



City Council Workshop & Meeting February 6, 2017 Agenda

5:30 P.M. Workshop

- A. Sale of City Owned Property (Downtown District) – Eric Cousens (30 minutes)
- B. Executive Session regarding Economic Development, pursuant to 1 M.R.S.A. §405(6)(C)
- C. Executive Session regarding a personnel matter, pursuant to 1 M.R.S.A. §405(6)(A)

7:00 P.M. City Council Meeting

Roll call votes will begin with Councilor Pross

Pledge of Allegiance

- I. **Consent Items** – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.
 - 1. **Order 06-02062017***
Confirming the award for Legal Services to the Malloy Firm.
- II. **Minutes**
 - January 23, 2017 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Recognition – Ernestine Gilbert
- 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**
 - 1. **Order 88-11212016**
Accepting Cascades Drive as a city street.
- VI. **New Business**

2. Order 07-02062017

Approving the request for a Liquor License (Class III & IV Vinous and Malt) for Mac's Downeast Seafood, located at 894 Minot Avenue.

3. Ordinance 01-02062017

Adopting the Sex Offender Residency Restrictions based on the State of Maine Guidelines. Public hearing and first reading.

VII. Executive Session

- Executive Session regarding Economic Development, pursuant to 1 M.R.S.A. §405(6)(C)
- Executive Session regarding a personnel matter, pursuant to 1 M.R.S.A. §405(6)(D)

VIII. Reports

- a. **Mayor's Report**
- b. **City Councilors' Reports**
- c. **City Manager Report**

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

X. Adjournment

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 2-6-2017

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

Subject: Downtown Target Area City Owned Properties Development Proposal

Information: We have done an initial review of City owned parcels in the Downtown and provided a recommendation that 2 parcels are ready for legal review and consideration as laid out in the draft policy. Staff would like the Council to provide input on the draft RFP format, content and identify any development goals or wishes that should be added. A council decision is required for the acquisition or disposition of real estate. If the draft is found to be acceptable by the Council and there is a desire to market the two parcels we would like to know that and then order a final legal/title review to finalize the RFPs.

The following questions require input from the Council to continue forward:

1. Do you want to adopt a version of the policy proposals considered at the last meeting or just let staff bring the parcels to you for individual consideration?
 2. Does the Council wish to move forward with a final legal review and RFP for the development of 186 Main Street?
 3. Does the Council wish to move forward with a final legal review and RFP for the development of 261 Main Street?
-

Advantages: Move appropriate properties to a taxable status and encourage private investment.

Disadvantages: None:

City Budgetary Impacts: Increased revenues over time.

Staff Recommended Action: Provide input on properties and schedule for a vote.

Previous Meetings and History: 12-19-2016, 1/9/2017 Workshop

Attachments: (coming soon) Draft RFP, Downtown parcels list, map and information for 186 and 261 Main Street.



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: February 6, 2017

Subject: Executive Session

Information: Discussion regarding economic development, pursuant to 1 M.R.S.A. Section 405(6) (C).

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

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

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

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

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

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

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

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

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

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



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: February 6, 2017

Subject: Executive Session

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

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

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

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

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

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

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 02/06/2017

Order: 06-02062017

Author: Derek Boulanger, Facilities Manager/ Purchasing Agent

Subject: Contract Award for Legal Services, Bid # 2017-016

Information: A request for proposals was issued to provide legal services on behalf of the City. Four law firms responded to the RFP. Staff reviewed the competing proposals and recommends The Malloy Firm be awarded a three year contract.

Advantages: A more predictable impact on the budget. A regular presence at City Hall would allow for easier access to staff and City Counsel. The selected firm will serve as chief legal advisor; provide assistance with drafting and reviewing contracts, economic development matters, human resources and personnel issues.

Disadvantages:

City Budgetary Impacts: A flat rate of \$7950.00 per month for 60 hrs of service, including 8hrs per week at City Hall.

Staff Recommended Action: A three year contract be awarded to The Malloy Firm.

Previous Meetings and History:

Attachments:

- Bid Tabulation for Legal Services #2017-016
- Engagement Agreement for Legal Services



Legal Services
 Bid # 2017-016
 January 17, 2017

Skelton, Taintor & Abbott 95 Main St Auburn, ME 04210 207-784-3200		The Malloy Firm 178 Court St, Suite 203 Auburn, ME 04210 207-312-9239		Jensen-Baird Gardner-Henry 10 Free Street Portland, ME 04112 207-775-7271		Brann & Isaacson 184 Main St Lewiston, ME 04240 207-786-3566	
Fee Schedule (1)		Fee Schedule (1)		Fee Schedule (1)		Fee Schedule (1)	
Attorney cost/hourly <i>(Dench and Meader, respectively)</i>	\$265 / \$200	Attorney cost/hourly	\$165	Attorney cost/hourly	\$190	Attorney cost/hourly	\$195
Associate Attorney cost/hourly	\$175	Associate Attorney cost/hourly	\$165	Associate Attorney cost/hourly	\$190	Associate Attorney cost/hourly	\$160
Paralegal cost/hourly	\$85	Paralegal cost/hourly	\$75	Paralegal cost/hourly	\$95	Paralegal cost/hourly	\$100
Clerical cost/hourly	\$0	Clerical cost/hourly	Including in attorney rates	Clerical cost/hourly	N/A	Clerical cost/hourly	N/A
Other Staff cost/hourly	\$0	Other Staff cost/hourly	Including in attorney rates	Other Staff cost/hourly	N/A	Other Staff cost/hourly	N/A
List other staff services and costs not identified above		List other staff services and costs not identified above		List other staff services and costs not identified above		List other staff services and costs not identified above	
Benjamin J Smith	\$200		\$		\$		\$
Theodore Small	\$200		\$		\$		\$
Darcie PL Beaudin	\$225		\$		\$		\$
Rebecca Webber	\$225		\$		\$		\$
Norman J Rattley	\$225		\$		\$		\$
Retainer Fee Required	No		Yes		No		No
Retainer Amount Required			\$10,000				
Fee Schedule (2)		Fee Schedule (2)		Fee Schedule (2)		Fee Schedule (2)	
Flat Rate Monthly (60 hours)	\$10,000	Flat Rate Monthly (60 hours)	\$7,950	Flat Rate Monthly (60 hours)	\$	Flat Rate Monthly (60 hours)	\$
Attorney cost/hourly	See Above	Attorney cost/hourly	\$145	Attorney cost/hourly	\$	Attorney cost/hourly	\$
Associate Attorney cost/hourly	\$	Associate Attorney cost/hourly	\$145	Associate Attorney cost/hourly	\$	Associate Attorney cost/hourly	\$
Paralegal cost/hourly	\$	Paralegal cost/hourly	Included in flat rate	Paralegal cost/hourly	\$	Paralegal cost/hourly	\$
Clerical cost/hourly	\$	Clerical cost/hourly	Included in flat rate	Clerical cost/hourly	\$	Clerical cost/hourly	\$
Other Staff cost/hourly	\$	Other Staff cost/hourly	Included in flat rate	Other Staff cost/hourly	\$	Other Staff cost/hourly	\$
Retainer Fee Required	No		Yes		No		No
Retainer Amount Required			\$7,950.00				



THE MALLOY FIRM

Attorney. Advisor. Advocate.

January 24, 2017

Denis D'Auteuil, Acting City Manager
City of Auburn
60 Court Street
Auburn, ME 04210

**Re: Engagement Agreement for Legal Services
RFP#2017-016**

Dear Denis:

Thank you for selecting The Malloy Firm to provide legal services to the City, as outlined in RFP#2017-016 (the "RFP"). I am pleased to provide this letter of engagement outlining the scope and the conditions of those services. As a City resident, I am excited about the opportunity for my business to contribute to the community in this unique role, and I look forward to serving as City Attorney for the next three years.

This letter of engagement amends and supersedes all prior engagement letters between this Firm and the City. It will be effective as of February 1, 2017, and will continue through January 31, 2020 (the "Term"), unless it is terminated in accordance with the terms and conditions of the RFP, our response to the RFP, or as set forth below.

By signing below and providing a copy of the Council's order, the City Council appoints me as City Attorney for the duration of the Term. This Firm will be the City's primary legal representative, and I will be the City's primary point of contact, on all legal matters referred to us. Our goal will be to improve the City Council and management's regular access to legal counsel on general business, economic development, and governance matters. We will assist with contract drafting and review, human resources issues including personnel policies, and will advise City staff on other general legal matters. This may include: drafting and negotiating tax increment financing agreements, joint development agreements, real estate leases, agreements for the sale of City property, and counseling the HR department on wage and hour, I-9, and personnel management issues.

While we are happy to provide general counsel services to the City, and to be the City's first point of contact for legal advice, we wish to note that there may be areas of concern that require specialized representation, where a professional conflict of interest prevents us from representing the City, under the ethics rules governing lawyers, or where other firms may be more suitable to represent the City on a case by case basis. Areas where specialty counsel may be required might include: tax exempt bond offerings and other public finance matters, and certain litigation matters such as insurance defense including worker's compensation litigation, all of which are excluded from this engagement. In addition, we understand that the Auburn School Department will continue to select its own lawyers. If

the City asks us to provide representation in these areas, we will amend this letter of engagement accordingly.

As explained in our RFP response, our engagement will include the following services and fees:

1. The Firm will maintain office hours within Auburn Hall for a minimum of 8 hours per week, to be scheduled according to business necessity and within the scheduling discretion of the Firm in consultation with the City Manager. The City will provide office space, reasonable secretarial assistance, parking rights, and Internet access during this time. During these office hours, we will be available for meetings with City Councilors, the Mayor, the City Manager and Assistant City Manager, and other staff;
2. If requested by the City Manager, we will meet monthly with him or her to conduct a docket review of all outstanding City legal matters, regardless of whether they are being led by this Firm or by specialty counsel;
3. We will be available to provide training to departmental supervisors on such areas as contract negotiation, HR best practices, and supervisor training; and
4. I will attend City Council meetings at the request of the City Manager or Council, either by telephone or in person, and will be available "on call" for consultations during Council meetings.

The Malloy Firm will provide up to 60 hours of these services per month for a flat monthly fee of **\$7,950** (the "Monthly Retainer Fee"). If the City requires our services for more than 60 hours in any month, we will bill the City on an hourly basis (the "Hourly Fees"). Time will be charged in increments of one-tenth of an hour, rounded off for each activity to the nearest one-tenth of an hour. The hourly rate for attorneys will be **\$145**. While initially I will be the only attorney providing services hereunder, this engagement allows other lawyers from the Firm or contracted by this Firm, to provide such services and to assist me, though I will remain the primary point of contact, and will remain the City Attorney at all times during our engagement. The time of additional attorneys who may join this Firm or be contracted by this Firm, will be charged according to the fee schedule set forth in this letter. In addition to our fees for professional services, we bill for costs at the rate of **3%** of the invoiced amount for legal services. This allows us to avoid having to bill separately for minor expenses such as routine photocopying, credit card processing fees, secure email and document storage costs. Significant out-of-pocket expenses such as filing fees, express courier (e.g. FedEx), and travel outside of the Lewiston-Auburn area, will be billed separately. Whenever practical to do so, we will inform you of these extraordinary costs in advance, and will request that the City pre-pay them.

We will bill the City monthly for the prior month's Monthly Retainer Fee, and any additional costs or fees. All invoices will be sent to you via electronic mail only. If you have any questions about an invoice, please let me know promptly. Unless specific arrangements have been made, payment on all invoices will be due within **21** days of the date on our invoice, and a late fee of **1½%** per month may be assessed on overdue amounts. We reserve the right to terminate our relationship with the City if it does not pay for the services we have provided, if the City fails to provide us with the information that we

Denis D'Auteuil
January 24, 2017
Page 3

reasonably require to provide services, or as otherwise permitted by the Maine Rules of Professional Conduct, which govern lawyers in our state. We will not terminate our relationship without first trying to discuss and resolve the matter with you. We also ask that the City agree that any dispute arising out of this agreement, or the services rendered under it, shall be subject to binding arbitration, including fee arbitration under the Maine Rules of Professional Conduct, if applicable.

To confirm our understanding, I ask that you sign and return the enclosed copy of this letter to me, along with a check payable to The Malloy Firm in the amount of **\$7,950** (the "Retainer"), and a copy of the **City Council Order selecting this Firm, and appointing me as City Attorney for the term of February 1, 2017-January 31, 2020**. We will treat the Retainer as a deposit to be applied to the City's final invoice, and will hold it in our client trust account. You will receive interim bills monthly, which we request that you pay as you receive them. If you fail to pay an interim invoice as required, we may apply the Retainer to the outstanding balance, and the City may be required to replenish it and pay any remaining charges, before we will resume work. If at the termination of our engagement, the amount we are holding in Retainer for you exceeds the total amount that the City owes for costs and professional services, we will refund the difference to the City within 30 days of the end of our engagement.

If you have questions or concerns, please call me so that we can discuss them. I look forward to continuing our relationship, and thank you for the privilege of serving the City of Auburn.

Sincerely,



Michael S. Malloy

Agreed and Accepted:

CITY OF AUBURN, MAINE

By: Denis D'Auteuil
Its Acting City Manager

Dated: _____

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER: 06-02062017

ORDERED, that the City Council hereby authorizes the Acting City Manager to execute a contract with The Malloy Firm to provide legal services for the City of Auburn on a contract basis for 3 years beginning February 7th, 2017.

IN COUNCIL REGULAR MEETING JANUARY 23, 2017 VOL. 35 PAGE 4

Mayor LaBonté called the meeting to order at 7:11 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. Consent Items

1. Order 04-01232017*

Confirming Chief Crowell's Appointments of Constables without firearms for the Auburn Police Department and Constable Process Servers without firearms within the City of Auburn.

Motion was made by Councilor Titus and seconded by Councilor Stone for passage.
Passage 6-0.

II. Minutes

- January 9, 2017 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Titus to approve the minutes of the January 9, 2017 Regular Council Meeting as presented. Passage 5-0-1 (Councilor Burns abstained as he was not present at the January 9, 2017 meeting .

III. Communications, Presentations and Recognitions

- CALEA Accreditation

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*.

No one from the public spoke.

V. Unfinished Business

VI. New Business

2. Order 05-01232017

Adopting the Tax Acquired Property Policy as amended.

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

Public comment – no one from the public spoke.

Passage 6-0.

VII. Executive Session

- Discussion regarding an economic development matter, pursuant to 1 M.R.S.A. §405(6)(C).

IN COUNCIL REGULAR MEETING JANUARY 23, 2017 VOL. 35 PAGE 5

Motion was made by Councilor Titus and seconded by Councilor Walker for passage. Passage 6-0. Time in 7:23 PM.

Council was declared out of executive session at 7:37 PM.

- Discussion regarding a real estate matter, pursuant to 1 M.R.S.A. §405(6)(C).

Motion was made by Councilor Stone and seconded by Councilor Pross for passage. Passage 4-0-2 (Councilors Walker and Young were not in the room for the vote). Time in 7:38 PM.

Council was declared out of executive session at 8:02 PM.

- Discussion regarding a personnel matter, pursuant to 1 M.R.S.A. §405(6)(A).

Motion was made by Councilor Pross and seconded by Councilor Burns for passage. Passage 5-0-1 (Councilor Walker was not in the room for the vote). Time in 8:03 PM. Council was declared out of executive session at 8:57 PM.

VIII. Reports

- A. Mayor's Report** – the Mayor provided an update on the status of the St. Louis Bells. He also reported on the Maine Real Estate Development Association's Annual Forecast Conference that he attended last week.

B. City Councilors' Reports

Councilor Young – no report.

Councilor Pross – reminded residents that on January 27, 2017 at 4:00 PM the Lake Auburn Watershed Protection will be holding a ribbon cutting at the North Gate of the Whitman Spring Road to highlight some trail enhancements they've been working on. He added that later at Lost Valley there will be sledding and a bon fire, it is a kid friendly event and he invited the public to attend the event.

Councilor Stone – reported that the LA Passenger Rail Study Committee has been formed and will be meeting next Monday for the first time under the direction of Patricia Quinn, Executive Director of the Northern New England Passenger Rail Committee.

Councilor Titus – reported on the Water and Sewerage District meetings that were held last week.

Councilor Walker – reported that the United New Auburn Association will be meeting next Tuesday to talk about what they would like to do with the St. Louis bells. He noted that he attended the Water District meeting and commented on the rate increase that will be going into effect.

IN COUNCIL REGULAR MEETING JANUARY 23, 2017 VOL. 35 PAGE 6

Councilor Burns – reported that the ELHS Building Committee will be held tomorrow night at 6PM (if the weather holds out). The meeting is open to the public. He also wanted to remind residents that the City of Auburn has several openings on various boards and committees. Applications are being accepted until 1/27/17.

C. City Manager Report – provided a quick update on city owned properties. He is recommending that staff complete the downtown district properties and present at the 2/6/17 meeting. The bids for a city attorney just closed, they will be awarding it to the Malloy Firm. Council confirmation will be on the consent agenda 2/6/2017. He also handed out a draft budget schedule. He added that he will be looking into bringing in additional support while we go through the budget process so we can also keep other projects moving forward. He also provided a reminder to residents on the Winter Festival that is coming up this weekend.

D. Finance Director, Jill Eastman – December 2016 Monthly Finance Report

Motion was made by Councilor Pross and seconded by Councilor Stone to accept and place on file the December 2016 Monthly Finance Report. Passage 6-0.

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

Joe Gray, Sopers Mill Road petition on water rate increase.

X. Adjournment

Motion was made by Councilor Walker and seconded by Councilor Stone to adjourn. Passage 6-0, time 9:25 PM.

A True Copy.

ATTEST 
Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Committee Meeting Date: February 6, 2017

Order: 88-11212016

Author: Gary Johnson

Subject: Cascades Drive – Street Acceptance

Information: The Auburn Business Development Corporation has submitted a petition requesting the acceptance of Cascades Drive as a city street. Cascades Drive is located off the southeasterly side of the Lewiston Junction Rd, approximately five hundred (500) feet easterly of the Auburn/Poland municipal boundary, and extends southerly and southeasterly for approximately 3400 feet. The street is a commercial/industrial designed street constructed to the standards as required by City of Auburn Ordinances, Chapter 46, Article V. - Design and Construction Standards, with a seventy-five (75.00) foot wide right of way. It is currently constructed 3100 feet in length, with a hammerhead turnaround. The street is laid out and dedicated for public use on the plan of the "Auburn Industrial Subdivision," as approved by the Auburn Planning Board on June 10, 2016 and recorded at the Androscoggin County Registry of Deeds in Plan Book 51, Pages 110,111,and 112.

Advantages: Provides access and required frontage to several commercial/industrial lots.

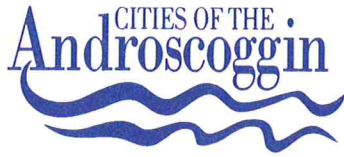
Disadvantages: Additional street infrastructure to maintain.

City Budgetary Impacts: Additional 0.6 miles of street infrastructure to maintain.

Staff Recommended Action: Approve the request to accept Cascades Drive.

Previous Meetings and History: Postponed at the 11/21/2016 Council meeting

Attachments: Cover Letter and Petition to Accept
Auburn Industrial Park Subdivision
Sketch Plan – Cascades Drive



AUBURN BUSINESS DEVELOPMENT CORP.

Post Office Box 642, Auburn, Maine 04212-0642

Tel: (207)784-0161

Fax: (207)786-4412

E-Mail: laegc@economicgrowth.org

September 15, 2016

Ms. Susan Clements-Dallaire
City Clerk
City of Auburn, ME
60 Court St.
Auburn, ME 04210

Re: City Acceptance of Cascades Drive

Dear Ms. Clements-Dallaire,

Attached please find our petition for the City of Auburn to accept Cascades Drive at the Auburn Enterprise Center as a public street. We respectfully request that you place this item on the City Council's meeting agenda at your earliest convenience.

If we need to provide any other materials to support this request, please let me know. Thank you for your assistance in this matter.

Sincerely,

Peter Murphy
President, Board of Directors
Auburn Business Development Corporation
207-784-0161



PETITION TO ACCEPT CASCADES DRIVE AS A PUBLIC STREET

September 15, 2016

To the Honorable Mayor and City Council:

The undersigned petitioner(s) respectfully request that Cascades Drive be accepted as a public street in the City of Auburn and present and state as follows:

That Cascades Drive is laid out and dedicated for public use on the plan of the Auburn Enterprise Center Subdivision – as approved by the City of Auburn Planning Board on June 10, 2016 and recorded at the Androscoggin County Registry of Deeds in Plan Book 51, Pages 110, 111 and 112, and;

That Cascades Drive has been constructed to the standards as required by the City of Auburn Ordinances, Chapter 46, Article V – Design and Construction Standards.

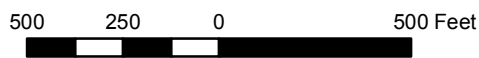
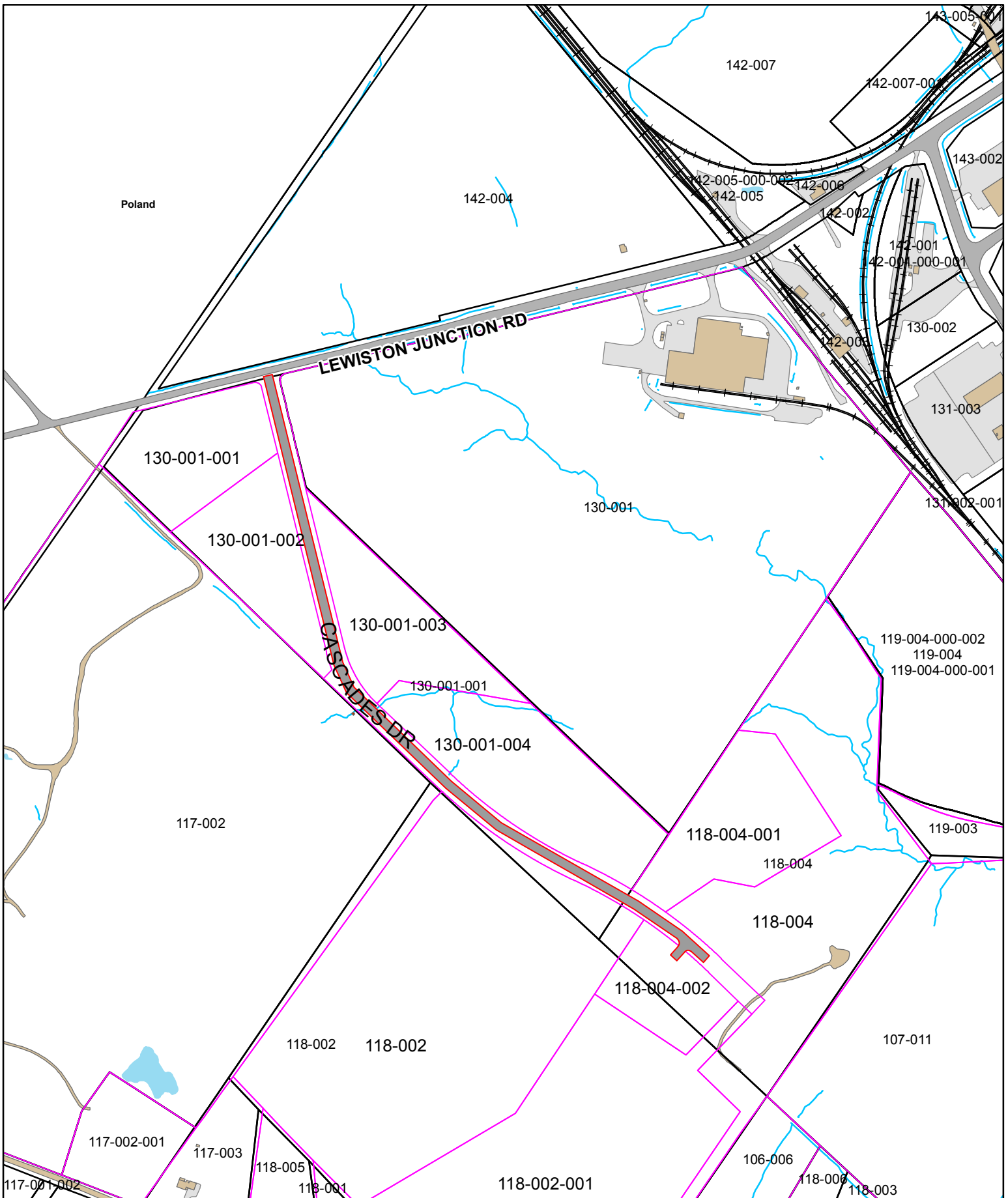
Description of street to be accepted:

Cascades Drive is located off the southeasterly side of the Lewiston Junction Rd, approximately five hundred (500) feet easterly of the Auburn/Poland municipal boundary, and extends southerly and southeasterly for approximately 3400 feet. The street is a commercial/industrial designed street constructed to the standards as required by City of Auburn Ordinances, Chapter 46, Article V. - Design and Construction Standards, with a seventy-five (75.00) foot wide right of way. It is currently constructed 3100 feet in length, with a hammerhead turnaround. The street is laid out and dedicated for public use on the plan of the "Auburn Industrial Subdivision," as approved by the Auburn Planning Board on June 10, 2016 and recorded at the Androscoggin County Registry of Deeds in Plan Book 51, Pages 110,111,and 112.

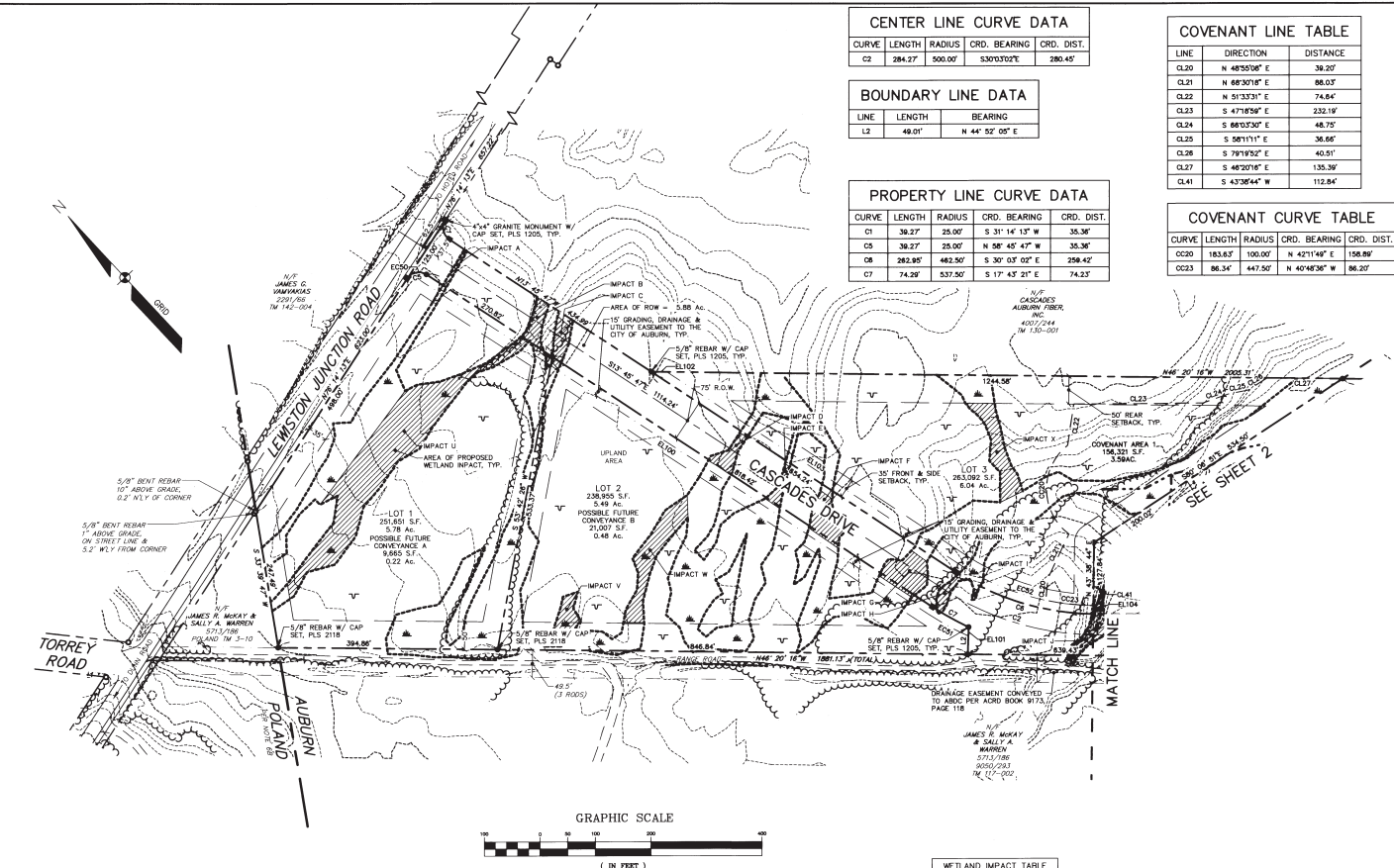


Peter Murphy
President, Board of Directors
Auburn Business Development Corporation

CASCADES DRIVE



1 inch = 500 feet



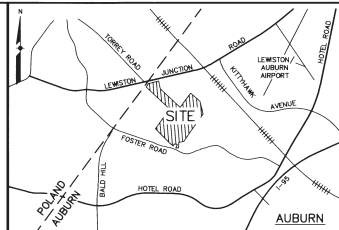
CENTER LINE CURVE DATA				
CURVE	LENGTH	RADIUS	CRD. BEARING	CRD. DIST.
C2	284.27	500.00'	S30°03'02" E	280.45'

BOUNDARY LINE DATA		
LINE	LENGTH	BEARING
L2	49.01'	N 44° 52' 05" E

PROPERTY LINE CURVE DATA				
CURVE	LENGTH	RADIUS	CRD. BEARING	CRD. DIST.
C1	38.27'	25.00'	S 31° 14' 15" W	35.36'
C3	38.27'	25.00'	N 58° 45' 47" W	35.36'
C8	282.85'	482.50'	S 30° 03' 02" E	258.42'
C7	74.29'	537.50'	S 17° 43' 21" E	74.23'

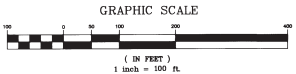
COVENANT LINE TABLE			
LINE	DIRECTION	DISTANCE	
CL20	N 48°50'18" E	39.20'	
CL21	N 68°30'18" E	88.03'	
CL22	N 51°33'31" E	74.64'	
CL23	S 47°18'56" E	232.18'	
CL24	S 66°03'30" E	48.75'	
CL25	S 58°11'11" E	36.66'	
CL26	S 79°19'52" E	40.51'	
CL27	S 48°20'18" E	135.38'	
CL41	S 43°38'44" W	112.94'	

COVENANT CURVE TABLE				
CURVE	LENGTH	RADIUS	CRD. BEARING	CRD. DIST.
CC20	183.83'	100.00'	N 42°11'48" E	158.89'
CC23	86.34'	447.50'	N 40°48'36" W	86.20'



GENERAL NOTES:

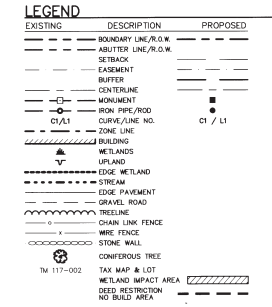
- THE RECORD OWNER OF THE LOCUS PROPERTIES ARE AS FOLLOWS (ALL BOOK AND PAGE NUMBERS REFER TO THE ANDROSCOGG COUNTY REGISTRY OF DEEDS, A.C.R.D.):
 AUBURN BUSINESS DEVELOPMENT CORPORATION (ABDC) PER DEED DATED APRIL 4, 2004 FROM EDWARD J. LAMONTAGNE AND RECORDED IN BOOK 2384, PAGE 211.
 AUBURN BUSINESS DEVELOPMENT CORPORATION FOR DEED DATED MAY 3, 2004 FROM ARNOLD R. LEMMA, LAPONTE RECORDED IN BOOK 5990, PAGE 152.
 AUBURN BUSINESS DEVELOPMENT CORPORATION FOR DEED DATED NOVEMBER 10, 2011 FROM KITTITANK DEVELOPMENT CORP. RECORDED IN BOOK 6279, PAGE 113.
- THE PROPERTY IS SHOWN AS LOT 4 ON THE CITY OF AUBURN ASSESSORS MAP 118, LOT 2 ON THE CITY OF AUBURN ASSESSORS MAP 118, A PORTION OF LOT 4 ON THE CITY OF AUBURN ASSESSORS MAP 130 AND AS PROPOSED, AND SHOWN HEREIN, A PORTION OF LOT 2 ON THE CITY OF AUBURN ASSESSORS MAP 117.
- THE SURVEYED PARCEL IS LOCATED WITHIN THE INDUSTRIAL ZONE AND THE LOW DENSITY COUNTRY RESIDENTIAL ZONE.
- THE TOTAL DEVELOPMENT AREA IS 88.85 AC.; (NOT INCLUDING THE AREAS SHOWN HEREON AS SUBJECT TO FUTURE CONVEYANCE).
- BOUNDARY INFORMATION SHOWN HEREON IS BASED ON FIELD SURVEYS BY SEBAGO TECHNICS (TECHNICAL SERVICES PRIOR TO 2007) FROM APRIL 2008 THROUGH MARCH 2010.
- PLAN REFERENCES:
 A) STANDARD BOUNDARY SURVEY - LAPONTE, DATED SEPTEMBER 21, 1996, PREPARED BY SURVEY WORKS, INC. AND RECORDED AT SAID REGISTRY IN PLAN BOOK 36, PAGE 27.
 B) AUBURN BUSINESS DEVELOPMENT CORPORATION - LAND TITLE SURVEY, DATED MARCH 8, 1994, RECORDED AT SAID REGISTRY IN PLAN BOOK 37, PAGE 130.
 C) STANDARD BOUNDARY SURVEY - SUBDIVISION OF WINDY HOLLOW, DATED OCTOBER 10, 2000, PREPARED BY CALLENDER LAND SURVEYING (UNRECORDED).
 D) STATE OF MAINE - 1872 - AUBURN INDUSTRIAL MAP, DATED JANUARY 1985, RECORDED AT SAID REGISTRY IN PLAN BOOK 33, PAGE 130.
 E) WINDY HOLLOW 2 OF 2 - AUBURN INDUSTRIAL MAP, DATED AUGUST 1984, RECORDED AT SAID REGISTRY IN PLAN BOOK 34, PAGE 49.
 F) RIGHT OF WAY AND TRUCK MOUNTED ATLANTIC & ST. LAWRENCE R.R., SHEET 14 OF 45, REVISED SEPTEMBER 1, 1924 (UNRECORDED).
 G) LAND TITLE SURVEY - GEORGIN WAREHOUSE PARCEL, DATED OCTOBER 2006 AND RECORDED THROUGH OCTOBER 23, 2006, PREPARED BY TECHNICAL SERVICES, INC. RECORDED AT SAID REGISTRY IN PLAN BOOK 6026, PAGE 118.
 H) "PLANNED UNIT DEVELOPMENT - INDUSTRIAL - GEORGIN DISTRIBUTION CENTER," DATED NOVEMBER 2008 AND REVISED THROUGH NOVEMBER 18, 2008, PREPARED BY SEBAGO TECHNICS, INC. RECORDED AT SAID REGISTRY IN PLAN BOOK 47, PAGE 73.
 I) "PLANNED UNIT DEVELOPMENT - INDUSTRIAL - GEORGIN DISTRIBUTION CENTER," DATED NOVEMBER 2008 AND REVISED THROUGH NOVEMBER 18, 2008, PREPARED BY SEBAGO TECHNICS, INC. RECORDED AT SAID REGISTRY IN PLAN BOOK 47, PAGE 73.
- THE BASIS OF BEARING OF THE LOCUS PROPERTIES IS GRID NORTH, STATE OF MAINE WEST 2 ZONE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83).
- "FOSTER ROAD" AS SHOWN IS 3 RIGGS (49.5') WIDE BASED ON SURVEY PLANS OF ADJUTING PARCELS (SEE NOTES 6A AND 6C) AND LOCAL EVIDENCE FOUND. IT HAS BEEN DETERMINED, THROUGH LITIGATION, THAT THERE HAVE BEEN A TRUCK ROAD ON PUBLIC WAY AND IS CONSIDERED TO BE AN EASEMENT TO BE TERMINATED. REFERENCE IS MADE TO MAINE SUPREME COURT DECISION BOOK 6026, PAGE 118, 1983. LAW OFFICE OF JAMES R. MURRAY AS WELL AS BOUNDARY LINE AGREEMENTS BETWEEN ABDC AND DANA FINMAN, JR., RECORDED AT THE ACRD IN BOOK 9000, PAGE 293, AND LEO C. & CAROLYN M. BRETTE WITH A RELEASE OF EASEMENT RIGHTS BETWEEN ABDC AND JAY F. WORBEL, RECORDED AT THE ACRD IN BOOK 9000, PAGE 289 AND AN AFFIDAVIT OF DAVID C. PERSON RECORDED AT THE ACRD IN BOOK 9005, PAGE 283.
- FOSTER ROAD AS SHOWN IS 3 RIGGS (49.5') WIDE BASED ON SURVEY PLANS OF ADJUTING PARCELS (SEE NOTE 6C) AND LOCAL EVIDENCE FOUND. NO RECORDED ACCEPTANCE AND/OR DESCRIPTION DEFINING THE LOCATION OF FOSTER ROAD WAS FOUND.
- THE PARCEL IS NOT LOCATED WITHIN A 100-YEAR FLOOD HAZARD AREA, USING SCALING METHODS, AS INDICATED ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 230091 9009 C AND 230091 0012 C DATED OCTOBER 18, 1995.
- WETLANDS WERE DELINEATED AND LOCATED (USING A GPS RECEIVER) BY JONES ASSOCIATES, INC. IN 2004 AND UPDATED THROUGH JANUARY 2010. STREAM LOCATIONS OUTSIDE THE LIMITS FIELD SURVEYED AS REFERENCED IN NOTE 5 WERE LOCATED BY JONES ASSOCIATES, INC.
- THE LOCATION, DEPTH, SIZE AND EXISTENCE OF ALL UNDERGROUND UTILITY LINES, TANKS AND/OR STRUCTURES WERE NOT DETERMINED BY THIS SURVEY.
- THE LOCATION OF SOME IMPROVEMENTS ON ADJUTING PROPERTIES (PAVEMENT, BUILDINGS, ETC) WAS TAKEN FROM DIGITAL MAPPING PREPARED FOR THE CITY OF AUBURN.
- LEWISTON JUNCTION ROAD AS SHOWN IS 4 RIGGS (66') WIDE BASED ON THE PLAN REFERENCED IN NOTE 5.
- LOT B HAS 182.00' OF ROAD FRONTAGE ON FOSTER ROAD WHICH MEETS THE MINIMUM FRONTAGE REQUIREMENT OF 150.00' FOR THE INDUSTRIAL ZONE.
- THE EXTERNAL BOUNDARY LINE AS SHOWN ON THIS PLAN SET HAS BEEN AGREED UPON BY AUBURN BUSINESS DEVELOPMENT CORPORATION AND DANA FINMAN, JR. WITH A BOUNDARY LINE AGREEMENT RECORDED AT THE ACRD IN BOOK 9000, PAGE 297, AND JAMES C. & SALLY A. MURRAY WITH A BOUNDARY LINE AGREEMENT RECORDED AT THE ACRD IN BOOK 9000, PAGE 293, AND LEO C. & CAROLYN M. BRETTE WITH A BOUNDARY LINE AGREEMENT RECORDED AT THE ACRD IN BOOK 9000, PAGE 111. REFERENCE IS ALSO MADE TO AN AFFIDAVIT OF DAVID C. PERSON RECORDED AT THE ACRD IN BOOK 9005, PAGE 283.
- WETLAND IMPACTS "X" THROUGH "Y" SHALL BE FILLED WITH SUITABLE SOILS TO AN ELEVATION OF 1.0 FEET ABOVE ADJUTING WETLANDS AND IN A MANNER TO FACILITATE SHEET FLOW OFF THE FILL AREA AND TO PREVENT POOLING OF WATER IN THE FILL AREA.
- THE AUBURN INDUSTRIAL SUBDIVISION WAS APPROVED, IN PART, WITH FUNDING FROM THE UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION (EDA), UNITED STATES DEPARTMENT OF COMMERCE. EDA PROJECT NUMBER 20-14175 AND LOTS 1 AND 1-B AND CASCADES DRIVE MAY ONLY BE CONVEYED SUBJECT TO THE RESTRICTIONS IN FAVOR OF EDA STATED IN THE TABLES OF COVENANTS - 50A RESTRICTIONS, TO BE RECORDED, BY AUBURN BUSINESS DEVELOPMENT CORPORATION.



WETLAND IMPACT TABLE	
IMPACT	AREA
A	496 S.F.±
B	2,281 S.F.±
C	1,947 S.F.±
D	1,873 S.F.±
E	1,062 S.F.±
F	3,086 S.F.±
G	4,475 S.F.±
H	1,188 S.F.±
I	132 S.F.±
J	2,365 S.F.±
U	29,484 S.F.±
V	3,012 S.F.±
W	7,246 S.F.±
X	8,457 S.F.±

EASEMENT LINE TABLE			
LINE	DIRECTION	DISTANCE	
EL100	N 13°45'47" W	118.215'	
EL101	S 44°52'07" E	16.30'	
EL102	S 48°20'18" E	23.86'	
EL103	S 13°45'47" E	630.77'	
EL104	N 43°38'44" E	15.00'	

EASEMENT CURVE TABLE				
CURVE	LENGTH	RADIUS	CRD. BEARING	CRD. DIST.
EC50	28.88'	25.00'	N 48°58'27" W	27.36'
EC51	82.85'	552.50'	S 16°03'33" E	82.77'
EC52	254.42'	447.50'	S 30°03'01" E	251.00'



APPROVAL

APPROVED BY THE CITY OF AUBURN PLANNING BOARD
 CHAIRMAN: *Alexis Kelly* 6/10/16
 CITY CLERK: *Alexis Kelly* 6/10/16

STATE OF MAINE

ANDROSCOGG COUNTY SS REGISTRY OF DEEDS
 RECORDED IN BOOK 51, PAGE 118
 AT 12:05-12 AND RECORDED IN PLAN BOOK 51, PAGE 118
 ATTEST: _____ REGISTRAR

CHARLES L. BROWN, JR., P.E. 300

SEBAGO TECHNICS, INC.
 14 MAIN STREET, SUITE 201
 LEWISTON, MAINE 04240
 WWW.SEBAGO-TECHNICS.COM
 603.685.2222

PROJECT NO. FIELD BOOK: _____ DESIGN: _____ CHAD: _____ DRAWN: _____
 07/05 ELEC. CCB DAM CCB BRK

FOR RECORDED OWNER:
AUBURN BUSINESS DEVELOPMENT CORP.
 1000 FOSTER ROAD
 LEWISTON, MAINE 04240-1108

DATE: _____ SCALE: 1" = 100'
 SHEET 1 OF 3

LINE	LENGTH	BEARING
EL10	75.00'	N 39° 50' 48" E
EL11	75.00'	N 50° 09' 12" W
EL12	75.00'	S 39° 50' 48" W
EL105	79.56'	N 46° 20' 16" W
EL106	18.05'	N 9° 53' 09" E
EL107	86.59'	S 46° 20' 16" E
EL108	20.57'	N 53° 54' 00" E
EL109	13.37'	S 49° 24' 50" E
EL110	22.37'	S 14° 16' 30" W
EL111	239.92'	S 46° 04' 12" E
EL112	15.00'	S 43° 55' 48" W
EL113	15.00'	S 43° 55' 48" W
EL114	239.92'	N 46° 04' 12" W
EL115	17.21'	S 88° 05' 35" W
EL116	16.21'	S 52° 39' 44" E
EL117	17.90'	N 1° 18' 39" E
EL118	15.00'	N 43° 11' 00" E
EL119	326.10'	N 46° 20' 16" W

CURVE	LENGTH	RADIUS	CRD. BEARING	CRD. DIST.
EC33	636.80'	1947.50'	S 55°42'22" E	634.02'
EC34	549.58'	2052.50'	N 57°24'12" W	547.94'
EC35	103.18'	2052.50'	S 47°30'37" E	103.17'
EC36	675.81'	2037.50'	N 55°34'20" W	672.71'
EC37	30.29'	1947.50'	S 48°30'56" E	30.29'
EC38	575.43'	1947.50'	N 56°36'34" W	573.34'
EC39	650.93'	1962.50'	S 55°34'20" E	647.95'

EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE W/O.W.	---
---	ALTER LINE W/O.W.	---
---	SETBACK	---
---	EASEMENT	---
---	BUFFER	---
---	CENTERLINE	---
---	MONUMENT	---
---	IRON PIPE ROAD	---
---	CHAIN/LINE NO.	---
---	ZONE LINE	---
---	BUILDING	---
---	WETLANDS	---
---	UPLAND	---
---	EDGE WETLAND	---
---	STREAM	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	TREELINE	---
---	CHAIN LINK FENCE	---
---	WIRE FENCE	---
---	STONE WALL	---
---	CONIFEROUS TREE	---
---	TAX MAP & LOT	---
---	WETLAND IMPACT AREA	---
---	DEED RESTRICTION	---

IMPACT	AREA
J	2,585 S.F.±
K	920 S.F.±
L	3,702 S.F.±
M	4,283 S.F.±
N	1,488 S.F.±
O	9,068 S.F.±
P	124 S.F.±
Q	2,176 S.F.±
R	580 S.F.±
S	321 S.F.±
T	50 S.F.±
U	3,629 S.F.±
Z	3,442 S.F.±
AA	549 S.F.±
BB	4,355 S.F.±
CC	3,391 S.F.±

GENERAL NOTES:
SEE SHEET 3 OF 12

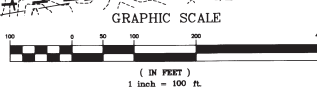
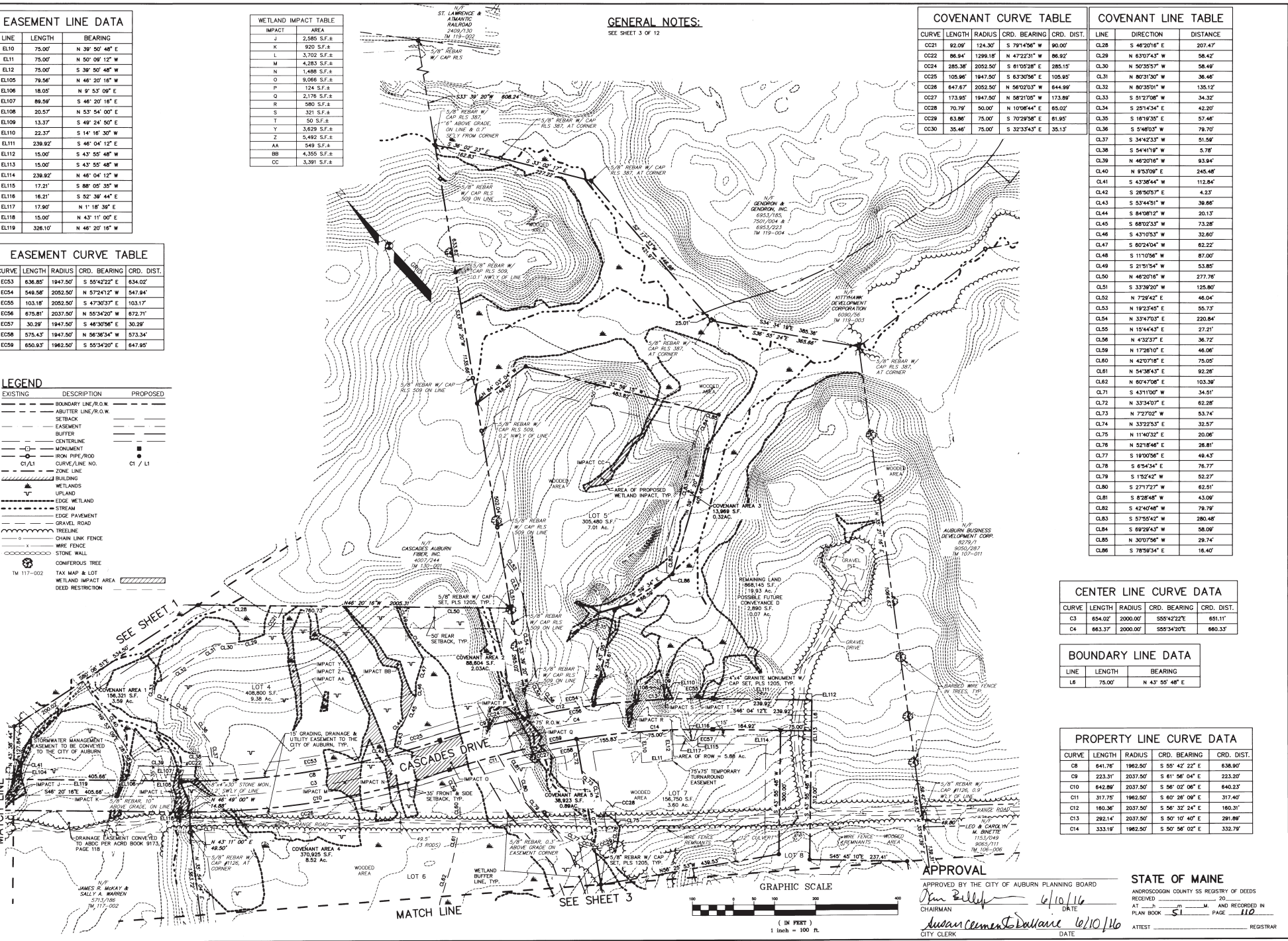
CURVE	LENGTH	RADIUS	CRD. BEARING	CRD. DIST.
CC21	92.00'	124.30'	S 79°14'56" W	90.00'
CC22	86.94'	1299.18'	N 47°22'31" W	86.92'
CC24	285.38'	2052.50'	S 61°05'28" E	285.15'
CC25	105.86'	1947.50'	S 63°30'56" E	105.95'
CC26	647.67'	2052.50'	N 56°20'03" W	644.99'
CC27	173.95'	1947.50'	N 58°21'05" W	173.89'
CC28	70.79'	50.00'	N 10°04'44" E	65.02'
CC29	63.86'	75.00'	S 70°29'58" E	61.95'
CC30	35.46'	75.00'	S 32°33'43" E	35.13'

LINE	DIRECTION	DISTANCE
CL28	S 46°20'16" E	207.47'
CL29	N 63°07'43" W	58.42'
CL30	N 50°35'57" W	58.49'
CL31	N 60°31'30" W	36.46'
CL32	N 60°35'01" W	135.12'
CL33	S 51°27'08" W	34.32'
CL34	S 251°43'44" E	42.20'
CL35	S 16°19'55" E	57.46'
CL36	S 5°48'03" W	79.70'
CL37	S 34°42'33" W	51.59'
CL38	S 54°41'19" W	5.78'
CL39	N 46°20'16" W	93.94'
CL40	N 9°53'09" E	245.48'
CL41	S 43°38'44" W	112.84'
CL42	S 28°50'57" E	4.23'
CL43	S 53°44'51" W	39.66'
CL44	S 84°08'21" W	20.13'
CL45	S 68°02'35" W	73.28'
CL46	S 43°05'53" W	32.60'
CL47	S 60°24'04" W	62.22'
CL48	S 11°05'56" W	87.00'
CL49	S 21°51'54" W	53.85'
CL50	N 46°20'16" W	277.76'
CL51	S 33°39'20" W	125.80'
CL52	N 72°42'2" E	46.04'
CL53	N 19°23'45" E	55.73'
CL54	N 33°47'03" E	220.84'
CL55	N 15°44'43" E	27.21'
CL56	N 4°32'37" E	36.72'
CL59	N 17°26'10" E	46.06'
CL60	N 42°07'18" E	75.05'
CL61	N 54°38'43" E	92.28'
CL62	N 60°47'08" E	103.39'
CL71	S 43°11'00" W	34.51'
CL72	N 33°34'07" E	62.28'
CL73	N 72°70'27" W	53.74'
CL74	N 33°22'33" E	32.57'
CL75	N 11°40'52" E	20.06'
CL76	N 52°18'48" E	28.81'
CL77	S 18°03'58" E	48.43'
CL78	S 8°54'54" E	78.77'
CL79	S 13°52'47" W	52.27'
CL80	S 27°17'17" W	62.51'
CL81	S 8°28'45" W	43.09'
CL82	S 42°45'48" W	79.79'
CL83	S 57°35'42" W	280.48'
CL84	S 69°29'43" W	58.09'
CL85	N 30°07'54" W	29.74'
CL86	S 78°59'34" E	16.40'

CURVE	LENGTH	RADIUS	CRD. BEARING	CRD. DIST.
C3	654.02'	2000.00'	S55°42'22" E	651.11'
C4	663.37'	2000.00'	S55°34'20" E	660.33'

LINE	LENGTH	BEARING
L6	75.00'	N 43° 55' 48" E

CURVE	LENGTH	RADIUS	CRD. BEARING	CRD. DIST.
C8	641.76'	1962.50'	S 55° 42' 22" E	638.90'
C9	223.31'	2037.50'	S 61° 56' 04" E	223.20'
C10	642.89'	2037.50'	S 56° 02' 06" E	640.23'
C11	317.75'	1962.50'	S 60° 28' 09" E	317.40'
C12	160.36'	2037.50'	S 56° 32' 24" E	160.31'
C13	292.14'	2037.50'	S 50° 10' 40" E	291.89'
C14	333.19'	1962.50'	S 50° 56' 02" E	332.79'



APPROVAL

APPROVED BY THE CITY OF AUBURN PLANNING BOARD
 RECEIVED 20
 AT _____ M. AND RECORDED IN
 PLAN BOOK 51 PAGE 110
 CHAIRMAN: *Don Bellis* 6/10/16
 CITY CLERK: *Susan Cement Dallaire* 6/10/16

STATE OF MAINE

ANDROSCOGG COUNTY SS REGISTRY OF DEEDS
 RECEIVED 20
 AT _____ M. AND RECORDED IN
 PLAN BOOK 51 PAGE 110
 ATTEST _____ REGISTRAR



REVISIONS REVIEW COMMENTS
 04-26-16 E CCB 03-26-16 ISSUED TO CITY FOR REVIEW
 05-25-16 D CCB 05-25-16 REVISED FOR REVIEW
 06-25-13 C CCB 06-25-13 REVISED FOR BID DOCUMENTS
 12-06-12 A CCB 12-06-12 ISSUED FOR APPROVAL
 DATE: _____ STATUS: _____

THIS PLAN SHALL NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNOLOGIES, INC. ANY ALTERATIONS AUTHORIZED OR OTHERWISE SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNOLOGIES, INC.
 WWW.SEBAGO.COM
 SEBAGO TECHNOLOGIES, INC.
 75 South Main Street, Suite 100
 Lewiston, ME 04203
 TEL: 207-252-2000
 FAX: 207-252-2000
 PROJECT NO. _____ DESIGN NO. _____ DRAWING NO. _____

07/25/16.mwg 746-59-2
 SUBDIVISION PLAN
 OF:
 AUBURN INDUSTRIAL SUBDIVISION
 AUBURN PLANNING BOARD
 FOR RECORD OWNER:
 AUBURN BUSINESS DEVELOPMENT CORP.
 415 LIBBON STREET, P.O. BOX 1188
 LEWISTON, MAINE 04203-0188
 DATE: _____ SCALE: _____
 12-05-12 1" = 100'
 SHEET 2 OF 3

GENERAL NOTES:
SEE SHEET 3 OF 12



COVENANT LINE TABLE

LINE	DIRECTION	DISTANCE
CL83	N 52°27'22" E	144.72
CL84	N 68°19'50" E	135.54
CL85	N 88°34'50" E	190.79
CL86	S 76°56'52" E	120.38
CL87	S 62°35'53" E	93.87
CL88	S 72°56'00" E	55.47
CL89	N 85°54'00" E	78.90
CL70	S 35°54'00" W	741.50

WETLAND IMPACT TABLE

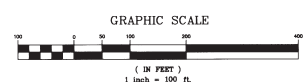
IMPACT	AREA
DD	85,020 S.F.A.
EE	18,048 S.F.A.
GG	4,208 S.F.A.
HH	9,514 S.F.A.
II	2,587 S.F.A.
JJ	52,927 S.F.A.

LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE, R/O, W.	---
---	ADJUTER LINE, R/O, W.	---
---	SETBACK	---
---	EASEMENT	---
---	BUFFER	---
---	CENTERLINE	---
---	MONUMENT	---
---	IRON PIPE/POD	---
---	CURVE/LINE NO.	---
---	ZONE LINE	---
---	BUILDING	---
---	WETLANDS	---
---	UPLAND	---
---	EDGE WETLAND	---
---	STREAM	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	TREELINE	---
---	CHAIN LINK FENCE	---
---	WIRE FENCE	---
---	STONE WALL	---
---	CONIFEROUS TREE	---
---	TAX MAP & LOT	---
---	WETLAND IMPACT AREA	---
---	DEED RESTRICTION	---
---	NO BUILD AREA	---

PROPERTY LINE TABLE

LINE	LENGTH	BEARING
L1	45.00'	S 52° 42' 18" W



APPROVAL
 APPROVED BY THE CITY OF AUBURN PLANNING BOARD
 RECEIVED _____ 20____
 AT _____ M. AND RECORDED IN
 PLAN BOOK _____ PAGE 110
 FOR RECORD OWNER: _____
 CHAIRMAN _____ DATE _____ ATTEST _____ REGISTRAR _____

STATE OF MAINE
 ANDROSCOGGIN COUNTY SS REGISTRY OF DEEDS
 RECEIVED _____ 20____
 AT _____ M. AND RECORDED IN
 PLAN BOOK _____ PAGE 110
 FOR RECORD OWNER: _____
 CHAIRMAN _____ DATE _____ ATTEST _____ REGISTRAR _____

74E.3P-3
 SUBDIVISION PLAN
 OF
 AUBURN INDUSTRIAL SUBDIVISION
 AUBURN, MAINE
 FOR RECORD OWNER:
 AUBURN BUSINESS DEVELOPMENT CORP.
 LEWISTON, MAINE 04241-1190

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 88-11212016

ORDERED, that Cascades Drive, as laid out on the plan of the Auburn Industrial Subdivision, as approved by the Auburn Planning Board on June 10, 2016, and recorded at the Androscoggin County Registry of Deeds in Plan Book 51, Pages 110, 111, and 112, is hereby accepted as a City Street as provided in Title 23 M.R.S.A. § 3026 et sequ:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: February 06, 2017

Order: 07-02062017

Author: Alison F. Pepin, License Specialist

Subject: Existing Business – Mac’s Downeast Seafood, 894 Minot Ave. – application for a Liquor License

Information: Mac’s Downeast Seafood, (owners Thomas J. Coulombe & Paul E. Camire), an existing business, located at 894 Minot Avenue applied for a Liquor License (Class III & IV). Police, Fire, and Code have granted approval.

Advantages: May help to expand the customer base by attracting a more diverse group of individuals and may contribute to a more sustainable community by purchasing from local brewers.

Disadvantages: May have the potential for disorderly conduct.

City Budgetary Impacts: N/A

Staff Recommended Action: Public hearing and recommend passage.

Previous Meetings and History: N/A

Attachments:

Application
Background check
Public Notice
Order 07-02062017

**Department of Public Safety
Division**

Liquor Licensing & Inspection



BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

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

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE:

MALT

SPIRITUOUS

VINOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTIONAL FOOD (Class I-A)
- CLASS A LOUNGE (Class X)
- CLUB (Class V)
- TAVERN (Class IV)

- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,IV)
- OTHER: Beer + wine - only

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>THOMAS J Coulombe</u> DOB: <u>12-3-52</u>		2. Business Name (D/B/A) <u>MAC'S DOWN EAST SEAFOOD</u>	
<u>Paul E Camire</u> DOB: <u>10-6-58</u>			
DOB:		Location (Street Address) <u>894 MINDT AVE.</u>	
Address <u>319 WOODMAN Hill RD.</u>		City/Town <u>Auburn</u>	State <u>ME</u>
		Zip Code <u>04210</u>	
Mailing Address <u>MINDT ME. 04258</u>		<u>319 WOODMAN Hill RD.</u>	
City/Town <u>MINDT</u>	State <u>ME.</u>	City/Town <u>MINDT</u>	State <u>ME.</u>
Zip Code <u>04258</u>		Zip Code <u>04258</u>	
Telephone Number <u>207-576-3482</u>	Fax Number	Business Telephone Number <u>207-777-5871</u>	Fax Number
Federal I.D. # <u>263411145</u>		Seller Certificate # <u>1130816</u>	

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 1,057.44 LIQUOR \$ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES NO
6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: Paul Camire
8. If business is NEW or under new ownership, indicate starting date: _____
Requested inspection date: _____ Business hours: 10 AM - 8 PM
9. Business records are located at: _____
10. Is/are applicants(s) citizens of the United States? YES NO

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
Thomas J Coulombe	12-3-52	LEWISTON
Paul E Camire	10-6-58	LEWISTON

Residence address on all of the above for previous 5 years (Limit answer to city & state)
319 Woodman Hill Rd - Minot ME
146 Ch. Coinc Ave Auburn ME

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

Name: _____ Date of Conviction: _____
Offense: _____ Location: _____
Disposition: _____

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

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

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

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

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? School 1/4 mile Which of the above is nearest? Church - 3 miles

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

If YES, give details: Angroff Bank

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

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

Dated at: Auburn on 11/20, 20 17
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)
Thomas J Coulombe

Signature of Applicant or Corporate Officer(s)
Paul Camire

NOTICE – SPECIAL ATTENTION

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

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

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

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

All fees must accompany application, made payable to the Treasurer of Maine. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: _____, Maine

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

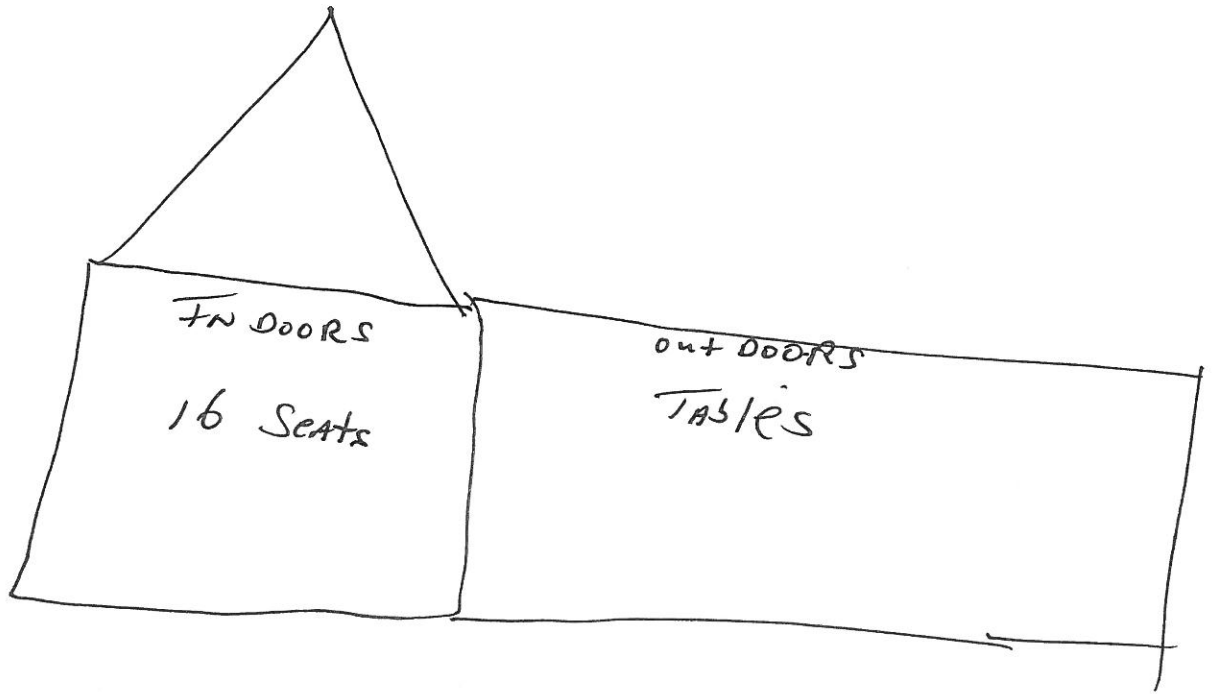
THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.
- An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

PREMISE DIAGRAM



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

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

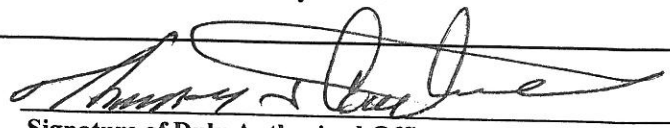
1. Exact Corporate Name: MAC'S DOWN EAST SEA FOOD
 Business D/B/A Name: MAC'S DOWN EAST SEA FOOD
2. Date of Incorporation: 9/22/08
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

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

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
THOMAS J COULOMBE				OWNER
PAUL E CAMIRE	319 WINDMAN HILL - MINOT	12-3-52	50	
	146 CHICOINE AVE - ANDOVEN	10-6-58	50	OWNER

6. What is the amount of authorized stock? 0 Outstanding Stock? 0
7. Is any principal officer of the corporation a law enforcement official? () YES (X) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (X) NO.

9. If yes, please complete the following: Name: _____
 Date of Conviction: _____ Offense: _____
 Location: _____ Disposition: _____
 Dated at: _____ On: _____
City/Town Date

 Date: 1/20/17
 Signature of Duly Authorized Officer

THOMAS J COULOMBE
 Print Name of Duly Authorized Officer



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

ALISON PEPIN
60 COURT STREET
AUBURN, ME 04210

Transaction Response #: MIQ99D128871

Criminal History Record

Introduction

This criminal history record was produced in response to the following request
(Produced on 2017-01-26) :

Inquiries Name(s) THOMAS J COULOMBE (1952-12-03)

NO MATCH WAS FOUND FOR YOUR REQUEST.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 07-02062017

ORDERED, that the City Council hereby approves the request for a Liquor License (Class III & IV Vinous and Malt) for Mac's Downeast Seafood, located at 894 Minot Avenue.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: February 6, 2017 **Ordinance:** 01-02062017

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

Subject: Sex Offender Residency Restrictions

Information: City of Auburn staff recommends City Council adopts sex offender residency restrictions based on the State of Maine guidelines.

Advantages: Sex offenders convicted of offenses against persons who have not attained the age of 14 at the time of the offense will be prevented from living in designated areas.

Disadvantages: Some sex offenders will be grandfathered as long as they maintain their residence.

City Budgetary Impacts: N/A

Staff Recommended Action: City of Auburn staff recommends City Council approves proposed ordinance. Public hearing and first reading.

Previous Meetings and History: January 23, 2017 Council Workshop

Attachments:

- Proposed Sex Offender Residency Restrictions Ordinance
- Restricted properties to include:
 - All public or private, primary, elementary or secondary schools
 - The real property comprising municipally owned property or state owned property that is leased to a non-profit organization for the purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users to include:
 - Androscoggin Learning & Transition Center
 - Auburn Middle School
 - East Auburn School
 - Edward Little High School
 - Fairview School
 - Franklin / Merrill Hill Alternative Schools
 - Park Avenue School
 - RETC / SOS (former Lake Street School)
 - St. Peter and Sacred Heart School
 - Sherwood Heights
 - St. Dominic Academy



- Walton School
 - Auburn PAL (Police Activities League)
 - Bonney Park
 - Boys and Girls Club
 - Chestnut Street Park
 - Cleveland Field Park
 - Community Gardens
 - Drummond Street Park
 - Edward Little Park
 - Festival Plaza
 - Garfield Road Park (Auburn Little League ball fields)
 - Lake View Fields (Gracelawn Road ball fields)
 - Little Androscoggin Park
 - Moulton Park
 - Municipal Outlet Beach
 - Norway Savings Bank Arena
 - Pettingill Park
 - Pulsifer Field (New Auburn Little League ball fields)
 - Raymond Park
 - Riverwalk
 - Sullivan Square
 - Tot Lot Park
 - Union Street Park
 - West Pitch Park
 - Parks & Recreation
-
- Maps will be provided at meeting identifying sex offender current locations
 - State of Maine, Title 30A, Chapter 141, Section 30-14

Chapter 39 - SEX OFFENDER RESIDENCY RESTRICTIONS

ARTICLE I. - IN GENERAL

Sec. 39-1. - Title.

This chapter shall be known as the "City of Auburn Sex Offender Residency Restrictions Ordinance."

Sec. 39-2. - Findings and purpose.

The city promotes and strives to create a safe environment for its citizens to live and raise families and considers the promotion of the safety and welfare of children to be of paramount importance. The city recognizes that sex offenders who prey upon children may have a high rate of recidivism. Notwithstanding the fact that certain persons convicted of sex offenses or sexually violent offenses are required to register pursuant to the Maine Sex Offender Registration and Notification Act of 1999, 34-A M.R.S.A. § 11201 et seq., as may be amended from time to time, the city finds that further protective measures are necessary and warranted to safeguard places where children congregate. The purpose of this chapter is to provide such further protective measures while balancing the interests and residential needs of sex offenders.

Sec. 39-3. - Authority.

This chapter is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3014, as may be amended from time to time.

Sec. 39-4. - Definitions.

Setback. A 750 foot radius surrounding "restricted property."

Designated sex offender(s). Person(s) convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense, regardless of whether the offense was committed in the State of Maine or another jurisdiction.

Residence. The temporary or permanent occupation or use of a place, including, but not limited to a domicile, for the purpose of living, residing or dwelling.

Restricted property. (i) The real property comprising a public or private elementary, middle or secondary school; and (ii) the real property comprising a municipally owned property or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreation facility that is open to the public where children are the primary users.

Sec. 39-5. - Restricted property map; restrictions.

- (a) The GIS department, with the assistance of the police department, shall prepare and file with the city clerk and police department an official map showing restricted property as defined by this chapter. Said map is hereby incorporated herein and made a part of this chapter. The GIS department, with the assistance of the police department, shall by July 1 of each year recommend updates to the map to the city council to reflect any changes in the locations of any restricted property and setbacks. The city council may amend the restricted property official map by council order, and any amended official map shall be filed with the city clerk and the police department.
- (b) No designated sex offender shall reside within the setback of any restricted property.

Sec. 39-6. - Exceptions.

A designated sex offender maintaining a residence within the setback of a restricted property is not in violation of this ordinance if the residence was established and consistently maintained as a residence prior to March 1st, 2017, the date of adoption of this chapter. A designated sex offender is not in violation

of this chapter if the restricted property is created, moved or enlarged and such creation, movement or enlargement results in a designated sex offender residing within the setback of a restricted property, as long as the residence was in place and consistently maintained prior thereto.

Sec. 39-7. - Violations and penalties.

- (a) A designated sex offender who, 30 days after actual receipt of written notice sent by regular mail or hand-delivered from the city, acting by and through its police department, is in violation of this chapter shall be subject to an action brought by the city to enforce the requirements of this chapter. The city may file a legal action against the violator seeking any and all remedies to which it is entitled pursuant to state and local laws, including, without limitation, declaratory and injunctive relief.
- (b) The city may also seek a penalty in the minimum amount of \$500.00 per day. Each day of violation shall constitute a separate violation. In the event the city is the prevailing party in any action under this chapter, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the city. All civil penalties shall inure to the benefit of the City of Auburn.

Sec. 39-8. - Severability.

If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Maine Revised Statutes
Title 30-A: MUNICIPALITIES AND COUNTIES
Chapter 141: ORDINANCES

§3014. ORDINANCES REGARDING RESIDENCY RESTRICTIONS FOR SEX OFFENDERS

(REALLOCATED FROM TITLE 30-A, SECTION 3013)

1. Application and scope. The State intends to occupy and preempt the entire field of legislation concerning the regulation of persons convicted of a sex offense in this State or in another jurisdiction. Except as provided in this section, a municipality may not adopt or enforce any ordinance or bylaw addressing persons who have been convicted of a sex offense in this State or in another jurisdiction that would impose on them restrictions or requirements not imposed on other persons who have not been convicted of a sex offense in this State or in another jurisdiction. As used in this section, "convicted of a sex offense in this State or in another jurisdiction" means a conviction for any current or former Maine crime listed in former Title 17, sections 2922 to 2924 or Title 17-A, chapter 11 or 12 or Title 17-A, section 556; a conviction for an attempt or solicitation of those listed crimes; or any conviction for any former or current crime in any other jurisdiction in which the person engaged in substantially similar conduct to that of the earlier specified current or former Maine crimes.

[2009, c. 1, §21 (RAL) .]

2. Residency restriction ordinance. A municipality may adopt an ordinance regarding residency restrictions for persons convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense. Any such ordinance is limited as follows.

A. An ordinance may restrict only residence. It may not impose additional restrictions or requirements, including, but not limited to, registration and fees. [2009, c. 1, §21 (RAL) .]

B. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 750 feet surrounding the real property comprising a municipally owned or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users. [2013, c. 161, §1 (AMD) .]

C. An ordinance may not restrict the residence of a person who lived in an area restricted pursuant to paragraph B prior to the adoption or amendment of the ordinance. [2009, c. 1, §21 (RAL) .]

D. An ordinance may not be premised on a person's obligation to register pursuant to Title 34-A, chapter 15. [2009, c. 1, §21 (RAL) .]

[2013, c. 161, §1 (AMD) .]

SECTION HISTORY

RR 2009, c. 1, §21 (RAL). 2013, c. 161, §1 (AMD) .

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PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 01-02062017

BE IT ORDAINED, that the City Council hereby adopts to Chapter 39 in the Code of Ordinances SEX OFFENDER RESIDENCY RESTRICTIONS as follows:

Chapter 39 – SEX OFFENDER RESIDENCY RESTRICTIONS

ARTICLE I. - IN GENERAL

Sec. 39-1. - Title.

This chapter shall be known as the "City of Auburn Sex Offender Residency Restrictions Ordinance."

Sec. 39-2. - Findings and purpose.

The city promotes and strives to create a safe environment for its citizens to live and raise families and considers the promotion of the safety and welfare of children to be of paramount importance. The city recognizes that sex offenders who prey upon children may have a high rate of recidivism. Notwithstanding the fact that certain persons convicted of sex offenses or sexually violent offenses are required to register pursuant to the Maine Sex Offender Registration and Notification Act of 1999, 34-A M.R.S.A. § 11201 et seq., as may be amended from time to time, the city finds that further protective measures are necessary and warranted to safeguard places where children congregate. The purpose of this chapter is to provide such further protective measures while balancing the interests and residential needs of sex offenders.

Sec. 39-3. - Authority.

This chapter is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3014, as may be amended from time to time.

Sec. 39-4. - Definitions.

Setback. A 750 foot radius surrounding "restricted property."

Designated sex offender(s). Person(s) convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense, regardless of whether the offense was committed in the State of Maine or another jurisdiction.

Residence. The temporary or permanent occupation or use of a place, including, but not limited to a domicile, for the purpose of living, residing or dwelling.

Restricted property. (i) The real property comprising a public or private elementary, middle or secondary school; and (ii) the real property comprising a municipally owned property or state-

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



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

Jonathan P. LaBonte, Mayor

owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreation facility that is open to the public where children are the primary users.

Sec. 39-5. - Restricted property map; restrictions.

(a) The GIS department, with the assistance of the police department, shall prepare and file with the city clerk and police department an official map showing restricted property as defined by this chapter. Said map is hereby incorporated herein and made a part of this chapter. The GIS department, with the assistance of the police department, shall by July 1 of each year recommend updates to the map to the city council to reflect any changes in the locations of any restricted property and setbacks. The city council may amend the restricted property official map by council order, and any amended official map shall be filed with the city clerk and the police department.

(b) No designated sex offender shall reside within the setback of any restricted property.

Sec. 39-6. - Exceptions.

A designated sex offender maintaining a residence within the setback of a restricted property is not in violation of this ordinance if the residence was established and consistently maintained as a residence prior to March 1st, 2017, the date of adoption of this chapter. A designated sex offender is not in violation of this chapter if the restricted property is created, moved or enlarged and such creation, movement or enlargement results in a designated sex offender residing within the setback of a restricted property, as long as the residence was in place and consistently maintained prior thereto.

Sec. 39-7. - Violations and penalties.

(a) A designated sex offender who, 30 days after actual receipt of written notice sent by regular mail or hand-delivered from the city, acting by and through its police department, is in violation of this chapter shall be subject to an action brought by the city to enforce the requirements of this chapter. The city may file a legal action against the violator seeking any and all remedies to which it is entitled pursuant to state and local laws, including, without limitation, declaratory and injunctive relief.

(b) The city may also seek a penalty in the minimum amount of \$500.00 per day. Each day of violation shall constitute a separate violation. In the event the city is the prevailing party in any action under this chapter, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the city. All civil penalties shall inure to the benefit of the City of Auburn.

Sec. 39-8. - Severability.

If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: February 6, 2017

Subject: Executive Session

Information: Discussion regarding economic development, pursuant to 1 M.R.S.A. Section 405(6) (C).

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

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

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

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

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

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

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

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

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

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

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



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: February 6, 2017

Subject: Executive Session

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

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

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

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

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

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

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

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

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

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

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

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