relinquish the City's other rights to collect taxes owed under 36 M.R.S. § 944, or otherwise existing at law or in equity.

#### **ARTICLE IV. MANAGEMENT OF CITY-OWNED PROPERTY**

**Section 4.1. Collection of Taxes.** Following the automatic foreclosure of any City tax lien mortgage, all Tax-Acquired Property shall remain on the Property List until disposed of in accordance with this policy or as otherwise directed by the City Council. The City shall continue to assess taxes to any parties, other than the City, who may be in possession of City-Owned Property, as required by law. The City shall designate such parties as a "Party in Possession" on the tax bill.

**Section 4.2. Possession and Occupancy of Tax-Acquired Property.** The City Manager shall have the discretion to determine whether to permit former owners of Tax-Acquired Property to remain in possession of the premises pending either the taxpayer's redemption of the property by repayment in full of all outstanding costs and fees; the City's consideration of an exemption or abatement application; or, the City's disposition of the property. Any former owners permitted to occupy a Tax-Acquired Property shall be solely responsible for insuring the property against risk of loss. Nothing in this Policy shall be deemed a waiver of the City's immunity under the Maine Tort Claims Act. To the extent permitted by law, the City Manager may decline to exercise his or her discretion, and may initiate a forcible entry and detainer process against former owners and all other occupants of Tax-Acquired Property who fail to provide the City with satisfactory evidence of insurance, that contain outstanding violations of City ordinances, that become a nuisance or Dangerous Building under Title 17 of the Maine Revised Statutes, or where the City Manager otherwise concludes that the City's prospects for reuse or disposition of the Tax-Acquired Property or the best interests of the City so require.

**Section 4.3. Review and Management of City-Owned Properties.** The Committee will regularly meet to review and manage all real estate on the Property List in order to pursue the purposes stated above, and to ensure that the City's management practices continue to comply with changes in the law. The Chairperson of the Committee shall periodically submit the Committee's recommendations for action by the City Council.

#### **ARTICLE V. DISPOSITION OF CITY-OWNED PROPERTY**

**Section 5.1. City Council Action.** The City Council shall review and decide on all recommendations of the Committee with respect to the retention or disposition of City-Owned Property;

provided nevertheless, that in the case of Tax-Acquired Property, the Finance Director or his or her designee, is hereby designated the authority to grant a municipal quitclaim deed to the most recent prior owner of a qualifying Homestead under 36 M.R.S. § 683 upon the prior owner's payment of all outstanding taxes, fees, interest and expenses of the City, without the necessity for Council action.

**Section 5.2. Redemption of Homesteads.** The immediate former owner of Tax Acquired Property which the former owner occupied as a qualifying Homestead prior to foreclosure of the City's tax lien mortgage, may redeem the property for a period of up to 30 days from the Foreclosure Date, provided the Tax-Acquired Property is not subject to any outstanding Notices of Violation of the City's ordinances. The City will not enter into installment sale contracts, bonds for deeds, mortgages, or otherwise or finance the redemption of Tax-Acquired Property. Payment must be made in a maximum of two lump sum amounts, and shall include all past due taxes, interest, costs, attorney's and paralegal fees and other reasonable expenses of the City. In addition, all current year taxes must be timely paid prior to redemption or the City shall have no obligation to convey the Homestead to its former owner, and the City may otherwise dispose of the property.

**Section 5.3. Sales.** Depending on its nature, the City Council may authorize staff to dispose of City-Owned Property through the use of sealed bids, requests for proposals, or the services of a licensed real estate broker as the Council, in its discretion, deems appropriate following a recommendation of the Committee or the City Manager. Nothing in this policy shall be deemed to limit or modify the discretion of the City Manager or the City Council to reject any offer to purchase City-Owned Property, should they deem it in the best interests of the City to do so. All properties must be sold for uses in keeping with the City's zoning ordinance. The City may also place criteria on the disposition of any City-Owned property to further the City's planning and economic development objectives, including: the density of development, design standards, the intended use (even when the particular use is allowed in that zone), and evidence of the buyer's financial ability to develop the property. All sales of City-Owned Property shall be subject to any additional terms and conditions of sale which the City Council may require or which the City Attorney may reasonably advise.

**Section 5.4. Sale of Homesteads Formerly Owned by Persons 65 Years of Age or Older.** Notwithstanding the preceding Sections of this Article V, the City shall not list any Tax-Acquired Property for sale unless it has first complied with the requirements of 36 M.R.S. § 943-C, to the extent applicable to any particular property and former owner. Any member of the Tax-Acquired Property Committee may serve as the City Council's designee for purposes of administering the City's obligations and making the determinations required under Section 943-C.

Adopted by the Auburn City Council: July 6, 2009  
Amended by the Auburn City Council: January 23, 2017; [REDACTED], 2019



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 16, 2019

**Orders:** 108-09162019 through 112-09162019

**Author:** Kelsey Earle, License Specialist

**Subject:** Automobile Graveyard/Junkyard permits renewals

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**Information:** This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Reminder letters and applications were sent out 08/08/2019. Inspections have been made. Council approval is required for renewal of these licenses. Because the 5 listed below are renewals, they do not require a public hearing. All have passed inspections conducted by the Code and Fire Departments, therefore have been placed on the Consent Agenda for approval as they are considered routine.

Title 30-A, Sec. 3754 states *"Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish a new automobile graveyard, automobile recycling business or junkyard and may hold public hearings annually regarding the relicensing of these facilities"*.

Randy's Auto Parts, Inc., 899 Broad Street  
M & P Auto, Inc., 227 Merrow Road  
Don's No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North  
Prolerized New England Company, LLC., 522 Washington St. North  
Isadore T. Miller, 79 & 80 Hotel Road

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Staff recommends the City Council approve renewal applications.

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**Previous Meetings and History:** Annual Renewal

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**City Manager Comments:**

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Cichetto".

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**Attachments:**

1. Automobile Graveyard/Junkyard applications
2. Inspection Memo – Eric Cousens (Economic and Community Development)
3. Inspection Memo – David O'Connell (Fire Department)
4. Orders 108-09162019, 109-09162019, 110-09162019, 111-09162019 and 112-09162019





## Auburn Fire Department

David N. O'Connell | Fire Inspector/Fire Investigator  
550 Minot Avenue | Auburn, Maine 04210  
doconnell@auburnmaine.gov | 207.333.6633 ext 4

Sarah L. Hulbert – Fire/EMS Support Specialist  
shulbert@auburnmaine.gov

**To:** Mayor and City Council

**From:** David O'Connell, Fire Prevention Officer

**Re:** 2019 Junkyard License Inspections

**Date:** September 4, 2019

The City Clerk requested that this office inspect licensed junkyards which have applied for license renewals – prior to the Council's consideration of their applications. Inspections were completed by September 4, 2019, and crews found the following:

**Prolerized New England Company, LLC**, 522 Washington Street: No deficiencies noted after inspection. Fire Department approves.

**M & P Auto, Inc.**, 277 Merrow Road: No deficiencies noted after inspection. Fire Department approves.

**Randy's Auto Parts**, 899 Broad Street: No deficiencies noted after inspection. Fire Department approves.

**Isadore T. Miller, Inc.**, 79 and 80 Old Hotel Road: Site is vacant; no buildings. No comments or concerns.

**Morris Auto Parts**, 940 Washington Street North: No deficiencies noted after inspection. Fire Department approves.

Sincerely,

David O'Connell

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## City of Auburn, Maine

Office of Economic & Community Development

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

Auburn, Maine 04210

207.333.6601

To: Kelsey Earle, Licensing Specialist / Deputy City Clerk

From: Eric J. Cousens, Deputy Director of Economic and Community Development *EJC*

Re: 2019 Junkyard License Inspections

Date: September 6, 2018

Based on your request this office inspected licensed junkyards that have applied for license renewals prior to the Councils consideration of their application. Inspections were completed on September 4<sup>th</sup> and 5<sup>th</sup> and staff found the following:

Randy's Auto Parts - 899 Broad St. - No concerns. The site is meeting junkyard requirements.

M & P Auto, Inc. - 227 Mellow Rd. - No Concerns. The site is meeting junkyard requirements.

Morris Auto Parts - 940 Washington ST. N – Over the last few years the inspections revealed that there were some violations and we have worked with this business to address them. The fence along Washington Street was partly removed but the remaining piece, although unsightly, is not in violation of the Statute. The license was issued in February 2019 after achieving compliance. The site is currently meeting junkyard requirements.

Prolerized New England Company – 522 Washington Street- No concerns. The site is meeting junkyard requirements.

Isadore T. Miller Co. – 78 & 80 Hotel Road - No concerns. The site is mostly empty and still meeting junkyard requirements.



## City of Auburn, Maine

Office of The City Clerk

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

2 0 1 9

### AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

\*\*\*\*\*

To the City of Auburn, County of Androscoggin, Maine:

I/We Albert Bazinet Jr / M&P Auto Inc. hereby  
Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or  
Junkyard at the following described location and in accordance with the provisions of Title 30-A  
MRSA Sections 3751-3760.

Physical Address: 227 Merrow Rd.  
Auburn, ME 04210

Mailing Address: Same

Phone Number: 786-3030

E-Mail: Cbazinet@roadrunner.com / jeffampautoparts.com

#### Answer all questions in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?

227 Merrow Rd.  
Auburn, ME 04210

2. Is this application made by or for a company, partnership, corporation or individual:

Corp.

3. Is this property leased? No Property owned by: Albert Bazinet Jr

Address: 81 Dawes Ave Auburn, ME 04210

4. How is "yard" screened?

☒ Fence (type) \_\_\_\_\_ Height: 8'  
☐ Trees (type) \_\_\_\_\_



## City of Auburn, Maine

Office of The City Clerk

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

- ☐ Embankment: \_\_\_\_\_  
☐ Gully: \_\_\_\_\_  
☐ Hill: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

5. How far is edge of "yard" from center of highway?

400 ft.

6. Can junk be seen from any part of highway? Yes \_\_\_\_\_ No X

7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No \_\_\_\_\_

8. Is any portion of this "yard" on public property? Yes \_\_\_\_\_ No X

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes \_\_\_\_\_ No X

10. When was "yard" established? 1978 By whom? Albert Bazinet Jr.

11. When was last permit issued? 2018 By whom? M&P Auto Inc.

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: Al Bazinet for: M&P Auto Inc.  
Name of Company, Corporation, Partnership or Individual

Address: 227 Merrow Rd. Auburn, ME 04210

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 186





## City of Auburn, Maine

Office of The City Clerk

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

Auburn, Maine 04210

207.333.6601

Lot No. 013  
Zone \_\_\_\_\_

Check correct direction:

- ☐ North
- ☐ East
- ☐ West
- ☐ South

1 copy of application to City

1 copy of application to Applicant

1 copy of application to State Police, Augusta

1 Copy of application to Dept. of Transportation, Augusta (Right of Way Division)

M & P AUTO INC.  
227 MERROW RD  
AUBURN, ME 04210

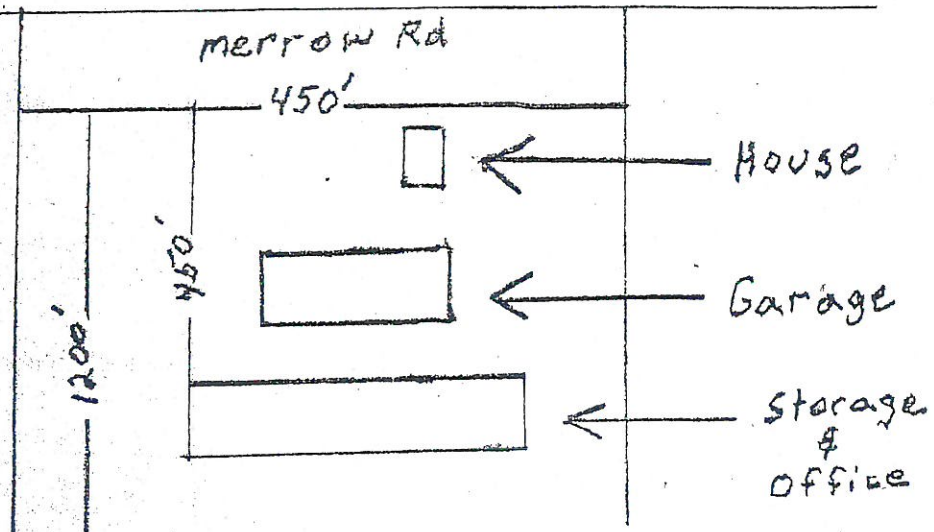
Road Name

or

Route No.

Hotel Rd. To

To Minor Ave



Holly C. Lasagna, Ward One  
Robert P. Hayes, Ward Two  
Andrew D. Titus, Ward Three  
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five  
Belinda A. Gerry, At Large  
David C. Young, At Large

Jason J. Levesque, Mayor

## IN CITY COUNCIL

ORDER 108-09162019

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for M & P Auto, Inc., 227 Merrow Road.



## City of Auburn, Maine

Office of The City Clerk

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

2 0 1 9

### AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

\*\*\*\*\*

To the City of Auburn, County of Androscoggin, Maine:

I/We Randy's Auto Parts hereby  
Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or  
Junkyard at the following described location and in accordance with the provisions of Title 30-A  
MRSA Sections 3751-3760.

Physical Address: 899 BROAD STREET

Mailing Address: P.O. Box 1243 Auburn, ME 04211

Phone Number: 207-782-9589

E-Mail: TAYLORBROO@ROADRUNNER.COM

#### Answer all questions in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?

899 BROAD ST. AUBURN, ME

2. Is this application made by or for a company, partnership, corporation or individual:

RONALD & ERNEST LEVASSEUR

3. Is this property leased? No Property owned by: RONALD & ERNEST LEVASSEUR  
Address: \_\_\_\_\_

4. How is "yard" screened?

☒ Fence (type) Wood Height: 6' 8"  
☒ Trees (type) FIR





## City of Auburn, Maine

Office of The City Clerk

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

- ☐ Embankment: \_\_\_\_\_  
☐ Gully: \_\_\_\_\_  
☐ Hill: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

5. How far is edge of "yard" from center of highway?

300 feet

6. Can junk be seen from any part of highway? Yes \_\_\_\_\_ No ✓

7. Were Junkyard Law, Requirements and Fees explained to you? Yes ✓ No \_\_\_\_\_

8. Is any portion of this "yard" on public property? Yes \_\_\_\_\_ No ✓

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes \_\_\_\_\_ No ✓

10. When was "yard" established? 1980 By whom? Turn Town Rendering

11. When was last permit issued? 2018 By whom? Randy's Auto Parts

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: Randy's Auto Parts Inc. for: Randy's Auto Parts Inc.

Address: P.O. Box 1243-897 Broad St. Auburn, ME 04211

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 182-001



## City of Auburn, Maine

Office of The City Clerk

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

Auburn, Maine 04210

207.333.6601

Lot No. 182-001  
Zone \_\_\_\_\_

Check correct direction:

- ☐ North
- ☐ East
- ☐ West
- ☒ South

1 copy of application to City

1 copy of application to Applicant

1 copy of application to State Police, Augusta

1 Copy of application to Dept. of Transportation, Augusta (Right of Way Division)

BROAD STREET

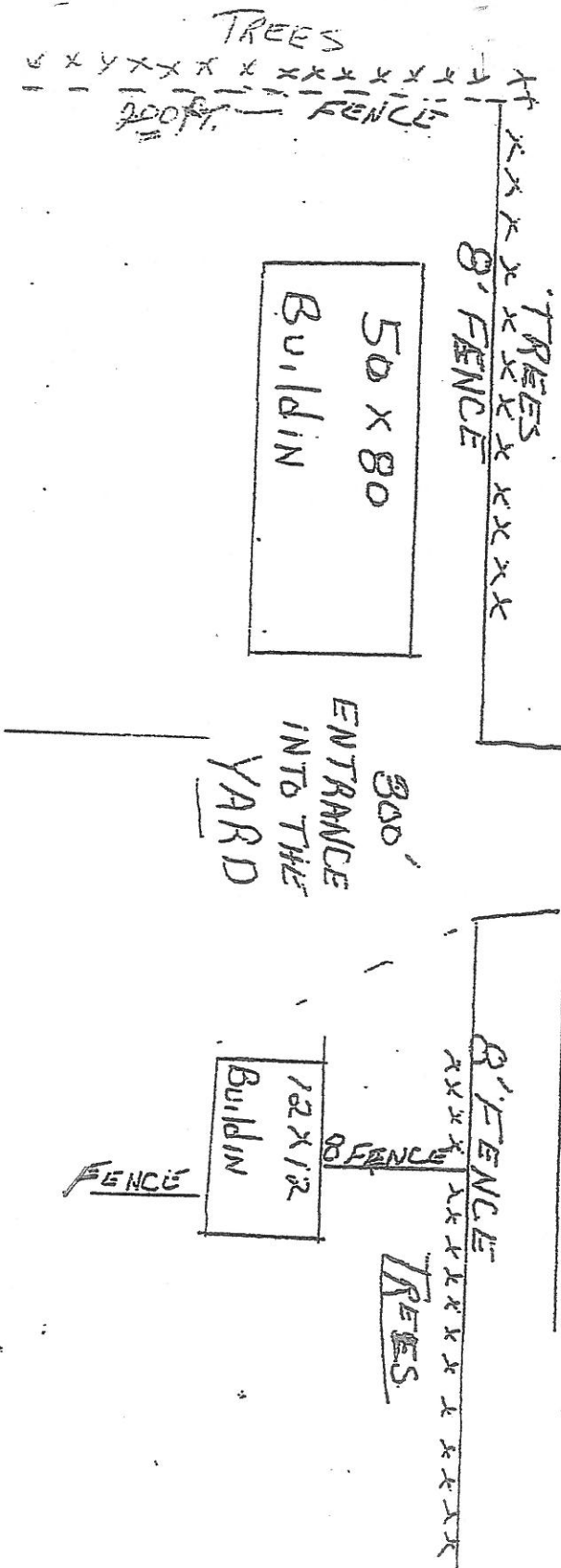
Road Name

or

Route No.

To

To



Holly C. Lasagna, Ward One  
Robert P. Hayes, Ward Two  
Andrew D. Titus, Ward Three  
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five  
Belinda A. Gerry, At Large  
David C. Young, At Large

Jason J. Levesque, Mayor

## IN CITY COUNCIL

ORDER 109-09162019

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Randy's Auto Parts, Inc., 899 Broad Street.

AUG 15 2019



## City of Auburn, Maine

Office of The City Clerk  
www.auburnmaine.gov | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

2 0 1 9

### AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

\*\*\*\*\*

To the City of Auburn, County of Androscoggin, Maine:

I/We Prolerized New England Company, LLC hereby  
Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or  
Junkyard at the following described location and in accordance with the provisions of Title 30-A  
MRSA Sections 3751-3760.

Physical Address: 522 Washington Street, North Auburn, ME 04210

Mailing Address: 10860 Gold Center Drive Suite 250  
Rancho Cordova, CA 95670

Phone Number: 916.858.5816

E-Mail: amr.licenser renewal@schm.com

#### Answer all questions in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?  
522 Washington Street, North Auburn, ME 04210
2. Is this application made by or for a company, partnership, corporation or individual:  
Corporation
3. Is this property leased? No Property owned by: Prolerized New England  
Address: 169 Rover Street, Everett, MA 02149
4. How is "yard" screened?  
☒ Fence (type) Metal Height: 8'  
☒ Trees (type) Mix





## City of Auburn, Maine

Office of The City Clerk

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

- ☐ Embankment: \_\_\_\_\_  
☐ Gully: \_\_\_\_\_  
☒ Hill: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

5. How far is edge of "yard" from center of highway?

150'

6. Can junk be seen from any part of highway? Yes \_\_\_\_\_ No ☒

7. Were Junkyard Law, Requirements and Fees explained to you? Yes \_\_\_\_\_ No ☒

8. Is any portion of this "yard" on public property? Yes \_\_\_\_\_ No ☒

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes \_\_\_\_\_ No ☒

10. When was "yard" established? 1986 By whom? Maine Metal Recycling

11. When was last permit issued? 2018 By whom? Protenized New England Co, LLC

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: AA

for:

Protenized New England Co, LLC

Name of Company, Corporation, Partnership or Individual

Address: 11 Times Square NY NY

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 189



## City of Auburn, Maine

Office of The City Clerk  
www.auburnmaine.gov | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

Lot No. 024  
Zone GB9

Check correct direction:

- ☐ North
- ☐ East
- ☐ West
- ☐ South

- 1 copy of application to City
- 1 copy of application to Applicant
- 1 copy of application to State Police, Augusta
- 1 Copy of application to Dept. of Transportation, Augusta (Right of Way Division)





Name: LEWISTON  
 Date: 10/20/2006  
 Scale: 1 inch equals 2000 feet

Location: 044° 04' 14.2" N 070° 14' 14.1" W  
 Caption: Figure 1: Site Location Map  
 Maine Metal Recycling  
 522 Washington St. Auburn, ME





Holly C. Lasagna, Ward One  
Robert P. Hayes, Ward Two  
Andrew D. Titus, Ward Three  
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five  
Belinda A. Gerry, At Large  
David C. Young, At Large

Jason J. Levesque, Mayor

## IN CITY COUNCIL

ORDER 110-09162019

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC., 522 Washington St. North.



AUG 15 2019

# City of Auburn, Maine

Office of The City Clerk

www.auburnmaine.gov | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

2 0 1 9

## AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

\*\*\*\*\*

To the City of Auburn, County of Androscoggin, Maine:

I/We Donald St German / Morris Auto Parts hereby  
Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or  
Junkyard at the following described location and in accordance with the provisions of Title 30-A  
MRSA Sections 3751-3760.

Physical Address: 940 WASHINGTON ST NO,

Mailing Address: PO BOX 283 04212 0283

Phone Number: 207 7847374 or 207 7541608

E-Mail: dons.4.tows@yahoo.com

### Answer all questions in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?

940 WASHINGTON ST NO

2. Is this application made by or for a company, partnership, corporation or individual:

3. Is this property leased? NO Property owned by: Donald St German  
Address: \_\_\_\_\_

4. How is "yard" screened?

☒ Fence (type) \_\_\_\_\_ Height: \_\_\_\_\_

☒ Trees (type) \_\_\_\_\_





## City of Auburn, Maine

Office of The City Clerk

www.auburnmaine.gov | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

- ☐ Embankment: \_\_\_\_\_  
☐ Gully: \_\_\_\_\_  
☐ Hill: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

5. How far is edge of "yard" from center of highway?

60 plus feet

6. Can junk be seen from any part of highway? Yes \_\_\_\_\_ No X

7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No \_\_\_\_\_

8. Is any portion of this "yard" on public property? Yes \_\_\_\_\_ No X

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes \_\_\_\_\_ No X

10. When was "yard" established? 1938 By whom? MORRIS AUTO PARTS

11. When was last permit issued? 2019 By whom? DONALD ST GUMMAN

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: Donald St Guman for: \_\_\_\_\_

Name of Company, Corporation, Partnership or Individual

Address: 940 WASHINGTON ST no Auburn ME

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. \_\_\_\_\_

Lot No. \_\_\_\_\_

Zone \_\_\_\_\_

Check correct direction:

- ☒ North  
☐ East  
☐ West  
☐ South



1 copy of application to City

1 copy of application to Applicant

1 copy of application to State Police, Augusta

1 Copy of application to Dept. of Transportation, Augusta (Right of Way Division)



Holly C. Lasagna, Ward One  
Robert P. Hayes, Ward Two  
Andrew D. Titus, Ward Three  
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five  
Belinda A. Gerry, At Large  
David C. Young, At Large

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDER 111-09162019

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Don's No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North.

AUG 21 2019



## City of Auburn, Maine

Office of The City Clerk  
www.auburnmaine.gov | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

2 0 1 9

### AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

\*\*\*\*\*

To the City of Auburn, County of Androscoggin, Maine:

I/We Isadore T. Miller hereby  
Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or  
Junkyard at the following described location and in accordance with the provisions of Title 30-A  
MRSA Sections 3751-3760.

Physical Address: 79 #80 Hotel Road, Auburn, ME 04210

Mailing Address: 10860 Gold Center Dr. Suite 250  
Attn: Licensing, Rancho Cordova, CA 95670

Phone Number: 916-858-5819

E-Mail: scaxe.schn.com

#### Answer all questions in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?  
79 #80 Hotel Road, Auburn, ME 04210
2. Is this application made by or for a company, partnership, corporation or individual:  
Corporation
3. Is this property leased? no Property owned by: Isadore T. Miller  
Address: \_\_\_\_\_
4. How is "yard" screened?  
☒ Fence (type) Wood Height: 6'  
☐ Trees (type) Red Pines





# City of Auburn, Maine

Office of The City Clerk

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

- ☐ Embankment: \_\_\_\_\_
- ☐ Gully: \_\_\_\_\_
- ☐ Hill: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

5. How far is edge of "yard" from center of highway?

200'

6. Can junk be seen from any part of highway? Yes \_\_\_\_\_ No ✓

7. Were Junkyard Law, Requirements and Fees explained to you? Yes ✓ No \_\_\_\_\_

8. Is any portion of this "yard" on public property? Yes \_\_\_\_\_ No ✓

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes ✓ No \_\_\_\_\_

10. When was "yard" established? 1930 By whom? Barker Family

11. When was last permit issued? 2018 By whom? City of Auburn to Isadore T. Miller

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: AA for: Proterized New England Co, LLC  
Name of Company, Corporation, Partnership or Individual

Address: 11 Times Square NY NY

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 079





## City of Auburn, Maine

Office of The City Clerk  
www.auburnmaine.gov | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

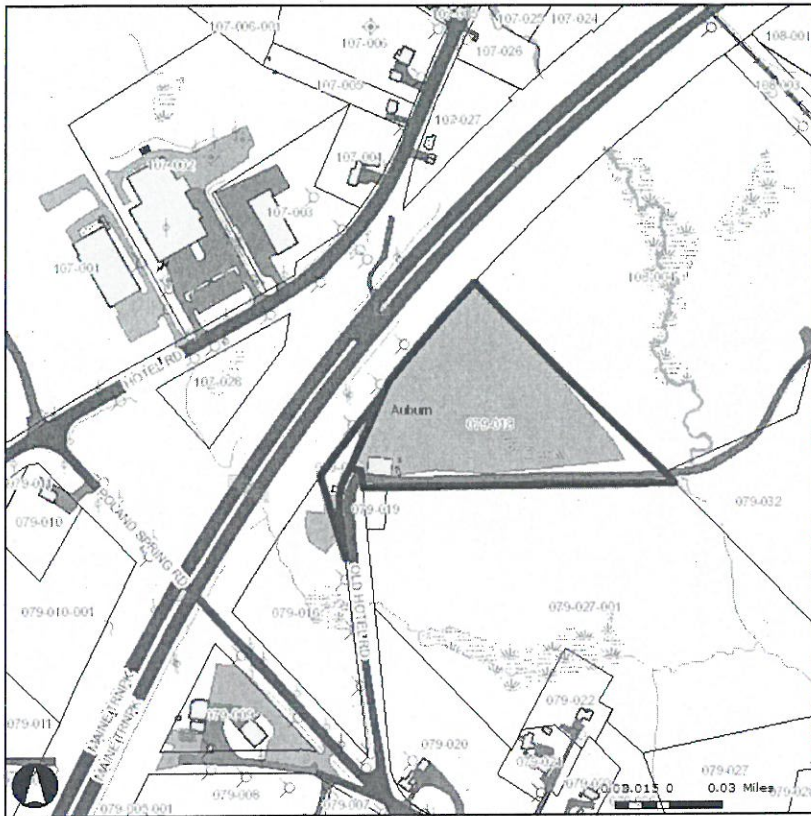
Lot No. 017 & 018  
Zone 13

Check correct direction:

- ☐ North
- ☐ East
- ☐ West
- ☐ South

- 1 copy of application to City
- 1 copy of application to Applicant
- 1 copy of application to State Police, Augusta
- 1 Copy of application to Dept. of Transportation, Augusta (Right of Way Division)

# Map



## 079-017 (1)

Parcel IDs (1)

Parcel IDs (1)

OBJECTID	OBJECTID_1	MAP	LOT	SUBLOT	PID	CHANGED	ParcelID	Loc	NBC	Webpro	AccountNumber	UserAccount	Number	AltStreet	StreetName	LocCity	CondoUnit	Owner1	Owne	
880	981	079	017	000	079017000	Null	079-017	80 OLD HOTEL RD	R3	<a href="#">WebPro Summary Page</a>	238		079017000	80	Null	OLD HOTEL RD	Null	Null	MILLER ISADORE T CO INC	Null

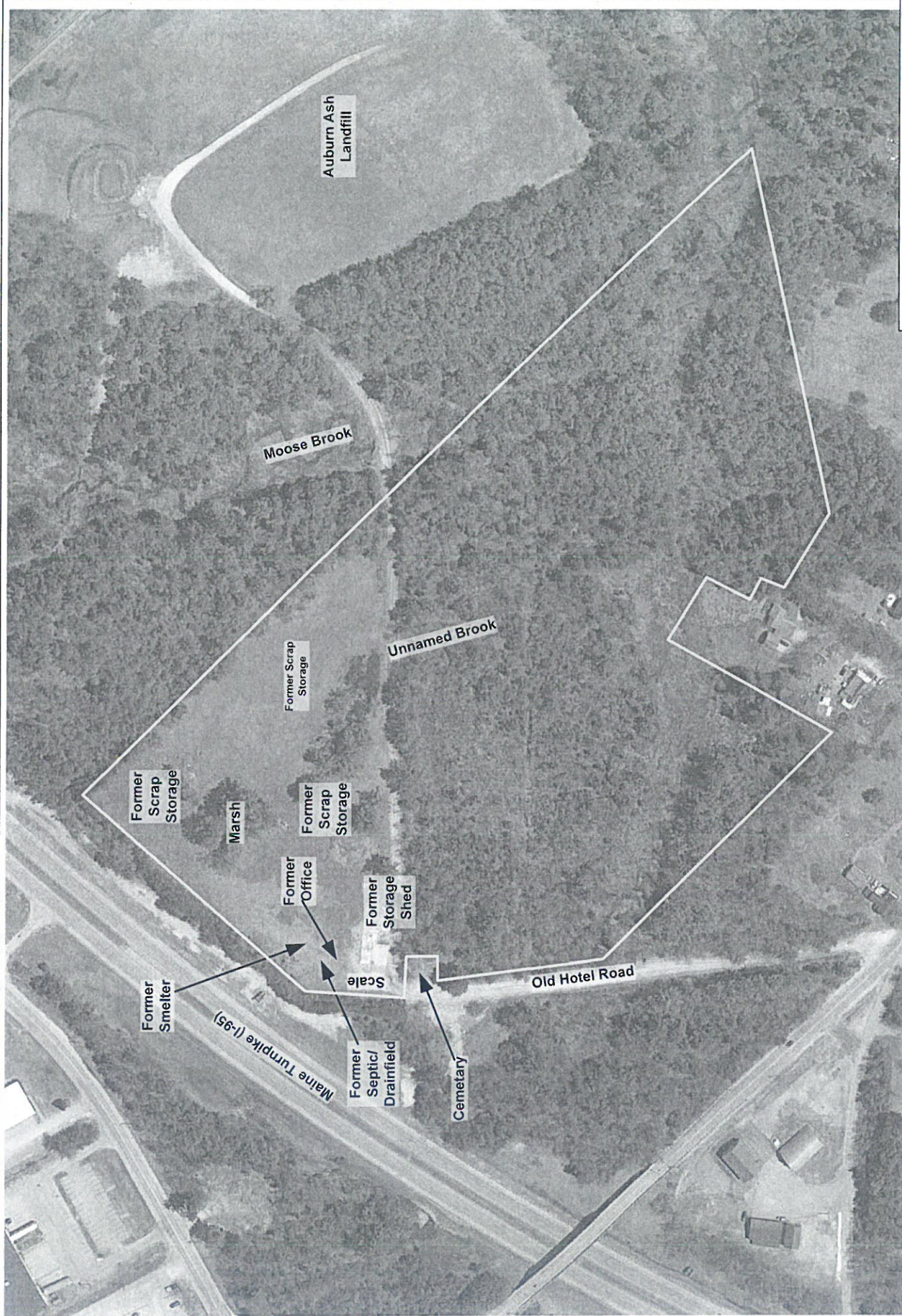
## 079-018 (1)

Parcel IDs (1)

Parcel IDs (1)

OBJECTID	OBJECTID_1	MAP	LOT	SUBLOT	PID	CHANGED	ParcelID	Loc	NBC	Webpro	AccountNumber	UserAccount	Number	AltStreet	StreetName	LocCity	CondoUnit	Owner1	Owne
155	966	079	018	000	079018000	Null	079-018	79 OLD HOTEL RD	13	<a href="#">WebPro Summary Page</a>	239	079018000	79	Null	OLD HOTEL RD	Null	Null	MILLER ISADORE T CO INC	C/O SCHNI STEEL





Danville  
79 Old Hotel Road, Danville, ME  
MRB Northeast  
RIEKE CONSULTING SERVICES, LLC

Approximate Scale  
240 Feet  
Base photograph May 2018



Holly C. Lasagna, Ward One  
Robert P. Hayes, Ward Two  
Andrew D. Titus, Ward Three  
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five  
Belinda A. Gerry, At Large  
David C. Young, At Large

Jason J. Levesque, Mayor

## IN CITY COUNCIL

ORDER 112-09162019

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Hotel Road.



Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. He also asked for a moment of silence in remembrance of Thomas Kendall, Chair of the Auburn School Committee member adding that he will be sorely missed.

All Councilors were present.

**Pledge of Allegiance**

**I. Consent Items**

**1. Order 102-09092019\***

Setting the time for opening the polls for the November 5, 2019 Election to be at 7:00 A.M.

**2. Order 103-09092019\***

Designating City Manager, Peter Crichton as the official voting delegate to the Maine Municipal Association Annual Business Meeting to be held on October 2, 2019.

Motion was made by Councilor Fournier and seconded by Councilor Walker for passage of the two consent items. Passage 7-0.

**II. Minutes – August 19, 2019 Regular Council Meeting**

Motion was made by Councilor Hayes and seconded by Councilor Fournier to approve the minutes of the August 19, 2019 City Council meeting. Passage 7-0.

**III. Communications, Presentations and Recognitions**

- Recognition – Maple Way Dental. Mayor Levesque wanted to recognize Dr. Calvin Kenley and Carl Shaline from Maple Way Dental Care (formerly Center Street Dental) for their ongoing support and contributions to the community. They were presented with a key to the City along with 150<sup>th</sup> commemorative coins (City of Auburn, Auburn Police Department, and Auburn Fire Department).
- Auburn Business Association Update – Darcie Beaudin, President of the Auburn Business Association provided an update on the Association and what they've done and what they are doing in Auburn.

**IV. Open Session**

Rhyanna Larose, 164 Bennett Avenue brought up some safety concerns on Allain Street in Auburn.

**V. Unfinished Business**

**1. Ordinance 09-05202019**

Adopting the proposed amendment to Chapter 60, Section 60-1038 - Odors. Second reading.

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

Public comment - no one from the public spoke.

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

2. **Ordinance 11-08192019**

Adopting the proposed amendment to Chapter 60, Section 60-201(a)(1) Use Regulations, Permitted uses. Second reading.

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

Public comment - no one from the public spoke.

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

3. **Ordinance 12-08192019**

Adopting the proposed amendment to Chapter 60, Section 60-229(a)(1) Use Regulations, Permitted uses. Second reading.

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

Public comment - no one from the public spoke.

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

**VI. New Business**

1. **Order 104-09092019**

Referring the Zoning Map Amendment (965 Minot Avenue) to the Planning Board.

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

Public comment - no one from the public spoke.

Passage 7-0.

2. **Order 105-09092019**

Accepting the Strategic Plan Report.

Motion was made by Councilor Fournier and seconded by Councilor Lasagna for passage.

Public comment - no one from the public spoke.

Passage 4-3 (Councilors Walker, Gerry, and Titus opposed).

3. **Order 106-09092019**

Appointing Jonathan LaBontè to the Lewiston and Auburn Railroad Company with a three-year term of April 2019 - April 2022.



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

Public comment - no one from the public spoke.

Passage 7-0.

4. **Order 107-09092019**

Approving the Liquor License application for Pierrette's C'est Si Bon Café LLC, DBA Pierrette's C'est si Bon Café, a new business, located at 550 Center Street. Public hearing.

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

Public hearing - no one from the public spoke.

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

**VII. Reports**

**Mayor Levesque** – thanked Councilor Titus for acting as Mayor Pro-tem at the last meeting during his temporary absence. He reported on upcoming events that are planned in Auburn. September is Healthy Auburn month, the annual Brews and Blues Festival will be held on September 28<sup>th</sup>, Alumni weekend (Welcome Home weekend for ELHS alumni) is scheduled for the first weekend in November, and also that weekend is the dedication of the Age Friendly Center, the unveiling of the St. Louis bell tower, and the planning for the New Year's Eve Auburn event begins tomorrow.

**Councilor Young** – reported on the Lake Auburn Half Marathon and 5K that was held last weekend.

**Councilor Walker** - no report

**Councilor Fournier** – reported that she did the Walk the Ward event in her ward on Saturday and nobody attended. They are recruiting a staff member at the Auburn Public Library, and she provided an update on the School Committee meeting that was held last week. She also announced there will be a public Celebration of Life to remember Tom Kendall this coming Sunday at 2:00 PM at the ELHS gym. The family will hold a private service at another time.

**Councilor Titus** – reported on the Water and Sewer District meetings and reported that the Androscoggin County Budget Committee will meet on the September 11th to start budget deliberations.

**Councilor Hayes** – provided information on the High Street Congregation food pantry operation noting that it is actually more than just the distribution of food. They provide book bags for immigrants who are learning English. They work closely with Androscoggin Home Health who deliver boxes of food to people that cannot make it to the pantry. They also have

a good relationship with Hannaford Supermarket. He invited people to volunteer, adding that he will take names of anyone who is interested in volunteering.

**Councilor Lasagna** – reported that she attended the West Auburn Neighborhood Watch meeting. She commented on Jody Durisko's leaving adding that she will be missed. She commented on Healthy Auburn Month, the Walk the Ward event, and in terms of the New Year's Eve event, she would like to see the fireworks go off at 10:00 PM instead of at midnight.

**Councilor Gerry** – reported that the Lewiston Auburn Transit Committee will meet this Wednesday at 12:30 PM at AVCOG and on the 18<sup>th</sup> the First Auburn Seniors are meeting and having a pizza party.

**City Manager's Report** – reported that we just had our 3<sup>rd</sup> consecutive employee barbeque, he wanted to recognize Jody Durisko, adding that he is sorry to see her leave, but he is happy for her as she pursues her dreams as the new HR Director in Brunswick. He commented on the Bates College survey process, and last, he wanted to mention that a remembrance ceremony will be taking place at the Central Fire station along with a blood drive beginning at 8:00 AM on 9/11/2019.

**VIII. Open Session** – Brian Carrier, 32 Constellation Drive, stated that he appreciated the efforts made by the Airport Board in attempting to move the plane which was discussed at the last Airport Board meeting.

**IX. Executive Session** - None

**X. Adjournment**

Motion was made by Councilor Fournier and seconded by Councilor Lasagna to adjourn. All were in favor, the meeting adjourned at 8:00 PM.

A TRUE COPY

ATTEST



Susan Clements-Dallaire, City Clerk





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 16, 2019

**Order:** 113-09162019

**Author:** Kelsey L. Earle, License Specialist

**Subject:** Hearing on the appeal of the denial of a business license to Relief Clinic LLC (owner Evelyne Levitt) at 23 Cross Street.

---

**Information:** Hearing on the appeal with action to either uphold or overturn the City Clerk's denial of Relief Clinic LLC (owner Evelyne Levitt) application for a Marijuana Business License at 23 Cross Street.

***Council may enter into Executive Session, to discuss the content of examinations administered by the City for licensing purposes, pursuant to 1 M.R.S.A. §405(6)(G).***

---

**City Budgetary Impacts:** None

---

**Staff Recommended Action:** Denial be upheld.

---

**Previous Meetings and History:** None.

---

**City Manager Comments:**

---

I concur with the recommendation. Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Carthage".

---

**Attachments:**

\*See packet summary on following page

## Relief Clinic Appeal Hearing – September 16, 2019

### PACKET SUMMARY

Existing Use Determination Summary – Eric Cousens, Deputy Director of Economic and Community Development (September 11, 2019)

Document sections as follows:

- A. Original Application dated July 31, 2019– and Appeal Application dated September 4, 2019
- B. All correspondence after receiving application:
  - 1. August 15, 2019 notification of denial of existing Medical Marijuana Store before December 13, 2018.
  - 2. August 20, 2019 email from Evelyne Walther inquiring as to why her business was denied.
  - 3. August 20, 2019 response from Megan McLaughlin.
  - 4. August 23, 2019 email from Evelyne Levitt, owner of Relief Clinic outlining her appeal.
  - 5. September 12, 2019 notification of appeal hearing.
- C. H.P. 818 – LD.1129 22 MRSA §2429-D Local Regulation.
- D. City of Auburn Moratorium Ordinance and letter dated June 27, 2018 listing the medical marijuana store front review.
- E. Enacted Adult Use and Medical Marijuana Business Ordinance Chapter 14-659 A.6.
- F. Economic & Community Development Memo and Relief Clinic Business filings.

# Section A.



## CITY OF AUBURN

### Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities and Testing Facilities Application

☐ NEW ☐ RENEWAL Expires: \_\_\_\_\_  
☒ EXISTING FACILITY AS OF 12/13/18

Application Fee: \*\$500

\*Initial or exchange-not upon renewal

☒ Regular Application

☐ Exchange/Conversion Application

(Changing to include Retail (Adult U:

#### ADULT USE MARIJUANA BUSINESS:

☐ Marijuana Store \$5,000

☐ Cultivation Facility

- ☐ Tier I Cultivation: up to 500 SF of mature plant canopy \$1,000
- ☐ Tier II Cultivation: 501-2,000 SF of mature plant canopy \$1,500
- ☐ Tier III Cultivation: 2,001-7,000SF of mature plant canopy \$2,500
- ☐ Tier IV Cultivation: greater than 7,000 SF of mature plant canopy \$5,000

☐ Manufacturing Facility \$2,500

☐ Testing Facility \$2,500

☐ Nursery Cultivation of not more than 1,000 SF of plant canopy: \$1,000

Business Name: Relief Clinic, LLC

Office of the City Clerk  
60 Court St, Auburn, ME 04210  
207.333.6600

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

Keisey Earle - License Specialist- [kearle@auburnmaine.gov](mailto:kearle@auburnmaine.gov)

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

#### MEDICAL MARIJUANA BUSINESS:

☒ Marijuana Store \$5,000

☐ Cultivation Facility Medical Marijuana: \$1,000

☐ Manufacturing Facility \$2,500

☐ Testing Facility \$2,500

Hours of Operation: Mon: 9-9 Tues: 9-9  
Wed: 9-9 Thurs: 9-9 Fri: 9-9  
Sat: 9-9 Sun: 9-9

Attach a copy of all current State Marijuana License(s) if any-If a State of Maine application for a Medical Marijuana Business and/or Adult Use Marijuana Business has been filed, but not yet granted, attached complete copies. Date(s) filed: \_\_\_\_\_

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

Application Fee: \$500

License Type Fee (Payable upon approval): \_\_\_\_\_

LICENSING FEE(S) TOTAL DUE: \$ 500

**Please note:** If constructing or renovating a building, contact Economic & Community Development (207) 333-6601 ext 1133

Marijuana Stores, Cultivation Facilities, Manufacturing Facilities and Testing Facilities are restricted to certain areas under the City's Zoning Ordinance and are subject to specific setbacks in the City's Adult Use and Medical Marijuana Stores, Cultivation Facilities and Testing Facilities Ordinance. **You must check with the City's Economic and Community Development Office for this information before filling an application for a license.**

All applicants for any Adult Use Marijuana Business license (except Adult Use Marijuana Testing Facilities) are required to have lived in Maine and paid taxes in Maine for a period of not less than four (4) years immediately preceding the date of application per 28-B M.R.R. c. 1. (This requirement expires on June 1, 2021).

Map & Lot of Subject Property: Map: 261 Lot: 046 Zone: GB

Physical Address of Subject Property: 23 Cross Street, Auburn, ME 04210

OWNER OF BUILDING/UNIT (if different from applicant): Daniel R Williams

OWNER'S ADDRESS: 23 Cross St. Auburn ME Phone #: 207-254-3725

PLEASE ATTACH A COPY OF LEASE (if applicable)

Property owner signature: Daniel R Williams

Printed name: Daniel R Williams

Date: 7/30/19



NAME OF BUSINESS: Relief Clinic LLC BUSINESS ADDRESS: 23 Cross Street  
BUSINESS MAILING ADDRESS: 246 Center Street, Auburn, ME 04210  
OWNER'S NAME (For additional individual(s), attach sheet listing name(s) with the following information):  
Evelyn Levi DOB & SSN: [REDACTED]

STATE OF MAINE DRIVER'S LICENSE #: [REDACTED]

Residence Address: [REDACTED]

Owner's Email: [REDACTED]

Preferred

Email: [REDACTED]

Name of

Manager

DESCRIPTION OF BUSINESS: Medical Marijuana Clinic + Caregiver

Type of previous business at address (if known): Franchising

Form of business organization: ☐ Corporation ☐ Partnership ☐ Sole Proprietorship ☒ LLC ☐ Other

*If an applicant is a corporation, partnership, or limited liability company, every officer, director, and/or managing partner must be a person who is a resident, and a majority of the shares, partnership interests, membership interests, and/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.*

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

Name	Print Clearly Address Previous 5 years	Birth Date	% of Stock	Title
<u>Evelyn Levi</u>	<u>23 Cross Street</u> <u>Auburn, ME 04210</u>	[REDACTED]	[REDACTED]	[REDACTED]

Has the applicant been denied an application for an adult use or medical marijuana license by another jurisdiction?

☒ No ☐ Yes (If yes, explain on a separate sheet)

Has the applicant had an adult use or medical marijuana license suspended or revoked by another jurisdiction?

☒ No ☐ Yes (If yes, explain on a separate sheet)

Has applicant(s) or any officer, partner, director, stockholder, or member ever been convicted of any violation of the law; other than minor traffic violations, in a federal, State or other court? ☒ No ☐ Yes (If yes, complete the following)

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

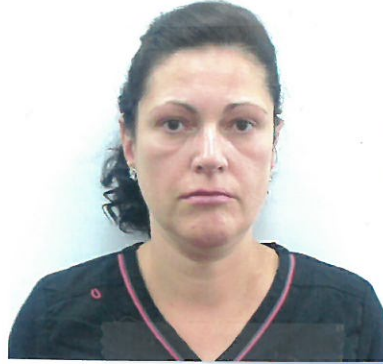
Offense: \_\_\_\_\_ Location: \_\_\_\_\_

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

Include additional pages if needed.

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

Attach recent passport-style photo(s) of applicant(s) here:



Is the applicant proposing to surrender their Medical Marijuana Business license and entirely convert to an Adult Use Marijuana Business on their currently licensed premises? ☒ No ☐ Yes If Yes, attach proof of surrendered license.

**NOTE:** That Adult Use and Medical Marijuana businesses cannot be co-located in the same store. Co-location with cultivation and manufacturing facilities is allowed with restrictions per 28-B M.R.S. §501.

Is there currently a Medical Marijuana Business on the subject property that began operating before the enactment of the Maine Marijuana Legalization Act? ☐ No ☒ Yes If Yes, attach evidence that a Medical Marijuana Business had commenced on the property prior to December 13, 2018.

Is the proposed Marijuana Business located within 750 feet of a public or preexisting private school?

☒ No ☐ Yes If Yes, you can only submit an application for an Adult Use Marijuana Business if exempt under §14-659.A.6 in the Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities, and Testing Facilities Ordinance.

Description summary of plan for developing and operating a Marijuana Store, Cultivation Facility, Manufacturing Facility, or Testing Facility: (Attach plan) See Attachment

Anticipated date for project commencement: Already in business Anticipated date for project completion: Already completed

Attach a sketch showing the subject premises, including building footprint, interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

State the estimated average number of vehicles per day anticipated on or using the site: (Include owner(s), employee(s), landlord(s), contractor(s), and staff). 20 staff parks out back parking already approved

State the number of parking spaces planned for the site: See what town has already approved  
Note: The nominal parking dimension is 9'x18'. For more information regarding accessible parking standards, contact the City's Economic & Community Development Office at 333-6601 ext 1133.

Describe method of sewage disposal for proposed site: Auburn Public Sewer  
(Please check with the Auburn Sewer District if connected to public sewer - 784-6469)

Describe method of water supply to proposed site: Auburn Public Water  
(Please check with the Auburn Water District if connected to public water - 784-6469)

Are there additional federal, State or local permits or approvals required?

☒ No ☐ Yes If yes, please list: \_\_\_\_\_



### FOR MARIJUANA STORES ONLY:

Describe how you will ensure that the Marijuana Store will not sell, give, distribute, or deliver marijuana or marijuana products to persons who are under the age of twenty-one (21), or to persons who appear to be under the influence of an alcohol, inhalants, or other controlled substance: (Attach additional sheets if necessary)

Checking Identification  
Use acceptable Identification  
Maine State license or ID  
Check Age  
Check if patient is certified  
Not employ under 21  
If unsure of ID - DO NOT SELL!

Describe how marijuana and marijuana products at the Marijuana Store will be displayed and sold:  
(Attach additional sheets if necessary)

As it has been in a separate room with a caregiver where products are in a glass container on a shelf where patients could see what they are buying. I would like to keep them in a display case in the separate room for more safety. And like to expand products and display and room / space to Marijuana Store

Attach samples of the logo and labeling that will be used in the store, and the sign to be attached to the store.

#### ALL APPLICANTS:

- Attach the Security Plan for this location. (location of Knox Box – contact Fire Department if a box is needed)
- Attach the Odor Control Plan for this location.



PLEASE MAKE YOURSELF FAMILIAR WITH THE CITY OF AUBURN ADULT USE AND MEDICAL  
MARIJUANA BUSINESSES ORDINANCE BEFORE TURNING IN YOUR APPLICATION.

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

**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. § 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.

For Marijuana Store, a Marijuana Cultivation Facility, or a Marijuana Products Manufacturing Facility license applicants:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a Marijuana Testing Facility license.

Applicant Signature [Signature] Applicant Printed Name Evedyne Lovitt Date 7.30.19

For Marijuana Testing Facility license applicants:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a Marijuana Store, a Marijuana Cultivation Facility, or a Marijuana Manufacturing Facility.

Applicant Signature \_\_\_\_\_ Applicant Printed Name \_\_\_\_\_ Date \_\_\_\_\_

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

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

Applicant Signature: [Signature] Date: 7.30.19

FOR OFFICE USE ONLY

APPLICATION #: \_\_\_\_\_

**REPORT OF INSPECTING OFFICERS:**

_____ Approved	_____ Denied	FIRE INSPECTOR _____
_____ Approved	_____ Denied	E&C DEVELOPMENT OFFICER _____
_____ Approved	_____ Denied	POLICE _____
_____ Approved	_____ Denied	FINANCE _____

Comments:

Application date & Time: JUL 31 2019 1:05pm License issued on: \_\_\_\_\_

Fees paid:

Application fee: \$ 500 <sup>cc</sup> License type fee: \$ \_\_\_\_\_ Background fee: \$ \_\_\_\_\_ Late fee: \$ \_\_\_\_\_

Total amount paid = \$ \_\_\_\_\_

### **Security Plan:**



### **Odor Control Plan:**

No growing will be done on site an activated charcoal air filter will be used

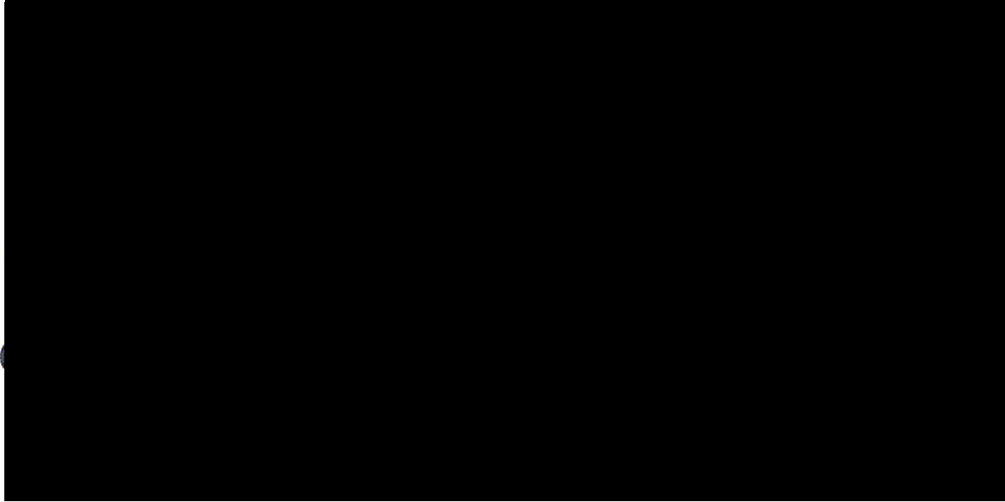


*Relief*  
CLINIC, LLC  
*Gateway to healing*





### **Security Plan:**



### **Odor Control Plan:**

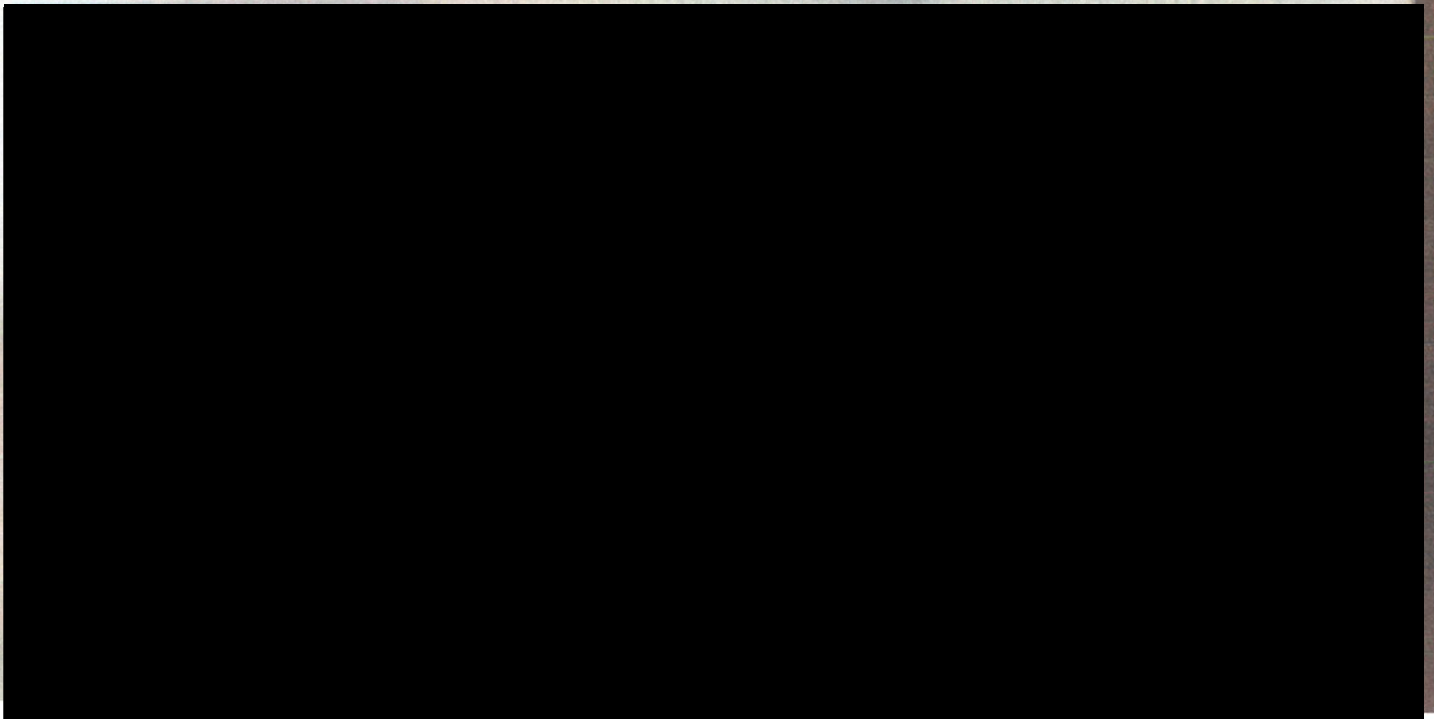
No growing will be done on site an activated charcoal air filter will be used

MAINE

Matthew Dunlap, Secretary of State

DRIVER'S  
LICENSE

USA  
ME





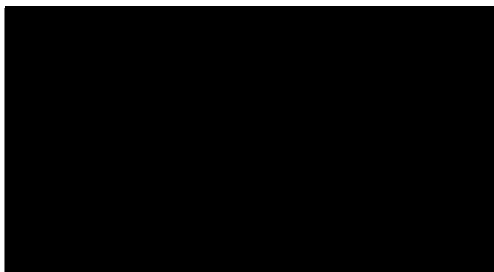
THE UNITED STATES OF AMERICA

DEPARTMENT OF HOMELAND SECURITY

Relief Clinic, LLC

EIN

47-3602180





# MAINE

Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

Corporate Name Search

## Information Summary

[Subscriber activity report](#)

This record contains information from the CEC database and is accurate as of: Wed Jul 31 2019 11:35:22. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
RELIEF CLINIC, LLC	20154116DC	LIMITED LIABILITY COMPANY (DOMESTIC)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
04/21/2015	N/A	MAINE

Other Names
(A=Assumed ; F=Former)

NONE

### Clerk/Registered Agent

LYNNE WILLIAMS, ESQ.  
13 ALBERT MEADOW  
BAR HARBOR, ME 04609

[Back to previous screen](#)

[New Search](#)

[Click on a link to obtain additional information.](#)

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MAINE STATE BUREAU OF IDENTIFICATION  
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42  
AUGUSTA, ME 04333  
(207) 624-7240 (VOICE)

EVELYNE S LEVITT  
216 CENTER STREET  
AUBURN, ME 04210

Transaction Response #: MIQ99E059515

## Criminal History Record

### Introduction

This criminal history record was produced in response to the following request ( Produced on 2019-07-31 ) :  
Inquiries Name(s) EVELYNE S LEVITT (1970-04-02)

**NO MATCH WAS FOUND FOR YOUR REQUEST.**



MAINE STATE BUREAU OF IDENTIFICATION  
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42  
AUGUSTA, ME 04333  
(207) 624-7240 (VOICE)

EVELYNE S LEVITT  
216 CENTER STREET  
AUBURN, ME 04210

Transaction Response #: MIQ99E059522

## Criminal History Record

### Introduction

This criminal history record was produced in response to the following request ( Produced on 2019-07-31 ) :  
Inquiries Name(s) EVELYNE S WALTHER (1970-04-02)

NO MATCH WAS FOUND FOR YOUR REQUEST.



Bathroom

6' x 11' 11"

4'

3' 4"

7'

Storage

11' 3" x 10' 6"

11' x 10' 7"

Office

11' x 10' 7"

Office

12' 8" x 23' 3"

Office

10' 6" x 14' 6"

Cashier  
Office manager

8' x 10' 5"

Display  
cases

Display cases

16' x 14' 6"

existing wall  
will be torn down  
upon approval

Wheelchair Ramp

12'

**COMMERCIAL LEASE (NET LEASE)**

1. PARTIES (fill in) DANIEL WILLIAMS, with a mailing address of 29 CARRIER COURT, AUBURN, ME 04210, ("LANDLORD"), hereby leases to RELIEF CLINIC LLC, with a mailing address of 23 CROSS STREET, AUBURN, ME 04210, ("TENANT"), and TENANT hereby leases from LANDLORD the following described premises.

2. LEASED PREMISES (fill in and include, if applicable, suite number, floor number, and square feet) The leased premises are deemed to contain 2040 square feet. The leased premises are located at 23 CROSS STREET, AUBURN, ME 04210 together with the right to use, in common, with others entitled thereto, the hallways, stairways, and elevators, necessary for access to said leased premises, and lavatories nearest thereto. During the term of this Lease and for payment of additional monthly rent to LANDLORD in the amount of ( \$ ) per parking space, which additional rent shall be due each month along with payment of base rent, TENANT also shall have the right, in common with LANDLORD and others, to use up to Ten ( 10 ) [NONE IF LEFT BLANK] undesignated parking spaces in the parking lot located at ON SITE 23 CROSS STREET. The leased premises are accepted in "as is" condition except if specifically set forth to the contrary in this Lease. TENANT acknowledges that: a) LANDLORD has made no representations and TENANT is not relying on any representations about the leased premises, their suitability for any particular use and/or the physical condition thereof; and b) that TENANT has conducted its own due diligence inquiries with respect to the leased premises and is satisfied with the results thereof.

3. TERM (fill in) The term of this Lease shall be for 1 YEAR, unless sooner terminated as herein provided, commencing on November 1, 2018 (the "Commencement Date") and ending on November 1, 2019. LANDLORD shall deliver possession of the leased premises to TENANT on or before November 1, 2018 which is prior to the Commencement Date; provided, however, that all of TENANT'S obligations under this Lease shall commence upon delivery of possession, except for those obligations that expressly commence on the Commencement Date.

4. RENT (fill in) Commencing on the Commencement Date, TENANT shall pay to LANDLORD the following base rent:

Lease Year	Annual Base Rent	Monthly Rent
2019	\$ <u>                    </u>	\$ <u>                    </u>
	\$ <u>                    </u>	\$ <u>                    </u>
	\$ <u>                    </u>	\$ <u>                    </u>
	\$ <u>                    </u>	\$ <u>                    </u>
	\$ <u>                    </u>	\$ <u>                    </u>

payable in advance in equal monthly installments on the first day of each month during the term of this Lease without deduction or setoff, said rent to be prorated for portions of a calendar month at the beginning or end of said term, all payments to be made to LANDLORD or to such agent and at such place as LANDLORD shall from time to time in writing designate, the following being now so designated 29 CARRIER COURT AUBURN MAINE 04210.

If TENANT does not pay base rent, supplemental and additional rents, or other fees and charges when due pursuant to the term of this Lease, then LANDLORD, in its sole discretion, may charge, in addition to any other remedies it may have, a late charge for each month or part thereof that TENANT fails to pay the amount due after the due date. The late charge shall be equal to four percent (4%) of the amount due LANDLORD each month in addition to the rent then due.

5. RENEWAL  
OPTION (fill in  
or delete)

So long as TENANT is not in default of this Lease at the time of exercise of TENANT'S renewal option, TENANT shall have the option to renew this Lease for \_\_\_\_\_ terms of \_\_\_\_\_. In order to exercise TENANT'S option, TENANT shall notify LANDLORD in writing of its intention to exercise its option on or before Two ( 2 ) months prior to the end of the then current term, said renewal to be upon the same terms and conditions set forth in this Lease except for base rent which shall be as follows:

Lease Year(s)	Annual Base Rent	Monthly Rent
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

In the event that TENANT fails to notify LANDLORD as required under this Article, the option shall be deemed not to have been exercised.

6. SECURITY  
DEPOSIT (fill in)

Upon the execution of this Lease, TENANT shall pay to LANDLORD the amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), which shall be held as a security for TENANT'S performance as herein provided and refunded to TENANT without interest at the end of this Lease subject to TENANT'S satisfactory compliance with the conditions hereof. TENANT shall immediately replenish the Security Deposit at any time it is applied or used by LANDLORD.

7. RENT  
ADJUSTMENT

~~Commencing on the Commencement Date, TENANT will pay to LANDLORD as additional rent hereunder, in accordance with subparagraph B of this Article, \_\_\_\_\_ percent ( \_\_\_\_\_ %) of all real estate taxes on the land and buildings of which the leased premises are a part in each year of the term of this Lease or any extension or renewal thereof and proportionately for any part of a fiscal year in which this Lease commences or ends. If LANDLORD obtains an abatement of any such excess real estate tax, a proportionate share of such abatement, less the reasonable fees and costs incurred in obtaining the same, if any, shall be refunded to TENANT.~~

A. TAXES  
(fill in)

B. OPERATING  
COSTS  
(fill in)

~~Commencing on the Commencement Date, TENANT shall pay to LANDLORD as additional rent hereunder in accordance with subparagraph B of this Article, \_\_\_\_\_ percent ( \_\_\_\_\_ %) of all operating expenses. Operating expenses are defined for the purposes of this agreement as operating expenses per annum of the building and its appurtenances and all exterior areas, yards, plazas, sidewalks, landscaping, parking areas, and the like then (i.e. as of said last day of the calendar year concerned) located outside of the building but related thereto and the parcels of land on which they are located (said building appurtenances, exterior areas, and land hereinafter referred to in total as the "building"). Operating expenses include, but are not limited to: (i) all costs of furnishing electricity, heat, air conditioning, water and sewer and other utility services and facilities to the building; (ii) all costs of any insurance carried by LANDLORD related to the building; (iii) all costs for common area cleaning and janitorial services; (iv) all costs of maintaining the building including the operation and repair of heating and air conditioning equipment and any other common building equipment, non-capital roof repairs and all other repairs, improvements and replacements required by law or necessary to keep the building in a well maintained condition; (v) all costs of snow and ice removal, landscaping and grounds care; (vi) all other costs of the management of the building, including, without limitation property management fees; and (vii) all other reasonable costs relating directly to the ownership, operation, maintenance and management of the building by LANDLORD. TENANT's share of operating expenses shall be prorated should this Lease be in effect with respect to only a portion of any calendar year.~~

~~During each year of the term of this Lease, TENANT shall make monthly estimated payments to LANDLORD, as additional rent for TENANT'S share of real estate taxes and operating expenses for the then current year. Said estimated monthly payments shall be made along with base rent payments and shall be equal to one twelfth (1/12) of TENANT'S annualized share of LANDLORD'S real estate taxes and operating expenses for the current year. Within one hundred and twenty (120) days after the end of each calendar year, LANDLORD shall deliver to TENANT a statement showing the amount of such real estate taxes and operating expenses also showing TENANT'S share of the same. In the event that TENANT does not object to such statement in writing within ninety (90) days of receipt of same, such statement shall be deemed accurate. Upon written request by TENANT to LANDLORD made within said ninety (90) day period, LANDLORD shall provide to TENANT reasonable supporting documentation for any item of expense on such statement objected to by TENANT. TENANT shall, within thirty (30) days after delivery of the annual reconciliation statement, pay TENANT'S share to LANDLORD, as additional rent, less any estimated payments. If the estimated payments exceed TENANT'S share, then the excess shall be applied to the next year's monthly payments for estimated increases.~~



**8. UTILITIES**

TENANT shall pay, as they become due, all bills for electricity and other utilities (whether they are used for furnishing heat or other purposes) that are furnished to the leased premises and presently separately metered, all bills for fuel furnished to a separate tank servicing the leased premises exclusively, and all charges for telephone and other communication systems used at and supplied to the leased premises. ~~LANDLORD agrees to furnish water for ordinary drinking, cleaning, lavatory and toilet facilities and reasonable heat and air conditioning, if installed as part of the structure of the building (except to the extent that the same are furnished through separately metered utilities or separate fuel tanks as set forth above) so as to maintain the leased premises and common areas of the building at comfortable levels during normal business hours on regular business days of the heating and air condition seasons of each year, to furnish elevator service, if installed as a part of the structure of the building, and to light passageways and stairways during business hours, and to furnish such common area cleaning service as is customary in similar building in said city or town, all subject to interruption due to any accident, to the making of repairs, alterations or improvements, to labor difficulties, to trouble in obtaining fuel, electricity, service, or supplies from the sources from which they are usually obtained for said building, or to any cause beyond LANDLORD'S control.~~

~~LANDLORD shall have no obligation to provide utilities or equipment other than the utilities and equipment within the leased premises as of the commencement date of this Lease. In the event TENANT requires additional utilities or equipment, the installation and maintenance thereof shall be TENANT'S sole obligation, provided that such installation shall be subject to the written consent of LANDLORD.~~

**9. USE OF LEASED  
PREMISES**  
(fill in)

TENANT shall use the leased premises only for the purpose of **MEDICAL OFFICE, CAREGIVER SERVICES AND A RETAIL STORE FRONT**

Neither LANDLORD nor LANDLORD'S BROKER have made any representations to TENANT regarding the uses of the leased premises allowed under applicable law or other restrictions of record, and TENANT acknowledges and agrees that TENANT assumes all responsibility and risk for investigating the same.

**10. COMPLIANCE  
WITH LAWS**

TENANT agrees to conform to the following provisions during the entire term of this Lease: (i) TENANT shall not injure or deface the leased premises or building; (ii) No auction sale, inflammable fluids, chemicals, nuisance, objectionable noise or odor shall be permitted on the leased premises; (iii) TENANT shall not permit the use of the leased premises for any purpose other than set forth herein or any use thereof which is improper, offensive, contrary to law or ordinance, or liable to invalidate or increase the premiums for any insurance on the building or its contents or liable to render necessary any alterations or additions to the building; and (iv) TENANT shall not obstruct in any manner any portion of the building not hereby demised or the sidewalks or approaches to said building or any inside or outside windows or doors. TENANT shall observe and comply with all codes, ordinances, laws, regulations and other governmental or quasi-governmental orders or inspections affecting TENANT, the leased premises and/or TENANT'S use and all reasonable rules and security regulations now or hereafter made by LANDLORD for the care and use of the leased premises, the building, its facilities and approaches. TENANT agrees to keep the leased premises equipped with all safety appliances and make all accessibility alterations, improvements or installations to the building, and/or accommodations in TENANT'S use thereof required by law or any public authority as a result of TENANT'S use or occupancy of the premises or TENANT'S alterations or additions thereto, which alterations, improvements and installations shall be subject to LANDLORD'S consent as provided in this Lease.

**11. MAINTENANCE**
**A. TENANT'S  
OBLIGATIONS**

TENANT acknowledges by entry thereupon that the leased premises are in good and satisfactory order, repair and condition, and covenants during said term and further time as TENANT holds any part of said premises to keep the leased premises (including without limitation windows, doors and all systems serving exclusively the leased premises) in as good order, repair and condition as the same are in at the commencement of said term, or may be put in thereafter, damage by fire or unavoidable casualty and reasonable use and wear only excepted. Notwithstanding anything to the contrary herein, if TENANT has leased ground floor space, TENANT covenants to keep all plate glass windows in good repair and condition and to carry adequate insurance to provide for the replacement of any such plate glass which is damaged or destroyed.

**B. LANDLORD'S  
OBLIGATIONS**

LANDLORD agrees to maintain and repair the roof, exterior walls and structure of the building of which the leased premises are a part, building systems not exclusively serving the leased premises and the common areas, in the same condition as they are at the commencement of the term or as it may be put in during the term of this Lease, reasonable wear and tear, damage by fire and other casualty only excepted, unless such maintenance or repair is made necessary by fault or neglect of TENANT or the employees, contractors, agents or invitees of TENANT, in which case such maintenance or repair shall be at the expense of TENANT and TENANT shall pay all costs therefor.

**12. ALTERATIONS-  
ADDITIONS**

TENANT shall not make any alterations or additions, or permit the making of any holes in any part of said building (except for nail holes for hanging art), or paint or place any signs, drapes, curtains, shades, awnings, arials or flagpoles or the like, or permit anyone except TENANT to use any part of the leased premises for desk space or for mailing privileges without on each occasion obtaining prior written consent of LANDLORD. TENANT may install signs of the following dimensions in the following locations, which signs shall be installed at TENANT'S sole expense, in compliance with all applicable laws and ordinances, and in compliance with LANDLORD'S sign standards attached hereto: N/A

[NONE IF LEFT BLANK]. TENANT shall not suffer or permit any lien of any nature or description to be placed against the building, the leased premises or any portion thereof, and in the case of any such lien attaching to immediately pay and remove the same; this provision shall not be interpreted as meaning that TENANT has any authority or power to permit any lien of any nature or description to attach or to be placed upon LANDLORD'S title or interest in the building, the leased premises, or any portion thereof.



13. ASSIGNMENT-  
SUBLEASING  
(revise if applicable)

TENANT shall not by operation of law or otherwise, assign, mortgage or encumber this Lease, or sublet or permit the leased premises or any part thereof to be used by others, without LANDLORD'S prior express written consent in each instance [which consent shall not be unreasonably withheld] (cross out if not applicable). In any case where LANDLORD shall consent to such assignment or subletting, TENANT named herein and any guarantor of this Lease shall remain fully liable for the obligations of TENANT hereunder, including, without limitation, the obligation to pay the rent and other amounts provided under this Lease. For purposes of this Lease, the sale of controlling interest in the stock of a corporate TENANT, sale of the controlling membership interest in an LLC or similar entity, or the change of a general partner of a partnership TENANT shall constitute an assignment of this Lease.

14. SUBORDINATION  
AND QUIET  
ENJOYMENT

This Lease automatically shall be subject and subordinate to any and all mortgages, deeds of trust and other instruments in the nature of a mortgage, that is now or at any time hereafter a lien or liens on the property of which the leased premises are a part and TENANT shall, within ten (10) days after they are requested, promptly execute and deliver such written instruments as shall be necessary to show the subordination of this Lease to said mortgages, deeds of trust or other such instruments in the nature of a mortgage. Provided TENANT performs all of its obligations under this Lease, TENANT shall be entitled to the quiet enjoyment of the leased premises; provided TENANT covenants that it holds the leased premises subject to all easements, covenants and other matters of record, and agrees to abide by same to the extent the same affect the leased premises. TENANT agrees to sign within ten (10) days after they are requested, such estoppel certificates as are requested by LANDLORD or LANDLORD's lender.

15. LANDLORD'S  
ACCESS

LANDLORD or agents of LANDLORD may, at all reasonable times during the term of this Lease, enter the leased premises (i) to examine the leased premises and, if LANDLORD shall so elect, to make any repairs or additions LANDLORD may deem necessary and, at TENANT'S expense, to remove any alterations, additions, signs, drapes, curtains, shades, awnings, aerials or flagpoles, or the like, not consented to in writing, (ii) to show the leased premises to prospective purchasers and mortgagees, and (iii) to show the leased premises to prospective tenants during the Two ( 2 ) months preceding the expiration of this Lease. LANDLORD reserves the right at any time within Two ( 2 ) months before the expiration of this Lease to affix to any suitable part of the leased premises a notice for leasing the leased premises and to keep the signage affixed without hindrance or molestation. LANDLORD also reserves the right at any time to affix to any suitable part of the leased premises a notice for selling the leased premises or property of which the leased premises are a part and to keep the signage affixed without hindrance or molestation.

16. INDEMNIFICA-  
TION AND  
LIABILITY

TENANT will defend and, except to the extent caused solely by the negligence or willful conduct of LANDLORD, will indemnify LANDLORD and its employees, agents and management company, and save them harmless from any and all injury, loss, claim, damage, liability and expense (including reasonable attorney's fees) in connection with the loss of life, personal injury or damage to property or business, arising from, related to, or in connection with the occupancy or use by TENANT of the leased premises or any part of LANDLORD'S property or the building, or occasioned wholly or in part by any act or omission of TENANT, its contractors, subcontractors, subtenants, licensees or concessionaires, or its or their respective agents, servants or employees while on or about the leased premises. TENANT shall also pay LANDLORD'S expenses, including reasonable attorney's fees, incurred by LANDLORD in successfully enforcing any obligation, covenant or agreement of this Lease or resulting from TENANT's breach of any provisions of this Lease (including without limitation any attorneys' fees incurred to monitor or intervene in any bankruptcy proceeding involving TENANT), or any document, settlement or other agreements related to this Lease. TENANT agrees not to assert immunity under workers' compensation laws as a defense to the enforcement by LANDLORD of the foregoing indemnity. The provisions of this Article shall survive the termination or earlier expiration of the term of this Lease. Without limitation of any other provision herein, neither LANDLORD, its employees, agents nor management company shall be liable for, and TENANT hereby releases them from all claims for, any injuries to any person or damages to property or business sustained by TENANT or any person claiming through TENANT due to the building or any part thereof (including the premises), or any appurtenances thereof, being in need of repair or due to the happening of any accident in or about the building or the leased premises or due to any act or negligence of TENANT or of any employee or visitor of TENANT. Without limitation, this provision shall apply to injuries and damage caused by nature, rain, snow, ice, wind, frost, water, steam, gas or odors in any form or by the bursting or leaking of windows, doors, walls, ceilings, floors, pipes, gutters, or other fixtures; and to damage caused to fixtures, furniture, equipment and the like situated at the leased premises, whether owned by TENANT or others.

17. TENANT'S  
LIABILITY  
INSURANCE  
(fill in)

TENANT shall (i) insure TENANT and LANDLORD, as an additional named insured, with commercial general liability coverage, on an occurrence basis and in such amounts and with such Maine admitted companies and against such risks as LANDLORD shall reasonably require and approve, but in amounts not less than                      Dollars (\$                      ) combined single limit with deductibles of not more than \$5,000 per occurrence, and (ii) insure LANDLORD and TENANT, as their interests appear, against loss of the contents and improvements of the leased premises under standard Maine all risk perils form, or its equivalent, in such amounts and with such Maine admitted companies as LANDLORD shall reasonably require and approve, with waiver of subrogation if such waiver can be obtained without charge. TENANT shall deposit with LANDLORD certificates for such insurance at or prior to the commencement of the term, and thereafter within thirty (30) days prior to the expiration of any such policies, and TENANT promptly shall deliver to LANDLORD complete copies of TENANT'S insurance policies upon request from LANDLORD. All of the foregoing insurance policies shall provide that such policies shall not be canceled without at least thirty (30) days prior written notice to each insured named therein. TENANT shall list LANDLORD as an additional named insured or loss payee, as the case may be, in all policies required by this Article.



18. FIRE  
CASUALTY-  
EMINENT  
DOMAIN

Should a substantial portion of the leased premises, or of the property of which they are a part, be damaged by fire or other casualty, or be taken by eminent domain, LANDLORD may elect to terminate this Lease. When such fire, casualty, or taking renders the leased premises unfit for use and occupation and LANDLORD does not so elect to terminate this Lease, a just and proportionate abatement of rent shall be made until the leased premises, or in the case of a partial taking what may remain thereof, shall have been put in proper condition for use and occupation. LANDLORD reserves and excepts all rights to damages to the leased premises and building and the leasehold hereby created, accrued or subsequently accruing by reason of anything lawfully done in pursuance of any public, or other, authority; and by way of confirmation, TENANT grants to LANDLORD all TENANT'S rights to such damages and covenants to execute and deliver such further instruments of assignment thereof as LANDLORD may from time to time request. LANDLORD shall give TENANT notice of its decision to terminate this Lease or restore the premises within ninety (90) days after any occurrence giving rise to LANDLORD'S right to so terminate or restore. Notwithstanding anything to the contrary contained herein, LANDLORD'S obligation to put the leased premises or the building in proper condition for use and occupation shall be limited to the amount of the proceeds from any insurance policy or policies or of damages which accrue by reason of any taking by a public or other authority, which are available to LANDLORD for such use.

19. DEFAULT AND  
BANKRUPTCY

In the event that:

- (a) TENANT shall default in the payment of any installment of rent or other sum herein specified when due which default is not corrected within seven (7) days after written notice thereof; or
- (b) TENANT shall default in the observance or performance of any other of the TENANT'S covenants, agreements, or obligations hereunder and such default shall not be corrected within ten (10) days after written notice thereof; or
- (c) The leasehold hereby created shall be taken on execution, or by other process of law; or
- (d) Any assignment shall be made of TENANT'S property for the benefit of creditors, or a receiver, guardian, conservator trustee in bankruptcy or similar officer shall be appointed by a court of competent jurisdiction to take charge of all or any part of TENANT'S property, or a petition is filed by TENANT under any bankruptcy, insolvency or other debtor relief law,

then and in any of said cases (notwithstanding any license of any former breach of covenant or waiver of the benefit hereof or consent in a former instance), LANDLORD shall be entitled to all remedies available to LANDLORD at law and equity including without limitation, the remedy of forcible entry and detainer, and LANDLORD lawfully may, immediately or at any time thereafter, and without demand or notice, mail a notice of termination to TENANT, or, if permitted by law, enter into and upon the leased premises or any part thereof in the name of the whole and repossess the same as of its former estate, and expel TENANT and those claiming through or under it and remove it or their effects without being deemed guilty of any manner of trespass, and without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenant, and upon such mailing or entry as aforesaid, this Lease shall terminate; and TENANT covenants and agrees, notwithstanding any entry or re-entry by LANDLORD, whether by summary proceedings, termination, or otherwise, that TENANT shall, as of the date of such termination, immediately be liable for and pay to LANDLORD the entire unpaid rental and all other balances due under this Lease for the remainder of the term. In addition, TENANT agrees to pay to LANDLORD, as damages for any above described breach, all costs of reletting the leased premises including real estate commissions and costs of renovating the premises to suit any new tenant, and TENANT agrees to reimburse LANDLORD for all attorneys' and paralegals' fees incurred by LANDLORD in connection with a TENANT default, including without limitation such fees incurred in connection with a bankruptcy proceeding.

20. NOTICE

Any notice from LANDLORD to TENANT relating to the leased premises or to the occupancy thereof, shall be deemed duly served, if left at the leased premises addressed to TENANT, or upon mailing to the leased premises, certified mail, return receipt requested, postage prepaid, addressed to TENANT. Such notice shall be deemed served on the date of hand delivery to the leased premises or on the date postmarked, and any time period in this Lease running from the date of notice shall commence on the date of delivery or postmark. Any notice from TENANT to LANDLORD relating to the leased premises or to the occupancy thereof, shall be deemed duly served, if mailed to LANDLORD by registered or certified mail, return receipt requested, postage prepaid, addressed to LANDLORD at LANDLORD'S address set forth in Article 1, or at such other address as LANDLORD may from time to time advise in writing.

21. SURRENDER

TENANT shall at the expiration or other termination of this Lease peaceably yield up the leased premises and all additions, alterations, fixtures (including those installed by TENANT), and improvements thereto in good order, repair and condition, damage by fire, unavoidable casualty, and reasonable wear and tear only excepted, first moving all goods and effects not attached to the leased premises, repairing all damage caused by such removal, and leaving the leased premises clean and tenantable. If LANDLORD in writing permits TENANT to leave any such goods and chattels at the leased premises, and TENANT does so, TENANT shall have no further claims and rights in such goods and chattels as against LANDLORD or those claiming by, through or under LANDLORD, and TENANT shall be deemed to have conveyed such items to LANDLORD unless LANDLORD elects to reject acceptance of the same.

22. **HAZARDOUS MATERIALS** TENANT covenants and agrees that, with respect to any hazardous, toxic or special wastes, materials or substances including asbestos, waste oil and petroleum products (the "Hazardous Materials") which TENANT, its agents or employees, may use, handle, store or generate in the conduct of its business at the leased premises TENANT will: (i) comply with all applicable laws, ordinances and regulations which relate to the treatment, storage, transportation and handling of the Hazardous Materials; (ii) that TENANT will in no event permit or cause any disposal of Hazardous Materials in, on or about the leased premises and in particular will not deposit any Hazardous Materials in, on or about the floor or in any drainage system or in the trash containers which are customarily used for the disposal of solid waste; (iii) that TENANT will with advance notice and at all reasonable times permit LANDLORD or its agents or employees to enter the leased premises to inspect the same for compliance with the terms of this paragraph and will further provide upon five (5) days notice from LANDLORD copies of all records which TENANT may be obligated by federal, state and/or local law to obtain and keep; (iv) that upon termination of this Lease, TENANT will at its expense, remove all Hazardous Materials, which came to exist on, in, or under the leased premises during the term of this Lease or any extensions thereof, from the leased premises and comply with applicable local, state and federal laws as the same may be amended from time to time; and (v) TENANT further agrees to deliver the leased premises to LANDLORD at the termination of this Lease free of all Hazardous Materials which came to exist on, in, or under the leased premises during the term of this Lease or any extensions thereof. The terms used in this paragraph shall include, without limitation, all substances, materials, etc., designated by such terms under any laws, ordinances or regulations, whether federal, state or local.
23. **LIMITATION OF LIABILITY** TENANT agrees to look solely to LANDLORD'S interest in the building for recovery of any judgment from LANDLORD or any of LANDLORD's partners, managers, or owners, it being agreed that LANDLORD and any other such party is not personally liable for any such judgment. The provision contained in the foregoing sentence shall not limit any right that TENANT might otherwise have to obtain an injunctive relief against LANDLORD or LANDLORD'S successors in interest, or any other action not involving the personal liability of LANDLORD and any other such party. Under no circumstances shall LANDLORD ever be liable for lost profits, indirect or consequential damages.
24. **LANDLORD DEFAULT** LANDLORD shall in no event be in default in the performance of any of its obligations hereunder unless and until LANDLORD shall have failed to perform such obligations within thirty (30) days or such additional time as is reasonably required to correct any such default after notice by TENANT to LANDLORD properly specifying wherein LANDLORD has failed to perform any such obligation. Further, if the holder of the mortgage on the building of which the leased premises are a part notifies TENANT that such holder has taken over LANDLORD'S rights under this Lease, TENANT shall not assert any right to deduct the cost of repairs or any monetary claim against lender or holder from rent thereafter due and accruing, but shall look solely to LANDLORD for satisfaction of such claim.
25. **WAIVER OF RIGHTS** No consent or waiver, express or implied, by either party to or of any breach of any covenant, condition or duty of the other, shall be construed as a consent or waiver to or of any other breach of the same or other covenant, condition or duty.
26. **SUCCESSORS AND ASSIGNS** The covenants and agreements of LANDLORD and TENANT shall run with the land and be binding upon and inure to the benefit of them and their respective heirs, executors, administrators, successors and assigns, but no covenant or agreement of LANDLORD, express or implied, shall be binding upon any person except for defaults occurring during such person's period of ownership nor binding individually upon any fiduciary, any shareholder or any beneficiary under any trust.
27. **HOLDOVER** If TENANT fails to vacate the leased premises at the termination of this Lease, then the terms of this Lease shall be applicable during said holdover period, except for base rent, which shall be increased to two (2) times the then-current base rent for the period just preceding such termination; but this provision shall not be interpreted as consent or permission by LANDLORD for TENANT to holdover at the termination of this Lease and the terms of this holdover provision shall not preclude LANDLORD from recovering any other damages which it incurs as a result of TENANT'S failure to vacate the leased premises at the termination of this Lease.
28. **JURY TRIAL WAIVER** NOTWITHSTANDING ANYTHING IN THIS LEASE TO THE CONTRARY, TENANT AND LANDLORD, FOR THEMSELVES AND THEIR SUCCESSORS AND ASSIGNS, HEREBY KNOWINGLY, WILLINGLY, AND VOLUNTARILY WAIVE ANY AND ALL RIGHTS TENANT AND/OR LANDLORD MAY HAVE TO A TRIAL BY JURY IN ANY FORCIBLE ENTRY AND DETAINER ("FED") ACTION OR PROCEEDING BROUGHT BY LANDLORD OR LANDLORD'S SUCCESSORS AND/OR ASSIGNS BASED UPON OR RELATED TO THE PROVISIONS OF THIS LEASE. LANDLORD AND TENANT HEREBY AGREE THAT ANY SUCH FED ACTION OR PROCEEDING SHALL BE HEARD BEFORE A SINGLE JUDGE OF THE APPROPRIATE DISTRICT COURT OR A SINGLE JUDGE OF THE APPROPRIATE SUPERIOR COURT, OR A FEDERAL DISTRICT COURT JUDGE SITTING IN THE DISTRICT OF MAINE.



29. MISCELLANEOUS If TENANT is more than one person or party, TENANT'S obligations shall be joint and several. Unless repugnant to the context, "LANDLORD" and "TENANT" mean the person or persons, natural or corporate, named above as LANDLORD and TENANT respectively, and their respective heirs, executors, administrators, successors and assigns. LANDLORD and TENANT agree that this Lease shall not be recordable but each party hereto agrees, on request of the other, to execute a Memorandum of Lease in recordable form and mutually satisfactory to the parties. If any provision of this Lease or its application to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Lease and the application of such provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby and each provision of this Lease shall be valid and enforceable to the fullest extent permitted by law. The submission of this Lease or a summary of some or all of its provisions for examination by TENANT does not constitute a reservation of or option for the premises or an offer to lease said premises, and this document shall become effective and binding only upon the execution and delivery hereof by both LANDLORD and TENANT. Employees or agents of LANDLORD have no authority to make or agree to make a lease or any other agreement or undertaking in connection herewith. All negotiations, considerations, representations and understandings between LANDLORD and TENANT are incorporated herein and no prior agreements or understandings, written or oral, shall be effective for any purpose. No provision of this Lease may be modified or altered except by agreement in writing between LANDLORD and TENANT, and no act or omission of any employee or agent of LANDLORD shall alter, change, or modify any of the provisions hereof. Time is of the essence of this agreement. This Lease shall be governed exclusively by the provisions hereof and by the laws of the State of Maine. The headings herein contained are for convenience only, and shall not be considered a part of this Lease.

30. BROKERAGE  
(fill in)

TENANT warrants and represents to LANDLORD that it has not dealt with any broker, finder or similar person concerning the leasing of the leased premises other than [REDACTED] ("TENANT'S BROKER"). ~~TENANT agrees to pay TENANT'S BROKER any commission due upon execution of this Lease, and in the event of any brokerage claims against LANDLORD by TENANT'S BROKER, TENANT agrees to defend the same and indemnify LANDLORD against any such claim.~~ LANDLORD warrants and represents to TENANT that it has not dealt with any broker, finder or similar person concerning the leasing of the leased premises other than [REDACTED] ("LANDLORD'S BROKER"). LANDLORD agrees to pay LANDLORD'S BROKER any commission due upon execution of this Lease, and in the event of any brokerage claims against TENANT by LANDLORD'S BROKER, LANDLORD agrees to defend the same and indemnify TENANT against any such claim.

[REDACTED] agrees to pay [REDACTED] a commission upon execution of this Lease. The person entitled to a commission under the foregoing sentence is an intended third-party beneficiary of the foregoing sentence and may enforce the commission payment obligation.

31. OTHER  
PROVISIONS  
(fill in or delete)

DISCLAIMER: THIS IS  
IN WITNESS WHEREOF  
TENANT:

**RELIEF CLINIC LLC**  
Legal Name of Tenant

DocuSigned by:  
**Evelyn Levitt**  
Signature

11/9/2018 12:45:50 PM EST

**EVELYNE LEVITT - OWNER**  
NAME/TITLE

Witness to Tenant

**DANIEL WILLIAMS**  
Legal Name of Landlord

Signature

**DANIEL WILLIAMS - TRUSTEE**  
NAME/TITLE

Witness to Landlord

GUARANTY (fill  
in or delete)

For value received, and in consideration for, and as an inducement to LANDLORD to enter into the foregoing Lease with  
RELIEF CLINIC LLC TENANT,  
EVELYNE LEVITT ("GUARANTOR")

does hereby unconditionally guaranty to LANDLORD the complete and due performance of each and every agreement, covenant, term and condition of the Lease to be performed by TENANT, including without limitation the payment of all sums of money stated in the Lease to be payable by TENANT. The validity of this guaranty and the obligations of the GUARANTOR hereunder shall not be terminated, affected, or impaired by reason of the granting by LANDLORD of any indulgences to TENANT. This guaranty shall remain and continue in full force and effect as to any renewal, modification, assignment, subletting or extension of the Lease, whether or not GUARANTOR shall have received any notice of or consented to such renewal, modification, assignment, subletting or extension. GUARANTOR hereby waives notice of acceptance of this Guaranty by LANDLORD, notice of default by TENANT under the Lease, and all suretyship and guarantorship defenses generally. The liability of GUARANTOR under this guaranty shall be primary, and in any right of action which shall accrue to LANDLORD under the Lease, LANDLORD may proceed against GUARANTOR and TENANT, jointly and severally, and may proceed against GUARANTOR without having commenced any action against or having obtained any judgment against TENANT. All of the terms and provisions of this guaranty shall inure to the benefit of the successors and assigns of LANDLORD and shall be binding upon the successors and assigns of GUARANTOR.

IN WITNESS WHEREOF, GUARANTOR has executed this Guaranty this 11/9/2018 12:45:50 PM EST day of \_\_\_\_\_.

GUARANTOR:

EVELYNE LEVITT

Legal Name of Guarantor

DocuSigned by:

*Evelyn Levitt*

Signature

Witness to Guarantor

OWNER

NAME/TITLE

*Danise R Williams* OWNER





Person attending: Brian Condon

Appeal for Adult Use and Medical Marijuana Stores, Cultivation Facilities, Manufacturing Facilities and Testing Facilities

Type of Appeal  
Select the appeal type.

1

☒ Permit/License Refusal\* ☐ Violation\*

\*A copy of the permit/license refusal or violation notice must be attached with this form.

Property Address  
Provide the address of the property in question.

2

Address: 23 Cross Street, Auburn, ME 04210

Appellant  
Identify who is filing the appeal.

3

Name: Evelynne Levitt  
Address: 216 Cents Street, Auburn, ME 04210  
Email: evelynne627@yahoo.com Phone: 207.131.816.8.7.4

Property Owner  
Identify the deeded property owner.

4

If there was a recent change of ownership, documentation will be required.

Name: Don Williams  
Address: 23 Cross Street, Auburn, ME 04210  
Email: dr.framing@live.com Phone: 207.754.37.25

Reason for Appeal

Attach documentation providing proof/evidence to support appeal.

5

Not being grandfathered in when sales to public and patients in a retail setting with displays have already happened for years.

Declaration & Signature

I certify that the information provided herein is true and factual, and that I am the owner or am authorized by the owner to act on their behalf on this appeal.

Appellant Signature:

Date: 9, 4, 2019

OFFICE USE ONLY

APPEAL DATE:

9/4/2019

HEARING DATE/TIME:

9/16/2019 at 7:00pm or as soon as possible thereafter

**RE: Relief Clinic**

---

From: Megan McLaughlin (mmclaughlin@auburmaine.gov)

To: [evelyne627@yahoo.com](mailto:evelyne627@yahoo.com)

Cc: [ECousens@auburmaine.gov](mailto:ECousens@auburmaine.gov); [pcrowell@auburmaine.gov](mailto:pcrowell@auburmaine.gov); [kearle@auburmaine.gov](mailto:kearle@auburmaine.gov)

Date: Tuesday, August 20, 2019, 11:04 AM EDT

---

Hi Evelynne,

Thank you for your email. The City of Auburn began reviewing all of the applications received for existing medical marijuana businesses and scheduling inspections this past month.

The review group deliberated and made the determination that the location at 23 Cross Street was not an existing retail facility. Instead, it was determined that the location was a permanent office space with caregivers servicing patients in an office setting primarily through appointments. The location was not permitted as a retail space.

You should have received a letter in the mail outlining the appeal process for this decision through the City Council.

Please let me know if you have any other questions,

Megan

---

**From:** Evelynne Walthner <[evelyne627@yahoo.com](mailto:evelyne627@yahoo.com)>

**Sent:** Tuesday, August 20, 2019 9:57 AM

**To:** Eric Cousens <[ECousens@auburmaine.gov](mailto:ECousens@auburmaine.gov)>; Phil Crowell <[pcrowell@auburmaine.gov](mailto:pcrowell@auburmaine.gov)>; Kelsey Earle <[kearle@auburmaine.gov](mailto:kearle@auburmaine.gov)>

**Subject:** Relief Clinic

To whom it may concern,

**From:** [Evelyne Walther](#)  
**To:** [Eric Cousins](#); [Phil Crowell](#); [Kelsey Earle](#); [Megan McLaughlin](#)  
**Subject:** Re: Relief Clinic  
**Date:** Friday, August 23, 2019 9:40:17 AM

---

Dear City of Auburn,

The Relief Clinic, LLC recently received a letter informing us that our application got denied regarding a Medical Marijuana store front. It was determined by the City of Auburn that we were not considered pre-existing or also called Grandfathered in.

Please accept this letter as my appeal to the City of Auburn. Below are some points that outline facts that the Relief Clinic, LLC has been in business with the City of Auburn's permission prior to and since the City Ordinances having been enacted at the time. We believe this would fall under the Takings Clause of the Fifth Amendment and are prepared to obtain legal council depending on the outcome of this appeal process.

The Relief Clinic, LLC opened in 2015 with the city approval and with the knowledge that we would be servicing Medical Marijuana patients at 23 Cross Street for Medical Marijuana Certification Cards. It was also, well known to the City of Auburn for the past 5 years that we have been servicing Medical Marijuana patients with a Caregiver at 23 Cross Street.

The Relief Clinic, LLC has over 10,000 patients through the years that have been serviced here and many of those have purchased Medical Marijuana through the Caregiver at the 23 Cross Street. This caregiver always had open doors during normal business hours and beyond for all of our patients. The Caregiver has had shelving, and displays on site and set up for patients to view and purchase Medical Marijuana in a retail store like setting. We will have no issue obtaining numerous testimony attesting to this!

The Medical Marijuana patients that were serviced were helped in a walk in manner type setting. There has never been an appointment needed to help a patient obtain their medicine! The patients would obtain their Medical Marijuana Certification card and proceed if they chose to purchase medicine. Many of these patients have returned over and over to the caregiver for multiple transactions throughout the years on a walk in basis. They did not just purchase Medical Marijuana on a day that they got certified but also throughout the year. The Relief Clinic did not just sell to our patients but also to other's.

The Relief Clinic has kept a retail type setting selling a variety of products from Medical Marijuana to CBD products. Until recently CBD due to the enactment of the Farm Bill, CBD was only available to be purchased through the Medical Marijuana Program. We have multiple display shelves where product is displayed to the consumer. The patients view, decide, and purchase Medical Marijuana in a retail environment. There is a private area for patient confidentiality. This private area is mandatory through the Medical Marijuana program. Patients speak with the caregiver and asked for information regarding Medical Marijuana in the public area on a regular basis.

When we first opened with City of Auburn knowledge there were no policies regarding Medical Marijuana Store Fronts. The City of Auburn enacted policies well after we had already been in business and conducting business in a manner that was legal with State of Maine policies. The City of Auburn gave us no notice of such policies and we did not find out about them until well after the fact. It was noted in emails between Eric Cousins and Evelyn Levitt that the clinic could not service Medical Marijuana patients at the second location located at 216 Center Street because this location was opened after these policies were enacted. However, it was recognized in these same emails that Medical Marijuana would still be provided at 23 Cross Street because the caregiver has been set up since opening the clinic.

The Relief Clinic has had a retail setting since opening the clinic. It has also been verified with the previous tenant whom is the landlord that there was a retail framing business at this location prior. He has stated that he operated on a walk in basis as well with no appointment needed. It was noted in an email regarding when questioned why we were not approved that the reasoning was because it was believed by the City that appointments were needed to purchase Medical Marijuana. The Relief Clinic, LLC has



about 25% to 30% appointments. The other patients are all on a walk-in basis! Although this is not true, it should be noted that many businesses require appointments but still carry a retail setting. An example of these businesses would be a nail salon that also offers and sells nail products, a hair salon that also offers and sells products, an eye glass clinic where you would make appointments to be fitted for a prescription, but are able to walk in and obtain new frames and sunglasses. There are many more examples of this type of practice.

Please review our application again. Forcing us to reapply as a new business would force us out of business because there is another Medical Marijuana

Business that has applied according the GIS mapping software provided by the City of Auburn. This other business is in our buffer zone and would force us out of business. It should be noted that Relief Clinic LLC was officially a LLC as of April, 2015. The other party Aura Organic officially became a LLC in May, 2019. This proves we have been at this location much longer than Aura Organic, LLC. It should be noted that we might also fall into the school buffer zone if not permitted as pre-existing.

If legal council is needed in this situation we would be requesting our attorney to file a formal request with the City of Auburn for a list of names and businesses that they knew were selling Medical Marijuana prior to the enactment of actual store policies. We are speculating that this list would not be a very long list of people that have had personal conversations with the City of Auburn stating openly that they are selling Medical Marijuana.

We would wonder why we were never notified of these changes, especially with how much great care and attention has gone into the issue of marijuana in regards to forming a committee, having multiple private and public hearing. We would speculate that the list of names that let the city know they were doing business within the city would be small enough that the city would be able to reach out to us individually with little effort.

In the event Aura Organics, LLC were to obtain a license and not us we would also request from our attorney to file a formal request on all parties involved in Aura Organics, LLC and request our attorney start and investigation regarding and close personal relationships between those members and City of Auburn

officials. We would also request our attorney to file a formal request regarding who got approved as pre-existing and we would want a comparison as to why they were able to obtain licensing and not us. These are things we do not want to do, but we are prepared to do.

Please reconsider our application as we have always operated within city limits with City of Auburn's knowledge and in a very professional manner. We feel we have been a positive asset to the City of Auburn and have operated without complaints or issues brought to the City of Auburn. Thank you for your time regarding this situation and we look forward to your response.

#### SUMMARY:

- Relief Clinic has been in business with the City of Auburn's permission prior to City Ordinances.
- The City of Auburn had knowledge that the Relief Clinic has been selling Medical Marijuana to patients for 5 years with a Caregiver.
- The Relief Clinic has displays and shelving for over 5 years at 23 Cross Street selling to our patient count of over 10,000 patients.
- Patients were served in a walk in manner type setting. Patients never needed an appointment to buy medical marijuana.
- Patients viewed, decide, and purchase Medical Marijuana in a retail environment.
- The business before us was a retail store.



- At least 75 to 80% of our patients are walk ins.
- Other business have appointments and walks-ins and are still considered a retail store.
- The Relief Clinic has been in business since 2015 selling Medical Marijuana - not just to our patients.
- City of Auburn did not reach out to us even with their knowledge that we sell Medical Marijuana out of 23 Cross Street.
- Our patients are more than happy to attest that they are walk-ins and that they did not need an appointment to buy Medical Marijuana or to be seen by our provider.

Sincerely,

Evelyne Levitt

**Evelyne Levitt**  
**Owner - Relief Clinic, LLC**

### **Gateway to Healing**

**216 Center Street**  
**Auburn, ME 04210**

**16810 US HWY 441**  
**Summerfield, FL 34491**

**1705 NW 6th St.**  
**Gainesville, FL 32609**

**C: 207-313-6874**

On Tuesday, August 20, 2019, 09:56:43 AM EDT, Evelyne Walther <evelyne627@yahoo.com> wrote:

To whom it may concern,

I am writing this email as an inquiry to the reason why it is believed that I am not considering an existing Medical Marijuana business prior to December 13'th 2018. I have been in business for the past 4 years. I have been a caregiver and had a caregiver serving medical marijuana patients out of that office since we opened in 2015. The City of Auburn has been very well aware of my operations since I started.

When I started there was no license for Medical Marijuana Caregiver stores! We were told what we were doing was OK at the Cross Street location. Please refer to an email on May 2'nd and 3'rd between Eric Cousins and myself. The conversation was specific to the fact that we have been serving Medical Marijuana patients. Until that date it had never been mentioned we could not have displays either! We have always had our product out for display. We have a patient database of over 10,000 patients!

I am sure many of them will attest to the fact that we have serviced them with Medical Marijuana for many years!!! Since we were doing business in this manner with city knowledge prior to the City having and adopted any ordinances it is to my belief that we should be grandfathered in and considered pre-existing.

You can refer to an email dated July 24th 2018 where I asked Eric Cousins about servicing Medical Cannabis patients at the new Center Street location. He stated due to the moratorium I would not be able to. We have respected that and continued to service them at Cross Street where the City has known we have done so for 4 years and continuing. By denying my application and forcing me to apply as a new business it is to my understanding I will not be able to obtain a license if the other party "Aura LLC" gets a license. They fall into my buffer zone eliminating my Cross Street location.

Please explain in full detail your reasoning why I am not grandfathered. I will await your reply on this matter.

I am in hopes you will reconsider your decision prior to an appeal having to take place.

Thank you.

Evelyne

**Evelyne Levitt**  
**Owner - Relief Clinic, LLC**

**Gateway to Healing**

**216 Center Street**  
**Auburn, ME 04210**

**16810 US HWY 441**  
**Summerfield, FL 34491**

**1705 NW 6th St.**  
**Gainesville, FL 32609**

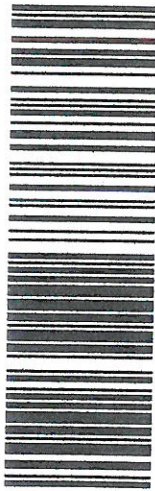
**C: 207-313-6874**

Section B.



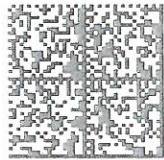
City of Auburn  
Office of the City Clerk  
60 Court Street  
Auburn, ME 04210

CERTIFIED MAIL



91 7199 9991 7038 3864 2663

Relief Clinic LLC  
c/o Evelyn Levitt  
216 Center Street  
Auburn, ME 04210



U.S. POSTAGE PITNEY BOWES



ZIP 04210 \$005.60<sup>0</sup>  
02 4W  
0000335788 AUG 15 2019



## City of Auburn, Maine

Office of The City Clerk

60 Court Street | Auburn, Maine 04210

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

August 15, 2019

Relief Clinic LLC

c/o Evelyne Levitt

216 Center Street

Auburn, ME 04210

To whom it may concern,

We regret to inform you that after permit review regarding 23 Cross Street, it was determined that you were not an existing Medical Marijuana Business before December 13, 2018. You may apply as a new Medical Marijuana Business at this time, but please keep in mind that other applications have been received which may affect your setback requirements.

You may contact us with questions regarding this decision. If you choose to appeal the decision, please refer to the Appeal section of City Ordinance:

*Sec. 14-39. - Appeal.*

*(a) Except as otherwise provided, appeals shall be made by filing a written notice of appeal with the office of the city clerk or designee within 30 days of the date of any such denial to the council in writing, whereupon a hearing will be scheduled, at which time the applicant shall have the right to be heard. It shall be the duty of the city clerk or designee to notify such applicants who have appealed, of the time and place of the hearing.*

Sincerely,

Kelsey Earle

License Specialist/Deputy City Clerk, City of Auburn



**From:** [Evelyne Walther](#)  
**To:** [Eric Cousins](#); [Phil Crowell](#); [Kelsey Earle](#)  
**Subject:** Relief Clinic  
**Date:** Tuesday, August 20, 2019 9:58:06 AM

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To whom it may concern,

I am writing this email as an inquiry to the reason why it is believed that I am not considering an existing Medical Marijuana business prior to December 13'th 2018. I have been in business for the past 4 years. I have been a caregiver and had a caregiver serving medical marijuana patients out of that office since we opened in 2015. The City of Auburn has been very well aware of my operations since I started.

When I started there was no license for Medical Marijuana Caregiver stores! We were told what we were doing was OK at the Cross Street location. Please refer to an email on May 2'nd and 3'rd between Eric Cousins and myself. The conversation was specific to the fact that we have been serving Medical Marijuana patients. Until that date it had never been mentioned we could not have displays either! We have always had our product out for display. We have a patient database of over 10,000 patients! I am sure many of them will attest to the fact that we have serviced them with Medical Marijuana for many years!!! Since we were doing business in this manner with city knowledge prior to the City having and adopted any ordinances it is to my belief that we should be grandfathered in and considered pre-existing.

You can refer to an email dated July 24th 2018 where I asked Eric Cousins about servicing Medical Cannabis patients at the new Center Street location. He stated due to the moratorium I would not be able to. We have respected that and continued to service them at Cross Street where the City has known we have done so for 4 years and continuing. By denying my application and forcing me to apply as a new business it is to my understanding I will not be able to obtain a license if the other party "Aura LLC" gets a license. They fall into my buffer zone eliminating my Cross Street location.

Please explain in full detail your reasoning why I am not grandfathered. I will await your reply on this matter.

I am in hopes you will reconsider your decision prior to an appeal having to take place.

Thank you.

Evelyne

**Evelyne Levitt**  
**Owner - Relief Clinic, LLC**

**Gateway to Healing**

**216 Center Street  
Auburn, ME 04210**

**16810 US HWY 441  
Summerfield, FL 34491**

**1705 NW 6th St.  
Gainesville, FL 32609**

**C: 207-313-6874**

**From:** [Megan McLaughlin](#)  
**To:** [evelyne627@yahoo.com](mailto:evelyne627@yahoo.com)  
**Cc:** [Eric Cousins](#); [Phil Crowell](#); [Kelsey Earle](#)  
**Subject:** RE: Relief Clinic  
**Date:** Tuesday, August 20, 2019 11:04:34 AM

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Hi Evelyne,

Thank you for your email. The City of Auburn began reviewing all of the applications received for existing medical marijuana businesses and scheduling inspections this past month.

The review group deliberated and made the determination that the location at 23 Cross Street was not an existing retail facility. Instead, it was determined that the location was a permanent office space with caregivers servicing patients in an office setting primarily through appointments. The location was not permitted as a retail space.

You should have received a letter in the mail outlining the appeal process for this decision through the City Council.

Please let me know if you have any other questions,  
Megan

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**From:** Evelyne Walther <[evelyne627@yahoo.com](mailto:evelyne627@yahoo.com)>  
**Sent:** Tuesday, August 20, 2019 9:57 AM  
**To:** Eric Cousins <[ECousens@auburnmaine.gov](mailto:ECousens@auburnmaine.gov)>; Phil Crowell <[pcrowell@auburnmaine.gov](mailto:pcrowell@auburnmaine.gov)>; Kelsey Earle <[kearle@auburnmaine.gov](mailto:kearle@auburnmaine.gov)>  
**Subject:** Relief Clinic

To whom it may concern,

I am writing this email as an inquiry to the reason why it is believed that I am not considering an existing Medical Marijuana business prior to December 13'th 2018. I have been in business for the past 4 years. I have been a caregiver and had a caregiver serving medical marijuana patients out of that office since we opened in 2015. The City of Auburn has been very well aware of my operations since I started.

When I started there was no license for Medical Marijuana Caregiver stores! We were told what we were doing was OK at the Cross Street location. Please refer to an email on May 2'nd and 3'rd between Eric Cousins and myself. The conversation was specific to the fact that we have been serving Medical Marijuana patients. Until that date it had never been mentioned we could not have displays either! We have always had our product out for display. We have a patient database of over 10,000 patients! I am sure many of them will attest to the fact that we have serviced them with Medical Marijuana for many years!!! Since we were doing business in this manner with city knowledge prior to the City having and adopted any ordinances it is to my belief that we should be grandfathered in and considered pre-existing.

You can refer to an email dated July 24th 2018 where I asked Eric Cousins about

servicing Medical Cannabis patients at the new Center Street location. He stated due to the moratorium I would not be able to. We have respected that and continued to service them at Cross Street where the City has known we have done so for 4 years and continuing. By denying my application and forcing me to apply as a new business it is to my understanding I will not be able to obtain a license if the other party "Aura LLC" gets a license. They fall into my buffer zone eliminating my Cross Street location.

Please explain in full detail your reasoning why I am not grandfathered. I will await your reply on this matter.

I am in hopes you will reconsider your decision prior to an appeal having to take place.

Thank you.

Evelyne

**Evelyne Levitt**  
**Owner - Relief Clinic, LLC**

**Gateway to Healing**

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**Auburn, ME 04210**

**16810 US HWY 441**  
**Summerfield, FL 34491**

**1705 NW 6th St.**  
**Gainesville, FL 32609**

**C: 207-313-6874**



**From:** [Evelyne Walther](#)  
**To:** [Eric Cousins](#); [Phil Crowell](#); [Kelsey Earle](#); [Megan McLaughlin](#)  
**Subject:** Re: Relief Clinic  
**Date:** Friday, August 23, 2019 9:40:17 AM

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Dear City of Auburn,

The Relief Clinic, LLC recently received a letter informing us that our application got denied regarding a Medical Marijuana store front. It was determined by the City of Auburn that we were not considered pre-existing or also called Grandfathered in.

Please accept this letter as my appeal to the City of Auburn. Below are some points that outline facts that the Relief Clinic, LLC has been in business with the City of Auburn's permission prior to and since the City Ordinances having been enacted at the time. We believe this would fall under the Takings Clause of the Fifth Amendment and are prepared to obtain legal council depending on the outcome of this appeal process.

The Relief Clinic, LLC opened in 2015 with the city approval and with the knowledge that we would be servicing Medical Marijuana patients at 23 Cross Street for Medical Marijuana Certification Cards. It was also, well known to the City of Auburn for the past 5 years that we have been servicing Medical Marijuana patients with a Caregiver at 23 Cross Street.

The Relief Clinic, LLC has over 10,000 patients through the years that have been serviced here and many of those have purchased Medical Marijuana through the Caregiver at the 23 Cross Street. This caregiver always had open doors during normal business hours and beyond for all of our patients. The Caregiver has had shelving, and displays on site and set up for patients to view and purchase Medical Marijuana in a retail store like setting. We will have no issue obtaining numerous testimony attesting to this!

The Medical Marijuana patients that were serviced were helped in a walk in manner type setting. There has never been an appointment needed to help a patient obtain their medicine! The patients would obtain their Medical Marijuana Certification card and proceed if they chose to purchase medicine. Many of these patients have returned over and over to the caregiver for multiple transactions throughout the years on a walk in basis. They did not just purchase Medical Marijuana on a day that they got certified but also throughout the year. The Relief Clinic did not just sell to our patients but also to other's.

The Relief Clinic has kept a retail type setting selling a variety of products from Medical Marijuana to CBD products. Until recently CBD due to the enactment of the Farm Bill, CBD was only available to be purchased through the Medical Marijuana Program. We have multiple display shelves where product is displayed to the consumer. The patients view, decide, and purchase Medical Marijuana in a retail environment. There is a private area for patient confidentiality. This private area is mandatory through the Medical Marijuana program. Patients speak with the caregiver and asked for information regarding Medical Marijuana in the public area on a regular basis.

When we first opened with City of Auburn knowledge there were no policies regarding Medical Marijuana Store Fronts. The City of Auburn enacted policies well after we had already been in business and conducting business in a manner that was legal with State of Maine policies. The City of Auburn gave us no notice of such policies and we did not find out about them until well after the fact. It was noted in emails between Eric Cousins and Evelyn Levitt that the clinic could not service Medical Marijuana patients at the second location located at 216 Center Street because this location was opened after these policies were enacted. However, it was recognized in these same emails that Medical Marijuana would still be provided at 23 Cross Street because the caregiver has been set up since opening the clinic.

The Relief Clinic has had a retail setting since opening the clinic. It has also been verified with the previous tenant whom is the landlord that there was a retail framing business at this location prior. He has stated that he operated on a walk in basis as well with no appointment needed. It was noted in an email regarding when questioned why we were not approved that the reasoning was because it was believed by the City that appointments were needed to purchase Medical Marijuana. The Relief Clinic, LLC has

about 25% to 30% appointments. The other patients are all on a walk-in basis! Although this is not true, it should be noted that many businesses require appointments but still carry a retail setting. An example of these businesses would be a nail salon that also offers and sells nail products, a hair salon that also offers and sells products, an eye glass clinic where you would make appointments to be fitted for a prescription, but are able to walk in and obtain new frames and sunglasses. There are many more examples of this type of practice.

Please review our application again. Forcing us to reapply as a new business would force us out of business because there is another Medical Marijuana

Business that has applied according to the GIS mapping software provided by the City of Auburn. This other business is in our buffer zone and would force us out of business. It should be noted that Relief Clinic LLC was officially a LLC as of April, 2015. The other party Aura Organic officially became a LLC in May, 2019. This proves we have been at this location much longer than Aura Organic, LLC. It should be noted that we might also fall into the school buffer zone if not permitted as pre-existing.

If legal council is needed in this situation we would be requesting our attorney to file a formal request with the City of Auburn for a list of names and businesses that they knew were selling Medical Marijuana prior to the enactment of actual store policies. We are speculating that this list would not be a very long list of people that have had personal conversations with the City of Auburn stating openly that they are selling Medical Marijuana.

We would wonder why we were never notified of these changes, especially with how much great care and attention has gone into the issue of marijuana in regards to forming a committee, having multiple private and public hearing. We would speculate that the list of names that let the city know they were doing business within the city would be small enough that the city would be able to reach out to us individually with little effort.

In the event Aura Organics, LLC were to obtain a license and not us we would also request from our attorney to file a formal request on all parties involved in Aura Organics, LLC and request our attorney start and investigation regarding and close personal relationships between those members and City of Auburn

officials. We would also request our attorney to file a formal request regarding who got approved as pre-existing and we would want a comparison as to why they were able to obtain licensing and not us. These are things we do not want to do, but we are prepared to do.

Please reconsider our application as we have always operated within city limits with City of Auburn's knowledge and in a very professional manner. We feel we have been a positive asset to the City of Auburn and have operated without complaints or issues brought to the City of Auburn. Thank you for your time regarding this situation and we look forward to your response.

#### SUMMARY:

- Relief Clinic has been in business with the City of Auburn's permission prior to City Ordinances.
- The City of Auburn had knowledge that the Relief Clinic has been selling Medical Marijuana to patients for 5 years with a Caregiver.
- The Relief Clinic has displays and shelving for over 5 years at 23 Cross Street selling to our patient count of over 10,000 patients.
- Patients were served in a walk in manner type setting. Patients never needed an appointment to buy medical marijuana.
- Patients viewed, decide, and purchase Medical Marijuana in a retail environment.
- The business before us was a retail store.

- At least 75 to 80% of our patients are walk ins.
- Other business have appointments and walks-ins and are still considered a retail store.
- The Relief Clinic has been in business since 2015 selling Medical Marijuana - not just to our patients.
- City of Auburn did not reach out to us even with their knowledge that we sell Medical Marijuana out of 23 Cross Street.
- Our patients are more than happy to attest that they are walk-ins and that they did not need an appointment to buy Medical Marijuana or to be seen by our provider.

Sincerely,

Evelyne Levitt

**Evelyne Levitt**  
**Owner - Relief Clinic, LLC**

### **Gateway to Healing**

**216 Center Street**  
**Auburn, ME 04210**

**16810 US HWY 441**  
**Summerfield, FL 34491**

**1705 NW 6th St.**  
**Gainesville, FL 32609**

**C: 207-313-6874**

On Tuesday, August 20, 2019, 09:56:43 AM EDT, Evelyne Walther <evelyne627@yahoo.com> wrote:

To whom it may concern,

I am writing this email as an inquiry to the reason why it is believed that I am not considering an existing Medical Marijuana business prior to December 13'th 2018. I have been in business for the past 4 years. I have been a caregiver and had a caregiver serving medical marijuana patients out of that office since we opened in 2015. The City of Auburn has been very well aware of my operations since I started.

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Thank you.

Evelyne

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## City of Auburn, Maine

Office of The City Clerk

60 Court Street | Auburn, Maine 04210

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

September 12, 2019

Evelyne Levitt

Relief Clinic

216 Center Street

Auburn, ME 04210

Dear Ms. Leavitt,

On September 6, 2019 you filed a written notice of appeal with the Office of the City Clerk after receiving a letter dated August 15, 2019, denying your request for a Medical Marijuana Business license at the 23 Cross Street location. This letter is to advise you that a public hearing has been scheduled for Monday September 16, 2019 at 7:00pm or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, Auburn, Maine.

Please feel free to contact us at the phone number listed above with any questions or concerns you may have.

Sincerely,

A handwritten signature in black ink that reads "Kelsey L. Earle". The signature is written in a cursive, flowing style.

Kelsey L. Earle

Deputy City Clerk



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

CERTIFIED MAIL



91 7199 9991 7038 3864 2960

Evelyne Levitt  
Relief Clinic  
216 Center Street  
Auburn, ME 04210



U.S. POSTAGE® PITNEY BOWES  
ZIP 04210 \$005.60<sup>0</sup>  
02 4W  
0000335788 SEP 12 2019

# Section C.

HP0818, LD 1129, item 1, 129th Maine State Legislature  
An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act

## **An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 5. 22 MRSA §2429-D, sub-§2**, as enacted by PL 2017, c. 452, §18, is amended to read:

**2. Stores, dispensaries, testing and manufacturing facilities.** Prohibit registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section. For purposes of this subsection, "municipal approval" means a specific examination and approval of the underlying use of the store, dispensary or facility, including a conditional use approval, site plan approval or issuance of a marijuana-specific business license. "Municipal approval" does not include issuance of a building, electrical or other similar permit that does not address the use of the structure or facility for which the permit is issued; or

### **SUMMARY**

This bill clarifies the Maine Medical Use of Marijuana Act by:

1. Standardizing the term "caregiver retail store" by creating a definition of the term and replacing other variations of "retail store" in the Act with "caregiver retail store"; and

2. Defining "municipal approval" in the provisions regarding marijuana for medical use caregiver retail stores, dispensaries and facilities operating before the effective date of the Act as a specific examination and approval of the underlying use of the store, dispensary or facility, including a conditional use approval, site plan approval or issuance of a marijuana-specific business license and not including the issuance of a building, electrical or other similar permit that does not address the use of the structure or facility for which the permit was issued.

# Section D.

Holly C. Lasagna, Ward One  
Robert P. Hayes, Ward Two  
Andrew D. Titus, Ward Three  
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five  
Belinda A. Gerry, At Large  
David C. Young, At Large

Jason J. Levesque, Mayor

## IN CITY COUNCIL

ORDINANCE 03-06182018

### CITY OF AUBURN CITY COUNCIL

#### MORATORIUM ORDINANCE ON SOCIAL CLUBS AND RETAIL MEDICAL MARIJUANA CAREGIVER STOREFRONTS

The City Council of the City of Auburn, Maine (the "City") hereby amends the City's Code of Ordinances by adding the following words to Chapter 61, immediately following Chapter 60 (Zoning):

#### CHAPTER 61. MORATORIA

#### ARTICLE I. MORATORIA

#### Sec. 61-1. Moratorium on Social Clubs and Retail Medical Marijuana Caregiver Storefronts.

WHEREAS, the Maine Medical Use of Marijuana Act, codified at 22 M.R.S. §§ 2421 to 2430-B, (the "Medical Act") authorizes the possession, cultivation, and furnishing of medical marijuana to qualifying patients by caregivers, as those terms are defined in 22 M.R.S. § 2422; and

WHEREAS, section 401 of the Marijuana Legalization Act, codified at 28-B M.R.S. ch. 1 (the "Adult Use Act") authorizes municipalities pursuant to home rule authority to regulate adult use marijuana establishments, including cultivation facilities, products manufacturing facilities, testing facilities, and marijuana stores, as those terms are defined in 28-B M.R.S. § 102; and

WHEREAS, neither the Medical Act nor the Adult Use Act nor any state agency rules promulgated thereunder expressly authorize the operation of retail stores by registered caregivers for the purpose of selling medical marijuana or medical marijuana products to qualifying patients (hereafter, "Retail Medical Marijuana Caregiver Storefronts") or the furnishing or sale of marijuana or marijuana products to consumers for on-premises consumption (hereafter, "Social Clubs"); and

WHEREAS, during the first regular session, the 128th Maine Legislature considered LD 1539, "An Act to Amend Maine's Medical Marijuana Law," which, if enacted, would amend the Medical Act to expressly authorize the operation of Retail Medical Marijuana Caregiver Storefronts, and LD 238, "An Act to Amend the Maine Medical Use of Marijuana Act," which, if enacted, would expressly authorize municipalities to regulate registered caregiver operations; however, the ultimate disposition of LD 1539 and LD 238 is unknown at this time; and

WHEREAS, no specific regulations governing Social Clubs or Retail Medical Marijuana Caregiver



Holly C. Lasagna, Ward One  
Robert P. Hayes, Ward Two  
Andrew D. Titus, Ward Three  
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five  
Belinda A. Gerry, At Large  
David C. Young, At Large

Jason J. Levesque, Mayor

Storefronts exist under the City's Code of Ordinances; and

WHEREAS, the City's Code of Ordinances is insufficient to prevent serious public harm that could result from the unregulated siting and operation of Social Clubs or Retail Medical Marijuana Caregiver Storefronts within the City; and

WHEREAS, the unregulated siting and operation of Social Clubs or Retail Medical Marijuana Caregiver Storefronts within the City raises legitimate and substantial questions about the impact of such facilities and related uses and activities on the City, including questions as to compatibility of such facilities with existing and permitted land uses in the City; potential adverse health and safety effects on the community; the adequacy of the City's infrastructure to accommodate such facilities; and the possibility of unlawful sale of marijuana and marijuana products; and

WHEREAS, as a result of the foregoing issues, the siting and operation of Social Clubs or Retail Medical Marijuana Caregiver Storefronts and related uses and activities within the City has potentially serious implications for the health, safety, and welfare of the City and its residents and visitors; and

WHEREAS, an overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of unregulated Social Clubs or Retail Medical Marijuana Caregiver Storefronts and related uses and activities located and operated in the City; and

WHEREAS, the City has established a working group charged with studying, reviewing, and making recommendations to the City Council regarding the regulation of adult and medical marijuana facilities, uses and activities, including Social Clubs and Retail Medical Marijuana Caregiver Storefronts; and

WHEREAS, the City and the working group needs time to understand the disposition of LD 1539, LD 238, and any State department rules promulgated pursuant to the Adult Use Act or the Medical Act in relation to its own Code of Ordinances and to evaluate the effects of Social Clubs and Retail Medical Marijuana Caregiver Storefronts and related uses and activities in order to prepare reasonable ordinance provisions governing the siting, licensing, and operation of such facilities, uses, and activities; and

WHEREAS, 30-A M.R.S. § 4356 authorizes the City to establish a moratorium on the processing or issuance of development permits or licenses; and

WHEREAS, in the judgment of the City Council, the foregoing findings constitute a necessity within the meaning of 30-A M.R.S. § 4356.

NOW, THEREFORE, be it ordained by the City Council of the City of Auburn, Maine, as follows:

1. Moratorium. The City does hereby declare a moratorium on the siting, operation, or licensing of any Social Club or Retail Medical Marijuana Caregiver Storefront within the City. For purposes of this Moratorium Ordinance, these terms shall have the following meanings:

Holly C. Lasagna, Ward One  
Robert P. Hayes, Ward Two  
Andrew D. Titus, Ward Three  
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five  
Belinda A. Gerry, At Large  
David C. Young, At Large

Jason J. Levesque, Mayor

- a. "Social Club" shall mean any premises where marijuana or marijuana products are furnished or sold to consumers for on-premises consumption, excluding the personal adult consumption of marijuana or marijuana products pursuant to 28-B M.R.S. § 1501(2) or the consumption of medical marijuana or medical marijuana products pursuant to 22 M.R.S. § 2422 et seq.
  - b. "Retail Medical Marijuana Caregiver Storefront" shall mean a retail store, a retail business, or an establishment that resembles a retail storefront in terms of signage, hours of operation, and accessibility to patrons (including without limitation retail use or retail space, as those terms are defined in Article I, Sec. 60-2 of the City's Code of Ordinances) where a licensed caregiver furnishes or sells marijuana or marijuana products to qualifying patients, as those terms are defined in 22 M.R.S. § 2422.
2. Date of Applicability. Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, and regardless of the Effective Date, this Moratorium Ordinance shall govern and apply to all proceedings, licenses, and applications for a Social Club or Medical Marijuana Caregiver Storefront that were or are pending before the City Clerk, Code Enforcement Officer, or the Planning Board on or any time after **May 31, 2018** and, to the extent allowed by 30-A M.R.S. § 3007(6), shall nullify the issuance of any final approval of the City Clerk, Code Enforcement Officer, or the Planning Board made on or at any time after **May 31, 2018** that authorizes the operation of a Social Club or Medical Marijuana Caregiver Storefront (the "Date of Applicability").
3. Effective Date. This Ordinance shall become effective immediately upon its final passage by the City Council (the "Effective Date") and shall remain in full force and effect for a period of 180 days, unless extended, repealed, or modified in accordance with applicable law.
4. Conflicts; Savings Clause. Any provisions of the City's Code of Ordinances that are inconsistent with or conflict with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Moratorium Ordinance is declared by a court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.
5. Violations. If any Social Club or Medical Marijuana Caregiver Storefront is located or operates in the City, in violation of this Moratorium Ordinance, each day of any continuing violation shall constitute a separate violation of this Moratorium Ordinance and the City shall be entitled to all rights available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.



Holly C. Lasagna, Ward One  
Robert P. Hayes, Ward Two  
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Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five  
Belinda A. Gerry, At Large  
David C. Young, At Large

Jason J. Levesque, Mayor

Given under our hands this 18th day of June, 2018.

Holly C. Lasagna  
Robert P. Hayes  
Alfreda M. Fournier  
Belinda A. Gerry

Leroy G. Walker Sr.

A Majority of the City Council of the City of Auburn, Maine.

Passage on 6/18/2018 7-0 a motion by Councilor Fournier and seconded by Councilor Young to suspend the rules and dispense of the second reading with a unanimous vote of the City Council.  
Passage 7-0.

Attest: A true copy of an ordinance entitled, "Moratorium Ordinance on Social Clubs and Retail Medical Marijuana Caregiver Storefronts," as certified to me by the municipal officers of the City of Auburn, Maine, on the 18th day of June, 2018.

Susan Clements-Dallaire 6/18/18  
Susan Clements-Dallaire, City Clerk  
City of Auburn, Maine



## City of Auburn, Maine

Office of Economic & Community Development  
[www.auburnmaine.gov](http://www.auburnmaine.gov) | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

To: Honorable Mayor and Auburn City Council

From: Eric J. Cousens, Deputy Director of Economic and Community Development,  
Phillip L. Crowell, Jr., Chief of Police and Kelsey Earle, License Specialist.

Re: Moratorium Follow-up: Medical Marijuana Storefront Permit Review

Date: June 27, 2018

The City Council voted to approve a moratorium for Medical Marijuana Social Clubs and Retail Medical Marijuana Storefronts effective May 31, 2018. As a follow-up to the Council's action staff has reviewed the permitting status of known or suspected businesses engaged in business activity that might be affected by the moratorium. The businesses reviewed are limited to those that the City currently believes may be operating as Retail Medical Marijuana Storefronts as defined in the moratorium ordinance. The facilities are as follows in numerical order by street number:

1. Business Name: Crystal Springs Healing Alternatives.  
Address: 24 Brickyard Circle  
Licenses Held: No licenses for any foods or items intended for human consumption.  
Permitted Use: Approved for cultivation of medical marijuana and an office to meet patients, no retail displays/storefront.  
Website: <https://www.facebook.com/crystalspringhealing/>
2. Business Name: Port City Relief  
Address: 32 Riverside Drive  
Licenses Held: No licenses for any foods or items intended for human consumption.  
Permitted Use: Approved for cultivation, retail display and sales, including legal medical marijuana sales to registered patients.  
Website: <https://www.facebook.com/portcityreliefauburn/>
3. Business Name: Moonstone Pottery  
Address: 186 Turner Street  
Licenses Held: No licenses for any foods or items intended for human consumption.  
Permitted Use: Mercantile space for pottery, no marijuana specific approvals.  
Website: <https://www.facebook.com/moonstonepotteryne/>





## City of Auburn, Maine

Office of Economic & Community Development  
[www.auburnmaine.gov](http://www.auburnmaine.gov) | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

4. Business Name: Legal Peaces  
Address: 197 Turner Street  
Licenses Held: No licenses for any foods or items intended for human consumption.  
Permitted Use: Retail sales of tobacco and other related products. No marijuana specific approvals.  
Website: <https://www.facebook.com/pages/Legal-Peaces/237037290088574>
5. Business Name: Fire Pharms  
Address: 375 Center Street  
Licenses Held: Prepackaged food items for human consumption.  
Permitted Use: Approved for retail display and sales, including legal medical marijuana sales to registered patients, and prepackaged foods.  
Website: <https://www.facebook.com/FirePharms-Auburn-Maine-2018274538393211/>
6. Business Name: Canna Source  
Address: 747 Minot Avenue  
Licenses Held: No licenses for any foods or items intended for human consumption.  
Permitted Use: Retail, garden supply, clothing and pipes. No marijuana specific approvals.  
Website: None known.

Staff has provided this review for the consideration of the Council. To date, staff has not taken enforcement action on activities uncovered during the review that appear to exceed the allowances under existing permits and/or licenses. Further review will be needed to confirm if facilities suspected of operating as Retail Medical Marijuana Storefronts as defined in the ordinance are conducting business in violation of existing permits and licenses. Staff intends to follow the updates to marijuana related legislation, work with the committee to draft recommended ordinances and take further direction from the Council as it becomes available.

# Section E.

## **Adult Use and Medical Marijuana Businesses Ordinance Chapter 14 – Business Licenses and Permits**

### **14-659 Standards for License:**

#### A. General

6. Pursuant to 22 M.R.S. §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

# Section F.



## City of Auburn, Maine

Office of Economic & Community Development  
[www.auburnmaine.gov](http://www.auburnmaine.gov) | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

To: Kelsey Earle, Licensing Specialist / Deputy City Clerk  
From: Eric J. Cousens, Deputy Director of Economic and Community Development  
Re: 23 Cross Street – Existing Use Determination  
Date: September 12, 2019

Effective July 1<sup>st</sup>, 2019 the City began licensing Marijuana Businesses and opted into certain license categories per the City of Auburn Ordinances, Chapter 14, Article XVIII. As part of the City review process this office reviewed property and permit files for every Existing Marijuana Business License Application to confirm if the City had issued permits for the use. If the files confirmed that the City had issued required permits for the claimed “Existing” use prior to December 13, 2018 then we determined that a use was legally existing. If the City did not issue permits prior to that date for the specified “Existing” use, then we determined that the use was not legally existing. This needed based on the following section of the ordinance:

Sec. 14-659. - Standards for license. (a) (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.

The purpose of the review was to grandfather business locations that legally existed prior to December 13, 2018 from the setback requirements of the new ordinance.

On July 31, 2019 the City received an application for an Existing Marijuana Business License at 23 Cross Street. The application was specifically for a license for a Medical Marijuana Store and claimed that it existed as of December 13, 2018. A review of the file for 23 Cross Street revealed the attached list of permits for building, signs, plumbing and electrical work. All permits on file since 2009 are for office and apartment renovations between 2015 and 2018, but there are no permits for retail sale of marijuana. Also attached is a Marijuana Retail Storefront Permit review dated June 27, 2018 that was drafted for the Marijuana Moratorium discussions; 23 Cross Street was not a permitted or suspected storefront at that time. No new storefronts have been approved or licensed since the enactment of the Moratorium.



## City of Auburn, Maine

Office of Economic & Community Development  
[www.auburnmaine.gov](http://www.auburnmaine.gov) | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

The attached *Business Description and Floor Plan* dated April 6, 2015 describes the use that was proposed and permitted at 23 Cross Street. While the City was aware that medical marijuana patients could meet with caregivers to obtain medical marijuana at the property in an office environment, the City never permitted a retail store or retail display of marijuana at 23 Cross Street. We have spoken with the appellant numerous times over the past few years and discussed their desire to have retail marijuana sales at both of their locations but explained that it was prohibited during the moratorium.

If this determination is overturned and the appeal is granted it could have wide reaching implications for other properties. If the Council decides, for the purpose of Sec. 14-659 (a)(6), that retail uses existed wherever office uses related to marijuana were permitted it would set a precedent that would open up most caregiver or doctor's offices that have issued medical certifications for patients to apply for Medical Marijuana Store licenses and then to convert to adult use retail without regard for setbacks. Office uses being considered the same as retail uses would also conflict with the Building and Life Safety Codes that have different requirements for different use types.



# Permit List for 23 Cross Street

Permit Number	Address	Permit Type	Status		Description	Apply Date	Issue Date
CB-10459-2017	23 CROSS S	Commercial Building	Issued	Alterations	Building 3 interior walls	1/6/2017	2/1/2017
SI-7987-2015	23 CROSS S	Sign	Issued	Permanent	3 signs for new business	4/22/2015	4/29/2015
EL-7957-2015	23 CROSS S	Electrical	Issued	Commercial	Rehab for Office Use	4/14/2015	4/14/2015
CB-7920-2015	23 CROSS S	Commercial Building	Issued	Alterations	Fire-proofing the upstairs apartment	4/8/2015	4/9/2015
PL-8070-2015	23 CROSS S	Plumbing	Issued	Internal	1 lavatory - Building offices in current location - adding interior walls	5/8/2015	5/8/2015
CB-8396-2015	23 CROSS S	Commercial Building	Issued	Alterations	Installing a wall AC Unit	7/20/2015	7/24/2015
CB-7894-2015	23 CROSS S	Commercial Building	Issued	Alterations	Building offices in current location - adding interior walls	4/1/2015	4/27/2015



*Relief*  
CLINIC, LLC  
*Gateway to healing*

Cross Road  
Auburn, ME  
207-313-6874

The Relief Clinic is in its infancy, a small start for something much larger.

Initially, the Relief Clinic will assist patients who have a provider to augment their current medical regimen in areas that their provider is not making available.

The patient's first visit will be 'fact finding' - reviewing the patient's medical record and a general exam, looking for deficits in the treatment plan or untried but appropriate medical intervention.

We are planning to work with a Doctor of Osteopathy (DO) for physical manipulation and a Licensed Massage Therapist as we open. For patients with interest in medical cannabis, an evaluation for the Maine Medical Marijuana Program will be made. There are no physicians in the L/A area utilizing this program. We hope to quickly add other providers such as an acupuncturist. We will also be making suggested referrals to other services such a psychological therapy. For patients without a medical provider and without insurance, we will refer them to a Federally Qualified Health Centers, which work on a sliding scale basis to establish medical care.

261-046



23 Cross Road  
Auburn, ME 04101  
207-313-6874

April 6, 2015

Dear Eric and Mark,

My husband has worked for Canna care (Competitor) in Biddeford and Augusta. Based on their daily patient count we believe that we could have up to 20 patients per day but definitely not more than that. At 7 hours per day we would have roughly 3 patients at the very most.

We will never have more than 3 to 4 employees (Reception, CNA, Physician, and either Massage Therapist or Acupuncture)

I don't know if you are aware but 2 cars can park behind the building and 2 cars in the back of the building (parked in front of each other), which would take care of all the staff members leaving still all the parking spots upfront.

We will also reinforce for patients to make appointments so that we can spread them out throughout the day to minimize multiple parking spots usage and leaving therefore space for walk-ins.

I hope you will find this plan acceptable.

Thank you very much for your help. We really appreciate it.

Evelyne

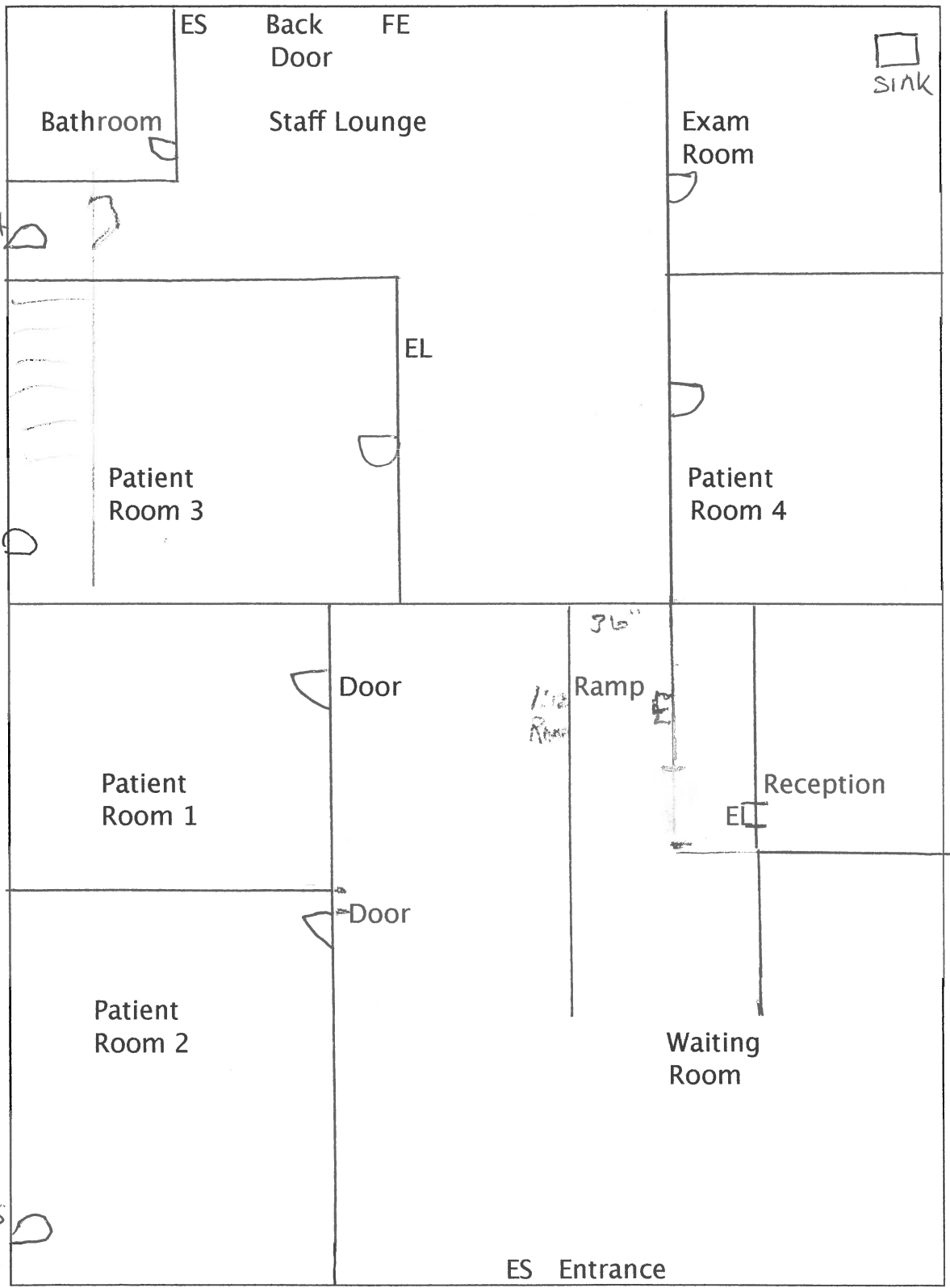
Apartment will be vacated according to BP conditions

2/2/22





1. Location of emergency lights is located on map (EL)
2. Location of exit signs is located on map (ES)
3. Location of Fire extinguisher is on map (FE)
4. A closer will be installed on basement door
5. A wall be placed in front of 2<sup>nd</sup> floor door
6. The ramp will be build to code
7. The storage in the basement is in the process of being removed and a licensed plumber will install 2 sprinklers in the basement
8. A special fire ceiling will be installed and an egress window will be placed on the second floor
9. There will be no onsite storage of drugs on the property
10. A licensed plumber will install 2 sprinklers in the basement. One over the boiler and one over the oil tank.
11. A parking plan will be discussed with the town of Auburn. An ADA space will also be discussed
12. A licensed electrician and plumber will obtain the appropriate permits to complete required work.





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

# Commercial Building PERMIT

Permit No: CB-7894-2015

Work Class: **Alterations**  
Status: **Issued**

Expiration Date: 04/26/2016

## Permit Information

<b>Job Address</b>	<b>Parcel:</b>	261046000	<b>Square Feet:</b>	1400
23 CROSS ST AUBURN, ME 04210	<b>District:</b>	City of Auburn	<b>Valuation:</b>	\$ 2,000.00
	<b>Issue Date:</b>	4/27/2015		

## Description of Work

Building offices in current location - adding interior walls

## Additional Info

Front Setback: 25.00    Rear Setback: 35.00    Side Setback: 25.00    Shoreside Setback: 0.00

## Contacts

Type	Contact Name	Address	Business Phone
Owner	Williams Family Trust	Williams roger S & Dorothy Stetson RD Auburn, ME 04210	

## Contractors

Type	Contact Name	Address	Business Phone
Contractor			

## Permit Conditions

### Conditions

An occupancy permit is required to be issued prior to the use of the space affected by this building permit

The Fire Protection Officer reserves the right to require additional/relocation of emergency lights and exit signage

All Construction shall meet the standards of MUBEC 2009, NEC 2011, State of Maine Internal Plumbing Code , 2010 Edition, and NFPA 101, 2009 edition, ADA 2010 & MHRA

### COMMENTS

If apartment continues to be occupied after May, the parking requirements will need to be reviewed again.

Any complaints concerning parking will be remedied by the applicant immediately.

Fees Due

<b>Invoice Number: 6626</b>	
Commercial Alteration	\$39.00
<b>Invoice Total:</b>	<b>\$39.00</b>

Fees Paid

<b>Invoice Number: 6626</b>	
<b>Check 382</b>	
Commercial Alteration	\$39.00
	\$39.00
<b>Invoice Fees Paid:</b>	<b>\$39.00</b>

Inspections

**IMPORTANT: APPLICATION IS HEREBY MADE TO THE BUILDING OFFICIAL FOR A PERMIT SUBJECT TO THE CONDITIONS AND RESTRICTIONS SET FORTH ON THIS APPLICATION AND THE FOLLOWING:**

1. The City's approved plans and permit inspection card must remain on the job site for use by City inspection personnel.

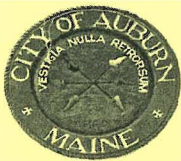
Date:

4/27/2015

Approved By:

A handwritten signature in black ink, appearing to read "Mark C. Stenlund", written over a horizontal line.





City of Auburn  
Planning & Permitting Services Department

"WE WANT DEVELOPMENT!"

- \*Appointments for permits are recommended.
- \*Please fill out any part which applies to project.
- \*Proper plans must accompany application as required.

Filed - Not Inspected

For Official Use Only

Date: 4/27/15  
Issued: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Zone: LB  
Map No.: 261-046  
Bldg. Code: MUBEC  
Use Group: B  
Type of Construction: SB  
Est. Cost: 2,000  
Fee: \$39.00 pd w/ck #

ADDRESS OF CONSTRUCTION: 23 Cross St. Auburn

Owner: Evelyne Levitt Cell # 313 6874

Address: 21 Wildflower Ln, Hallowell, ME 04347

CONTRACTOR: Kevin Dyer Cell # 5987039

Project Description: Building offices in current location

Building Dimensions: \_\_\_\_\_ Square Footage 1400

Lot Size: \_\_\_\_\_

Plans Submitted: \_\_\_\_\_

Plan Number: \_\_\_\_\_

Reviewed By: [Signature]

Email Permit To: evelyne627@yahoo.com

Fax Permit To: \_\_\_\_\_

Foundation:

1. Type of Soil: \_\_\_\_\_
2. Set Backs - Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Side(s): \_\_\_\_\_
3. Footings Size: \_\_\_\_\_
4. Foundation Size: \_\_\_\_\_
5. Slab Size: \_\_\_\_\_ Slab Thickness: \_\_\_\_\_ Heated? \_\_\_\_\_
6. Other: \_\_\_\_\_

Floor:

1. Sills Size: \_\_\_\_\_ \*\*Sills must be anchored
2. Carrying Beam Size: \_\_\_\_\_
3. Column Spacing: \_\_\_\_\_
4. Joist Size: \_\_\_\_\_ \*\*Spacing 16" O. C.
5. Floor Sheathing Type: \_\_\_\_\_ Thickness: \_\_\_\_\_
6. Other Material: \_\_\_\_\_
7. Floor Coverings: \_\_\_\_\_

Exterior Walls:

1. Studding Size: \_\_\_\_\_ Spacing: \_\_\_\_\_
2. Corner Posts Size: \_\_\_\_\_
3. No. of Doors: \_\_\_\_\_
4. Header Sizes: \_\_\_\_\_ Spans: \_\_\_\_\_
5. Bracing: YES: \_\_\_\_\_ NO: \_\_\_\_\_
6. Egress Windows: \_\_\_\_\_ Brand: \_\_\_\_\_ Model #: \_\_\_\_\_
7. Insulation Type: \_\_\_\_\_ Thickness: \_\_\_\_\_
8. Sheathing Type: \_\_\_\_\_ Thickness: \_\_\_\_\_
9. Siding Type: \_\_\_\_\_
10. Masonry Materials: \_\_\_\_\_
11. Metal Materials: \_\_\_\_\_
12. Other Materials: \_\_\_\_\_

Interior Walls:

1. Studding Size: \_\_\_\_\_ Spacing: \_\_\_\_\_
2. Header Sizes: \_\_\_\_\_ Span(s): \_\_\_\_\_
3. Wall Covering Type: \_\_\_\_\_
4. Fire Separation Wall if Required: \_\_\_\_\_
5. Other Materials: \_\_\_\_\_

Ceilings:

1. Ceiling Joist Size: \_\_\_\_\_
2. Type Ceilings: \_\_\_\_\_
3. Insulation Type: \_\_\_\_\_
4. Thickness: \_\_\_\_\_

Roof:

1. Truss or Rafter Size: \_\_\_\_\_
2. Span: \_\_\_\_\_
3. Sheathing Type: \_\_\_\_\_
4. Thickness: \_\_\_\_\_
5. Roof Covering Type: \_\_\_\_\_
6. Other: \_\_\_\_\_

Permit Number: CB-7894-2015

Address: 23 Cross St

Owner: Levitt, Evelyne

Chimneys: 1. Type: \_\_\_\_\_

**Heating:**

1. Type of Fuel - check all that apply: Oil \_\_\_\_\_ Propane \_\_\_\_\_ Natural Gas \_\_\_\_\_ Electric \_\_\_\_\_ Other \_\_\_\_\_

**\*\*If Oil Fired Appliance is being installed - A Permit from the Fire Department must be obtained\*\***

2. Type of Heating Source & Number of Systems - check all that apply:

___ FHA	# _____	___ Unit Heaters	# _____
___ FHW	# _____	___ Warm & Cool	# _____
___ Radiant Electric	# _____	___ Solar	# _____
___ Radiant Hot Water	# _____	___ Complete HVAC	# _____
___ Geothermal	# _____	___ Package Units	# _____
___ Electric Basebds	# _____	___ Other	# _____

**Electrical:**

1. Service Entrance Size: \_\_\_\_\_ Wiring Required: \_\_\_\_\_

**Plumbing:**

1. Approved Soil Test if Required: YES: \_\_\_\_\_ NO: \_\_\_\_\_ City Sewer: \_\_\_\_\_

2. Number of Tubs and Showers: \_\_\_\_\_ # of Flushes: \_\_\_\_\_ # of Lavatories: \_\_\_\_\_

**Swimming Pools:**

1. Type: \_\_\_\_\_ Pool Size: \_\_\_\_\_ Square Footage: \_\_\_\_\_

**Comments/Drawing:**

5 additional to be build  
in the current location  
for offices

The permit holder, property owner, person or persons, firm or corporation accepting this permit agrees to comply with all the provisions of the statutes of Maine and the Ordinances of the City of Auburn regulating the construction, maintenance, use of buildings, structures and of the application on file in this department. Permit holder understands he/she is responsible for correct set backs from ALL PROPERTY LINES and from all buildings and structures.

Application Signature: \_\_\_\_\_



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

## RECEIPT

**BILL TO:**

Kevin Dyer

Receipt Number: TRC-007080-01-04-2015

Date: 04/01/2015

**Amount****PRIMARY FEES**

Invoice Number: 6626

Commercial Alteration

\$39.00

**PAYMENTS RECEIVED**

Date	Payment Method	Check Number	Amount Received
04/01/2015	Check	382	\$39.00
	<b>Total Payment</b>		<b>\$39.00</b>
	Change Due		\$0.00

✓ ELITE

✓ EXIT SIGN

✓ FIRE ALARM - 1-10#ABC

✓ CLOSER ON BASEMENT DOOR

✓ VACATE + REMOVE RES. 2nd

REMARK STORAGE

WRITTEN DESCRIPTIONS

ON SITE STORAGE?

Lic. Person

SPRINKLER OVER TANK + BOILER

REBUILD ROOM -

1/12



LANDINGS O/S Exit Pass

LOCATION - ATRIC

ACCESS?

ENTERED CIRCULAR



B+M

[digsafe.com](http://digsafe.com)





*Relief*  
CLINIC, LLC  
*Gateway to healing*

23 Cross Road  
Auburn, ME 04101  
207-313-6874

April 6, 2015

Dear Eric and Mark,

My husband has worked for Canna care (Competitor) in Biddeford and Augusta. Based on their daily patient count we believe that we could have up to 20 patients per day but definitely not more than that. At 7 hours per day we would have roughly 3 patients at the very most.

We will never have more than 3 to 4 employees (Reception, CNA, Physician, and either Massage Therapist or Acupuncture)

I don't know if you are aware but 2 cars can park behind the building and 2 cars in the back of the building (parked in front of each other), which would take care of all the staff members leaving still all the parking spots upfront.

We will also reinforce for patients to make appointments so that we can spread them out throughout the day to minimize multiple parking spots usage and leaving therefore space for walk-ins.

I hope you will find this plan acceptable.

Thank you very much for your help. We really appreciate it.

Evelyne

## ZONING APPROVAL OR DISAPPROVAL

Date 4/27/15Tax Map # 261-046Address: 23 CROSS STOwner: EVERLYN LEWITTZoning District: GBProposed Use: BUSINESS OFFICES

Comments: \_\_\_\_\_

Required Setbacks: Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_

Comments: Existing StructureFlood Plain Zone: Yes \_\_\_\_\_ No ☒ Flood Map # \_\_\_\_\_

Comments: \_\_\_\_\_

Parking: Acceptable ☒ Unacceptable \_\_\_\_\_ # of required spaces \_\_\_\_\_

Does it meet green space requirement? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments: If Apt is occupied after May then  
we will need to review parking. Applicant chose  
to vacate Apt to avoid providing parkingPLANNING BOARD APPROVAL REQUIRED: Yes \_\_\_\_\_ No ☒

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date: \_\_\_\_\_

Upon review of project, it appears that the zoning requirements

Have been met ☒ Have not been met \_\_\_\_\_

Comments: \_\_\_\_\_

Zoning Representative: (Signature) E. C.



City of Auburn  
Planning & Permitting Services Department

"WE WANT DEVELOPMENT!"

\*Appointments for permits are recommended.

\*Please fill out any part which applies to project.

\*Proper plans must accompany application as required.

Filed - Not Inspected

ADDRESS OF CONSTRUCTION: 23 Cross St. Auburn

Owner: Dan Williams Cell # 543725

Address: \_\_\_\_\_  
CONTRACTOR: Kevin Dyer Cell # 598 7039

Project Description: Fireproofing Apartment

Building Dimensions: \_\_\_\_\_ Square Footage 700

Lot Size: \_\_\_\_\_

For Official Use Only

Date: 04/9/15  
Issued: \_\_\_\_\_

Telephone: \_\_\_\_\_

Zone: CB

Map No.: 261-046

Bldg. Code: MJBEC

Use Group: B/R2

Type of Construction: MSB

Est. Cost: 1,000

Fee: 32.00 PD

Plans Submitted: \_\_\_\_\_

Plan Number: \_\_\_\_\_

Reviewed By: MS

Email Permit To: evelyn627@yahoo.com

Fax Permit To: \_\_\_\_\_

Foundation:

1. Type of Soil: \_\_\_\_\_
2. Set Backs - Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Side(s): \_\_\_\_\_
3. Footings Size: \_\_\_\_\_
4. Foundation Size: \_\_\_\_\_
5. Slab Size: \_\_\_\_\_ Slab Thickness: \_\_\_\_\_ Heated? \_\_\_\_\_
6. Other: \_\_\_\_\_

Floor:

1. Sills Size: \_\_\_\_\_ \*\*Sills must be anchored
2. Carrying Beam Size: \_\_\_\_\_
3. Column Spacing: \_\_\_\_\_
4. Joist Size: \_\_\_\_\_ \*\*Spacing 16" O. C.
5. Floor Sheathing Type: \_\_\_\_\_ Thickness: \_\_\_\_\_
6. Other Material: \_\_\_\_\_
7. Floor Coverings: \_\_\_\_\_

Exterior Walls:

1. Studding Size: \_\_\_\_\_ Spacing: \_\_\_\_\_
2. Corner Posts Size: \_\_\_\_\_
3. No. of Doors: \_\_\_\_\_
4. Header Sizes: \_\_\_\_\_ Spans: \_\_\_\_\_
5. Bracing: YES: \_\_\_\_\_ NO: \_\_\_\_\_
6. Egress Windows: \_\_\_\_\_ Brand: \_\_\_\_\_ Model #: \_\_\_\_\_
7. Insulation Type: \_\_\_\_\_ Thickness: \_\_\_\_\_
8. Sheathing Type: \_\_\_\_\_ Thickness: \_\_\_\_\_
9. Siding Type: \_\_\_\_\_
10. Masonry Materials: \_\_\_\_\_
11. Metal Materials: \_\_\_\_\_
12. Other Materials: \_\_\_\_\_

Interior Walls:

1. Studding Size: \_\_\_\_\_ Spacing: \_\_\_\_\_
2. Header Sizes: \_\_\_\_\_ Span(s): \_\_\_\_\_
3. Wall Covering Type: \_\_\_\_\_
4. Fire Separation Wall if Required: \_\_\_\_\_
5. Other Materials: \_\_\_\_\_

Ceilings:

1. Ceiling Joist Size: \_\_\_\_\_
2. Type Ceilings: \_\_\_\_\_
3. Insulation Type: \_\_\_\_\_
4. Thickness: \_\_\_\_\_

Roof:

1. Truss or Rafter Size: \_\_\_\_\_
2. Span: \_\_\_\_\_
3. Sheathing Type: \_\_\_\_\_
4. Thickness: \_\_\_\_\_
5. Roof Covering Type: \_\_\_\_\_
6. Other: \_\_\_\_\_

Permit Number: CB-1990-2015  
Address: 23 Cross St  
Owner: Williams, Dan

03

Chimneys: 1. Type: \_\_\_\_\_

**Heating:**

1. Type of Fuel - check all that apply: Oil \_\_\_\_\_ Propane \_\_\_\_\_ Natural Gas \_\_\_\_\_ Electric \_\_\_\_\_ Other \_\_\_\_\_

**\*\*If Oil Fired Appliance is being installed - A Permit from the Fire Department must be obtained\*\***

2. Type of Heating Source & Number of Systems - check all that apply:

___ FHA	# _____	___ Unit Heaters	# _____
___ FHW	# _____	___ Warm & Cool	# _____
___ Radiant Electric	# _____	___ Solar	# _____
___ Radiant Hot Water	# _____	___ Complete HVAC	# _____
___ Geothermal	# _____	___ Package Units	# _____
___ Electric Basebds	# _____	___ Other	# _____

**Electrical:**

1. Service Entrance Size: \_\_\_\_\_ Wiring Required: \_\_\_\_\_

**Plumbing:**

1. Approved Soil Test if Required: YES: \_\_\_\_\_ NO: \_\_\_\_\_ City Sewer: \_\_\_\_\_

2. Number of Tubs and Showers: \_\_\_\_\_ # of Flushes: \_\_\_\_\_ # of Lavatories: \_\_\_\_\_

**Swimming Pools:**

1. Type: \_\_\_\_\_ Pool Size: \_\_\_\_\_ Square Footage: \_\_\_\_\_

**Comments/Drawing:**

Project includes Fire proofing  
Ceiling of original house and  
installing an egress window in  
the Bedroom of the apartment.  
Including installing fire detectors.

The permit holder, property owner, person or persons, firm or corporation accepting this permit agrees to comply with all the provisions of the statutes of Maine and the Ordinances of the City of Auburn regulating the construction, maintenance, use of buildings, structures and of the application on file in this department. Permit holder understands he/she is responsible for correct set backs from ALL PROPERTY LINES and from all buildings and structures.

Application Signature: \_\_\_\_\_





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

# Commercial Building PERMIT

Permit No: CB-7920-2015

Work Class: **Alterations**  
Status: **Issued**

Expiration Date: 04/08/2016

## Permit Information

<b>Job Address</b>	<b>Parcel:</b>	261046000	<b>Square Feet:</b>	700
23 CROSS ST AUBURN, ME 04210	<b>District:</b>	City of Auburn	<b>Valuation:</b>	\$ 1,000.00
	<b>Issue Date:</b>	4/9/2015		

## Description of Work

Fire-proofing the upstairs apartment

## Additional Info

Front Setback: 25.00    Rear Setback: 35.00    Side Setback: 25.00    Shoreside Setback: 0.00

## Contacts

Type	Contact Name	Address	Business Phone
Owner	Williams Family Trust	Williams roger S & Dorinda Stetson RD Auburn, ME 04210	
Applicant	Evelyne Leavitt		

## Contractors

Type	Contact Name	Address	Business Phone
Contractor			

## Permit Conditions

### Conditions

All Construction shall meet the standards of MUBEC 2009, NEC 2011, State of Maine Internal Plumbing Code 2010, and NFPA 101, 2009 edition

An occupancy permit is required to be issued prior to the use of the space affected by this building permit

### COMMENTS

Fees Due

Fees Paid

Inspections

**IMPORTANT: APPLICATION IS HEREBY MADE TO THE BUILDING OFFICIAL FOR A PERMIT SUBJECT TO THE CONDITIONS AND RESTRICTIONS SET FORTH ON THIS APPLICATION AND THE FOLLOWING:**

1. The City's approved plans and permit inspection card must remain on the job site for use by City inspection personnel.

Date:

4/9/2015

Approved By:

A handwritten signature in blue ink, appearing to read 'H.C. Smith', is written over a horizontal line.

## Thank you for your payment!

This service has been provided by City of Auburn, ME and Point & Pay. We value your business. Please keep this receipt for future reference.

You have made a payment to City of Auburn, ME , your payment was processed at Tax Office office . The City of Auburn Thanks You For Your Payment. Credit Card Services provided by the City of Auburn are in conjunction with POINT & PAY.

**Name:** EVELYNE S WALTHER  
**Address:** 21 Wild Flower Lane, Hallowell ME, US, 04347  
**Contact:** 2073136874  
**Comments:**

**Payment ID:** 17726257  
**Date:** 04/08/15 11:37 AM  
**Subtotal:** \$32.00  
**Fee:** \$2.00  
**Total:** \$34.00  
**Method:** Credit or Debit Card(\*\*\*\*\*1139)

Item Purchased	Transaction Description	Account	Amount
Miscellaneous	CTYAuburnGOV	bldg permit- Apt	\$32.00

**Signature:** 

**Date:** 4, 7, 15

By signing this receipt you agree to the terms and conditions of this service.

You will see one line item on your credit or debit card statement indicating the amount you paid and will be identified as CTYAuburnGOV . If you have any questions about the charges please call 1-888-891-6064.

[Print Receipt](#) [Close Window](#)



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

## RECEIPT

CB-7920-2015

23 Cross St.

**BILL TO:**

Evelyne Leavitt

Receipt Number: TRC-007113-09-04-2015

Date: 04/14/2015

**Amount****PRIMARY FEES**

Invoice Number: 6656

Commercial Alteration

\$32.00

**PAYMENTS RECEIVED**

Date	Payment Method	Amount Received
04/09/2015	Credit Card	\$32.00
	<b>Total Payment</b>	<b>\$32.00</b>
	Change Due	\$0.00



207-504-0914

REC 7/20/15



City of Auburn  
Planning & Permitting Services Department

"WE WANT DEVELOPMENT!"

\*Appointments for permits are recommended.

\*Please fill out any part which applies to project

\*Proper plans must accompany application as required.

Filed - Not Inspected

For Official Use Only

Date: 7/24/15  
Issued:

Telephone:

Zone: 64

Map No.: 261-046

Bldg. Code: Mubec

Use Group: B

Type of Construction: 5B

Est. Cost: \$300<sup>00</sup>

Fee: \$32<sup>00</sup>

Permit Number:

C8396-2015

Address:

Williams Family Trust

Owner:

23 Cross Street

02

ADDRESS OF CONSTRUCTION:

Owner: Don Williams Cell # 1543725

Address: 23 Cross St.

CONTRACTOR: Pete Alexander Cell # 4857177

Project Description:

Building Dimensions: W211 AC Square Footage

Lot Size:

Plans Submitted:

Plan Number:

Reviewed By: MS

Email Permit To: evelyn627@yahoo.com

Fax Permit To: 241 2815

Foundation:

1. Type of Soil:
2. Set Backs - Front: Rear: Side(s):
3. Footings Size:
4. Foundation Size:
5. Slab Size: Slab Thickness: Heated?
6. Other:

Floor:

1. Sills Size: \*\*Sills must be anchored
2. Carrying Beam Size:
3. Column Spacing:
4. Joist Size: \*\*Spacing 16" O. C.
5. Floor Sheathing Type: Thickness:
6. Other Material:
7. Floor Coverings:

Exterior Walls:

1. Studding Size: Spacing:
2. Corner Posts Size:
3. No. of Doors:
4. Header Sizes: Spans:
5. Bracing: YES: NO:
6. Egress Windows: Brand: Model #:
7. Insulation Type: Thickness:
8. Sheathing Type: Thickness:
9. Siding Type:
10. Masonry Materials:
11. Metal Materials:
12. Other Materials:

Interior Walls:

1. Studding Size: Spacing:
2. Header Sizes: Span(s):
3. Wall Covering Type:
4. Fire Separation Wall if Required:
5. Other Materials:

Ceilings:

1. Ceiling Joist Size:
2. Type Ceilings:
3. Insulation Type:
4. Thickness:

Roof:

1. Truss or Rafter Size:
2. Span:
3. Sheathing Type:
4. Thickness:
5. Roof Covering Type:
6. Other:

Chimneys: 1. Type: \_\_\_\_\_

**Heating:**

1. Type of Fuel - check all that apply: Oil \_\_\_\_\_ Propane \_\_\_\_\_ Natural Gas \_\_\_\_\_ Electric \_\_\_\_\_ Other \_\_\_\_\_

**\*\*If Oil Fired Appliance is being installed - A Permit from the Fire Department must be obtained\*\***

2. Type of Heating Source & Number of Systems - check all that apply:

<input type="checkbox"/> FHA	# _____	<input type="checkbox"/> Unit Heaters	# _____
<input type="checkbox"/> FHW	# _____	<input type="checkbox"/> Warm & Cool	# _____
<input type="checkbox"/> Radiant Electric	# _____	<input type="checkbox"/> Solar	# _____
<input type="checkbox"/> Radiant Hot Water	# _____	<input type="checkbox"/> Complete HVAC	# _____
<input type="checkbox"/> Geothermal	# _____	<input type="checkbox"/> Package Units	# _____
<input type="checkbox"/> Electric Basebds	# _____	<input type="checkbox"/> Other _____	# _____

**Electrical:**

1. Service Entrance Size: \_\_\_\_\_ Wiring Required: \_\_\_\_\_

**Plumbing:**

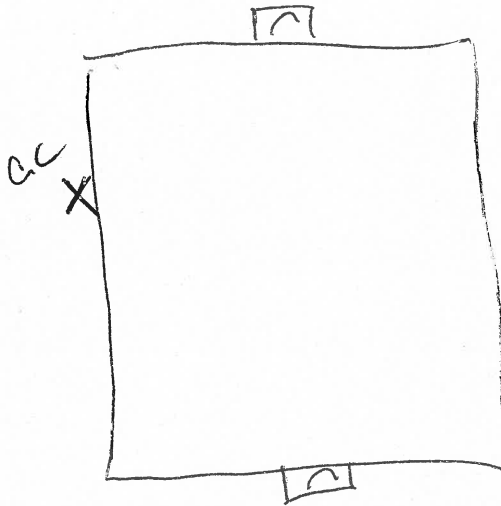
1. Approved Soil Test if Required: YES: \_\_\_\_\_ NO: \_\_\_\_\_ City Sewer: \_\_\_\_\_

2. Number of Tubs and Showers: \_\_\_\_\_ # of Flushes: \_\_\_\_\_ # of Lavatories: \_\_\_\_\_

**Swimming Pools:**

1. Type: \_\_\_\_\_ Pool Size: \_\_\_\_\_ Square Footage: \_\_\_\_\_

**Comments/Drawing:**



The permit holder, property owner, person or persons, firm or corporation accepting this permit agrees to comply with all the provisions of the statutes of Maine and the Ordinances of the City of Auburn regulating the construction, maintenance, use of buildings, structures and of the application on file in this department. Permit holder understands he/she is responsible for correct set backs from ALL PROPERTY LINES and from all buildings and structures.

Application Signature: \_\_\_\_\_



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

## RECEIPT

**BILL TO:**

Williams Family Trust Williams roger S & Dorothy  
200 Stetson RD  
Auburn, ME 04210

Receipt Number: TRC-007605-20-07-2015

Date: 07/20/2015

**Amount****PRIMARY FEES**

Invoice Number: 7128

Commercial Alteration

\$32.00

**PAYMENTS RECEIVED**

Date	Payment Method	Amount Received
07/20/2015	Cash	\$32.00
	<b>Total Payment</b>	<b>\$32.00</b>
	Change Due	\$0.00



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

# Commercial Building PERMIT

Permit No: CB-8396-2015

Work Class: **Alterations**  
Status: **Issued**

Expiration Date: 07/23/2016

## Permit Information

<b>Job Address</b>	<b>Parcel:</b>	261046000	<b>Square Feet:</b>	0
23 CROSS ST	<b>District:</b>	City of Auburn	<b>Valuation:</b>	\$ 300.00
AUBURN, ME 04210	<b>Issue Date:</b>	7/24/2015		

## Description of Work

Installing a wall AC Unit

## Additional Info

Front Setback: 25.00    Rear Setback: 35.00    Side Setback: 25.00    Shoreside Setback: 0.00

## Contacts

Type	Contact Name	Address	Business Phone
Other	Williams Family Trust Williams roger S & Dorcas	200 Stetson RD Auburn, ME 04210	

## Contractors

Type	Contact Name	Address	Business Phone
Contractor			

## Permit Conditions

### Conditions

All Construction shall meet the standards of MUBEC 2009, NEC 2014, State of Maine Internal Plumbing Code , 2010 Edition, and NFPA 101, 2009 edition, ADA 2010 & MHRA

### COMMENTS

Fees Due

Invoice Number: 7128  
Commercial Alteration      \$32.00  
Invoice Total:      \$32.00

Fees Paid

Invoice Number: 7128  
Cash  
Commercial Alteration      \$32.00  
\$32.00  
Invoice Fees Paid:      \$32.00

Inspections

IMPORTANT: APPLICATION IS HEREBY MADE TO THE BUILDING OFFICIAL FOR A PERMIT SUBJECT TO THE CONDITIONS AND RESTRICTIONS SET FORTH ON THIS APPLICATION AND THE FOLLOWING:

1. The City's approved plans and permit inspection card must remain on the job site for use by City inspection personnel.

Date: 7/24/2015

Approved By: 





City of Auburn  
Planning & Permitting Services Department

"WE WANT DEVELOPMENT!"

- \*Appointments for permits are recommended.
- \*Please fill out any part which applies to project.
- \*Proper plans must accompany application as required.

For Official Use Only

Date: 2/1/17  
Issued: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Zone: 6B  
Map No.: 261-046  
Bldg. Code: mubec  
Use Group: B  
Type of Construction: 5B  
Est. Cost: 500.00  
Fee: 29.00

Permit Number

13-10459-2017

Address:

23 Cross

Street

Owner:

Williams

ADDRESS OF CONSTRUCTION:

23 Cross St.  
Owner: Dan Williams Cell # 0543925

Address: 23 Cross Street

CONTRACTOR: Kevin Dyer Cell # 598 7039

Project Description: Building 3 walls

Building Dimensions: \_\_\_\_\_ Square Footage: \_\_\_\_\_

Lot Size: \_\_\_\_\_

Plans Submitted: \_\_\_\_\_

Plan Number: \_\_\_\_\_

Reviewed By: [Signature]

Email Permit To: evelyn627@yahoo.com Fax Permit To: 241-7655

Foundation:

1. Type of Soil: \_\_\_\_\_
2. Set Backs - Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Side(s): \_\_\_\_\_
3. Footings Size: \_\_\_\_\_
4. Foundation Size: \_\_\_\_\_
5. Slab Size: \_\_\_\_\_ Slab Thickness: \_\_\_\_\_ Heated? \_\_\_\_\_
6. Other: \_\_\_\_\_

Floor:

1. Sills Size: \_\_\_\_\_ \*\*Sills must be anchored
2. Carrying Beam Size: \_\_\_\_\_
3. Column Spacing: \_\_\_\_\_
4. Joist Size: \_\_\_\_\_ \*\*Spacing 16" O. C.
5. Floor Sheathing Type: \_\_\_\_\_ Thickness: \_\_\_\_\_
6. Other Material: \_\_\_\_\_
7. Floor Coverings: \_\_\_\_\_

RECEIVED  
JAN 06 2017

BY: [Signature]

Exterior Walls:

1. Studding Size: 2x4 Spacing: 16
2. Corner Posts Size: \_\_\_\_\_
3. No. of Doors: \_\_\_\_\_
4. Header Sizes: \_\_\_\_\_ Spans: \_\_\_\_\_
5. Bracing: YES: \_\_\_\_\_ NO: \_\_\_\_\_
6. Egress Windows: \_\_\_\_\_ Brand: \_\_\_\_\_ Model #: \_\_\_\_\_
7. Insulation Type: \_\_\_\_\_ Thickness: \_\_\_\_\_
8. Sheathing Type: \_\_\_\_\_ Thickness: \_\_\_\_\_
9. Siding Type: \_\_\_\_\_
10. Masonry Materials: \_\_\_\_\_
11. Metal Materials: \_\_\_\_\_
12. Other Materials: \_\_\_\_\_

Interior Walls:

1. Studding Size: 2x4 Spacing: 16
2. Header Sizes: 2x6 Span(s): 36
3. Wall Covering Type: Sheetrock
4. Fire Separation Wall if Required: NO
5. Other Materials: Wood, Sheetrock

Ceilings:

1. Ceiling Joist Size: \_\_\_\_\_
2. Type Ceilings: \_\_\_\_\_
3. Insulation Type: \_\_\_\_\_
4. Thickness: \_\_\_\_\_

Roof:

1. Truss or Rafter Size: \_\_\_\_\_
2. Span: \_\_\_\_\_
3. Sheathing Type: \_\_\_\_\_
4. Thickness: \_\_\_\_\_
5. Roof Covering Type: \_\_\_\_\_
6. Other: \_\_\_\_\_

Chimneys: 1. Type: \_\_\_\_\_

**Heating:**

1. Type of Fuel - check all that apply: Oil \_\_\_\_\_ Propane \_\_\_\_\_ Natural Gas \_\_\_\_\_ Electric \_\_\_\_\_ Other \_\_\_\_\_

**\*\*If Oil Fired Appliance is being installed - A Permit from the Fire Department must be obtained\*\***

2. Type of Heating Source & Number of Systems - check all that apply:

___ FHA	# _____	___ Unit Heaters	# _____
___ FHW	# _____	___ Warm & Cool	# _____
___ Radiant Electric	# _____	___ Solar	# _____
___ Radiant Hot Water	# _____	___ Complete HVAC	# _____
___ Geothermal	# _____	___ Package Units	# _____
___ Electric Basebds	# _____	___ Other	# _____

**Electrical:**

1. Service Entrance Size: \_\_\_\_\_ Wiring Required: \_\_\_\_\_

**Plumbing:**

1. Approved Soil Test if Required: YES: \_\_\_\_\_ NO: \_\_\_\_\_ City Sewer: \_\_\_\_\_

2. Number of Tubs and Showers: \_\_\_\_\_ # of Flushes: \_\_\_\_\_ # of Lavatories: \_\_\_\_\_

**Swimming Pools:**

1. Type: \_\_\_\_\_ Pool Size: \_\_\_\_\_ Square Footage: \_\_\_\_\_

**Comments/Drawing:**



— = new  
total 80  
110  
70 inch

The permit holder, property owner, person or persons, firm or corporation accepting this permit agrees to comply with all the provisions of the statutes of Maine and the Ordinances of the City of Auburn regulating the construction, maintenance, use of buildings, structures and of the application on file in this department. Permit holder understands he/she is responsible for correct set backs from ALL PROPERTY LINES and from all buildings and structures.

Application Signature: \_\_\_\_\_





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

## RECEIPT

**BILL TO:**

Williams Family Trust Williams roger S & Dorothy  
200 Stetson RD  
Auburn, ME 04210

Receipt Number: TRC-009757-06-01-2017

Date: 01/06/2017

**Amount****PRIMARY FEES**

Invoice Number: 9227

Commercial Alteration

\$29.00

**PAYMENTS RECEIVED**

Date	Payment Method	Amount Received
01/06/2017	Credit Card	\$29.00
	<b>Total Payment</b>	<b>\$29.00</b>
	Change Due	\$0.00



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

# Commercial Building PERMIT

Permit No: CB-10459-2017

Work Class: **Alterations**  
Status: **Issued**

Expiration Date: 02/01/2018

## Permit Information

<b>Job Address</b>	<b>Parcel:</b>	261046000	<b>Square Feet:</b>	0
23 CROSS ST AUBURN, ME 04210	<b>District:</b>	City of Auburn	<b>Valuation:</b>	\$ 500.00
	<b>Issue Date:</b>	2/1/2017		

## Description of Work

building 3 interior walls

## Additional Info

Front Setback: 25.00    Rear Setback: 35.00    Side Setback: 25.00    Shoreside Setback: 0.00

## Contacts

Type	Contact Name	Address	Business Phone
Owner	Williams Family Trust Williams roger S & Dorothy	200 Stetson RD Auburn, ME 04210	

## Contractors

Type	Contact Name	Address	Business Phone
Contractor			

## Permit Conditions

### Conditions

All Construction shall meet the standards of MUBEC 2009, NEC 2014, State of Maine Internal Plumbing Code , 2015 Edition, and NFPA 101, 2009 edition, ADA 2015 & MHRA

An occupancy permit is required to be issued prior to the use of the space affected by this building permit

The Fire Protection Officer reserves the right to require additional/relocation of emergency lights and exit signage

### COMMENTS

Fees Due

Invoice Number: 9227

Commercial Alteration      \$29.00

Invoice Total:      \$29.00

Fees Paid

Invoice Number: 9227

Credit Card

Commercial Alteration      \$29.00

\$29.00

Invoice Fees Paid:      \$29.00

Inspections

IMPORTANT: APPLICATION IS HEREBY MADE TO THE BUILDING OFFICIAL FOR A PERMIT SUBJECT TO THE CONDITIONS AND RESTRICTIONS SET FORTH ON THIS APPLICATION AND THE FOLLOWING:

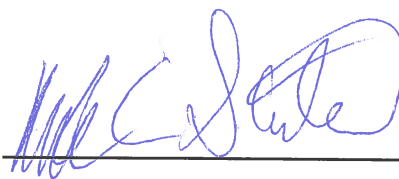
1. The City's approved plans and permit inspection card must remain on the job site for use by City inspection personnel.



Date:

2/1/2017

Approved By:

A handwritten signature in blue ink, appearing to read "M. C. Sato", is written over a horizontal line.



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

# Electrical PERMIT

Permit No: EL-7957-2015

Work Class: **Commercial**  
Status: **Issued**

Expiration Date: 04/13/2016

## Permit Information

<b>Job Address</b>	<b>Parcel:</b>	261046000	<b>Square Feet:</b>	0
23 CROSS ST AUBURN, ME 04210	<b>District:</b>	City of Auburn	<b>Valuation:</b>	\$ 0.00
	<b>Issue Date:</b>	4/14/2015		

## Description of Work

Rehab for office use

## Additional Info

Dwelling 1 & 2, Multi-Family (incl. service): 0.00    Manufactured Homes (incl. service): 0.00    Temp/Feeder: 0.00    Wiring Openings: 30.00  
Emergency Lighting Systems: 0.00    Equipment: 0.00    Additional Meters: 0.00    Additional Feeder: 0.00    Equipment: 0.00    Additional  
Meters: 0.00    Additional Feeder: 0.00    Electric Heat: 0.00    Gas, Oil or Other: 0.00    Fire & Burglar Alarm Outlets: 0.00    Computer, phone,  
cable, dish, sound, etc.: 0.00    Permanent: 0.00    Temporary: 0.00    Enter Amps: 0.00    120 Volts Openings: 0.00    240 Volts Openings: 0.00  
Enter HP: 0.00    Pump Motors: 0.00    Inground: 0.00    Above Ground: 0.00    Spas/Sauna/Hydrobath Tubs: 0.00

## Contacts

Type	Contact Name	Address	Business Phone
Owner	Williams Family Trust Williams roger S & Dorinda	200 Stetson RD Auburn, ME 04210	

## Contractors

Type	Contact Name	Address	Business Phone
Contractor	ECO ELECTRICAL SERVICES INC.	PO Box 1077 Portland, ME 04104	207-893-0006

## Permit Conditions

Fees Due	<b>Invoice Number: 6682</b>	
	Elec Wiring Openings	\$42.00
	<b>Invoice Total:</b>	<b>\$42.00</b>

Fees Paid	<b>Invoice Number: 6682</b>	
	<b>Check 803</b>	
	Elec Wiring Openings	\$42.00
		\$42.00
	<b>Invoice Fees Paid:</b>	<b>\$42.00</b>

Inspections

**IMPORTANT: APPLICATION IS HEREBY MADE TO THE BUILDING OFFICIAL FOR A PERMIT SUBJECT TO THE CONDITIONS AND RESTRICTIONS SET FORTH ON THIS APPLICATION AND THE FOLLOWING:**

1. The City's approved plans and permit inspection card must remain on the job site for use by City inspection personnel.

# PLUMBING APPLICATION

PL-8070-2015

PID: 261046000

## PROPERTY ADDRESS

Town or Plantation  
City of Auburn  
Street  
23 CROSS ST  
Subdivision Lot #  
AUBURN, ME 04210

## PROPERTY OWNERS NAME

Williams Family Trust Williams roger S & Dorothy

Applicant Name: **BISSONNETT's Plumbing & Heating**

Mailing Address of Owner/Applicant (If Different)

**Filed - Not Inspected**

Town/City: Auburn Permit Date Issued: 05/08/2015

Permit Number: **8113**

Fee Total: \$40.00 Double Fee Charged? ☐

*M. Stanbach - em*  
Local Plumbing Inspector Signature L.P.I. Number  
**0988**  
**240-3445**

## Owner/Applicant Statement

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

**Caution: Inspection Required**  
I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules.

Signature of Owner/Applicant

Date

Local Plumbing Inspector Signature

Date Approved

## PERMIT INFORMATION

### This Application is for

1. ☒ NEW PLUMBING
2. ☐ RELOCATED PLUMBING

### Type of Structure To Be Served:

1. ☐ SINGLE FAMILY DWELLING
2. ☐ MODULAR OR MOBILE HOME
3. ☐ MULTIPLE FAMILY DWELLING
4. ☒ OTHER - SPECIFY \_\_\_\_\_

### Plumbing To Be Installed By:

1. ☒ MASTER PLUMBER
2. ☐ OIL BURNERMAN
3. ☐ MFG'D. HOUSING DEALER/MECHANIC
4. ☐ PUBLIC UTILITY EMPLOYEE
5. ☐ PROPERTY OWNER

LICENSE # 05561

Hook-Up & Piping Relocation Maximum of 1 Hook-Up		Column 2 Number Type of Fixture		Column 1 Number Type of Fixture	
0	HOOK-UP: to public sewer in those cases where the connection is not regulated and inspected by the local Sanitary District.	0	Hosebib / Silcock	0	Bathtub (and Shower)
		0	Floor Drain	0	Shower (Separate)
		0	Urinal	1	Sink
		0	Drinking Fountain	0	Wash Basin
		0	Indirect Waste	0	Water Closet (Toilet)
0	HOOK-UP: to an existing subsurface wastewater disposal system.	0	Water Treatment Softener, Filter, etc.	0	Clothes Washer
		0	Grease / Oil Separator	0	Dish Washer
		0	Roof Drain	0	Garbage Disposal
0	PIPING RELOCATION: of sanitary lines, drains, and piping without new fixtures.	0	Bidet	0	Laundry Tub
		0	Other:	0	Water Heater
<b>OR</b>		0	Fixtures (Subtotal) Column 2	1	Fixtures (Subtotal) Column 1
No TRANSFER FEE [\$6.00]				0	Fixtures (Subtotal) Column 2
				1	Total Fixtures
				\$40.00	Fixture Fee
					Transfer Fee
					Hook-Up & Relocation Fee
				\$40.00	Permit Fee (Total)



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

## RECEIPT

**BILL TO:**

Paul Bissonnett  
BISSONNETT's Plumbing & Heating  
134 Hersey Hill School RD  
Minot, ME 04258-4023

Receipt Number: TRC-007260-08-05-2015

Date: 05/08/2015

Amount

**PRIMARY FEES**

Invoice Number: 6787

Plumbing Fixture

\$40.00

**PAYMENTS RECEIVED**

Date	Payment Method	Check Number	Amount Received
05/08/2015	Check	1592	\$40.00
	<b>Total Payment</b>		<b>\$40.00</b>
	Change Due		\$0.00





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

Sign  
**PERMIT**

**Permit No: SI-7987-2015**

**Work Class: Permanent**  
**Status: Issued**

**Expiration Date: 10/26/2015**

FOR ELECTRIFIED SIGNS: Sign Permits are NOT valid until an Electrical Permit has been obtained by a licensed Electrician.

#### Permit Information

<b>Job Address</b>	<b>Parcel:</b>	261046000	<b>Square Feet:</b>	22
23 CROSS ST AUBURN, ME 04210	<b>District:</b>	City of Auburn	<b>Valuation:</b>	\$410.00
	<b>Issue Date:</b>	4/29/2015		

#### Description of Work

3 signs for new business

#### Additional Info

Number of Signs: 3.00

#### Contacts

Type	Contact Name	Address	Business Phone
Owner	Williams Family Trust Williams roger S & Dorothy	200 Stetson RD Auburn, ME 04210	

#### Contractors

Type	Contact Name	Address	Business Phone
Contractor			

#### Permit Conditions

**Fees Due**

<b>Invoice Number: 6712</b>	
Sign SqFt Fee	\$11.00
Sign Fee	\$75.00
<b>Invoice Total:</b>	<b>\$86.00</b>

**Fees Paid**

<b>Invoice Number: 6712</b>	
<b>Check 205</b>	
Sign Fee	\$75.00
Sign SqFt Fee	\$11.00
	\$86.00
<b>Invoice Fees Paid:</b>	<b>\$86.00</b>

**Inspections**

IMPORTANT: APPLICATION IS HEREBY MADE TO THE BUILDING OFFICIAL FOR A PERMIT SUBJECT TO THE CONDITIONS AND RESTRICTIONS SET FORTH ON THIS APPLICATION AND THE FOLLOWING:

1. The City's approved plans and permit inspection card must remain on the job site for use by City inspection personnel.

Date: 4/29/2015

Approved By: 



# CITY OF AUBURN SIGN PERMIT APPLICATION

Tax Map #: 261-046 Permit #: SI-7987-2015 Date: 4.22.2015  
Temporary - Expiration Date: — Zone: GB Fee: \$186.00 plus ck 205

Please attach a site plan or tax map for any pylon/ground signs showing the following:

1. Lot size and shape
2. Location of building (if any)
3. Location of sign.
4. Distance of sign from side lines & road travel way

Property Owner: Dan Williams Owner Address: —  
Address of Sign: 23 Cross St. Installer: Kevin Dyer  
Business Name: Relief clinic Installer Phone #: 598 04039  
Business Owner: Evelyn Williams Business Phone #: 241 2815  
Business Mailing Address: 23 Cross St. Auburn, ME 04210

Please attach a sketch or rendering of each sign.

## TYPE OF SIGN AND DIMENSIONS

Permit Fee for Each Sign = (Sign area in square feet x \$0.50) + \$25 per sign. (Rounded up to nearest dollar)

Wall Sign(s): Number of signs: 3  
Dimensions of Sign 1: 8.85 x 9.8 1.083 Dimensions of Sign 3: 3.083 x 1.375  
Dimensions of Sign 2: 8.85 x 2.5 Dimensions of Sign 4: 3.7 x 16 1/2 4.239  
Method of Support: Hanging on Siding

Are any of the signs: Projecting — Roof — Illuminated — Reflective — Non-illuminated ✓

**\*\*Note: For electrified signs, the Sign Permit will not be valid until an Electrical Permit has been obtained by a licensed electrician.**

Ground Sign(s): Number of signs: — Dimensions of Sign 6: — x —  
Dimensions of Sign 5: — x — Dimensions of Sign 7: — x —  
Method of Support: —

Projecting Sign: Height from under side of sign to ground 10 FT  
Ground Sign: Overall height of sign —  
Height under sign to ground —  
Roof Sign: Height of sign —  
Height from under side of sign to roof —

## VALUE OF SIGNS

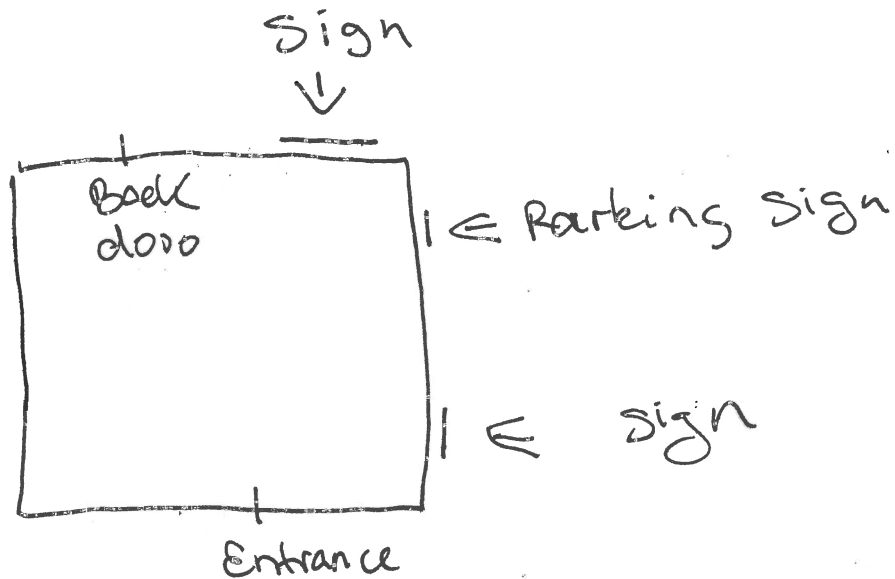
Value of Sign 1: 165 Sign 2: 165 Sign 3: 80 Sign 4: —  
Sign 5: — Sign 6: — Sign 7: — TOTAL: 410

**\*\* Note: If the above property is not owned by the applicant, the signature of the property owner must be obtained prior to permit being issued.**

Signatures: OWNER [Signature] APPLICANT [Signature]

Total Sq Ft. 22.0

23 CROSS St. Auburn



Parking

New signs will be placed  
on same location as old  
once



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

## RECEIPT

**BILL TO:**  
Kevin Dyer

Receipt Number: TRC-007178-22-04-2015

Date: 04/22/2015

### Amount

### PRIMARY FEES

Invoice Number: 6712

Sign SqFt Fee	\$11.00
Sign Fee	\$75.00

### PAYMENTS RECEIVED

Date	Payment Method	Check Number	Amount Received
04/22/2015	Check	205	\$86.00
	<b>Total Payment</b>		<b>\$86.00</b>
	Change Due		\$0.00



Holly C. Lasagna, Ward One  
Robert P. Hayes, Ward Two  
Andrew D. Titus, Ward Three  
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five  
Belinda A. Gerry, At Large  
David C. Young, At Large

Jason J. Levesque, Mayor

## IN CITY COUNCIL

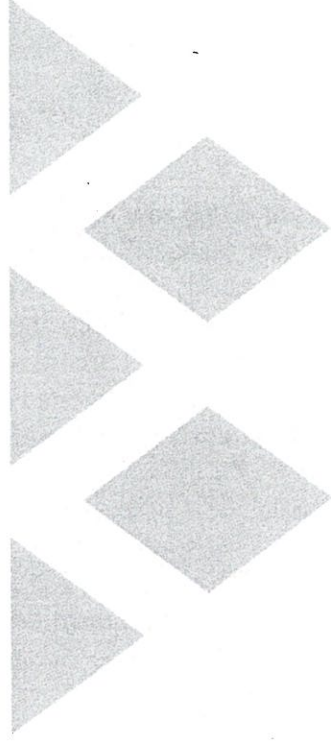
### ORDER 113-09162019

ORDERED, that the City Council hereby (choose one):

- ☐ upholds the decision of the City Clerk denying Relief Clinic LLC (owner Evelyne Levitt) application for a Marijuana Business License at 23 Cross Street.
- ☐ overrules the decision of the City Clerk and approves Relief Clinic LLC (owner Evelyne Levitt) application for a Marijuana Business License at 23 Cross Street, subject to strict observance of all laws, ordinances, and regulations enacted for the protection of the City of Auburn so far as they may apply and is to continue in force until the license expires unless sooner revoked.

# MONTHLY ACTIVITY REPORT

July 2019  
2019 Fiscal Year



**maine waste**  
to energy

## Member Communities

Auburn • Bowdoin • Buckfield • Lovell • Minot • Monmouth • New Gloucester • Poland  
Raymond • Sumner • Sweden • Wales

## Mid-Maine Waste Action Corporation

110 Goldthwaite Road  
Auburn, Maine 04210  
(207) 783-8805  
Fax (207) 783-9831

[www.midmainewaste.com](http://www.midmainewaste.com)

### MEMORANDUM

To: Board of Directors  
From: John P. King, Executive Director  
Michael Daily, Finance Director  
Subject: July Financial/Activity Report - Unaudited  
Date: August 9, 2019

Enclosed please find the unaudited July Activity Report covering the period from July 1 through July 31, 2019.

#### General Summary

Plant throughput for the month was 6,105 tons processed, or about 197 tons per day. Operating Revenues exceeded Expenses resulting in July having an operating profit of \$93,165 (These figures do not reflect balance sheet expenses). Cash and investments totaled \$5,099,686. Cash and investments are down \$82,768 from the start of FY20. The reserve goal established by the Board for FY20 is \$5,900,000 and is now at 86.4% of goal. The balance sheet shows current assets less liabilities at \$5,620,181, which is down \$99,833 from the beginning of the fiscal year.

#### Waste Deliveries/Operations

In the month of July 6,314 tons were delivered to the pit for an average of 204 tons per day. 9,479 tons were received from all sources for the month. Details on deliveries are presented in the following table:

Waste Type	Year-To-Date Tons		Variance	
	FY20 Actual	FY19 Actual	Tons	%
MSW Member	1,641	1,609	32	2.0%
Comm Member	1,361	1,427	(66)	-4.6%
Municipal Non-Member	2,340	2,175	165	7.6%
Gate/Hauler	2,079	1,587	492	31.0%
OBW/Res TS	1,237	999	238	23.8%
Other	821	682	139	20.4%
<b>Total</b>	<b>9,479</b>	<b>8,479</b>	<b>1,000</b>	<b>11.8%</b>

Waste flows to the plant and transfer station are running 11.8% above last year. Waste processed in the plant during the month was recorded at 6,105 tons, or an average of 197 tons per day. The monthly running time thruput was 197 tons per day. The transfer



station processed 2,796 tons during the month from all sources averaging 116.5 tons per day for the month, (5.5 day receiving week). Recyclables totaled 371 tons for the month. Prior year and budget comparisons of processing records as follows:

	Prior Year Comparison YTD				Budget Comparison YTD			
	FY20	FY19	Variance		FY20	FY20	Variance	
	Actual	Actual	Tons	%	Actual	Budget	Tons	%
Waste-To-Energy	6,105	6,062	43	0.7%	6,105	6,235	(130)	-2.1%
Transfer Station	2,796	2,136	660	30.9%	2,796	2,229	567	25.4%
Recycling	371	262	109	41.6%	371	392	(21)	-5.4%
Total	9,272	8,460	812	9.6%	9,272	8,856	416	4.7%

### Cash Available to Operations

Cash balances in checking and investments total \$5,099,686 down \$82,768 from the prior month. The following is the status of the reserve goal:

Reserve Status		
	FY 20 Goal	As of 7/31/19
Operating	2,006,000	1,733,893
Capital Improvement	944,000	815,950
20-Year Plan	1,711,000	1,478,909
Rate Stabilization	1,239,000	1,070,934
Total	5,900,000	5,099,686
Total Cash		5,099,686
Surplus or (Deficit)		(800,314)

### Revenue

Revenue for the month totaled \$721,101. Major categories of revenue by month include: tipping fees, \$639,254; power contract, \$44,078; recycling, \$26,352; interest, \$9,811; other, \$1,606. Revenue for the month was \$61,553 above budget projections and \$90,063 above FY19.

Total gross kWh for the latest period was 2,040,237 of which 1,362,275 were sold to the grid. Net kWh per ton equaled 223, as compared to 207 for the comparable period in FY19.

The table that follows shows detail relative to electrical sales:

Month	Price per MWHr			Electrical Output MWHr			Electrical Revenue		
	FY19		FY20		FY19		FY20		
	Actual	Budget	Actual	Actual	Budget	Actual	Actual	Budget	Actual
Jul	\$36	\$34	\$32	1,256	1,275	1,362	\$44,985	\$42,775	\$44,078

### **Expenditures**

Operating expenses in all categories total \$627,936 for the month, which is \$46,849 above budget projections, and \$68,385 above last year.

### **Investments Status**

As of July 31, MMWAC's investments totaled \$5,099,686. Table 8 details all of our investments.

### **Capital Expenditures:**

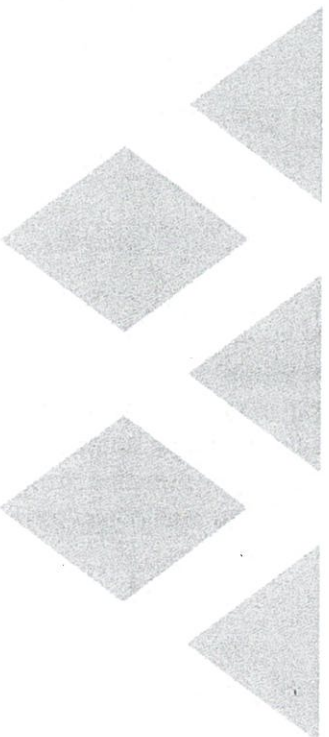
For the month of July \$192,998 was spent on capital projects, of which \$164,589 was for the CEM system replacement, the \$28,409 balance was for two new ash cans and hard top covers.

cc: Member Municipalities  
Reference No.: 04012



# MONTHLY ACTIVITY REPORT

July 2019  
2019 Fiscal Year



**maine waste**  
to energy

## Member Communities

Auburn • Bowdoin • Buckfield • Lovell • Minot • Monmouth • New Gloucester • Poland  
Raymond • Sumner • Sweden • Wales

from 12/2019

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services

**TO: Peter Crichton, City Manager**

**FROM: Jill Eastman, Finance Director**

**REF: August 2019 Financial Report**

**DATE: September 16, 2019**

The following is a discussion regarding the significant variances found in the City's August financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its second month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 16.66% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

### **Balance Sheet**

The following are significant variances from July:

- A. Taxes Receivable-Current and Deferred Revenue have both decreased due to the posting of tax payments in August. These two accounts are directly related to each other.

### **Revenues**

Revenues, for the City, collected through August 31st were \$8,929,464, or 14.23%, of the budget, which is higher than last year at this time by 2.33%. The accounts listed below are noteworthy.

- A. Excise taxes of \$776,036-up \$51,722 over last year.
- B. Property tax revenue of \$6,235,253 an increase over last year of \$1,450,303.
- C. State Revenue Sharing for the month of August is 18.84% or \$450,279. This is an increase over last year of \$183,105.
- D. Homestead Exemption for the month of August is \$994,116 or \$3,578 less than last year.

### **Expenditures**

City expenditures through August 31st were \$7,498,874, or 16.72%, of the budget as compared to last year at \$10,370,766 or 24.10%. Noteworthy variances are:

In the current fiscal year, a portion of the debt service was posted in August and last year all of it was. This created a variance from last year of \$3,484,006.

### **Investments**

This section contains an investment schedule as of August 31<sup>st</sup> with a comparison to July 31<sup>st</sup>. Currently the City's funds are earning an average interest rate of 1.89%.

Respectfully submitted,

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

Jill M. Eastman  
Finance Director

**CITY OF AUBURN, MAINE**  
**BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND**  
**AS of August 2019, July 2019, and June 2019**

	UNAUDITED August 31 2019	UNAUDITED July 31 2019	Increase (Decrease)	AUDITED JUNE 30 2019
<b>ASSETS</b>				
CASH	\$ 13,171,011	\$ 10,251,486	\$ 2,919,525	\$ 13,715,463
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	1,287,064	1,206,104	80,960	1,680,559
TAXES RECEIVABLE-CURRENT	40,423,619	46,287,734	(5,864,114)	102,035
DELINQUENT TAXES	983,586	987,719	(4,133)	755,527
TAX LIENS	1,178,967	1,359,616	(180,649)	1,522,438
NET DUE TO/FROM OTHER FUNDS	2,310,929	3,629,113	(1,318,184)	3,086,807
<b>TOTAL ASSETS</b>	<b>\$ 59,355,177</b>	<b>\$ 63,721,771</b>	<b>\$ (4,366,594)</b>	<b>\$ 20,862,829</b>
<b>LIABILITIES &amp; FUND BALANCES</b>				
ACCOUNTS PAYABLE	\$ (265,996)	\$ 129,972	\$ (395,968)	\$ (793,429)
PAYROLL LIABILITIES	(793,893)	(778,976)	(14,917)	(1,140,965)
ACCRUED PAYROLL	(393,247)	(1,569,296)	1,176,049	(3,467,807)
STATE FEES PAYABLE	(60,309)	(41,972)	(18,337)	(51)
ESCROWED AMOUNTS	(25,676)	(25,643)	(33)	(25,643)
DEFERRED REVENUE	(41,586,866)	(47,699,462)	6,112,597	(1,508,095)
<b>TOTAL LIABILITIES</b>	<b>\$ (43,125,986)</b>	<b>\$ (49,985,377)</b>	<b>\$ 6,859,391</b>	<b>\$ (6,935,990)</b>
FUND BALANCE - UNASSIGNED/ASSIGNED	\$ (12,696,792)	\$ (10,203,995)	\$ (2,492,797)	\$ (10,394,440)
FUND BALANCE - RESTRICTED	(1,931,802)	(1,931,802)		(1,931,802)
FUND BALANCE - NON SPENDABLE	(1,600,597)	(1,600,597)	-	(1,600,597)
<b>TOTAL FUND BALANCE</b>	<b>\$ (16,229,191)</b>	<b>\$ (13,736,394)</b>	<b>\$ (2,492,797)</b>	<b>\$ (13,926,839)</b>
<b>TOTAL LIABILITIES AND FUND BALANCE</b>	<b>\$ (59,355,177)</b>	<b>\$ (63,721,771)</b>	<b>\$ 4,366,594</b>	<b>\$ (20,862,829)</b>

**CITY OF AUBURN, MAINE  
REVENUES - GENERAL FUND COMPARATIVE  
THROUGH August 31, 2019 VS August 31, 2018**

REVENUE SOURCE	FY 2020 BUDGET	ACTUAL REVENUES THRU AUG 2019	% OF BUDGET	FY 2019 BUDGET	ACTUAL REVENUES THRU AUG 2018	% OF BUDGET	VARIANCE
<b>TAXES</b>							
PROPERTY TAX REVENUE-	\$ 49,295,498	\$ 6,235,253	12.65%	\$ 48,772,945	\$ 4,784,950	9.81%	\$ 1,450,303
PRIOR YEAR TAX REVENUE	\$ -	\$ 76,853		\$ -	\$ 128,673		\$ (51,820)
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 1,250,000	\$ 994,116	79.53%	\$ 1,190,000	\$ 997,694	83.84%	\$ (3,578)
EXCISE	\$ 3,910,000	\$ 776,038	19.85%	\$ 3,835,000	\$ 724,316	18.89%	\$ 51,722
PENALTIES & INTEREST	\$ 150,000	\$ 21,636	14.42%	\$ 150,000	\$ 16,092	10.73%	\$ 5,544
<b>TOTAL TAXES</b>	<b>\$ 54,605,498</b>	<b>\$ 8,103,896</b>	<b>14.84%</b>	<b>\$ 53,947,945</b>	<b>\$ 6,651,725</b>	<b>12.33%</b>	<b>\$ 1,452,171</b>
<b>LICENSES AND PERMITS</b>							
BUSINESS	\$ 169,000	\$ 35,171	20.81%	\$ 62,000	\$ 12,073	19.47%	\$ 23,098
NON-BUSINESS	\$ 409,000	\$ 37,219	9.10%	\$ 355,000	\$ 35,030	9.87%	\$ 2,189
<b>TOTAL LICENSES</b>	<b>\$ 578,000</b>	<b>\$ 72,390</b>	<b>12.52%</b>	<b>\$ 417,000</b>	<b>\$ 47,103</b>	<b>11.30%</b>	<b>\$ 25,287</b>
<b>INTERGOVERNMENTAL ASSISTANCE</b>							
STATE-LOCAL ROAD ASSISTANCE	\$ 400,000	\$ -	0.00%	\$ 400,000	\$ -	0.00%	\$ -
STATE REVENUE SHARING	\$ 2,389,669	\$ 450,279	18.84%	\$ 1,689,669	\$ 267,174	15.81%	\$ 183,105
WELFARE REIMBURSEMENT	\$ 94,122	\$ -	0.00%	\$ 103,747	\$ 5,435	5.24%	\$ (5,435)
OTHER STATE AID	\$ 32,000	\$ -	0.00%	\$ 32,000	\$ -	0.00%	\$ -
CITY OF LEWISTON	\$ 228,384	\$ -	0.00%	\$ 228,384	\$ -	0.00%	\$ -
<b>TOTAL INTERGOVERNMENTAL ASSISTANCE</b>	<b>\$ 3,144,175</b>	<b>\$ 450,279</b>	<b>14.32%</b>	<b>\$ 2,453,800</b>	<b>\$ 272,609</b>	<b>11.11%</b>	<b>\$ 177,670</b>
<b>CHARGE FOR SERVICES</b>							
GENERAL GOVERNMENT	\$ 148,440	\$ 20,202	13.61%	\$ 144,440	\$ 22,214	15.38%	\$ (2,012)
PUBLIC SAFETY	\$ 215,600	\$ 5,098	2.36%	\$ 236,277	\$ 7,115	3.01%	\$ (2,017)
EMS TRANSPORT	\$ 1,200,000	\$ 167,894	13.99%	\$ 1,250,000	\$ 176,756	14.14%	\$ (8,862)
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 1,564,040</b>	<b>\$ 193,193</b>	<b>12.35%</b>	<b>\$ 1,630,717</b>	<b>\$ 206,085</b>	<b>12.64%</b>	<b>\$ (12,892)</b>
<b>FINES</b>							
PARKING TICKETS & MISC FINES	\$ 55,000	\$ 4,306	7.83%	\$ 70,000	\$ 7,343	10.49%	\$ (3,038)
<b>MISCELLANEOUS</b>							
INVESTMENT INCOME	\$ 70,000	\$ 9,948	14.21%	\$ 32,000	\$ 7,083	22.13%	\$ 2,865
RENTS	\$ 35,000	\$ 5,823	16.64%	\$ 35,000	\$ 4,315	12.33%	\$ 1,508
UNCLASSIFIED	\$ 10,000	\$ 25,906	259.06%	\$ 10,000	\$ 13,595	135.95%	\$ 12,311
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 11,981		\$ -	\$ 10,772		\$ 1,209
SALE OF PROPERTY	\$ 20,000	\$ 12,768	63.84%	\$ 20,000	\$ 2,000	10.00%	\$ 10,768
RECREATION PROGRAMS/ARENA							\$ -
MMWAC HOST FEES	\$ 225,000	\$ 37,623	16.72%	\$ 221,000	\$ 36,398	16.47%	\$ 1,225
TRANSFER IN: TIF	\$ 1,117,818	\$ -	0.00%	\$ 1,317,818	\$ -	0.00%	\$ -
TRANSFER IN: Other Funds	\$ 566,011	\$ -	0.00%	\$ 97,718	\$ -	0.00%	\$ -
ENERGY EFFICIENCY							\$ -
CDBG	\$ 214,430	\$ -	0.00%	\$ 214,430	\$ -	0.00%	\$ -
UTILITY REIMBURSEMENT	\$ 20,000	\$ 1,352	6.76%	\$ 27,500	\$ -	0.00%	\$ 1,352
CITY FUND BALANCE CONTRIBUTION	\$ 527,500	\$ -	0.00%	\$ 527,500	\$ -	0.00%	\$ -
<b>TOTAL MISCELLANEOUS</b>	<b>\$ 2,805,759</b>	<b>\$ 105,401</b>	<b>3.76%</b>	<b>\$ 2,502,966</b>	<b>\$ 74,163</b>	<b>2.96%</b>	<b>\$ 31,238</b>
<b>TOTAL GENERAL FUND REVENUES</b>	<b>\$ 62,752,472</b>	<b>\$ 8,929,464</b>	<b>14.23%</b>	<b>\$ 61,022,428</b>	<b>\$ 7,259,028</b>	<b>11.90%</b>	<b>\$ 1,670,436</b>
<b>SCHOOL REVENUES</b>							
EDUCATION SUBSIDY	\$ 25,851,656	\$ 2,081,925	8.05%	\$ 24,302,914	\$ 1,986,365	8.17%	\$ 95,559
EDUCATION	\$ 711,224	\$ 1,715	0.24%	\$ 674,191	\$ 16,806	2.49%	\$ (15,091)
SCHOOL FUND BALANCE CONTRIBUTION	\$ 877,296	\$ -	0.00%	\$ 719,417	\$ -	0.00%	\$ -
<b>TOTAL SCHOOL</b>	<b>\$ 27,440,176</b>	<b>\$ 2,083,640</b>	<b>7.59%</b>	<b>\$ 25,696,522</b>	<b>\$ 2,003,171</b>	<b>7.80%</b>	<b>\$ 80,468</b>
<b>GRAND TOTAL REVENUES</b>	<b>\$ 90,192,648</b>	<b>\$ 11,013,104</b>	<b>12.21%</b>	<b>\$ 86,718,950</b>	<b>\$ 9,262,199</b>	<b>10.68%</b>	<b>\$ 1,750,904</b>



**CITY OF AUBURN, MAINE**  
**EXPENDITURES - GENERAL FUND COMPARATIVE**  
**THROUGH August 31, 2019 VS August 31, 2018**

DEPARTMENT	FY 2020 BUDGET	Unaudited EXP THRU AUG 2019	% OF BUDGET	FY 2019 BUDGET	Unaudited EXP THRU AUG 2018	% OF BUDGET	VARIANCE
<b>ADMINISTRATION</b>							
MAYOR AND COUNCIL	\$ 123,137	\$ 2,160	1.75%	\$ 111,610	\$ 2,300	2.06%	\$ (140)
CITY MANAGER	\$ 582,119	\$ 88,574	15.22%	\$ 474,086	\$ 65,288	13.77%	\$ 23,286
CITY CLERK	\$ 207,139	\$ 23,436	11.31%	\$ 185,898	\$ 22,277	11.98%	\$ 1,159
FINANCIAL SERVICES	\$ 734,597	\$ 119,170	16.22%	\$ 694,109	\$ 116,412	16.77%	\$ 2,758
HUMAN RESOURCES	\$ 153,182	\$ 21,513	14.04%	\$ 149,953	\$ 21,165	14.11%	\$ 348
INFORMATION TECHNOLOGY	\$ 713,729	\$ 176,379	24.71%	\$ 588,403	\$ 116,508	19.80%	\$ 59,871
<b>TOTAL ADMINISTRATION</b>	<b>\$ 2,513,903</b>	<b>\$ 431,232</b>	<b>17.15%</b>	<b>\$ 2,204,059</b>	<b>\$ 343,950</b>	<b>15.61%</b>	<b>\$ 87,282</b>
<b>COMMUNITY SERVICES</b>							
ECONOMIC & COMMUNITY DEVELOPMENT	\$ 1,333,724	\$ 197,668	14.82%	\$ 1,471,918	\$ 127,811	8.68%	\$ 69,857
HEALTH & SOCIAL SERVICES	\$ 211,371	\$ 20,124	9.52%	\$ 223,500	\$ 26,265	11.75%	\$ (6,141)
RECREATION & SPECIAL EVENTS	\$ 448,575	\$ 75,733	16.88%	\$ 384,630	\$ 44,224	11.50%	\$ 31,509
PUBLIC LIBRARY	\$ 1,006,217	\$ 251,554	25.00%	\$ 998,189	\$ 166,373	16.67%	\$ 85,181
<b>TOTAL COMMUNITY SERVICES</b>	<b>\$ 2,999,887</b>	<b>\$ 545,079</b>	<b>18.17%</b>	<b>\$ 3,078,237</b>	<b>\$ 364,673</b>	<b>11.85%</b>	<b>\$ 180,406</b>
<b>FISCAL SERVICES</b>							
DEBT SERVICE	\$ 7,334,690	\$ 2,240,680	30.55%	\$ 6,702,508	\$ 5,724,686	85.41%	\$ (3,484,006)
FACILITIES	\$ 667,128	\$ 206,534	30.96%	\$ 650,641	\$ 43,317	6.66%	\$ 163,217
WORKERS COMPENSATION	\$ 637,910	\$ -	0.00%	\$ 581,360	\$ -	0.00%	\$ -
WAGES & BENEFITS	\$ 6,797,826	\$ 1,059,182	15.58%	\$ 6,471,614	\$ 1,000,142	15.45%	\$ 59,040
EMERGENCY RESERVE (10108062-670000)	\$ 445,802	\$ -	0.00%	\$ 431,003	\$ -	0.00%	\$ -
<b>TOTAL FISCAL SERVICES</b>	<b>\$ 15,883,356</b>	<b>\$ 3,506,396</b>	<b>22.08%</b>	<b>\$ 14,837,126</b>	<b>\$ 6,768,145</b>	<b>45.62%</b>	<b>\$ (3,261,749)</b>
<b>PUBLIC SAFETY</b>							
FIRE DEPARTMENT	\$ 4,515,511	\$ 651,932	14.44%	\$ 4,422,256	\$ 667,983	15.11%	\$ (16,051)
FIRE EMS	\$ 695,751	\$ 77,593	11.15%	\$ 683,181	\$ 92,012	13.47%	\$ (14,419)
POLICE DEPARTMENT	\$ 4,275,323	\$ 635,864	14.87%	\$ 4,166,631	\$ 584,748	14.03%	\$ 51,116
<b>TOTAL PUBLIC SAFETY</b>	<b>\$ 9,486,585</b>	<b>\$ 1,365,389</b>	<b>14.39%</b>	<b>\$ 9,272,068</b>	<b>\$ 1,344,743</b>	<b>14.50%</b>	<b>\$ 20,646</b>
<b>PUBLIC WORKS</b>							
PUBLIC SERVICES DEPARTMENT	\$ 4,836,798	\$ 606,412	12.54%	\$ 4,778,668	\$ 573,672	12.00%	\$ 32,740
SOLID WASTE DISPOSAL*	\$ 1,030,500	\$ 85,502	8.30%	\$ 988,013	\$ 165,797	16.78%	\$ (80,295)
WATER AND SEWER	\$ 645,216	\$ 158,179	24.52%	\$ 645,216	\$ 158,179	24.52%	\$ -
<b>TOTAL PUBLIC WORKS</b>	<b>\$ 6,512,514</b>	<b>\$ 850,093</b>	<b>13.05%</b>	<b>\$ 6,411,897</b>	<b>\$ 897,648</b>	<b>14.00%</b>	<b>\$ (47,555)</b>
<b>INTERGOVERNMENTAL PROGRAMS</b>							
AUBURN-LEWISTON AIRPORT	\$ 191,000	\$ 185,971	97.37%	\$ 172,000	\$ 171,707	99.83%	\$ 14,264
E911 COMMUNICATION CENTER	\$ 1,134,304	\$ 283,576	25.00%	\$ 1,123,081	\$ 280,770	25.00%	\$ 2,806
LATC-PUBLIC TRANSIT	\$ 331,138	\$ 331,138	100.00%	\$ 199,130	\$ 199,130	100.00%	\$ 132,008
TAX SHARING	\$ 270,000	\$ -	0.00%	\$ 270,000	\$ -	0.00%	\$ -
<b>TOTAL INTERGOVERNMENTAL</b>	<b>\$ 1,926,442</b>	<b>\$ 800,685</b>	<b>41.56%</b>	<b>\$ 1,764,211</b>	<b>\$ 651,607</b>	<b>36.93%</b>	<b>\$ 149,078</b>
<b>COUNTY TAX</b>	<b>\$ 2,482,721</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ 2,407,766</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>
<b>TIF (10108058-580000)</b>	<b>\$ 3,049,803</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ 3,049,803</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>
<b>OVERLAY</b>	<b>\$ -</b>	<b>\$ -</b>		<b>\$ -</b>	<b>\$ -</b>		<b>\$ -</b>
<b>TOTAL CITY DEPARTMENTS</b>	<b>\$ 44,855,211</b>	<b>\$ 7,498,874</b>	<b>16.72%</b>	<b>\$ 43,025,167</b>	<b>\$ 10,370,766</b>	<b>24.10%</b>	<b>\$ (2,871,892)</b>
<b>EDUCATION DEPARTMENT</b>	<b>\$ 45,337,437</b>	<b>\$ 1,059,107</b>	<b>2.34%</b>	<b>\$ 43,693,783</b>	<b>\$ 3,192,190</b>	<b>7.31%</b>	<b>\$ (2,133,083)</b>
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$ 90,192,648</b>	<b>\$ 8,557,981</b>	<b>9.49%</b>	<b>\$ 86,718,950</b>	<b>\$ 13,562,956</b>	<b>15.64%</b>	<b>\$ (5,004,975)</b>

**CITY OF AUBURN, MAINE  
INVESTMENT SCHEDULE  
AS OF August 31, 2019**

INVESTMENT		FUND	BALANCE August 31, 2019	BALANCE July 31, 2019	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	\$ 2,264,523.04	\$ 4,259,340.19	1.50%
ANDROSCOGGIN BANK	502	SR-TIF	\$ 1,031,831.08	\$ 1,030,517.53	1.50%
ANDROSCOGGIN BANK	836	GENERAL FUND	\$ 1,276,927.26	\$ 4,271,721.65	1.50%
ANDROSCOGGIN BANK	801	WORKERS COMP	\$ 51,546.53	\$ 51,480.93	1.50%
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	\$ 73,808.03	\$ 73,714.07	1.50%
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	\$ 86,375.88	\$ 86,265.94	1.50%
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	\$ 59,536.86	\$ 59,461.07	1.50%
ANDROSCOGGIN BANK	0627	ST LOUIS BELLS FUNDRAISING	\$ 10,350.25	\$ 10,337.08	1.50%
NORTHERN CAPITAL	02155	CAPITAL PROJECTS	\$ 750,000.00	\$ 750,000.00	2.30%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	2.45%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	2.00%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	2.15%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	2.30%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	2.60%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 1,000,000.00	\$ 1,000,000.00	2.55%
<b>GRAND TOTAL</b>			<b>\$ 8,354,898.93</b>	<b>\$ 13,342,838.46</b>	<b>1.89%</b>

**EMS BILLING**  
**SUMMARY OF ACTIVITY**  
**July 1, 2019 - June 30, 2020**  
**Report as of August 31, 2019**

	Beginning Balance 08/01/19	August 2019				Write-Offs	Ending Balance 8/31/2019
		New Charges	Payments	Refunds	Adjustments		
Bluecross	\$ 2,800.34	\$ 9,485.80	\$ (3,651.84)		\$ (3,287.02)		\$ 5,347.28
Intercept	\$ -	\$ -					\$ -
Medicare	\$ 43,871.60	\$ 118,375.60	\$ (40,064.28)		\$ (39,074.52)		\$ 83,108.40
Medicaid	\$ 24,918.14	\$ 38,869.20	\$ (15,375.78)		\$ (7,914.14)		\$ 40,497.42
Other/Commercial	\$ 74,544.08	\$ 25,838.20	\$ (15,725.15)	\$ 264.62	\$ (43,152.71)		\$ 41,769.04
Patient	\$ 114,531.28	\$ 23,643.20	\$ (9,480.14)	\$ 50.00	\$ 21,471.45	\$ (8,997.74)	\$ 141,218.05
Worker's Comp	\$ -	\$ -	\$ -				\$ -
<b>TOTAL</b>	<b>\$ 260,665.44</b>	<b>\$ 216,212.00</b>	<b>\$ (84,297.19)</b>	<b>\$ 314.62</b>	<b>\$ (71,956.94)</b>	<b>\$ (8,997.74)</b>	<b>\$ 311,940.19</b>

**EMS BILLING**  
**BREAKDOWN -TOTAL CHARGES**  
**July 1, 2019 - June 30, 2020**  
**Report as of August 31, 2019**

	July 2019	August 2019	Adjustment	Totals	% of Total
No Insurance Information	\$ 1,557.40		\$ (1,557.40)	\$ -	0.00%
Bluecross	\$ 12,278.80	\$ 9,485.80	\$ 883.60	\$ 22,648.20	6.10%
Intercept	\$ -			\$ -	0.00%
Medicare	\$ 93,753.80	\$ 118,375.60		\$ 212,129.40	57.09%
Medicaid	\$ 27,506.40	\$ 38,869.20		\$ 66,375.60	17.86%
Other/Commercial	\$ 9,365.20	\$ 25,838.20		\$ 35,203.40	9.47%
Patient	\$ 10,890.80	\$ 23,643.20	\$ 673.80	\$ 35,207.80	9.48%
Worker's Comp	\$ -			\$ -	0.00%
<b>TOTAL</b>	<b>\$ 155,352.40</b>	<b>\$ 216,212.00</b>	<b>\$ -</b>	<b>\$ 371,564.40</b>	<b>100.00%</b>

**EMS BILLING**  
**BREAKDOWN -TOTAL COUNT**  
**July 1, 2019 - June 30, 2020**  
**Report as of August 31, 2019**

	July 2019	August 2019	Adjustment	Totals	% of Total
No Insurance Information	2	0		2	0.43%
Bluecross	15	12		27	5.81%
Intercept	0	0		0	0.00%
Medicare	117	145		262	56.34%
Medicaid	35	49		84	18.06%
Other/Commercial	13	35		48	10.32%
Patient	14	28		42	9.03%
Worker's Comp	0			0	0.00%
<b>TOTAL</b>	<b>196</b>	<b>269</b>	<b>0</b>	<b>465</b>	<b>100.00%</b>

**EMS BILLING  
AGING REPORT**  
**July 1, 2019 to June 30, 2020**  
**Report as of August 31, 2019**

	Current		31-60		61-90		91-120		121+ days		Totals	
Bluecross	\$ 5,352.90	100%	\$ 2,018.22	38%	\$ 74.88	1%	\$ -	0%	\$ (2,098.72)	-39%	\$ 5,347.28	1.71%
Intercept	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	0.00%
Medicare	\$ 71,600.18	86%	\$ 7,626.54	9%	\$ 2,227.00	3%	\$ 1,786.80	2%	\$ (132.12)	0%	\$ 83,108.40	26.64%
Medicaid	\$ 34,934.39	86%	\$ 4,651.95	11%	\$ 1,869.80	5%	\$ 250.00	1%	\$ (1,208.72)	-3%	\$ 40,497.42	12.98%
Other/Commercial	\$ 17,869.71	43%	\$ 6,833.56	16%	\$ 4,304.76	10%	\$ 3,458.06	8%	\$ 9,302.95	22%	\$ 41,769.04	13.39%
Patient	\$ 56,539.32	40%	\$ 25,886.84	18%	\$ 19,831.64	14%	\$ 19,532.75	14%	\$ 19,427.50	14%	\$ 141,218.05	45.27%
Worker's Comp	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	0.00%
<b>TOTAL</b>	<b>\$ 186,296.50</b>		<b>\$ 47,017.11</b>		<b>\$ 28,308.08</b>		<b>\$ 25,027.61</b>		<b>\$ 25,290.89</b>		<b>\$ 311,940.19</b>	
	60%		15%		9%		8%		8%		100%	100.00%



CITY OF AUBURN  
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES  
As of August 31, 2019

	1902	1905	1910	1913	1914	1915	1917	1926	1927	1928	1929	1930	1931	2003
	Riverwatch	Winter Festival	Community Service	Police Fitness Equipment	Oak Hill Cemeteries	Fire Training Building	Wellness Grant	Healthy Androscoggin	Insurance Reimbursement	Vending	Fire Prevention	211 Fairview	Donations	Byrne JAG
Fund Balance 7/1/19	\$ 865,812.83	\$ (15,099.19)	\$ 5,425.71	\$ 4,769.53	\$ 31,858.10	\$ (488.84)	\$ 3,306.65	\$ 5,204.05	\$ -	\$ -	\$ 4,791.12	\$ (566,303.71)	\$ 652.15	\$ (6,628.43)
Revenues FY20	\$ 12,396.90		\$ 85.00		\$ 700.00			\$ 589.00		\$ 244.00				
Expenditures FY20	\$ 137,386.00						\$ 80.00	\$ 510.68		\$ 79.37				
<b>Fund Balance 8/31/20</b>	<b>\$ 740,823.73</b>	<b>\$ (15,099.19)</b>	<b>\$ 5,510.71</b>	<b>\$ 4,769.53</b>	<b>\$ 32,558.10</b>	<b>\$ (488.84)</b>	<b>\$ 3,226.65</b>	<b>\$ 5,282.37</b>	<b>\$ -</b>	<b>\$ 164.63</b>	<b>\$ 4,791.12</b>	<b>\$ (566,303.71)</b>	<b>\$ 652.15</b>	<b>\$ (6,628.43)</b>
	2005	2006	2008	2010	2013	2014	2019	2020	2025	2030	2034	2037	2038	
	MDOT	PEACE	Homeland Security	State Drug Money	OUI Grant	Speed Grant	Law Enforcement Training	CDBG	Community Cords	Parking	EDUL Underage Drink	Bulletproof Vests	Community Action Team	
Fund Balance 7/1/19	\$ 252,523.85	\$ 1,550.98	\$ (125,601.70)	\$ 4,003.67	\$ 4,152.83	\$ 2,877.18	\$ (12,461.91)	\$ 1,780,881.07	\$ 35,272.33	\$ (44,238.20)	\$ 960.00	\$ 11,328.80	\$ 180.00	
Revenues FY20				\$ 774.93			\$ 1,475.00	\$ 582,884.42	\$ 1,197.09	\$ 39,242.00				
Expenditures FY20			\$ 34,615.22	\$ 1,027.44	\$ 415.39	\$ 2,708.96	\$ 1,285.00	\$ 445,228.96		\$ 6,944.83				
<b>Fund Balance 8/31/20</b>	<b>\$ 252,523.85</b>	<b>\$ 1,550.98</b>	<b>\$ (160,216.92)</b>	<b>\$ 3,751.16</b>	<b>\$ 3,737.44</b>	<b>\$ 168.22</b>	<b>\$ (12,271.91)</b>	<b>\$ 1,918,536.53</b>	<b>\$ 36,469.42</b>	<b>\$ (11,941.03)</b>	<b>\$ 960.00</b>	<b>\$ 11,328.80</b>	<b>\$ 180.00</b>	
	2040	2041	2044	2045	2048	2050	2052	2053	2054	2055	2056	2057	2058	2059
	Great Falls TV	Blanche Stevens	Federal Drug Money	Forest Management	TD Tree Days Grant	Project Lifesaver	Nature Conservancy	St Louis Bells	EMS Transport Capital Reserve	Work4ME-PAL	Lake Auburn Neighborhood	ASPCA Grant	Barker Mills Greenway	Distracted Driving
Fund Balance 7/1/19	\$ 20,536.23	\$ 25,775.90	\$ 101,453.23	\$ 4,345.34	\$ 13,450.00	\$ 89.35	\$ 975.05	\$ 4,743.92	\$ 73,620.23	\$ (38,086.09)	\$ 125.00	\$ 800.00	\$ (2,597.43)	\$ 3,329.00
Revenues FY20		\$ 4,030.00	\$ 10,635.15			\$ 50.00		\$ 11,934.54	\$ 93.84					
Expenditures FY20		\$ 436.00								\$ (17,919.78)				
<b>Fund Balance 8/31/20</b>	<b>\$ 20,536.23</b>	<b>\$ 29,369.90</b>	<b>\$ 112,088.38</b>	<b>\$ 4,345.34</b>	<b>\$ 13,450.00</b>	<b>\$ 139.35</b>	<b>\$ 975.05</b>	<b>\$ 16,678.46</b>	<b>\$ 73,714.07</b>	<b>\$ (20,166.31)</b>	<b>\$ 125.00</b>	<b>\$ 800.00</b>	<b>\$ (2,597.43)</b>	<b>\$ 3,329.00</b>
	2061	2062	2100	2201	2500									
	150th Celebration	Employee Store	ELHS Fundraising	EDI Grant	Parks & Recreation									
Fund Balance 7/1/19	\$ 14,761.28	\$ 132.69	\$ 59,165.65	\$ (1,484,407.18)	\$ 129,724.79									
Revenues FY20	\$ 3,055.00		\$ 20.00		\$ 58,146.63									
Expenditures FY20	\$ 800.00				\$ 146,447.92									
<b>Fund Balance 8/31/20</b>	<b>\$ 17,016.28</b>	<b>\$ 132.69</b>	<b>\$ 59,185.65</b>	<b>\$ (1,484,407.18)</b>	<b>\$ 41,423.50</b>									
	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600				Total Special Revenues
	Tambrands TIF 4	Tambrands II TIF 6	Mall TIF 9	Downtown TIF 10	Auburn Industrial TIF 12	Auburn Plaza TIF 13	Auburn Plaza II TIF 14	Webster School TIF 16	Slapshot LLC TIF 18	Hartt Transport TIF 19				
Fund Balance 7/1/19	\$ 105,531.60	\$ (294,448.66)	\$ 382,500.84	\$ 683,610.52	\$ (344,883.92)	\$ 240,148.36	\$ (333,846.60)	\$ -	\$ -	\$ (1,711.22)				\$ 1,609,566.75
Revenues FY20														\$ 727,553.50
Expenditures FY20				\$ 5,599.34										\$ 765,645.33
<b>Fund Balance 8/31/20</b>	<b>\$ 105,531.60</b>	<b>\$ (294,448.66)</b>	<b>\$ 382,500.84</b>	<b>\$ 678,011.18</b>	<b>\$ (344,883.92)</b>	<b>\$ 240,148.36</b>	<b>\$ (333,846.60)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (1,711.22)</b>				<b>\$ 1,571,474.92</b>

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services

To: Peter Crichton, City Manager  
From: Jill Eastman, Finance Director  
Re: Financial Reports for August 31, 2019



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of August 31, 2019.

### **INGERSOLL TURF FACILITY**

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

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of August 31, 2019.

#### **Current Assets:**

As of the end of August 2019 the total current assets of Ingersoll Turf Facility were \$177,941. This consisted of cash and cash equivalents of \$86,266 and an interfund receivable of \$91,675, which means that the General Fund owes Ingersoll \$91,675 at the end of August.

#### **Noncurrent Assets:**

Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of August 31, 2019 was \$144,984.

#### **Liabilities:**

Ingersoll had no accounts payable as of August 31, 2019.

#### **Statement of Activities:**

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through August 2019 are \$6,629. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through August 2019 were \$11,252. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of August 31, 2019, Ingersoll has an operating loss of \$4,623.

As of August 31, 2019, Ingersoll has a decrease in net assets of \$4,623.

The budget to actual reports for revenue and expenditures, show the revenue for FY20 compared to FY19.

**Statement of Net Assets**  
**Ingersoll Turf Facility**  
**August 31, 2019**  
**Business-type Activities - Enterprise Fund**

	Aug 31, 2019	July 31, 2019	Increase/ (Decrease)
<b>ASSETS</b>			
Current assets:			
Cash and cash equivalents	\$ 86,266	\$ 86,156	\$ 110
Interfund receivables/payables	\$ 91,675	\$ 93,075	(1,400)
Accounts receivable	-	-	-
Total current assets	177,941	179,231	(1,290)
Noncurrent assets:			
Capital assets:			
Buildings	672,279	672,279	-
Equipment	119,673	119,673	-
Land improvements	18,584	18,584	-
Less accumulated depreciation	(665,552)	(665,552)	-
Total noncurrent assets	144,984	144,984	-
Total assets	322,925	324,215	(1,290)
<b>LIABILITIES</b>			
Accounts payable	\$ -	\$ -	\$ -
Total liabilities	-	-	-
<b>NET ASSETS</b>			
Invested in capital assets	\$ 144,984	\$ 144,984	\$ -
Unrestricted	\$ 177,941	\$ 179,231	\$ (1,290)
Total net assets	\$ 322,925	\$ 324,215	\$ (1,290)

**CITY OF AUBURN, MAINE**  
**Statement of Revenues, Expenses and Changes in Net Assets**  
**Ingersoll Turf Facility**  
**Business-type Activities - Enterprise Funds**  
**Statement of Activities**  
**August 31, 2019**

	<b>Ingersoll Turf Facility</b>
Operating revenues:	
Charges for services	\$ 6,629
Operating expenses:	
Personnel	8,190
Supplies	-
Utilities	1,390
Repairs and maintenance	1,158
Rent	
Depreciation	-
Capital expenses	-
Other expenses	514
Total operating expenses	11,252
Operating gain (loss)	(4,623)
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	(4,623)
Transfers out	-
Change in net assets	(4,623)
Total net assets, July 1	327,548
<b>Total net assets, August 31, 2019</b>	<b>\$ 322,925</b>

**CITY OF AUBURN, MAINE**  
**REVENUES - INGERSOLL TURF FACILITY**  
Through August 31, 2019 compared to August 31, 2018

REVENUE SOURCE	FY 2020 BUDGET	ACTUAL REVENUES THRU AUG 2019	% OF BUDGET	FY 2019 BUDGET	ACTUAL REVENUES THRU AUG 2018	% OF BUDGET
<b>CHARGE FOR SERVICES</b>						
Sponsorship	\$ 25,000	\$ 2,050	8.20%	\$ 20,500	\$ 1,800	8.78%
Batting Cages	\$ 13,000	\$ 105	0.81%	\$ 12,240	\$ 125	1.02%
Programs	\$ 90,000	\$ 395	0.44%	\$ 90,000	\$ 1,483	1.65%
Rental Income	\$ 102,000	\$ 3,969	3.89%	\$ 102,300	\$ 2,568	2.51%
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 230,000</b>	<b>\$ 6,519</b>	<b>2.83%</b>	<b>\$ 225,040</b>	<b>\$ 5,976</b>	<b>2.66%</b>
<b>INTEREST ON INVESTMENTS</b>						
	\$ -	\$ 110		\$ -		
<b>GRAND TOTAL REVENUES</b>	<b>\$ 230,000</b>	<b>\$ 6,629</b>	<b>2.88%</b>	<b>\$ 225,040</b>	<b>\$ 5,976</b>	<b>2.66%</b>



**CITY OF AUBURN, MAINE**  
**EXPENDITURES - INGERSOLL TURF FACILITY**  
Through August 31, 2019 compared to August 31, 2018

DESCRIPTION	ACTUAL				ACTUAL			
	FY 2020 BUDGET	EXPENDITURES THRU AUG 2019	% OF BUDGET	FY 2019 BUDGET	EXPENDITURES THRU AUG 2018	% OF BUDGET	Difference	
Salaries & Benefits	\$ 149,331	\$ 8,190	5.48%	\$ 120,000	\$ 13,321	11.10%	\$	(5,131)
Purchased Services	\$ 18,160	\$ 514	2.83%	\$ 19,460	\$ 675	3.47%	\$	(161)
Programs	\$ 17,000	\$ -	0.00%	\$ 15,220	\$ 107	0.70%	\$	(107)
Supplies	\$ 4,900	\$ 1,158	23.63%	\$ 4,600	\$ 107	2.33%	\$	1,051
Utilities	\$ 25,100	\$ 1,390	5.54%	\$ 30,920	\$ 1,020	3.30%	\$	370
Insurance Premiums	\$ -	\$ -		\$ 2,505	\$ -	0.00%	\$	-
Depreciation	\$ -	\$ -		\$ -	\$ -			
Capital Outlay	\$ 11,000	\$ -	0.00%	\$ 30,000	\$ -	0.00%	\$	-
	\$ 225,491	\$ 11,252	4.99%	\$ 222,705	\$ 15,230	6.84%	\$	(3,978)
<b>GRAND TOTAL EXPENDITURES</b>	<b>\$ 225,491</b>	<b>\$ 11,252</b>	<b>4.99%</b>	<b>\$ 222,705</b>	<b>\$ 15,230</b>	<b>6.84%</b>	<b>\$</b>	<b>(3,978)</b>

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services

To: Peter Crichton, City Manager  
From: Jill Eastman, Finance Director  
Re: Arena Financial Reports for August 31, 2019



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of August 31, 2019.

The Norway Savings Bank Arena report now includes a budget to actual comparison with last fiscal year for both revenues and expenditures.

### **NORWAY SAVINGS BANK ARENA**

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

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, July 31, 2019.

#### **Current Assets:**

As of the end of August 2019 the total current assets of Norway Savings Bank Arena were (\$1,642,652). These consisted of cash and cash equivalents of \$171,338, accounts receivable of \$111,757, and an interfund payable of \$1,925,747, which means that Norway owes the General Fund \$1,925,747 at the end of August.

#### **Noncurrent Assets:**

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of August 31, 2019 was \$293,394.

#### **Liabilities:**

NSB Arena had accounts payable of \$6,817 and a net pension liability of \$100,398 as of August 31, 2019.

#### **Statement of Activities:**

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through August 2019 are \$128,230. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through August 2019 were \$102,887. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of August 2019, Norway Arena has an operating gain of \$25,343 compared to the August 2018 operating loss of \$9,818.

As of August 31, 2019, Norway Arena has a decrease in net assets of \$59,071.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY19 is \$27,440 less than in FY18 and expenditures in FY19 are \$7,721 less than last year in August.

**CITY OF AUBURN, MAINE**  
**Statement of Net Assets**  
**Norway Savings Bank Arena**  
**August 31, 2019**  
**Business-type Activities - Enterprise Fund**

	Aug 31, 2019	July 31, 2019	Increase/ (Decrease)
<b>ASSETS</b>			
Current assets:			
Cash and cash equivalents	\$ 171,338	\$ 171,632	\$ (294)
Interfund receivables	\$ (1,925,747)	\$ (1,891,174)	\$ (34,573)
Prepaid Rent			\$ -
Accounts receivable	111,757	63,380	\$ 48,377
Total current assets	(1,642,652)	(1,656,162)	13,510
Noncurrent assets:			
Capital assets:			
Buildings	58,223	58,223	-
Equipment	514,999	514,999	-
Land improvements	-	-	-
Less accumulated depreciation	(279,828)	(279,828)	-
Total noncurrent assets	293,394	293,394	-
Total assets	(1,349,258)	(1,362,768)	13,510
<b>LIABILITIES</b>			
Accounts payable	\$ 6,817	\$ 1,923	\$ 4,894
Net pension liability	100,398	100,398	-
Total liabilities	107,215	102,321	4,894
<b>NET ASSETS</b>			
Invested in capital assets	\$ 293,394	\$ 293,394	\$ -
Unrestricted	\$ (1,749,867)	\$ (1,758,483)	\$ 8,616
Total net assets	\$ (1,456,473)	\$ (1,465,089)	\$ 8,616

**CITY OF AUBURN, MAINE**  
**Statement of Revenues, Expenses and Changes in Net Assets**  
**Norway Savings Bank Arena**  
**Business-type Activities - Enterprise Funds**  
**Statement of Activities**  
**August 31, 2019**

	<b>Norway Savings Arena</b>
Operating revenues:	
Charges for services	\$ 128,230
Operating expenses:	
Personnel	41,111
Supplies	20,713
Utilities	26,306
Repairs and maintenance	13,337
Depreciation	-
Capital expenses	-
Other expenses	1,420
Total operating expenses	102,887
Operating gain (loss)	25,343
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	(84,414)
Total nonoperating expense	(84,414)
Gain (Loss) before transfer	(59,071)
Transfers out	-
Change in net assets	(59,071)
Total net assets, July 1	(1,397,402)
<b>Total net assets, August 31, 2019</b>	<b>\$ (1,456,473)</b>

**CITY OF AUBURN, MAINE**  
**REVENUES - NORWAY SAVINGS BANK ARENA**  
Through August 31, 2019 compared to August 31, 2018

REVENUE SOURCE	FY 2020 BUDGET	ACTUAL REVENUES THRU AUG 2019	% OF BUDGET	FY 2019 BUDGET	ACTUAL REVENUES THRU AUG 2018	% OF BUDGET	VARIANCE
<b>CHARGE FOR SERVICES</b>							
Concussions	\$ 16,500	\$ 1,500	9.09%	\$ 16,500	\$ 1,500	9.09%	\$ -
Skate Rentals	\$ 7,500	\$ -	0.00%	\$ 5,000	\$ 105		\$ (105)
Pepsi Vending Machines	\$ 3,000	\$ 89	2.97%	\$ 3,000	\$ 242		\$ (153)
Games Vending Machines	\$ 3,000		0.00%	\$ 3,000	\$ 346		\$ (346)
Vending Food	\$ 3,000	\$ 63	2.10%	\$ 3,000	\$ 89		\$ (26)
Sponsorships	\$ 230,000	\$ 44,500	19.35%	\$ 300,000	\$ 51,100	17.03%	\$ (6,600)
Pro Shop	\$ 7,000		0.00%	\$ 8,500		0.00%	\$ -
Programs	\$ 27,500	\$ 1,415	5.15%	\$ 30,000		0.00%	\$ 1,415
Rental Income	\$ 744,000	\$ 74,083	9.96%	\$ 775,000	\$ 32,028	4.13%	\$ 42,055
Camps/Clinics	\$ 50,000	\$ 6,580	13.16%	\$ 50,000	\$ 9,280	18.56%	\$ (2,700)
Tournaments	\$ 55,000	\$ -	0.00%	\$ 50,000	\$ 6,100	12.20%	\$ (6,100)
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 1,146,500</b>	<b>\$ 128,230</b>	<b>11.18%</b>	<b>\$ 1,244,000</b>	<b>\$ 100,790</b>	<b>8.10%</b>	<b>\$ 27,440</b>
<b>INTEREST ON INVESTMENTS</b>	<b>\$ -</b>			<b>\$ -</b>			
<b>GRAND TOTAL REVENUES</b>	<b>\$ 1,146,500</b>	<b>\$ 128,230</b>	<b>11.18%</b>	<b>\$ 1,244,000</b>	<b>\$ 100,790</b>	<b>8.10%</b>	<b>\$ 27,440</b>



**CITY OF AUBURN, MAINE**  
**EXPENDITURES - NORWAY SAVINGS BANK ARENA**  
Through July 31, 2019 compared to July 31, 2018

DESCRIPTION	ACTUAL				ACTUAL			
	FY 2019 BUDGET	EXPENDITURES THRU AUG 2019	% OF BUDGET	FY 2018 BUDGET	EXPENDITURES THRU AUG 2018	% OF BUDGET	VARIANCE	
Salaries & Benefits	\$ 377,000	\$ 41,111	10.90%	\$ 344,000	\$ 63,229	18.38%	\$ (22,118)	
Purchased Services	\$ 62,825	\$ 14,757	23.49%	\$ 71,656	\$ 7,710	10.76%	\$ 7,047	
Supplies	\$ 45,600	\$ 20,713	45.42%	\$ 37,100	\$ 5,568	15.01%	\$ 15,145	
Utilities	\$ 225,000	\$ 26,306	11.69%	\$ 225,150	\$ 21,922	9.74%	\$ 4,384	
Capital Outlay	\$ 25,000	\$ -	0.00%	\$ 103,500	\$ 12,179	11.77%	\$ (12,179)	
Rent	\$ 507,000	\$ 84,414	16.65%	\$ 507,000	\$ 84,414	16.65%	\$ -	
	\$ 1,242,425	\$ 187,301	15.08%	\$ 1,288,406	\$ 195,022	15.14%	\$ (7,721)	
<b>GRAND TOTAL EXPENDITURES</b>	<b>\$ 1,242,425</b>	<b>\$ 187,301</b>	<b>15.08%</b>	<b>\$ 1,288,406</b>	<b>\$ 195,022</b>	<b>15.14%</b>	<b>\$ (7,721)</b>	



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 16, 2019

**Subject:** Executive Session

**Information:** Personnel matter, pursuant to 1 M.R.S.A. Section 405(6) (A).

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

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

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

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

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

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

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

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

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

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

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