

**City Council Workshop & Meeting
Agenda
January 16, 2024
Auburn Hall, Council Chambers**

5:30 P.M. City Council Workshop

- A. Assessing Presentation – Karen Scammon and Joe St. Peter
- B. Maine Waste to Energy
- C. Lewiston-Auburn Water Pollution Control Authority (LAWPCA)
- D. Lewiston Auburn Railroad Company

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

Pledge of Allegiance

- I. **Consent Items** – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
 - 1. **Order 07-01162024***
Re-appointing Riley Bergeron to the Planning Board as a full member with a term expiration of 01/01/2027 as recommended by the Appointment Committee.
 - 2. **Order 08-01162024***
Appointing Timothy DeRoche to the Planning Board as a full member with a term expiration of 01/01/2027 as recommended by the Appointment Committee.
 - 3. **Order 09-01162024***
Appointing Ryan Smith to the Planning Board as a full member with a term expiration of 01/01/2027 as recommended by the Appointment Committee.
 - 4. **Order 10-01162024***
Appointing Paul Josephson to the Complete Streets Committee with a term expiration of 01/01/2027 as recommended by the Appointment Committee.
 - 5. **Order 11-01162024***

Appointing Barbara (Bonnie) Lounsbury to serve a 4-year term as Chair of the Registration Appeals Board as nominated by the Municipal Clerk.

II. Minutes – January 2, 2024, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Council Communications

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business - None

VI. New Business

1. Order 12-01162024

Approving the liquor license for Burnt Ends Barbeque, LLC. located at 120 Center Street. Public hearing and vote.

2. Order 13-01162024

Amending Order 171-12182023, previously adopted by the City Council on 12/18/2023, correcting the language as outlined in Sec. 26-25 of our ordinance.

3. Ordinance 03-01162024

Amending Article V, Division 2, Sections 2-430, 2-431, 2-433, 2-434, 2-435, AND 2-441 of Auburn's Code of Ordinances and striking all language referencing the Regulatory Advisory Board. Public hearing and first reading.

4. Ordinance 04-01162024

Amending Article V, Division 2, Sections 2-430, 2-431, 2-432, 2-433, 2-434, and 2-435 of Auburn's Code of Ordinances and reinstating the Board of Assessment Review ordinance. Public hearing and first reading.

5. Ordinance 05-01162024

Amending Chapter 60, Article XV reinstating the Zoning Board of Appeals ordinance. Public hearing and first reading.

6. Ordinance 06-01162024

Amending Sec. 2-466 of the Auburn Code of Ordinances correcting the Planning Board Compensation language. Public hearing and first reading.

7. Order 14-01162024

Directing the Sustainability & Natural Resource Management Board to create a solid waste and recycling plan to be presented to the City Council no later than August 19, 2024.

8. Order 15-01162024

Appointing Mayor Jeffrey Harmon to serve on the Maine Municipal Associations' Legislative Policy Committee with a term expiration of June 2024.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

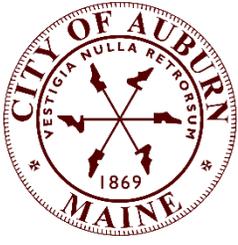
VIII. Reports

- a. Mayor's Report
- b. City Councilors' Reports
- c. City Manager Report
- d. December 2023 Finance Report – Kelsey Earle

IX. Executive Sessions –

1. Labor contract discussion, pursuant to 1 M.R.S.A. §405(6)(D).
2. Economic development, pursuant to 1 M.R.S.A. §405(6)(C) where premature disclosure would prejudice the competitive or bargaining position of the City.

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 16, 2024

Author: Karen Scammon, CMA-4, City Assessor and Joseph St Peter, CMA-4, Deputy Assessor

Subject: April 1, 2024 valuation adjustments/Revaluation discussion

Information: Power point presentation on values, State valuation combined sales ratio and Auburn's declared ratio.

City Budgetary Impacts: Possible impacts if city-wide revaluation is approved.

Staff Recommended Action: Presentation and discussion.

Previous Meetings and History: None

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Power point presentation

2023 Assessor's Report



The Assessor

Property tax assessors in Maine occupy a unique place in the governmental structure, fulfilling a dual role of municipal official and agent of the State.

Professional Assessors are required to be certified by Maine Revenue Services (36 MRS § 327 (3))

The City of Auburn Assessing Division

City Assessor: Karen Scammon, CMA-4

Deputy Assessor: Joseph St. Peter, CMA-4

Senior Appraiser: Natalie Andrews, CMA

Appraiser: Azadeh Mashhadi

The definitive duty of property tax assessors is to annually ascertain as accurately as possible the nature, amount, and value of all property as of April first, and to estimate and record separately the land value, exclusive of buildings, for each parcel of real estate (36 MRS § 708).

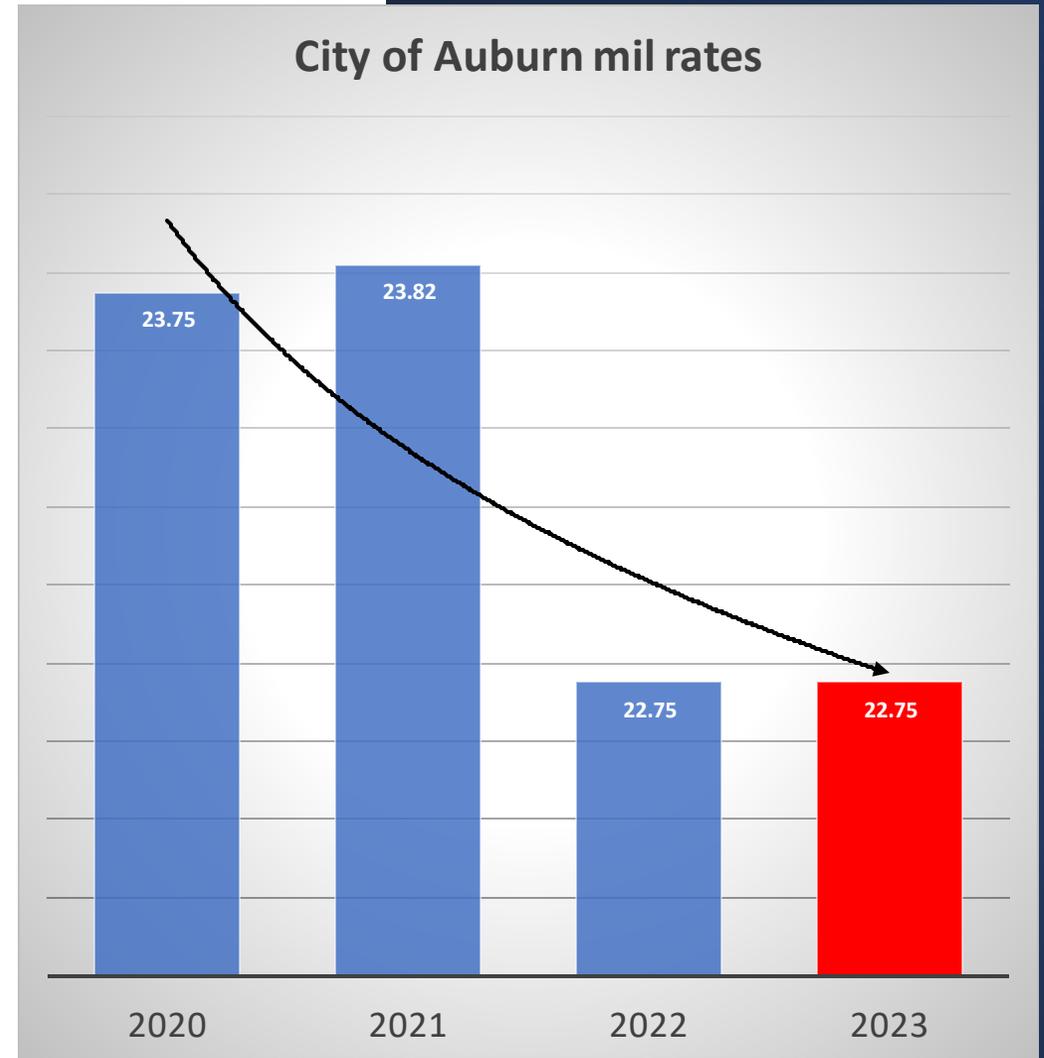
Tax assessors have a constitutional obligation to assess all property fairly, equally, and according to just value, and it is presumed that assessors act in good faith and in conformity with legal requirements (Frank v Skowhegan)



Commitment Data:

- Commitment date: **July 21, 2023**
- State Certified Ratio: **93%**
- Mil rate: **22.75**

Due to market adjustments, new valuation, and budget factors – we have been able to keep the mil rate and certified ratio flat.



How did we hold it?

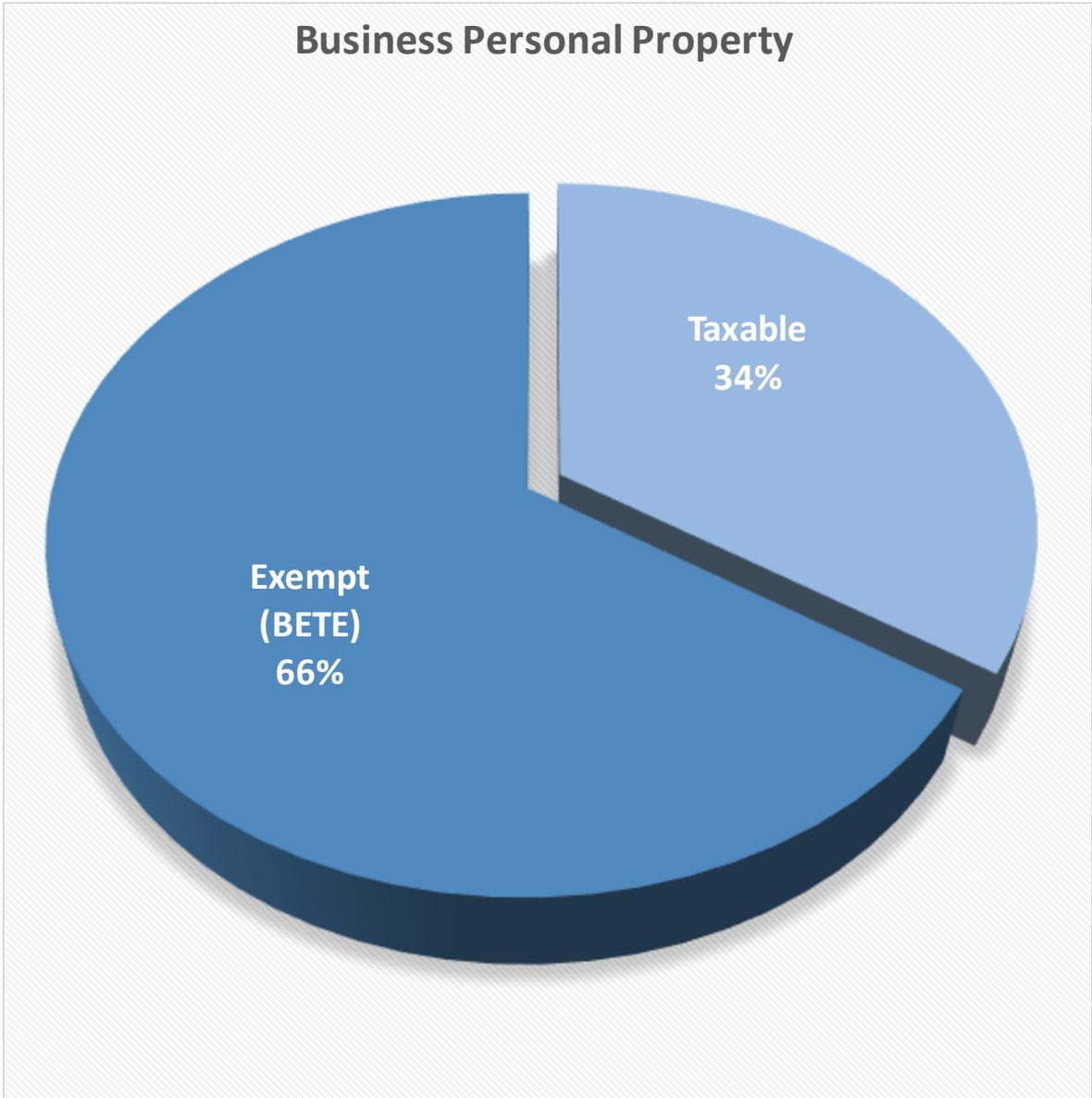
City of Auburn Valuation Statistics – Real Estate

- Real estate: **9461 Parcels.**
- Total land value: \$597,952,264.
- Building value: \$2,071,970,290.
- Total real estate valuation *before* exemptions is: **2,669,922,554.**
- Tax Exempt property makes up 20% of the total valuation base. The taxable real estate value is \$2,144,361,339.

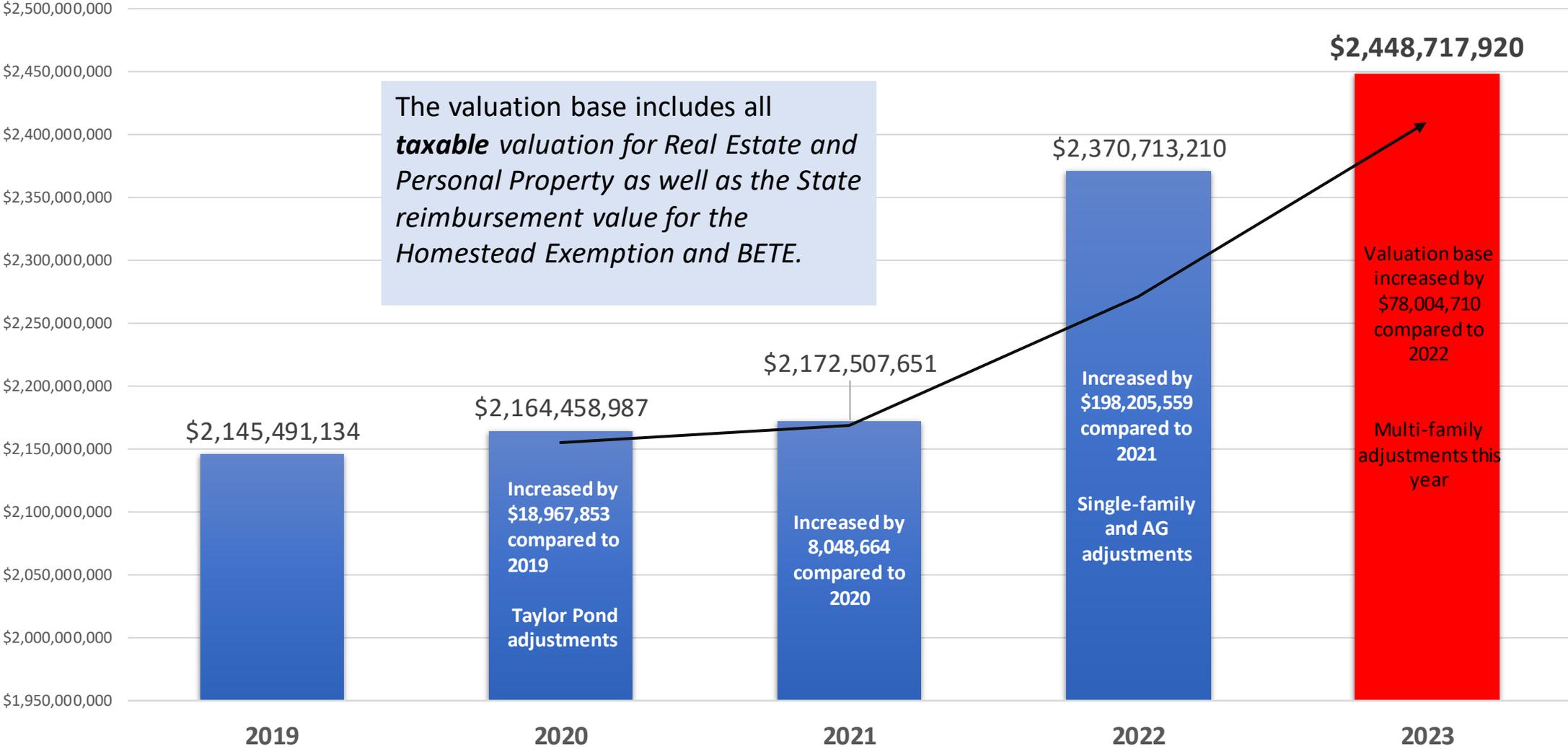


City of Auburn Valuation Statistics
Personal Property

- Personal Property: **1,092 open accounts (2023)**
- Taxable value: \$108,809,837.
- BETE exempt value: \$210,875,377
- Total personal property valuation: **\$320,062,156**
- **Personal property is subject to “ratioing” which reduces the overall taxable and BETE valuation.**



City of Auburn, Valuation Base Trend



What is a sales ratio?

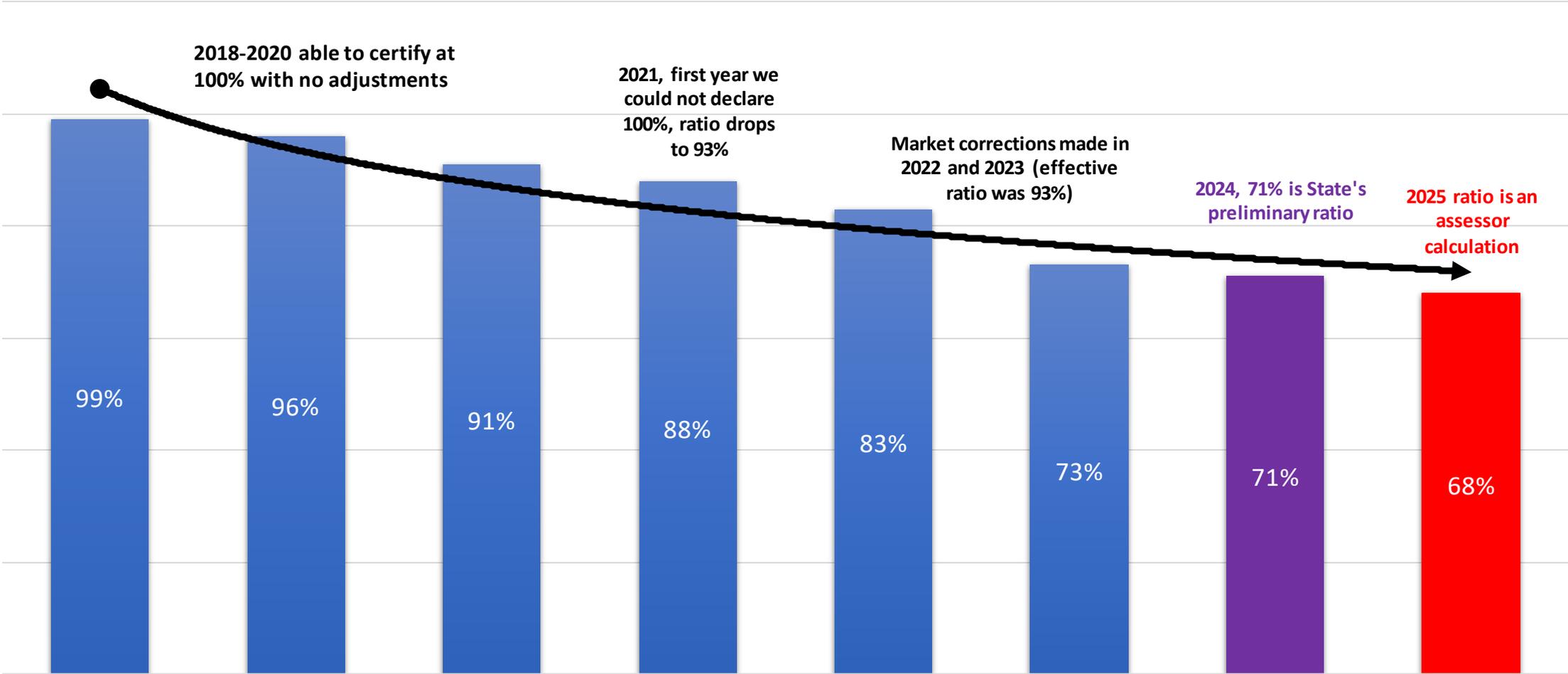
A **sales ratio** is a relationship between the assessed value and the market value of a property. The lower the ratio, the higher the sale price is compared to the assessed value.



If the **Assessed Value** is \$200,000 and the **Sale Price** is \$200,000 then the **Ratio** = 1
($\$200,000 \div \$200,000 = 1$)

If the **Assessed Value** is \$200,000 and the **Sale Price** is \$250,000 then the **Ratio** = .8
($\$200,000 \div \$250,000 = .80$)

City of Auburn - State Determined Ratio



2018

2019

2020

2021

2022

2023

2024

2025

City declared 100% from 2007 to 2020

Assessing Goals:

100%



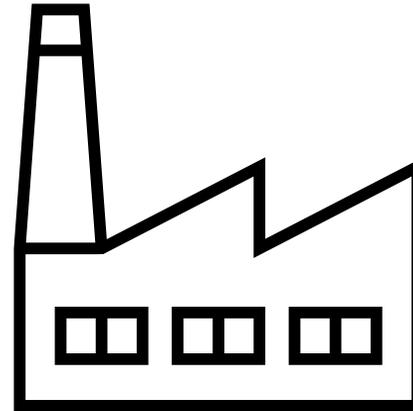
Single Family

100%



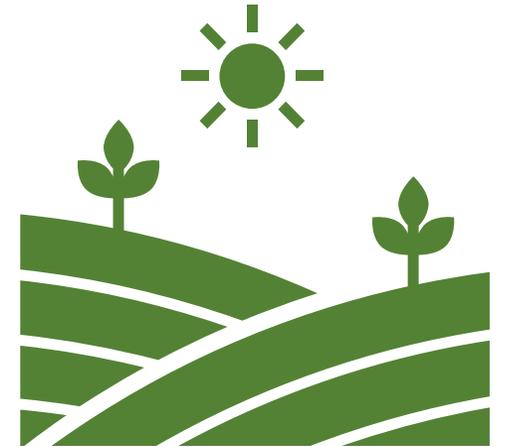
Multi-family

100%



Commercial & Industrial

100%



Land

Ideal – Classes are in balance

All property is assessed at market value, this is the goal.

*When classes are **not** in balance adjustments may be required to the declared ratio, assessed values, or both*

Consequences to the residential property owner when the certified ratio drops...

The value of all *partial* exemptions must be adjusted to the declared ratio, meaning the tax benefit to the property owner is lessened:

	100%	tax reduction	93%	tax reduction	78%	tax reduction
Homestead	\$25,000	\$568.75	\$23,250	\$528.94	\$19,500	\$443.63
Veterans	\$6,000	\$136.50	\$5,580	\$126.95	\$4,680	\$106.47

Recent single family sales sample

Single family sales (including condos)

Address	Style	Sale Price	Sale Date	Total Assessed Value	Sales Ratio	
26 Fairview Court	SF Cape	\$330,000	9/20/2023	\$160,800	0.49	outlier
27 Cedarwood Rd	SF Ranch	\$260,000	9/29/2023	\$127,300	0.49	
26 Vernon St	SF Salt Box	\$243,000	9/14/2023	\$121,200	0.50	
27 Country Club Dr	SF Split	\$370,000	9/25/2023	\$192,400	0.52	
447 Danville Corner Rd	SF Split	\$410,000	9/12/2023	\$214,700	0.52	
12 Hemlock Circle	Condo	\$270,000	9/5/2023	\$149,500	0.55	
79 Portland Way	SF Ranch	\$265,000	9/18/2023	\$152,000	0.57	
154 Cook St	SF Cape	\$275,000	9/1/2023	\$159,800	0.58	
16 Hillside Ave	SF Ranch	\$299,000	9/8/2023	\$177,600	0.59	
47 Crest Ave	SF Ranch	\$200,000	9/22/2023	\$119,300	0.60	
503 Turner St	SF Cape	\$232,000	9/26/2023	\$139,600	0.60	
130 Hickory Dr	SF Col	\$645,000	9/29/2023	\$393,800	0.61	
323 Minot Ave	SF Col	\$605,000	9/19/2023	\$371,500	0.61	
26 Streamside Dr	SF Split	\$297,780	9/1/2023	\$189,700	0.64	
80 Vickery Rd	SF Cape	\$312,000	9/25/2023	\$202,500	0.65	
243 Trapp Rd	SF Cape	\$270,000	9/11/2023	\$187,200	0.69	
335 Minot Ave	SF Col	\$231,000	9/7/2023	\$169,500	0.73	
462 Lake St	SF Cape	\$500,000	9/1/2023	\$376,800	0.75	
6 Hemlock Circle	Condo	\$200,000	9/5/2023	\$152,000	0.76	
10 Dana Ave	SF Ranch	\$130,000	9/15/2023	\$140,500	1.08	outlier

N=20

Average Ratio 0.61

Median Ratio 0.61

SF Sale prices are, *on average*, selling \$127,000 over the assessed value.

Multi-family sales

Recent multi-family sales sample

Address	Style	Sale Price	Sale Date	Total Assessed Value	Sales Ratio
269 Turner St	3 Family	\$330,000	9/15/2023	\$118,700	0.36
51 Ninth St	3 Family	\$420,000	9/28/2023	\$168,600	0.40
6 Grove St	3 Family	\$350,000	9/11/2023	\$173,300	0.50
46 Winter St	2 Family	\$305,000	9/25/2023	\$152,000	0.50
8 Myrtle Ave	2 Family	\$204,500	9/15/2023	\$106,700	0.52
66 Webster St	2 Family	\$375,000	9/27/2023	\$196,300	0.52

N=6

Average Ratio 0.47

Median Ratio 0.5

MF Sale prices are, *on average*, selling \$178,000 over the assessed value.

Assessing Choices

When assessed value and market value are not equal, options are;

Lower the ratio:

- The mil rate will likely increase.
- We lose taxable value. For example: We lost \$22,400,000 in personal property value in 2023 due to ratioing at 93%. Value is lost in other value categories as well, such as utility assessments and more.
- We do not correct equity issues, leading to increased risk of high value abatement requests.
- The exemption value decreases for taxpayers. For example, the homestead exemption is decreased from the its full value \$25,000 to \$23,250.

Make market adjustments:

- We correct **equity** between property classes and decrease our exposure to high value abatements.
- Assuming a stable budget, we are likely to decrease or hold the mil rate.
- Moderates future market adjustments. Prevents, “falling off a ratio cliff”. For example: due to market adjustments in 2022 and 2023 we lessened a potential ratio drop in 2024.
- Preserves the value of exemptions for taxpayers (see next slide)
- Maintains the overall certified ratio.
- No additional loss of personal property/new assessment value (the overall taxable value base is stable)

Where are we now?

- Sales ratios are dropping, the equity gap is widening.
- Under current market conditions we will likely be making both ratio and market adjustments for the foreseeable future.

Where we want to be

How do we achieve it?

- At or near **100% overall ratio**.
- **Equalization** brings all classes of properties to a ratio of 100% and substantially increases the taxable valuation base.
- “**Flat**” market adjustments improve equity but are a temporary fix only.

- *A **complete revaluation** of both real and personal property is highly recommended.*
- *All cost and land tables would be updated. Any existing equity issues would be eliminated, and the certified ratio would be back at ~100%.*

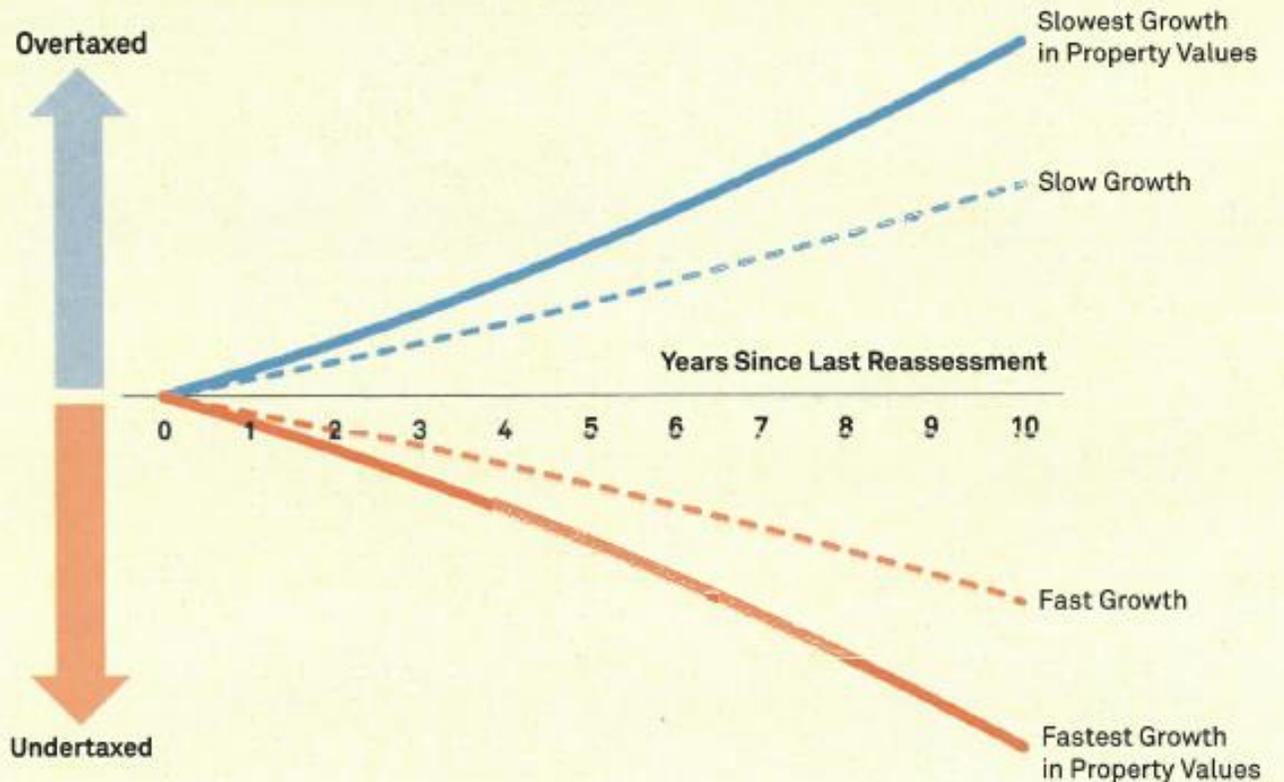
The best outcome

Quality Assessment Practices Are Essential for Tax Fairness

Accurate assessments are essential for equity under a market-value property tax system. Without them, the distribution of property taxes becomes unfair and arbitrary. Assessment accuracy depends on regular revaluations, and it is enhanced by modern valuation techniques, state oversight of local assessing offices, and effective appeals systems.

The most common cause of inaccurate assessments is that too much time has passed since the last revaluation. The longer a jurisdiction goes without reassessing property values, the greater the tax inequities. Properties with the slowest growth in values (or largest declines) become increasingly overtaxed. Properties with the fastest growth become increasingly undertaxed.

Tax Inequities Grow Without Reassessment



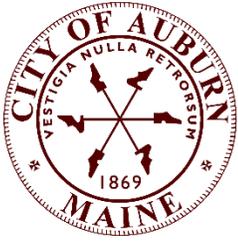
In our CAMA, value is driven by: **Land Tables, Building Tables, and Depreciation.**

All must be accurate to produce credible valuation.

Revaluation Timeline

If we started in 2024...





**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 16, 2024

Orders: 07-01162024 through 10-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Board and Committee Appointments

The Appointment Committee met on January 16, 2024 to review applications and make their nominations for various boards and committees of the City as follows:

Planning Board:

Riley Bergeron, full member, re-appointment, term expiration of 1/1/2027.

Timothy DeRoche, full member, (moving from associate to full member), term expiration of 1/1/2027.

Ryan Smith, full member, new appointment, term expiration of 1/1/2027.

Complete Streets

Paul Josephson, new appointment, term expiration of 1/1/2027.

City Budgetary Impacts: None

Staff Recommended Action: Motion to appoint members as recommended by the Appointment Committee.

Previous Meetings and History: The Appointment Committee met on January 16, 2024 to make their recommendations.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Vacancies, Application Spreadsheet, Applications, Orders

January 9, 2024

Applicant List

Board or Committee	Ward	Last Name	First Name	Address
Complete Streets Committee	2	Josephson	Paul	3 Josslyn Street
Planning Board – full member	2	*Bergeron	Riley	142 Conant Avenue
	2	*Cyr	Evan	122 Granite Street
	3	**DeRoche	Timothy	14 Millbrook Lane
	4	**Guerette	Amanda	20 Cherry Vale Circle
	1	Ouellette	Michael	242 West Auburn Road
	3	Simpson	Timothy	57 Rafnell Street
	2	Smith	Ryan	14 Weaver Street

* Indicates this applicant is seeking re-appointment

** Indicates this person is an associate/alternate member seeking full member status

VACANCIES

Auburn Sewer District Board of Trustees - 1 vacancy with a term expiration of 03/01/2025

City Council Student Representative - 2 appointments

Complete Streets Committee - 1 vacancy with a term expiration of 01/01/2027

Parks & Recreation Advisory Board - 2 vacancies, one with a term expiration of 10/01/2025, and one with a term expiration of 10/01/2024

Planning Board - 3 full member positions, term expirations of 01/01/2027

Registration Appeals Board Chair - 1 vacancy with a 4 year term

Regulatory Advisory Board - 5 vacancies, two with term expirations of 6/1/2025, and three with term expirations of 6/1/2026

From: donotreply@auburnmaine.gov
To: [Susan Clements-Dallaire](#)
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Thursday, January 4, 2024 3:06:00 PM

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

First Name: Amanda

Middle Initial: A

Last Name: Guerette

Residence Address: 20 Cherry Vale Circle

Ward: Ward 4

City: Auburn

Home Phone: 207-212-1056

Cell Phone: 207-212-1056

E-mail Address: aasasseville@yahoo.com

Current Occupation: EFDA

Previous Occupation (if retired or no longer working):

Education and/or experience: Associate member of the Planning Board

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

OTHER (Ad-Hoc Committees not on the list above):: LVRC

This application is for a... (choose one): Desire to move from an alternate/associate to full member

Briefly describe why you want to serve on a board/committee (1,000 character limit): I am applying to be a full term member of the planning board, after being an associate member for the past year. I have attended every meeting and workshop. I have also attended classes that were offered after hours to help benefit my understanding of a planning board member and goals. Meeting after meeting I have listened and evaluated information and opinions from Auburn citizens, city staff, and other planning board members over the past year as an associate member. This past year has really made me aware of the information that has been gathered and delivered from all angles in order to make a smart decision at hand based on the comprehensive plan. Taking politics and ideology out of the decision making process. I focus on making a logical approach versus an emotional argument. I have lived in Auburn for 8+ years and am raising my young son here. I am invested within our community and I want to continue to provide this service to my community going forward.

What do you hope to accomplish?: I understand that I am a diverse individual to our current planning board and I want to continue this going forward. I know that with my presents on the board I am representing many of our unrepresented citizens of the City of Auburn, who may not have the experience navigating policies of local government. I want to help provide a balanced chance at grasping opportunities within my community.

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

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

Dates served (if known): January 2023- current

How did you learn of this vacancy?: City Website

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

Date of Electronic Signature: 01/04/2024

From: donotreply@auburnmaine.gov
To: [Susan Clements-Dallaire](#)
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Monday, January 1, 2024 9:03:11 PM

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

First Name: Evan

Middle Initial:

Last Name: Cyr

Residence Address: 122 Granite St

Ward: Ward 2

City: Auburn

Home Phone: 2079911159

Cell Phone: 2079911159

E-mail Address: egcyr@hotmail.com

Current Occupation: Teacher

Previous Occupation (if retired or no longer working):

Education and/or experience: BA Anthropology, MA Science Education, CAS Education Leadership

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

OTHER (Ad-Hoc Committees not on the list above): N/A

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): On a warm summer's evening, on a train bound for nowhere I met up with the gambler. We were both too tired to sleep. He began to speak He said, "Son, I've made a life out of readin' people's faces, knowin' what the cards were by the way they held their eyes. So if you don't mind my sayin' I can see you're out of aces. For a taste of your whiskey I'll give you some advice. If you're gonna play the game boy, you gotta learn to play it right. Every gambler knows that the secret to survivin' is knowin' what to throw away and knowin' what to keep. 'Cause every hand's a winner and every hand's a loser. I found an ace that I could keep. You've got to know when to hold 'em. Know when to fold 'em. Know when to walk away and know when to run. You never count your money when you're sittin' at the table. There'll be time enough for countin' when the dealin's done. If you change your mind, I'm the first in line. Honey I'm still free, take a chance one me.

What do you hope to accomplish?: There is a young cowboy who lives on the range. For six long years I've been in trouble. I don't care about the past, none of it was meant to last. It's not who you've known, but who you're knowin. Don't you ever get to thinking for a second you're irreplicable. I've been high and been low. Played the fool, and the star of the show. They were mine to keep. Over time, every lock will change. He's so bad, but he does it so well. Standing at the ready with a dance or two still left in me.

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

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

Dates served (if known): Est. 2011

How did you learn of this vacancy?: A meeting on 12/18 following an executive session when my previous appointment was rescinded

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

Date of Electronic Signature: 01/01/2024

From: donotreply@auburnmaine.gov
To: [Susan Clements-Dallaire](#)
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Monday, January 1, 2024 6:36:15 PM

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

First Name: MICHAEL

Middle Initial: J

Last Name: OUELLETTE

Residence Address: 242 WEST AUBURN ROAD

Ward: Ward 1

City: Auburn

Home Phone: 12072400299

Cell Phone: 12072400299

E-mail Address: Mjouellette42@hotmail.com

Current Occupation: Designer and construction contractor

Previous Occupation (if retired or no longer working):

Education and/or experience: One year of college

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

OTHER (Ad-Hoc Committees not on the list above)::

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I feel my experience of over 40 years in various aspects of the construction industry, 64 years in the Lewiston / Auburn community and 18 years at my current address. Gives me a good perspective on the issues facing the community.

What do you hope to accomplish?: Move the City of Auburns commercial and residential development in a consistent and well thought-out direction. Maintain it's identity and increasing it's commercial Tax base and residential housing stock.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known):

How did you learn of this vacancy?: City web-site

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

above. By typing your full name below, you are "signing" this electronic application.: MICHAEL OUELLETTE

Date of Electronic Signature: 1/1/2024

From: donotreply@auburnmaine.gov
To: [Susan Clements-Dallaire](#)
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, January 3, 2024 4:39:31 PM

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

First Name: Riley

Middle Initial:

Last Name: Bergeron

Residence Address: 142 Conant Ave

Ward: Ward 2

City: Auburn

Home Phone: 207-212-8760

Cell Phone: 207-212-8760

E-mail Address: the.riley.bergeron@gmail.com

Current Occupation: Cailler Painters - Owner

Previous Occupation (if retired or no longer working):

Education and/or experience: BA in Environmental Planning and Policy as well as my last four years on the Planning Board, one as an associate member and three as a full member.

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

OTHER (Ad-Hoc Committees not on the list above):

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I grew up in Auburn and plan to permanently reside in this community. When I originally applied to join the Planning Board I was looking for a way to participate in the public process. Since then my respect for that process has only grown. As such, I would like to continue contributing to that process and Auburn's growth while also recognizing the characteristics that make it such a wonderful place to live.

What do you hope to accomplish?: In my opinion the most successful outcome I experienced in my time on the board was the work done on the Agricultural and Resource Protection zone. It was a collaborative process that involved as many stakeholders and members of the public as was possible in the (condensed by LD 2003) time allowed. If reappointed, I hope to accomplish more work that results in outcomes like that one.

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

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

Dates served (if known): 2020- Present

How did you learn of this vacancy?: Situational awareness.

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

Date of Electronic Signature: 01/03/2024

From: donotreply@auburnmaine.gov
To: [Susan Clements-Dallaire](#)
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, December 20, 2023 10:25:39 AM

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

First Name: Ryan

Middle Initial: E.

Last Name: Smith

Residence Address: 14 Weaver St.

Ward: Ward 2

City: Auburn

Home Phone: 2075582266

Cell Phone: 2075582266

E-mail Address: rychsmith@gmail.com

Current Occupation: Code Enforcement Officer

Previous Occupation (if retired or no longer working):

Education and/or experience: Bachelor's Degree in Business; certification in Land Use Planning from the State of Maine; Prepare materials and provide ordinance expertise for planning board in Mechanic Falls, ME; Interpret and write ordinances as part of current employment

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

OTHER (Ad-Hoc Committees not on the list above):

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I've been increasingly more involved in Auburn city government, both through various committees and as a citizen advocate, and I believe my experiences and skillsets are most applicable to a board such as the planning board. There are not many capable of analyzing complex site plans and interpreting ordinances effectively, and I just so happen to do this for a living in a different town, so I apply for this position as a citizen willing to serve my own community in this capacity.

What do you hope to accomplish?: I hope to bring a neutral and fair perspective to the planning board. I have a deep understanding of the rules, policies, and statutes around how a planning board should operate and what is expected from individual members, and it's my goal to display this understanding through my own actions and words. I also hope to bring forth ideas on how to solve potential and existing issues within our ordinances.

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

Have you previously served on a City or Community Board or Committee? If so, which one(s)? Yes; Mayor's ADHOC committee to create shovel ready building plans; Citizens for Sensible Growth

Dates served (if known): All within last two years

How did you learn of this vacancy?: While watching the December 18th council meeting on YouTube.

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

Date of Electronic Signature: 12/20/2023

From: donotreply@auburnmaine.gov
To: [Susan Clements-Dallaire](#)
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, January 3, 2024 4:10:00 PM

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

First Name: Timothy

Middle Initial: J

Last Name: DeRoche

Residence Address: 14 Millbrook Lane

Ward: Ward 3

City: Auburn

Home Phone: N/A

Cell Phone: 2073129490

E-mail Address: teldd@roadrunner.com

Current Occupation: Locomotive Mechanic

Previous Occupation (if retired or no longer working):

Education and/or experience: Associate Degree

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

OTHER (Ad-Hoc Committees not on the list above):

This application is for a... (choose one): Desire to move from an alternate/associate to full member

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have been an Associate Member of the Planning Board for the past year. During that time, my appreciation for the complexity of city government and my desire to contribute further has only grown.

What do you hope to accomplish?: This is my hometown and has treated me well. It is now time for me to contribute to my community in ways above and beyond the norm. My two daughters know Auburn as home and are proud to call it so. I wish to contribute in any way I can to continue Auburn's responsible growth and it stay a hometown to be proud of.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Plannig Board-Associate Member

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

Dates served (if known):

How did you learn of this vacancy?: Website

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

Date of Electronic Signature: 01/03/2024

From: donotreply@auburnmaine.gov
To: [Susan Clements-Dallaire](#)
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, December 27, 2023 1:16:18 PM

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

First Name: Timothy

Middle Initial: T

Last Name: Simpson

Residence Address: 57 Rafnell Street

Ward: Ward 3

City: Auburn

Home Phone: 2073317676

Cell Phone: 2073317676

E-mail Address: Tsimpson.flome@gmail.com

Current Occupation: N/A

Previous Occupation (if retired or no longer working): Mechanical Sales Engineer

Education and/or experience: CMVTC/UMO

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

OTHER (Ad-Hoc Committees not on the list above):

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): Utilizing a lifetime of residential, commercial and construction project experience, matched to my education and skills provide community representation in an openly transparent honest approach while vetting out all matters planning board related. I recognize the need for sensible, sustainable housing growth while also recognizing the significance of business growth, existing as well as new.

What do you hope to accomplish?: Review/provide/encourage/develop community growth for new or renovation proposal(s) with community involvement while fulfilling the core responsibilities of a planning board member.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

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

Dates served (if known): 2002/2004

How did you learn of this vacancy?: As published

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

Date of Electronic Signature: 12/27/23

From: donotreply@auburnmaine.gov
To: [Susan Clements-Dallaire](#)
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Monday, December 18, 2023 4:11:24 AM

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

First Name: Paul

Middle Initial:

Last Name: Josephson

Residence Address: 3 Josslyn St.

Ward: Ward 2

City: Auburn

Home Phone: 2077546540

Cell Phone: 2077546540

E-mail Address: prjosephson@gmail.com

Current Occupation: Health Planner, State of Maine

Previous Occupation (if retired or no longer working): Child Protective Services Social Worker

Education and/or experience: Public service career

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

OTHER (Ad-Hoc Committees not on the list above):

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): While Auburn and other communities have continued to make progress in transportation system improvements for non vehicle use, there has unfortunately been an increase in incidents resulting in pedestrian injury and death. I would like to bring my personal and professional experience to continue Auburn's work in this area. Thank you.

What do you hope to accomplish?: Improvement in pedestrian and cyclist safety in our transportation system.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

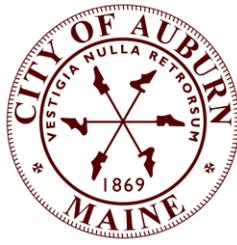
Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known):

How did you learn of this vacancy?: Prior notices and website search

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

Date of Electronic Signature: 12/18/23



ORDER 07-01162024

City Council Order

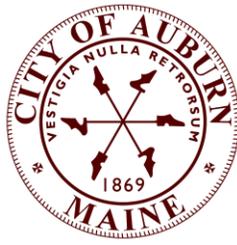
IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Riley Bergeron to the Planning Board, full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



ORDER 08-01162024

City Council Order

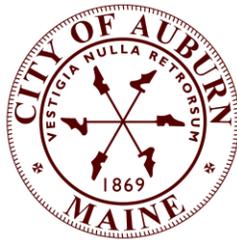
IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Timothy Deroche to the Planning Board, from associate member to full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



ORDER 09-01162024

City Council Order

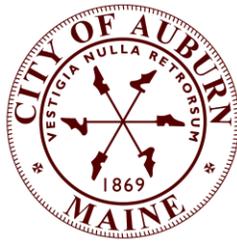
IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Ryan Smith to the Planning Board, full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



ORDER 10-01162024

City Council Order

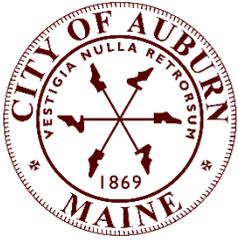
IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Paul Josephson to the Complete Streets Committee, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 16, 2024

Order: 11-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointment of the Registration Appeals Board Chair

Information: In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board.

The members of the board are nominated by the municipal committees of the major political parties who are then appointed by the Municipal Officers. Each member shall serve a term of 3 years. The chair of the board is nominated by the municipal clerk and appointed by the municipal officers and shall serve a 4 year term.

City Budgetary Impacts: None

Staff Recommended Action: Motion to appoint Barbara (Bonnie) Lounsbury to serve as the Chair of the Registration Appeals Board, a 4 year term, as nominated by the City Clerk.

Previous Meetings and History: N/A

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Barbara (Bonnie) Lounsbury's application, State statute, and Order

From: donotreply@auburnmaine.gov
To: [Susan Clements-Dallaire](#)
Subject: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Thursday, January 4, 2024 7:38:03 AM

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

First Name: Barbara (Bonnie)

Middle Initial: B

Last Name: Lounsbury

Residence Address: 505 West Auburn Rd

Ward: Ward 1

City: Auburn

Home Phone: 207-713-3993

Cell Phone: 207-713-3993

E-mail Address: Beb12005@yahoo.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Farmer, lawyer, land trust director

Education and/or experience: J.D.; experience in local elections as poll watcher, distributing ballots, canvassing, writing fact sheets on how to vote absentee

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

OTHER (Ad-Hoc Committees not on the list above):: Registration appeal board

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have always believed that Maine had open and honest elections based on statutes that encourage people to vote. In theory, there should be little need for this committee. I see it as a safeguard so that the public can continue to have faith in our system of voting. I saw how much people valued the right to vote during the Obama elections when I monitored voting on behalf of a Democratic lawyers group at a polling place in Lewiston . Many questions arose for people who were new voters . With my Republican counterpart we answered questions for the clerks and voters. It may seem ridiculously old fashioned today, but we - Republican and Democrat- agreed on each decision and were both encouraged by the enthusiasm of voters.

What do you hope to accomplish?: To make sure that any questions are resolved in a way that is non partisan and preserves the integrity of the voting process

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Many years ago-comprehensive plan committee, recycling committee

Dates served (if known):

How did you learn of this vacancy?: Mayor's announcement

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

Date of Electronic Signature: 01042024

§103. Registration appeals board

In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board. The appeal must be filed within 30 days after receipt of notice of the registrar's decision. [PL 2019, c. 371, §4 (AMD).]

1. Population of 5,000 or over. The registration appeals board consists of 3 members who must be appointed as follows: The municipal committee of each of the major political parties shall nominate one member, who must be enrolled in the party of the municipal committee that nominates the member, and the municipal officers shall appoint the persons nominated by the municipal committees and the 3rd member must be nominated by the clerk of the municipality and appointed by the municipal officers. The clerk of the municipality may give the municipal committees of the political parties a list of qualifications necessary for a person to fulfill the duties of the registration appeals board, and the municipal committees shall take those qualifications into consideration when nominating members to the board. The 2 members of the board nominated by the municipal committees of the major political parties may be members of the municipal committee nominating them and of the county or state committees of the political party that nominates them and may be members of a state or county delegation to a political convention. When a municipal committee nominates a member to the registration appeals board, it shall also nominate an alternate board member, who serves if the member nominated by the municipal committee is or becomes unable to serve. The municipal clerk may not serve as a member or alternate member of the registration appeals board. [PL 1997, c. 436, §19 (AMD).]

2. Population of 4,000 to 5,000.
[PL 1999, c. 426, §4 (RP).]

3. Term of office. Each member nominated by the municipal committees of the major political parties and appointed to the board shall serve for 3 years and until the member's successor is appointed and sworn. The member nominated by the clerk of the municipality and appointed to the board shall serve for 4 years and until that member's successor is appointed and sworn. [PL 1995, c. 459, §8 (AMD).]

4. Chair of the board. The member nominated by the clerk of the municipality is chair of the board. [RR 2019, c. 2, Pt. B, §35 (COR).]

5. Vacancy. When there is a vacancy on the board, the alternate board member nominated by the municipal committee of the political party of the former incumbent shall serve. If an alternate is not available, the municipal officers shall appoint a qualified person nominated by the municipal committee of the party of the former incumbent to fill the vacancy. If the vacancy is in the office of the chair of the board, the municipal officers shall appoint a qualified person nominated by the clerk of the municipality to fill the vacancy. Vacancies must be filled for the remainder of the term of office. [PL 1991, c. 466, §2 (AMD).]

6. Appeal hearing. Upon receipt of a complaint by a person aggrieved by the decision of the registrar, the chair of the registration appeals board shall immediately fix a time and place for the board to meet for a prompt hearing. The voter must be given written notice of the hearing at least 20 days in advance and must have the opportunity to testify and to present witnesses and other evidence at the hearing. The hearing is de novo. After hearing, the board may affirm, modify or reverse the decision of the registrar of voters. The board shall issue the decision to the voter in writing and shall provide

information on how the voter may appeal the decision. The aggrieved person may appeal the decision of the board to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure. [PL 2009, c. 253, §9 (AMD).]

7. Actions of the registration appeals board. A registration appeals board may only act by unanimous or majority action. [PL 1995, c. 459, §10 (RPR).]

8. Removal from office. A member of the board may be removed from office at any time during the member's term by the appointing authority if the appropriate nominating authority nominates a replacement. Any replacement member shall serve out the remainder of the replaced member's term. [PL 1995, c. 459, §11 (AMD).]

SECTION HISTORY

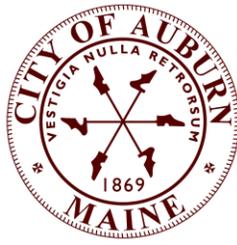
PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §4 (AMD). PL 1991, c. 466, §§2,3 (AMD). PL 1991, c. 862, §§1,2 (AMD). PL 1995, c. 56, §§1,2 (AMD). PL 1995, c. 56, §3 (AFF). PL 1995, c. 459, §§4-11 (AMD). PL 1997, c. 436, §19 (AMD). PL 1999, c. 426, §§4,5 (AMD). PL 2005, c. 453, §9 (AMD). PL 2007, c. 455, §4 (AMD). PL 2009, c. 253, §9 (AMD). PL 2019, c. 371, §4 (AMD). RR 2019, c. 2, Pt. B, §35 (COR).

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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.



ORDER 11-01162024

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby appoints Barbara (Bonnie) Lounsbury to serve a 4-year term as Chair of the Registration Appeals Board as nominated by the Municipal Clerk.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING JANUARY 2, 2024, VOL. 37 PAGE 122

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

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 01-01022024*
Confirming Chief Moen’s appointment of Aaron Briere, Dalton Geisel, and Ronald Seguin as Constable with firearm/arrest powers for the Auburn Police Department.

2. Order 02-01022024*
Authorizing the City Clerk to waive the \$200 business license fee for the food service license for the Danville Junction Grange #65.

3. Order 03-01022024*
Setting the time to open the polls at 7:00 a.m. for all 2024 Auburn Elections.

Motion was made by Councilor Gerry and seconded by Councilor Walker for passage of the three consent items.

Passage 6-0.

II. Minutes – December 18, 2023, Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Platz to approve the minutes of the December 18, 2023, Regular Council Meeting as corrected.

Passage 6-0.

III. Communications, Presentations and Recognitions – None

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

V. Unfinished Business - None

VI. New Business

1. Ordinance 01-01022024
Amending Chapter 60 of the zoning ordinance to include Effective Date and Applicability Date of Ordinance #26-11202023. First reading.

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

Public comment – Stephen Beale, 575 Johnson Road spoke in favor noting that delaying this will allow time for the city to evaluate the quality of the soil and he also spoke regarding the 100-foot buffer adding that it should be continued or made part of further discussion.

Pam Rousseau, 745 West Auburn Road stated that she agreed with the comments made by Stephen Beale 100% and wanted to point out concerns she has with the nearness to the watershed and number of cars going through the watershed. She said she would like that to also be considered.

Keri Myrick, 1010 Summer Street stated that she supports Mr. Beales position regarding to looking at the topography of the gravel pit. She noted that we should take some time and err on the side of caution.

Passage 6-0. A roll call vote was taken.

2. **Ordinance 02-01022024**

Amending Chapter 60 of the zoning ordinance to include Effective Date and Applicability Date of Ordinance #28-11202023. First reading.

*Motion was made by Councilor Cowan and seconded by Councilor Walker to table this item.

Passage 6-0.

3. **Order 04-01022024**

Authorizing the City Manager to direct staff to work with the Agriculture Working Group, Sustainability & Natural Resource Board, LAWPC, the Planning Board, and public stakeholders to review the adopted amendments and recommend any changes back to the City Council.

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

Public comment – Kathy Shaw, Valley View Farm Sopers Mill Road in Auburn, and Chair of the Natural Products and Ag work group said she looks forward to working with the City Council and staff. She stated that they hold their scheduled monthly meetings on the last week of the month and meetings are held at the Auburn Senior Center.

Stephen Beale, 575 Johnson Road spoke in support of the order and stated that he looks forward to working with staff and consultants who may be relevant to these items.

Motion was made by Councilor Weisner and seconded by Councilor Walker to amend by inserting at end of first sentence in the third paragraph the following language “*no later than the second regular City Council meeting in April 2024*”.

Passage 6-0.

Passage of Order 04-01022024 as amended 6-0.

4. Order 05-01022024

Authorizing staff to waive the permit fees for storm damage repairs.

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

Public comment – No one from the public spoke.

Passage 6-0.

5. Order 06-01022024

Approving the allocation of an additional \$1,000,000.00 from the FY2022 Undesignated Fund Balance.

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

Public comment – Ben Lounsbury pointed out that the agenda used language “undesignated” and should be “undesignated”.

Kathy Shaw, Sopers Mill Road asked what this does to our fund balance.

Pam Rousseau, 745 West Auburn Road asked if this money can go toward things such as the unhoused or affordable housing moving forward.

Passage 6-0.

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

VIII. Reports

Mayor Harmon thanked the E911 Center, the Fire, Police and Public Works Departments for their work during the flooding event. He thanked the city staff for putting on such a great New Years Eve event, adding that he received many positive comments and lots of people really liked the drone show. Last, he mentioned that there are several board and committee vacancies listed on our website, applications are due by Jan. 4th as the Appointment Committee will be meeting within the next week to consider the applications.

Councilor Platz reported on the School Committee meeting held a few weeks ago. He said there will be another meeting tomorrow, and he will be attending the first Finance meeting of the School Department.

Councilor Walker reported on the New Year’s Eve event that the Age Friendly Committee put on. He said they had a nice luncheon and a good turnout. He announced that there will be an Age Friendly Meeting next Tuesday at 5:30 pm at the Senior Center.

Councilor Weisner reported that he had a great time attending the Airport gathering, he looks forward to working with the board in the future.

IN COUNCIL REGULAR MEETING JANUARY 2, 2024, VOL. 37 PAGE 125

Councilor Cowan stated that he hasn't had any committee meetings yet, but he is looking forward to those.

Councilor Whiting echoed comments and thanks to the Public Works Department and other staff for their work during the wind and rainstorm.

Councilor Gerry also echoed the great job our city staff did handling the storm. She also thanked our community and neighbors.

City Manager Crowell provided an update on storm recovery. He said that he has received feedback from tree crews and CMP that staff did a great job preparing and assessing sites for damage. He thanked the vendors and sponsors that helped make the New Year's Eve event happen. The anticipated attendance was over 5,000. Staff will provide Council with a report of the event with more accurate numbers.

IX. Executive Sessions – None

VIII. Adjournment

Motion was made by Councilor Cowan and seconded by Councilor Whiting to adjourn.

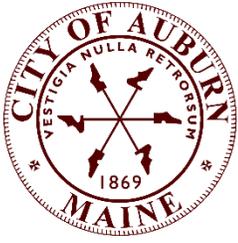
Unanimously approved and the meeting adjourned at 7:33 pm.

*The meeting adjourned without a motion to take proposed Ordinance 02-01022024 from the table.

A TRUE COPY

ATTEST 

Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 16, 2024

Order: 12-01162024

Author: Alison F. Pepin, Deputy City Clerk

Subject: Burnt Ends Barbecue, LLC., 120 Center Street

Information: Burnt Ends Barbecue, LLC., 120 Center Street, a new business in Auburn, applied for a new Liquor License. Police and Code have granted approval; there are no outstanding taxes owed. The Fire Department approves with the understanding that licenses will not be issued until their department approves the final Certificate of Occupancy. Once a final inspection is completed, all necessary paperwork has been submitted, and the Fire Department is satisfied that the space meets the intent of the code, licenses will be released.

City Budgetary Impacts: None

Staff Recommended Action: Public Hearing and recommended passage.

Previous Meetings and History: N/A

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:

- Application
- Public Notice
- Order



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

TELEPHONE: (207) 624-7220

FAX: (207) 287-3434

EMAIL INQUIRIES: maineliqor@maine.gov

Thank you for your interested in becoming a licensed establishment to sell and serve alcoholic beverages in Maine. To avoid any delay in the processing of your application and the subsequent issuance of your liquor license, please use the following checklist to assist you in completing the application. If you are renewing your license, this checklist is useful as well.

- Your application has been completed in its entirety and is legible. For a renewal, please submit your application 30 days prior to the expiration date of your liquor license.
- Your application is signed and dated by a duly authorized person.
- The application is signed and approved by the Town or City Municipal Officers or County Commissioners.
- The license fee submitted is for the correct fee for the license class for which you are applying and includes the \$10.00 filing fee.
 - The check must be made payable to "Treasurer, State of Maine"; both the license and filing fees can be submitted on one check.
 - If the licensee/applicant(s) is in an unorganized township, the application must be approved by the County Commissioners and the \$10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
- For a renewal, the dollar amount of your gross income for food, liquor and guest rooms, if applicable must be completed – see Section I.1
- A diagram of the facility to be licensed must accompany **all** applications whether for a new license or the renewal of an existing license
- If you are a registered business entity with the Maine Secretary of State's office like a corporation or a limited liability company, you must complete Section VII of the application. This does not need to be completed if you are a sole proprietor.
- Have you applied for other required licensing from other state and federal agencies? See attached list.

Important – all applications whether for a new license or to renew an existing license for an on-premises liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places to have their application approved and signed prior to submitting it to the Bureau for further consideration.

The address to send your completed application to:

1. Mailing address:
 - Bureau of Alcoholic Beverages and Lottery Operations
 - Division of Liquor Licensing and Enforcement
 - 8 State House Station
 - Augusta, ME 04333-0008
2. Courier/overnight address:
 - Bureau of Alcoholic Beverages and Lottery Operations
 - Division of Liquor Licensing and Enforcement
 - 19 Union Street, Suite 301-B
 - Augusta, ME 04330

The following licenses/permits may be required prior to be licensing as an on-premises licensee with the Bureau

Obtained ✓	License/Permit	State/Federal Agency to Contact	Telephone Number	Physical Location
	Seller Certificate or Sales Tax Number	Maine Revenue Services www.maine.gov/revenue	(207) 624-9693	51 Commerce Dr, Augusta
	Health License	Health and Human Services www.maine.gov/dhhs	(207) 287-5671	286 Water St, 3 rd floor, Augusta
	Victualer's License	Municipality where premise is located.	Contact your town office or county office	Contact your town office or county office
	Shellfish License	Marine Recourses www.maine.gov/dmr	(207) 624-6550	<ul style="list-style-type: none"> • 32 Blossom Lane, Augusta • 194 McKown Point Rd, West Boothbay Harbor • Lamoine State Park, Lamoine • 650 State St, Bangor • 317 Whitneyville Rd, Jonesboro
	Dance or Entertainment License	Fire Marshall's Office www.maine.gov/dps/fmo	(207) 626-3882	45 Commerce Drive, Suite 1, Augusta
	Federal I.D. Number	www.irs.gov	(800) 829-4933	
	Legal business names for corporations and limited liability companies and "Doing Business As" Names (assumed names)	Secretary of State, Bureau of Corporations, Elections and Commissions www.maine.gov/sos/cec	(207) 624-7752	111 Sewall St, 3 rd Fl, Augusta
	Retail Beverage Alcohol Dealers Permit	Alcohol and Tobacco Tax and Trade Bureau (TTB) https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers	(877) 882-3277	

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

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

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

5. Business records are located at the following address:

15 Old Greene Rd, Lewiston

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

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

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

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

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

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

Yes No

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

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

Yes No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address
Burnt Ends Barbeque		736 Sabattus St

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

Full Name	DOB	Place of Birth
Kimberly Phinney (Cloutier)	12/13/70	Lewiston

Residence address on all the above for previous 5 years

Name	Address:	Kim Phinney	12 Pleasant St, Augusta
Name	Address:	Kim Phinney	23 Glenwood St, Augusta
Name	Address:		
Name	Address:		

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

Yes No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

_____ 120 Center St Plaza LLC, PO Box 1567
Lewiston, ME 04241

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

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

Entire dining room, bar

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

Name: Washburn School

Distance: 0.3 miles

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 1/3/2024

Jill Cunningham
Signature of Duly Authorized Person

Signature of Duly Authorized Person

Jill Cunningham
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

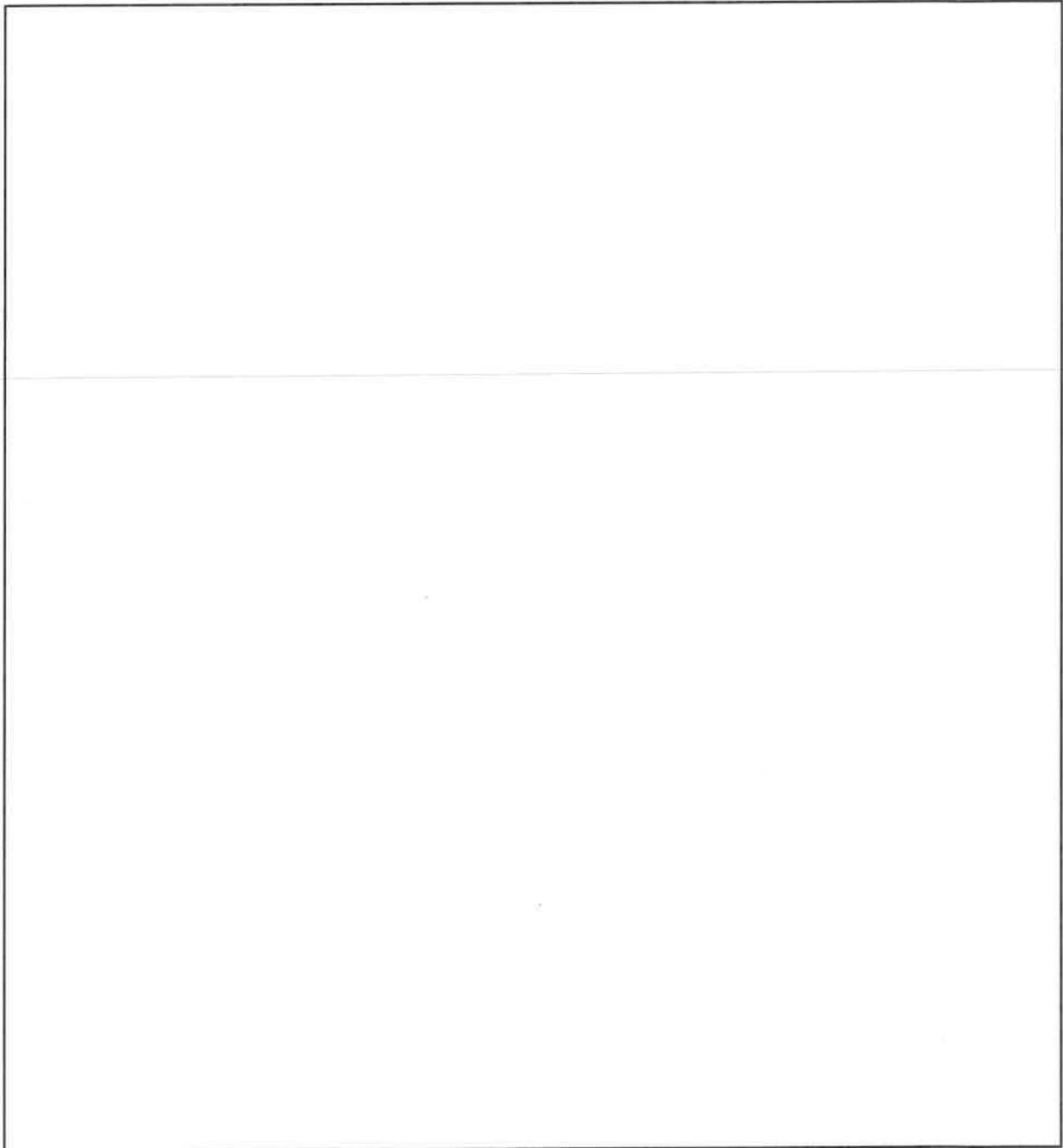
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

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

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

A large, empty rectangular box with a thin black border, intended for the applicant to draw a floor plan of the premises. The box is currently blank.

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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Burnt Ends Barbeque
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 12/17/2021 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
n/a
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Jill Cunningham	15 Old Greene Rd, Lew	12/6/81	Owner	100%

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



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

JILL CUNNINGHAM
15 OLD GREENE RD
LEWISTON, ME 04240

Transaction Response #: MIQ99G044987

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2024-01-03):

Inquiries Name(s) JILL A CUNNINGHAM (1981-12-06)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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

JILL CUNNINGHAM
15 OLD GREENE RD
LEWISTON, ME 04240

Transaction Response #: MIQ99G044994

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2024-01-03):

Inquiries Name(s) KIMBERLY PHINNEY (1970-12-13)

The information in this criminal history record is provided subject to the following caveats:

Important! When a criminal history record and juvenile crime information record check is processed by the State Bureau of Identification using personal identifiers such as name and date of birth, it is possible that the record supplied belongs to another person with the same or essentially similar name and date of birth. Confirmation that convictions relate to person whose record has been requested requires fingerprint comparison. If the information contained in this response will be used to disqualify an applicant for employment, housing, credit, or other benefits or programs, the person making the eligibility determination using this record should provide the applicant with an opportunity to complete or contest the accuracy of the criminal history information in the response. An individual may request amendment or correction of criminal history record information by a criminal justice agency pursuant to 16 M.R.S. section 709.

****THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2024-01-03**

This record, effective September 1, 2000, contains information relating to persons arrested as fugitives from justice, 15 M.R.S section 201.4 or arrested or charged with Maine crimes. It does not include former crimes no longer classified as criminal, or Class D and E crimes in Title 12 or Title 29-A, former Title 29, unless the crime is alcohol-related or drug-related 25 M.R.S. section 1541.4-A.A. For information regarding excluded Marine Resources crimes in Title 12, contact the Department of Marine Resources. For information regarding excluded Inland Fisheries and Wildlife crimes in Title 12, contact the Department of Inland Fisheries and Wildlife. For information relating to excluded crimes in Title 29-A former Title 29, contact the Secretary of State, Motor Vehicle Division. A list of former crimes is available from this Bureau.

THE FOLLOWING ATN(S) ARE UNSUPPORTED BY FINGERPRINTS IN STATE BUREAU OF IDENTIFICATION FILES: (070575B).

Identification

Subject Name/or potential Alias Name(s)

PHINNEY, KIMBERLY

Subject Description (date information provided listed in parentheses)

State ID Number
ME0267535

DOC Number
Unknown/NA

Sex
Female

Race
White

Skin Tone
Unknown/NA

Height
507

Weight
135

Date of Birth
1970-12-13

Hair Color
Red Or Auburn

Eye Color
Brown

Scars, Marks, and Tattoos
Unknown/NA

Place of Birth
Unknown/NA

Citizenship
Unknown/NA

Residence
Residence as of
Address

2014-08-26
59 GREENWOOD AVE
WINTHROP, ME 04364

Caution Information
Federal Firearms Disqualified Status X - Unknown

Criminal History

Cycle 001

ATN/Tracking Number 070575B
Earliest Event Date 2014-02-12

Arrest No data supplied

Prosecutor Disposition (Cycle 001)
Prosecutor Agency DISTRICT ATTORNEYS OFFICE AUBURN; ME001013A

Charge 1

Charge Number 070575B 001
Charge Tracking Number 070575B
Charge Description MISUSE OF IDENTIFICATION (Charge Class D)
Statute 17-A MRSA SUBSECTION 905-A(1)(B)
State Sequence Code 7853
Severity Misdemeanor
Prosecutor Record Modified/Updated ADDED

Court Disposition (Cycle 001)
Court Case Number LEWDCCR201400626
Court Agency 8TH DISTRICT COURT LEWISTON; ME001025J
Charge 1

Charge Number 070575B 001
 Charge Tracking Number 070575B
 Agency 8TH DISTRICT COURT LEWISTON; ME001025J
 Charge Description MISUSE OF IDENTIFICATION (Charge Class D)
 Statute 17-A MRSA SUBSECTION 905-A(1)(B)
 State Sequence Code 7853
 Severity Misdemeanor
 Disposition 2014-03-27; TRANSFER FOR JURY TRIAL

Court Disposition (Cycle 001)
Court Case Number AUBSCCR201400328
Court Agency SUPERIOR COURT AUBURN; ME001015J
Charge 1

Charge Number 070575B 001
 Charge Tracking Number 070575B
 Agency SUPERIOR COURT AUBURN; ME001015J
 Charge Description MISUSE OF IDENTIFICATION (Charge Class D)
 Statute 17-A MRSA SUBSECTION 905-A(1)(B)
 State Sequence Code 7853
 Severity Misdemeanor
 Disposition 2014-03-27; TRANSFER FOR JURY TRIAL
 2014-08-25; GUILTY

Sentencing (Cycle 001)
Sentencing Agency SUPERIOR COURT AUBURN; ME001015J
 Court Case Number AUBSCCR201400328
 Charge Number 070575B 001
 Charge Sequence Number 1
 Charge Tracking Number 070575B
 Sentence 2014-08-25: FINED \$100.00

Corrections No data supplied

Index of Agencies

Agency SUPERIOR COURT AUBURN; ME001015J
 Agency Telephone 207-784-5450
 Address PO BOX 3660
 AUBURN, ME 04210

Agency 8TH DISTRICT COURT LEWISTON; ME001025J
 Agency Telephone 207-795-4800
 Address PO BOX 1345
 LEWISTON, ME 04240

Agency
Agency Telephone
Address

AUBURN PD; ME0010100
207-333-6650
60 COURT ST
AUBURN, ME 04210

Agency
Agency Telephone
Address

DISTRICT ATTORNEYS OFFICE AUBURN; ME001013A
207-784-1397
55 LISBON STREET
LEWISTON, ME 04240



CITY OF AUBURN
BUSINESS LICENSE APPLICATION

Business Name: Burnt Ends Barbeque

Office of the City Clerk
60 Court St, Auburn,
ME 04210
207.333.6600
www.auburnmaine.gov

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

NEW RENEWAL exp date _____

If new business, please provide proposed opening date. Jan 24th

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

There is a late fee of \$50.00 for renewals that are 30-45 days late, \$100.00 for more than 46 days late, and \$200.00 for reoccurring

Food Service Establishments:

*FSE Mobile Food distribution Unit (12 mths) ...\$100
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use of location.

FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I) \$500
Plus actual cost of advertising hearing required for new license. Background check must also be included.

*FSE Serving Malt and/or Vinous (FSE Class III & IV)..... \$400
Plus actual cost of advertising hearing required for new license. Background check must also be included.

*Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X) \$1300
Plus actual cost of advertising hearing required for new license. Background check must also be included.

*FSE(On/Off), no Alcohol.....\$200
Includes Prepackaged Foods

*Bottle Club/BYOB..... \$200
Plus actual cost of advertising hearing required for new license. Background check must also be included.

*Temp FSE (Per event max 30 days).....\$60
Event Name _____
Event Date _____

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

FSE Off Premise/Retailer-Malt Liquor/Table Wine..... \$200

Other Business Licenses Applying for:

*Special Amusement\$125
Plus actual cost of advertising hearing required for new license. Please fill out supplemental questionnaire (pg. 4)

*Pawnshop/Pawn Broker\$100

*Secondhand Dealer \$100

*Massage Establishment/Therapist..... \$150
State license #: _____

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

*Tattoo Artist..... \$100
Please also include photo ID, Blood Pathogen Cert, and state license.

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

Roller Skating Rinks with Part/Full Kitchen.....\$90

Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc..... \$100

Motion Picture Theaters # of screens _____ No Fee

Coin-Op Devices # of devices 6 No Fee

Pool Hall # of tables _____ No Fee

Juke Box # of boxes 1 No Fee

LICENSING FEE(S) TOTAL DUE: \$ 500.00

NAME OF BUSINESS: Burnt Ends Barbeque BUSINESS ADDRESS: 120 Center St
 BUSINESS MAILING ADDRESS: 15 Old Greene Rd, Lewiston
 OWNER'S NAME (LOCAL/ONSITE): Jill Cunningham DOB: 12/6/81 PHONE: 7547169
 OWNER'S ADDRESS: 15 Old Greene Rd MAILING ADDRESS: _____
 PREFERRED EMAIL: jillcunningham@burntendsmaine.com
 MANAGER'S NAME: Kimberly Phinney PHONE #: _____ DOB: 12/13/70
 PREFERRED CONTACT NAME: Jill Cunningham PHONE #: 7547169
 EMAIL ADDRESS: jillcunningham@burntendsmaine.com
 DESCRIPTION OF BUSINESS: Restaurant

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): 736 Sabattus St, Lew

FORM OF BUSINESS ORGANIZATION: Corporation Partnership Sole Proprietorship LLC Other

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

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

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
<u>Jill Cunningham</u>	<u>736 Sabattus St</u>	<u>12/6/81</u>	<u>100%</u>	<u>10</u>

OWNER OF BUILDING/UNIT: Dan Boutin, 120 Center St Plaza LLC PHONE # 207-795-6789
 OWNER'S ADDRESS: _____

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

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

Name: _____ Date of conviction: _____

Offense: _____ Location: _____

Disposition: _____

Include additional pages if needed.

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

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

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

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

READ CAREFULLY BEFORE SIGNING

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

Applicant Signature: Jill Cunningham

Date: 1/3/2024

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	FIRE INSPECTOR	<u>DD 1/10/24</u>
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	CODE ENFORCEMENT OFFICER	<u>KB 1/4/24</u>
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	POLICE	<u>BS 1/4/24</u>
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	FINANCE	<u>MC 1/5/24</u>

Comments:

Application date: <u>01/04/24</u>	License issued on: _____
Fees paid: License fee(s) <u>500</u>	Public hearing fee <u>100</u>
Background fee _____	Late fee _____
Total amount paid = \$ <u>600.00</u>	

SIDES

COLE SLAW HAND CUT FRIES
MAC N CHEESE BAKED BEANS
COLLARD GREENS SIDE SALAD
PICKLED BEETS CHILI
3 BEAN SALAD CORNBREAD
POTATO SALAD RICE & BEANS

SPECIALTY MAC N CHEESE

EXTREME MAC N' CHEESE
House Made Mac N' Cheese
Topped with Your Choice of
1 Meat Smothered in House
BBQ Sauce and topped with Crumbs

GHETTO POUTINE

Crispy Fries Topped with
Mac N' Cheese Smothered in House
BBQ Sauce and Topped with Crumbs
> Add any meat for an additional cost <

CHILI MAC

House Made Mac N Cheese Topped
with Chili and Jack Blend Cheese
and with a Piece of Cornbread

FAMILY PACK

Feeds 3 to 4 People
Choose: 2 Pounds of Meat
2 Quarts of Sides

PARTY PACK

Feeds 5 to 6 People
Choose: 3 Pounds of Meat
3 Quarts of Sides

MAINE BBQ FEAST

Feeds 10 to 12 People
Choose: 3 Meats, 2 Pounds Each
3 Sides, 2 Quarts Each

Cornbread, Honey Butter
and Sauce Included

***UP CHARGE FOR BRISKET, RIBS,
PORK & BEEF BURNT ENDS**

KIDS MEALS

Choice of 2 sides
For kids 10 and under

BRISKET MAC N' CHEESE
RIBS 2 BONES HOT DOG
TURKEY BREAST PULLED CHICKEN
CHORIZO SAUSAGE PULLED PORK

HOUSE MADE SWEET TEA
ASSORTMENT OF BEER AND WINE
AVAILABLE!



EAT IN OR TAKE-OUT

207-241-0033

ONLINE ORDERING

BURNTENDSMAINE.COM

ORDER ON-LINE AND

PICK UP IN OUR DRIVE THRU

736 SABATTUS STREET

LEWISTON, ME 04240

LET US CATER YOUR EVENT

WE CAN CATER ANY EVENT

LARGE OR SMALL

FIND US ON DOORDASH



PLATTERS

All platters come with
choice of two sides, Cornbread
and Honey Butter

BEEF BRISKET

PORK BELLY BURNT ENDS

TURKEY BREAST

PULLED PORK

BEEF BURNT ENDS

LOIN BACK RIBS

4 BONES • 8 BONES • FULL RACK

CHORIZO SAUSAGE

PULLED CHICKEN

SMOKED CHICKEN WINGS

SALADS

HOUSE SALAD

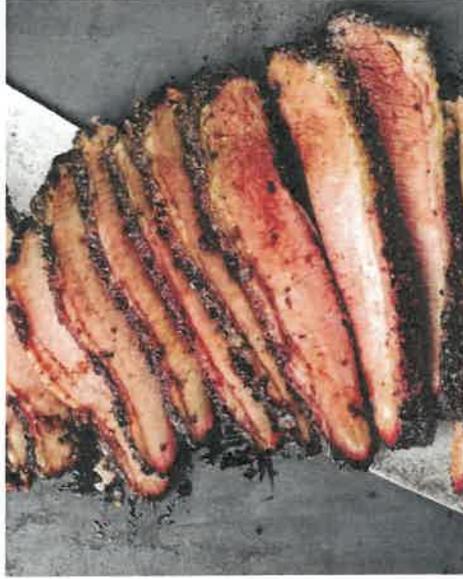
Tender Greens, Tomato, Onion,
Cucumber, Green Pepper

CAESAR SALAD

Chopped Romaine, Parmesan
Cheese, Croutons and Dressed

BBQ COBB SALAD

Greens, Fritos Corn Chips, Avocado,
Egg, Roasted Corn, Bacon, Diced
Tomatoes, Jack Blend Cheese,
BBQ Ranch and Choice of Meat



MEATS

Served with
Cornbread, Honey Butter

All meats sold by the pound
and are available in
quarter pound increments

SMOKED BEEF BRISKET

LOIN BACK RIBS

By the bone; minimum 4 bones

PULLED PORK

CHORIZO SAUSAGE

By the link

SMOKED TURKEY BREAST

PORK BELLY BURNT ENDS

BEEF BURNT ENDS

PULLED CHICKEN

CHICKEN WINGS

Smoked & Crispy Fried
Dozen or Half Dozen

SANDWICHES

Choice of Side

BEEF BRISKET

Smoked Beef Brisket, and Cole Slaw
on a Grilled Roll topped with Pickled
Onions and House Barbeque Sauce

PULLED PORK

12 Hour Smoked Pork dressed in
House Barbeque Sauce with Cole Slaw,
Pickled Onions on a Grilled Roll

CHORIZO SAUSAGE

Roasted Peppers and Onion on
a Grilled Roll

TACOS

2 Tacos—Choice of Pulled Pork or Pulled
Chicken, or Chorizo Topped with Cole
Slaw, Roasted Corn, Shredded Cheese,
Alabama White and Spicy Sauce

TACO TRIO

1 Pulled Pork, 1 Pulled Chicken,
1 Chorizo Sausage Taco, with Cole
Slaw, Roasted Corn, Shredded Cheese,
Alabama White and Spicy Sauce

PULLED CHICKEN

House Pulled Chicken, Cole Slaw,
Pickled Onion, Alabama White sauce,
on a Grilled Roll

SMOKED TURKEY

Smoked Turkey, Lettuce, Tomato,
Bacon, BBQ Ranch and Grilled Roll

**CITY OF AUBURN
NOTICE OF PUBLIC HEARING**

A public hearing will be held by the Auburn City Council on January 16, 2024 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License application for the new owners of:

**Burnt Ends Barbecue, LLC - 120
Center Street**

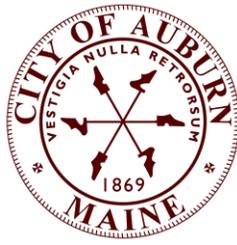
All interested persons may appear and will be given the opportunity to be heard before final action is taken.

**CITY OF AUBURN
NOTICE OF PUBLIC HEARING**

A public hearing will be held by the Auburn City Council on January 16, 2024 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License application for the new owners of:

Burnt Ends Barbecue, LLC – 120 Center Street

All interested persons may appear and will be given the opportunity to be heard before final action is taken.



ORDER 12-01162024

City Council Order

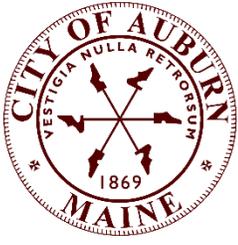
IN CITY COUNCIL

Ordered, that the City Council hereby approves the Liquor License for Burnt Ends Barbecue, LLC., located at 120 Center Street, Auburn, ME.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 16, 2024

Order: 13-01162024

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointments of Constable without firearms/arrest powers for the Auburn Police Department and Constable without firearm/arrest powers (Private) within the City of Auburn.

Information: Chief of Police Moen requests that the Auburn City Council appoint Constables without Firearms/Arrest Powers on behalf of the Auburn Police Department and Constable without firearm/arrest powers (Private) to serve documents within the City of Auburn for 2024. The certificate of appointment on the original order said Civilian Process Servers instead of Constables. This order is to correct that language which is outlined in our Code of Ordinances.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

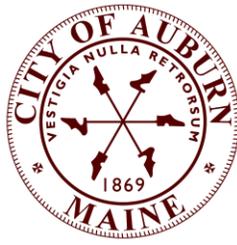
Previous Meetings and History: Order 171-12182023 was passed on Dec. 18, 2023, however it was discovered that the certificate of appointment should read constable, rather than Civilian Process Servers, and one name is being eliminated from the list as he is no longer available.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:



City Council Order

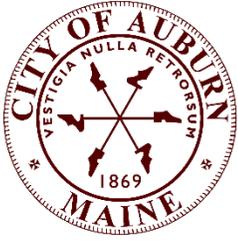
IN CITY COUNCIL

IN CITY COUNCIL

ORDERED, that the City Council hereby amends Order 171-12182023 as follows:

ORDERED, that the City Council hereby appoints the following named persons ~~to serve documents~~ as Constable without firearm/arrest powers (employees and volunteers) on behalf of the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn for 2024. Constable Process Servers (Private) are not an agent or employee of the city or entitled to hold himself/herself out as such and is not authorized to carry a firearm in the performance of his/her duties, and that his/her authority to act as a constable is limited to private employment as a process server.

Martin Moreau	Employee	Civilian Process Server <u>Constable</u>	Without Firearm	New Appointment
Anna Brown	Employee	Civilian Process Server <u>Constable</u>	Without Firearm	Re-appointment
Maegan Kyllonen	Employee	Civilian Process Server <u>Constable</u>	Without Firearm	Re-appointment
Kenneth Edgerly	Volunteer	Civilian Process Server	Without Firearm	Re-appointment
Glenn Garry	Volunteer	Civilian Process Server <u>Constable</u>	Without Firearm	Re-appointment
Harry Gorman	Private	Constable Process Server	Without Firearm	Re-appointment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 16, 2024

Ordinances: 03-01162024 through 05-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Reinstating the Board of Assessment Review and the Zoning Board of Appeals and eliminating the Regulatory Advisory Board

Information: In 2021, Council voted to adopted the Regulatory Advisory Board to perform the responsibilities of the board of assessment review, and the zoning board of appeals. Staff is proposing to reinstate the Board of Assessment Review (with a few proposed amendments) and the Zoning Board of Appeals and eliminating the Regulatory Advisory Board.

City Budgetary Impacts: None

Staff Recommended Action: Discussion

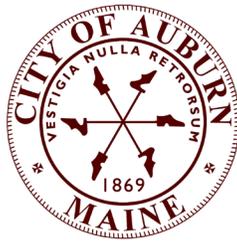
Previous Meetings and History: Board of Assessment Review and Zoning Board of Appeals combined into the Regulatory Advisory Board in 2021. This was discussed during the January 2, 2024 City Council Workshop.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Proposed ordinance amendment striking references to the Regulatory Advisory Board, and ordinances proposing the reinstatement of the Board of Assessment Review and Zoning Board of Appeals Ordinances.



City Council Order

IN CITY COUNCIL

AMENDING ARTICLE V, DIVISION 2, SECTIONS 2-430, 2-431, 2-433, 2-434, 2-435, AND 2-441 OF THE AUBURN CODE OF ORDINANCES STRIKING ALL LANGUAGE REFERENCING THE REGISTRATION BOARD OF APPEALS.

Be it Ordained, that the City Council hereby amends the code of ordinances Article V, Division 2, Sections 2-430, 2-431, 2-433, 2-434, 2-435, and 2-441 of the Auburn Code of Ordinances striking all language referencing the registration board of appeals as seen below.

Sec. 2-430. Membership; responsibility.

~~A board of regulatory advisory shall be appointed by the city council, consisting of seven members.~~

~~The purpose of the regulatory advisory board is to perform the responsibilities of the board of assessment review, board of appeals, and all other regulatory review functions as directed by the city council. The board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.~~

~~Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the regulatory advisory board.~~

(Code 1967, § 5-2.1; Ord. No. 04-02162021, 3-1-2021; Ord. No. 02-01032022, 1-18-2022)

Editor's note(s)—Ord. No. 04-02162021, adopted March 1, 2021 changed the title of § 2-430 from "membership; compensation of members" to "membership; responsibility."

Sec. 2-431. Term of members.

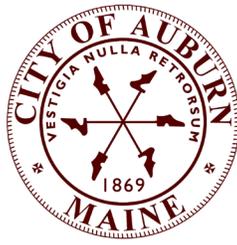
~~The initial terms of office of the members of the regulatory advisory board shall be staggered terms. The city council shall annually appoint one member to serve on the board for a three year term. Their successors shall be appointed for three year terms.~~

(Code 1967, § 5-2.2; Ord. No. 05-02162021, 3-1-2021)

Sec. 2-433. Quorum.

~~The regulatory board shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to replace him.~~

(Code 1967, § 5-2.4; Ord. No. 07-02162021, 3-1-2021)



City Council Order

Sec. 2-434. Rules and regulations for conduct of hearings.

~~The regulatory board may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.~~

~~(Code 1967, § 5-2.5; Ord. No. 08-02162021, 3-1-2021)~~

Sec. 2-435. Legal counsel.

~~The regulatory board may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.~~

~~(Code 1967, § 5-2.6; Ord. No. 09-02162021, 3-1-2021)~~

~~Sec. 2-441. Compensation of the regulatory board.~~

~~All members of the regulatory board shall receive annually \$600.00, payable quarterly.~~

~~(Ord. No. 41-11152021, 12-6-2021)~~



City of Auburn, Maine

Office of the Assessor

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

January 2, 2024

Mayor Harmon and Members of the City Council,

The Regulatory Advisory Board was created in 2021, combining the Board of Assessment Review, the Zoning Board of Appeals, and adding all other regulatory review functions as directed by the City Council. The size of the new board was increased from 5 full members to 7. Prior to the creation of the new board the Board of Assessment Review had a 5 member board. In the time since the Regulatory Advisory Board was created 3 members whose terms ended chose not to serve again.

The Board of Assessment Review is a very specialized Board. Members require training to understand Title 36 governing valuation and tax abatement and appeal procedures. The Zoning Board of Appeals is also a specialized Board. They are responsible for hearing appeals concerning interpretation of zoning, decisions of the Code Enforcement Officers, and granting of variances. This requires training of a completely different nature. The Board of Assessment Review may hear an appeal once per year and many years there have been no appeals. The time commitment is not typically substantial.

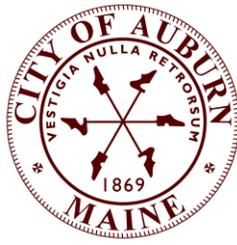
To meet statutory requirements, it is crucial to have enough board members to hear tax appeals. It is the opinion of this office that if the Board of Assessment Review were reinstated as a separate Board a greater number of applicants may apply to fill the vacancies.

The Assessing Department has a pending application to the Regulatory Advisory Board. The current Board does not have enough members to constitute a quorum. Luckily a

request for an extension of time beyond the statutory 60 days was granted by the taxpayer, allowing enough time to follow the current procedures, find applicants and have them appointed by the City Council.

I believe we, as a municipality, have the responsibility to follow due process in a timely manner and I am requesting the City Council consider reinstating the Board of Assessment Review with the hope that this will encourage more applicants to fill the vacancies and avoid situations such as this. I appreciate your consideration.

Karen Scammon, CMA-4
Assessor
City of Auburn



City Council Order

IN CITY COUNCIL

AMENDING THE AUBURN CODE OF ORDINANCES, ARTICLE V, DIVISION 2, SEC. 2-430, 2-431, 2-432, 2-433, 2-434, 2-438, 2-441 TO REINSTATE THE BOARD OF ASSESSMENT REVIEW

BE IT ORDAINED, that the City Council hereby amends the Auburn Code of Ordinances, Article V, Division 2, sec. 2-430, 2-431, 2-432, 2-433, 2-434, 2-438, 2-441 to reinstate the Board of Assessment Review

DIVISION 2. - BOARD OF ASSESSMENT REVIEW

State Law reference— Board of assessment review, 36 M.R.S § 471-A and § 844-N.

Sec. 2-430. - Membership; responsibility.

A board of assessment review (the Board) shall be appointed by the city council, consisting of five regular members and three alternate members, to serve without compensation.

The purpose of the board of assessment review is to hear property tax appeals pursuant to Maine Statute. The Board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.

Sec. 2-431. - Term of members.

The initial terms of office of the members of the board of assessment review shall be staggered terms. The city council shall annually appoint members to serve on the board for three-year terms. Their successors shall be appointed for three-year terms.

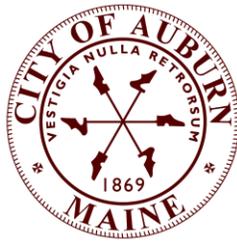
Sec. 2-432. - Assessment review appeals procedure.

When written application is made by a taxpayer for a review of a refusal by the tax assessor to grant a request for an abatement, the board of assessment review shall, within 14 days of the receipt of such request, set a date for hearing, of which the applicant shall receive at least seven days' written notice. In its conduct of the hearing the Board shall act as an impartial panel to receive evidence from the appellant and the assessor, advocating for neither party in rendering a decision. The Board shall conform that decision to all applicable statutes. At such hearing the applicant shall have the right to be heard in person, to present witnesses, to examine the tax assessor and any witnesses presented on behalf of the Assessing Department, and to be represented by counsel. Upon the evidence presented, the Board shall determine whether the applicant has met their burden of proof and may grant such reasonable abatement of their assessment as it determines to be proper.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



City Council Order

The board of assessment review must provide written notice of the decision on an appeal within 60 days of receiving the appeal unless the taxpayer agrees to an extension of the decision deadline.

Sec. 2-433. - Quorum.

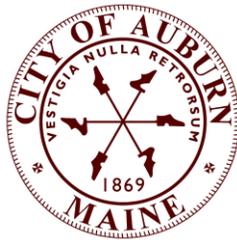
The board of assessment review shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to serve in place of any absent member.

Sec. 2-434. - Rules and regulations for conduct of hearings.

The board of assessment review may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.

Sec. 2-435. - Legal counsel.

The board of assessment review may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.
(other sections edited)



Ordinance 05-01162024

City Council Order

IN CITY COUNCIL

Amending Chapter 60, Article XV reinstating the Zoning Board of Appeals ordinance

Be it ordained, that the City Council hereby amends Chapter 60, Article XV by reinstating the Zoning Board of Appeals ordinance (attached).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ARTICLE XV. - BOARD OF APPEALS

DIVISION 1. - GENERALLY
DIVISION 2. - ORGANIZATION
DIVISION 3. - APPEALS PROCEDURE
DIVISION 4. - POWERS AND DUTIES
DIVISION 5. - JUDICIAL APPEAL
DIVISION 6. - SPECIAL APPEAL

DIVISION 1. - GENERALLY

[Secs. 60-1116—60-1129. - Reserved.](#)

Secs. 60-1116—60-1129. - Reserved.

DIVISION 2. - ORGANIZATION

[Sec. 60-1130. - Membership.](#)
[Sec. 60-1131. - Term of office.](#)
[Sec. 60-1132. - Associate members.](#)
[Sec. 60-1133. - Jurisdiction.](#)
[Sec. 60-1134. - Board rules.](#)
[Sec. 60-1135. - Quorum.](#)
[Secs. 60-1136—60-1150. - Reserved.](#)

Sec. 60-1130. - Membership.

There shall be a board of appeals consisting of up to seven members and two associate members appointed by the city council. Each member shall be at all times a resident of the city.

(Ord. of 9-21-2009, § 6.1A)

Sec. 60-1131. - Term of office.

The members and associate members of the board shall serve ~~no more than three consecutive~~ three-year terms.

(Ord. of 9-21-2009, § 6.1B)

Sec. 60-1132. - Associate members.

An associate member shall have a vote only in the event that one or more regular members of the board are absent or are disqualified from serving on a particular matter because of a conflict of interest.

(Ord. of 9-21-2009, § 6.1C)

Sec. 60-1133. - Jurisdiction.

The board of appeals shall have jurisdiction over:

- (1) Interpretation of provisions of the zoning chapter called into question;
- (2) Administrative appeals from decisions or lack thereof of the building inspector or code enforcement officer in regard to an application for a permit under the zoning chapter;
- (3) The granting of variances from the requirements of the zoning chapter would cause undue hardship.

(Ord. of 9-21-2009, § 6.1D)

Sec. 60-1134. - Board rules.

The board shall adopt, and may from time to time amend, rules and regulations to govern the conduct of its business. The tape recording of the board's proceedings, the transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusion and the appropriate order, relief or denial thereof.

(Ord. of 9-21-2009, § 6.1E)

Sec. 60-1135. - Quorum.

~~Five~~ A majority of appointed members **(minimum of 3)** shall constitute a quorum at any meeting.

(Ord. of 9-21-2009, § 6.1F)

Secs. 60-1136—60-1150. - Reserved.

DIVISION 3. - APPEALS PROCEDURE

[Sec. 60-1151. - Petition.](#)

[Sec. 60-1152. - Public hearing.](#)

[Sec. 60-1153. - Decision.](#)

[Secs. 60-1154—60-1184. - Reserved.](#)

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE XV. - BOARD OF APPEALS
DIVISION 6. - SPECIAL APPEAL

Sec. 60-1151. - Petition.

Written petitions for appeal signed by any party in interest shall be filed in duplicate in the office of the municipal officer charged with enforcement of the zoning ordinance, together with the fee in the amount provided in the city fee schedule, within 30 days from the date of the decision or order. The municipal officer shall forward to the board of appeals, planning director, the chairman of the planning board and the city solicitor, one copy of such petition. The planning director, or in his absence, the chairman of the planning board, shall forward to the board of appeals as soon as possible any pertinent city planning information in his possession bearing on such appeal. The city solicitor shall forward to the board of appeals as soon as possible any pertinent legal information bearing on such appeal. Where no such information is received by the board of appeals by the time of the meeting at which such appeal is scheduled to be heard, it shall be presumed that none was available at that time. In any case in which such planning and legal information is received, it shall be summarized at the public hearing and an opportunity afforded for comment by those interested in the appeal.

(Ord. of 9-21-2009, § 6.2A)

Sec. 60-1152. - Public hearing.

(a) On each such petition, the board shall hold a public hearing, within 65 days of the filing of the appeal petition. Notice of the time, date, place, appellant name and subject of each such hearing shall be given by publication in a newspaper of general circulation in the city on two separate dates not more than 12 nor less than three days before the date of such hearing. Notification of the public hearing shall also be sent to the appellant, the planning director, the building inspector, the city manager and all owners of abutting property and property located directly across the street from the site of the property which is the subject of the appeal by mailing to them copies of such notice as published. Notices shall be mailed to such property owners at the addresses appearing for them in the then current property tax listing of the city. Failure of any property owner to receive such mail notice of any such public hearing shall not necessitate another hearing and shall not constitute grounds for objection by such property owner and shall not invalidate any action by the board of appeals on such appeal or application for variance.

(b) The chairman, or in his absence the acting chairman, shall preside at the public hearing. All hearings of the board of appeals shall be open to the public.

(c) The chairman shall open the hearing and determine whether a quorum of the board of appeals is present. For each appeal heard, the chairman shall summarize the nature of the appeal, identify all relevant information submitted, determine the board's jurisdiction and the appellant's standing, determine the parties to the action and proceed to accept oral and written testimony from the appellant and the public for and against the appeal. When all parties have been heard, the chairman shall close the hearing or, if additional time is needed, continue it to a later date.

(d) The chairman shall determine that the appellant has standing, that is, the right to appear as an appellant before the board. An appellant must hold title to the land, be part owner or have an option to buy or lease property and/or building, in order to have standing.

(e) The chairman shall determine the parties to the action. The appellant, municipal officers, planning board, abutting property owners, individuals who might be adversely affected by any decision and any member of the general public attending the meeting who has made specific statements concerning terms of the appeal, may be made party to the action.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE XV. - BOARD OF APPEALS
DIVISION 6. - SPECIAL APPEAL

(Ord. of 9-21-2009, § 6.2B)

Sec. 60-1153. - Decision.

(a) The decision of the board shall be made as soon as possible, but not later than 30 days of the public hearing, unless extended by mutual agreement of the board and appellant. Failure of the board to act within 30 days shall be deemed to be the denial of the petition sought, subject to judicial appeal.

(b) The board of appeals may by an affirmative vote of a majority of those members present amend or revise a decision of the building inspector, code enforcement officer or of any other municipal officer acting under the zoning ordinance. The board of appeals may permit variances from literal application of the zoning ordinance in accordance with the principles, conditions and procedures set forth in this chapter, subject to the duty of the board to promote the public health, safety, convenience and welfare and to adhere to the central intents and purposes of this chapter. Approval may be subject to conditions, modifications and restrictions as the board of appeals may deem necessary.

(c) The board shall keep a record of each appeal entertained, noting the date when received from the building inspector or code enforcement officer, the date of hearing, the applicant or appellant and the date of the decision. The board shall record by resolution the final disposition of every appeal. All of the foregoing shall be public records filed with the office charged with enforcement of the zoning ordinance. Notice of the decision shall be mailed within seven days to the applicant or appellant. Each notice shall specify that judicial appeals shall be made pursuant to the terms of section 60-1208

(d) The right to proceed under any variance or petition granted under the terms of this chapter, voted by the board of appeals, or under change in a decision of the building inspector, code enforcement officer or other municipal official voted by the board of appeals, shall expire if such right be not exercised beginning within six months from the date of such vote. If such right is not exercised within six months of the date of the vote, the board may grant a six-month extension without having to make another finding of hardship provided that:

- (1) Conditions upon which the appeal was granted have not changed; and
- (2) The appellant can show just cause for the delay in beginning the project.

(Ord. of 9-21-2009, § 6.2C)

Secs. 60-1154—60-1184. - Reserved.

DIVISION 4. - POWERS AND DUTIES

- [Sec. 60-1185. - Interpretation.](#)
- [Sec. 60-1186. - Administrative appeals.](#)
- [Sec. 60-1187. - Variance.](#)
- [Secs. 60-1188—60-1207. - Reserved.](#)

Sec. 60-1185. - Interpretation.

(a) Except as otherwise provided in this chapter, the board of appeals shall interpret provisions of the zoning ordinance which are called into question. Only persons with standing may appeal the denial of a permit which was based on provisions of the zoning ordinance.

(b) Where there is no evidence to the contrary, zoning ordinance language should be given its ordinary meaning. Statements of purpose may provide a key to the intent of zoning provision. In interpreting the ordinance, the board may request the advice of the city solicitor, the planning director or qualified experts in zoning law.

(Ord. of 9-21-2009, § 6.3A)

Sec. 60-1186. - Administrative appeals.

(a) The board of appeals may hear appeals in the administration of the zoning chapter in order to determine if the building inspector or code enforcement officer erred in granting or denying a permit. An applicant who is given no decision on a permit request, or who is denied a permit may appeal.

(b) If the board of appeals finds that the building inspector or code enforcement officer acted in error, it should order the error to be corrected.

(Ord. of 9-21-2009, § 6.3B)

Sec. 60-1187. - Variance.

(a) The board of appeals may grant a variance from the dimensional regulations and supplementary district regulations contained in the zoning chapter where the strict application of the ordinance, or a provision thereof, to the petitioner or property would cause undue hardship based on:

- (1) The land in question cannot yield a reasonable return unless the variance is granted;
- (2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (3) The granting of a variance will not alter the essential character of the locality; and
- (4) The hardship is not the result of action taken by the appellant or a prior owner.

Variances granted under this subsection (a) shall be the minimum necessary to relieve hardship. The burden of proof is on the applicant to prove undue hardship.

(b) The board of appeals may grant a variance for the expansion, extension or enlargement of nonconforming buildings or uses provided that:

- (1) The use being requested shall be approved by a majority of those members present (not less than a quorum being present).
- (2) The board of appeals shall make findings that the requirements of subsection (a) of this section have been met.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE XV. - BOARD OF APPEALS
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(c) In addition to the criteria in this section, in determining whether or not to grant a variance, the board shall also take into consideration the following:

- (1) Fire, electrical and police safety requirements;
- (2) The adequacy of the traffic circulation system in the immediate vicinity;
- (3) The availability of an adequate water supply;
- (4) The availability of adequate sewerage facilities;
- (5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts;
- (6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district;
- (7) Would not endanger the public health, safety or convenience; and
- (8) Would not impair the integrity of the zoning chapter.

(d) Wherever necessary to meet the criteria or consideration listed in this division, the board, when granting a variance, may attach such conditions or restrictions as are in accordance with the objectives and purposes of this zoning chapter.

(e) The planning director, or his representative, shall be responsible for reviewing the records of hearings of the board of appeals. Such review shall be conducted on a monthly basis and shall be for the purpose of maintaining the zoning ordinance. The ordinance may be deemed to be in need of amendment when variances for identical purposes or reasons are applied for in a single zoning district or regarding a specific section of this chapter on three or more occasions within a given calendar year. In any case in which the zoning ordinances are deemed to be in need of amendment, the planning director or his representative shall prepare a report indicating whether the variances applied for suggest that the ordinance or the description of the zoning districts should be amended. Such reports shall be forwarded to the planning board for its review and recommendation.

(Ord. of 9-21-2009, § 6.3C)

Secs. 60-1188—60-1207. - Reserved.

DIVISION 5. - JUDICIAL APPEAL

[Sec. 60-1208. - Superior court.](#)

[Secs. 60-1209—60-1234. - Reserved.](#)

Sec. 60-1208. - Superior court.

Appeals from decisions of the city planning board or of the city zoning board of appeals or on account of the failure of any municipal official or board to comply with the order of the board of appeals shall be taken to the

PART II - CODE OF ORDINANCES
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DIVISION 6. - SPECIAL APPEAL

superior court within 30 days of such decision or action in accordance with Rule 80B of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 2691(3). Except as otherwise provided by statute, every person shall have the right to inspect and copy any record of the board's proceedings, provided that, the inspection be scheduled to occur during regular hours and at such a time as will not inconvenience the regular activities of the office having custody of the record and provided further that the cost of copying the recorded or, if necessary, the translation of mechanical or electronic data compilations into some other form, shall be paid by the person requesting the copy.

(Ord. of 9-21-2009, § 6.4)

Secs. 60-1209—60-1234. - Reserved.

DIVISION 6. - SPECIAL APPEAL

[Sec. 60-1235. - Floodplain district variances.](#)

[Sec. 60-1236. - Shoreland zone variance.](#)

[Sec. 60-1237. - Lake Auburn Watershed zone variance.](#)

[Secs. 60-1238—60-1255. - Reserved.](#)

Sec. 60-1235. - Floodplain district variances.

The board of appeals may grant a variance from strict compliance with requirements of division 2 of article XII of this chapter after public notice and public hearing as provided in this article, provided the following conditions are met:

- (1) The applicant can show that a failure to grant a variance would result in undue hardship as defined in 30-A M.R.S.A. § 4353.
- (2) A determination made by the board with a certification from a registered professional engineer provided by the applicant, if need be, that the granting of the variance will not result in increased flood heights. The professional engineer shall include the following information within their certification: criteria on which the certification was based; any assumptions that were made; source of data for those assumptions; and references to the research material that was relied upon in making the certification. In addition, the board shall determine as a condition for the granting of the variance that it will not result in threats to public safety, extraordinary public expense, create a nuisances, causes fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (3) A determination by the board that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) The applicant shall be notified in writing that the issuance of a variance to building a structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risks to life and property.

(Ord. of 9-21-2009, § 6.5A)

Sec. 60-1236. - Shoreland zone variance.

When by reasons of extraordinary physical conditions peculiar to the land or building under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by reason of the literal application and rigorous enforcement of the terms of this chapter), the board of zoning appeals may grant a variance from strict compliance with the requirements of division 2 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the adjacent water body. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

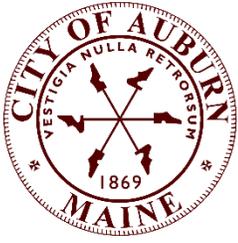
(Ord. of 9-21-2009, § 6.5B)

Sec. 60-1237. - Lake Auburn Watershed Overlay District variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn Water District with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn Water District that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

Secs. 60-1238—60-1255. - Reserved.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 16, 2024

Ordinance: 06-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Amending Sec. 2-466 of the Code of Ordinances correcting the Planning Board Compensation language

Information: In December of 2021, Council voted to adopt section 2-466 (g) of the code adding ***“All members of the planning board, regular and associate, shall receive annually \$1,200, payable quarterly, with an effective date of January 1, 2022”***. When this was adopted, the compensation language in section 2-466 (a) that stated ***“Members shall serve without compensation”*** did get removed.

Passage of this ordinance amendment will clean up that language.

City Budgetary Impacts: None

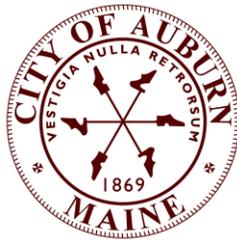
Staff Recommended Action: Recommend passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



City Council Order

IN CITY COUNCIL

Amending Chapter 2, Article V, Division 4, Sec. 2-433 (a) of the Auburn Code of Ordinances striking the language regarding compensation

Be it ordained, that the City Council hereby amends Chapter 2, Article V, Division 4, Sec. 2-433 (a) of the Auburn Code of Ordinances striking the language regarding compensation as shown below.

Sec. 2-466. Membership: appointment, removal, terms, vacancies.

- (a) There shall be a planning board of seven regular and two associate members. Members of the planning board shall be residents of the city. Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the planning board. ~~Members shall serve without compensation.~~
- (b) Regular members of the planning board shall be appointed by the city council for terms of three years. Such terms shall be staggered so that the term of not more than three members shall expire in any calendar year. Incumbent members of the planning board shall serve for the balance of their terms and thereafter until their successors are appointed.
- (c) The city council shall appoint two associate members for a term of three years each. Such terms shall be staggered so that the terms of not more than one associate member, expires in any calendar year. Associate members may participate in deliberations of the planning board but shall not vote unless temporarily acting on behalf of a regular member who is absent or has been recused.
- (d) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.
- (e) Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before removal such members shall be given an opportunity to be heard in his own defense at a public hearing before the city council.
- (f) The planning board may appoint a high school student advisory representative who is a high school student residing in Auburn for a one year term. The student advisory representative may participate in deliberations of the planning board but shall not be entitled to vote.
- (g) All members of the planning board, regular and associate, shall receive annually \$1,200.00, payable quarterly, with an effective date of January 1, 2022.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 16, 2024

Order: 14-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Directing the SNRB to create a solid waste and recycling plan for the City of Auburn

Information: This order will direct the Sustainability and Natural Resource Management Board to work with relevant subcommittees with support from staff to create a solid waste and recycling plan for the city. The plan will be presented to the City Council no later than August 19, 2024.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

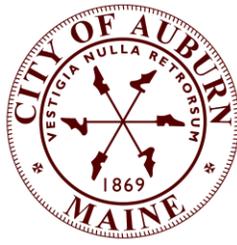
Previous Meetings and History: N/a

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:



ORDER 14-01162024

City Council Order

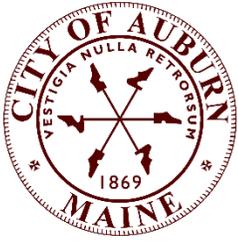
IN CITY COUNCIL

ORDERED, that the Sustainability and Natural Resource Management Board will work with all relevant subcommittees with support from city staff to create a Solid Waste and Recycling plan for the City of Auburn. This plan should be presented to the City Council no later than August 19, 2024. This plan will play a role in the creation of the Cities Request for Proposal that will be issued for potential contract services for Solid Waste and Recycling.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 16, 2024

Order: 15-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Mayor Jeffrey Harmon to the Maine Municipal Association's Legislative Policy Committee

Information: Any elected or appointed municipal official holding office in any Maine Municipal Association (MMA) member community is eligible to serve on the Legislative Policy Committee. There are two seats on the LPC for each State Senate District. Members serve two-year terms, representing their own community and other municipalities in their Senate District.

The LPC brings elected and appointed officials together from towns and cities across the state. According to its by-laws, the purpose of the LPS is "to define municipal interests and to maximize those interest through effective participation in the legislative process." Operating something like a town meeting, the LPS establishes MMA's public policy positions on all matters of direct and statewide municipal interest for representation in the State House.

MMA's strength as a municipal advocate depends on the active help of a dedicated LPC membership.

This appointment fills the remaining term that was held by the Previous Mayor, Jason Levesque and runs until June 2024.

City Budgetary Impacts: None

Staff Recommended Action: Recommend Passage

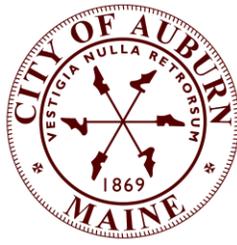
Previous Meetings and History: June 6 and July 18 of 2022

City Manager Comments:

I concur with the recommendation.

Signature:

Attachments:



ORDER 15-01162024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Mayor Jeffrey Harmon to serve on the Maine Municipal Association's Legislative Policy Committee filling the remainder of the term held by the previous Mayor with a term expiration date of June 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



City of Auburn, Maine

Finance Department

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

TO: Phillip Crowell, City Manager
FROM: Jill Eastman, Finance Director
REF: December 2023 Financial Report
DATE: January 16, 2024

The following is a discussion regarding the significant variances found in the City's December financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its sixth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 50.0% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through December 31st, including the school department, were \$53,423,996, or 47.21%, of the budget. The municipal revenues including property taxes were \$37,052,386, or 50.16% of the budget which is 4.54% lower than last year during the same period. The accounts listed below are noteworthy.

The current year's tax revenue is at 50.26% as compared to 56.39% last year. This is a decrease over last year of \$2,479,352.

Excise tax for the month of December is 51.95%. This is an increase over FY 23, of \$15,583.

State Revenue Sharing at the end of December is 57.34% or \$3,425,835 which is \$633,957 more than last year in December.

Expenditures

City expenditures through December 2023 were \$32,390,451 or 59.87% of the budget. This is 1.37 % more than the same period last year. Noteworthy variances are:

- A. The main variances are Health and Social Services is %295,094 higher than FY 23, Debt Service is \$167,017 less than FY23, Public Safety Departments are higher than last year by \$397,065 and Public Works is higher than FY 23 by \$814,739.



City of Auburn, Maine

Finance Department

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

B. Investments

This section contains an investment schedule as of December 31st. Currently the City's funds are earning an average interest rate of 4.29% compared to 2.35% last fiscal year at this time.

Respectfully submitted,

A handwritten signature in black ink that reads "Jill M. Eastman".

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of December 31, November 2023, and June 2023

ASSETS	December 31 2023	November 30 2023	Increase (Decrease)	Unaudited JUNE 30 2023
CASH	\$ 48,355,768	\$ 41,635,592	\$ 6,720,176	\$ 43,592,529
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	2,808,752	3,343,716	(534,964)	2,703,976
TAXES RECEIVABLE-CURRENT	23,928,739	24,211,518	(282,779)	949,747
DELINQUENT TAXES	606,704	611,574	(4,870)	442,839
TAX LIENS	713,418	819,526	(106,108)	430,056
NET DUE TO/FROM OTHER FUNDS	(21,067,465)	(11,139,460)	(9,928,005)	(11,595,819)
TOTAL ASSETS	\$ 55,345,916	\$ 59,482,466	\$ (4,136,550)	\$ 36,523,328
 LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	\$ 10,017,368	\$ (20,605)	\$ 10,037,973	\$ 901,846
PAYROLL LIABILITIES	(876,184)	(188,092)	(688,092)	(350,435)
ACCRUED PAYROLL	43,709	245,746	(202,037)	(570,829)
STATE FEES PAYABLE	(72,900)	(81,299)	8,400	(129,140)
ESCROWED AMOUNTS	(32,713)	(32,713)	0	(32,462)
DEFERRED REVENUE	(25,225,116)	(25,618,817)	393,701	(1,798,833)
DUE TO OTHER FUNDS	-	-	-	-
TOTAL LIABILITIES	\$ (16,145,836)	\$ (25,695,780)	\$ 9,549,943	\$ (1,979,853)
FUND BALANCE - UNASSIGNED/ASSIGNED	\$ (36,736,284)	\$ (31,037,870)	\$ (5,698,414)	\$ (31,544,658)
FUND BALANCE - RESTRICTED	(1,774,533)	(2,059,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
TOTAL FUND BALANCE	\$ (39,200,080)	\$ (33,786,686)	\$ (5,413,394)	\$ (34,543,474)
TOTAL LIABILITIES AND FUND BALANCE	\$ (55,345,916)	\$ (59,482,466)	\$ 4,136,550	\$ (36,523,328)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH December 31, 2023 VS December 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU DEC 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU DEC 2022	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	\$ 53,935,348	\$ 27,107,037	50.26%	\$ 52,463,320	\$ 29,586,389	56.39%	\$ (2,479,352)
PRIOR YEAR TAX REVENUE	\$ -	\$ 478,717		\$ -	\$ 597,851		\$ (119,134)
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 1,770,000	\$ 1,320,847	74.62%	\$ 1,770,000	\$ 1,322,921	74.74%	\$ (2,074)
EXCISE	\$ 4,535,000	\$ 2,355,831	51.95%	\$ 4,435,000	\$ 2,340,248	52.77%	\$ 15,583
PENALTIES & INTEREST	\$ 80,000	\$ 48,099	60.12%	\$ 120,000	\$ 42,500	35.42%	\$ 5,599
TOTAL TAXES	\$ 60,320,348	\$ 31,310,531	51.91%	\$ 58,788,320	\$ 33,889,909	57.65%	\$ (2,579,378)
LICENSES AND PERMITS							
BUSINESS	\$ 240,000	\$ 131,111	54.63%	\$ 190,000	\$ 148,945	78.39%	\$ (17,834)
NON-BUSINESS	\$ 199,100	\$ 198,743	99.82%	\$ 195,250	\$ 148,037	75.82%	\$ 50,706
TOTAL LICENSES	\$ 439,100	\$ 329,853	75.12%	\$ 385,250	\$ 296,982	77.09%	\$ 32,871
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	\$ 400,000	\$ 484,820	121.21%	\$ 400,000	\$ 419,774	104.94%	\$ 65,046
STATE REVENUE SHARING	\$ 5,975,000	\$ 3,425,835	57.34%	\$ 4,504,100	\$ 2,791,878	61.99%	\$ 633,957
WELFARE REIMBURSEMENT	\$ 125,000	\$ 201,177	160.94%	\$ 83,912	\$ 25,825	30.78%	\$ 175,352
OTHER STATE AID	\$ 94,000	\$ 12,883	13.71%	\$ 32,000	\$ -	0.00%	\$ 12,883
CITY OF LEWISTON	\$ 182,000	\$ -	0.00%	\$ 182,000	\$ -	0.00%	\$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 6,776,000	\$ 4,124,716	60.87%	\$ 5,202,012	\$ 3,237,477	62.24%	\$ 887,239
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	\$ 355,550	\$ 81,259	22.85%	\$ 361,400	\$ 97,340	26.93%	\$ (16,081)
PUBLIC SAFETY	\$ 26,400	\$ 16,795	63.62%	\$ 30,800	\$ 57,323	186.11%	\$ (40,528)
EMS TRANSPORT	\$ 1,465,000	\$ 777,951	53.10%	\$ 1,350,000	\$ 705,546	52.26%	\$ 72,405
TOTAL CHARGE FOR SERVICES	\$ 1,846,950	\$ 876,005	47.43%	\$ 1,742,200	\$ 860,209	49.37%	\$ 15,796
FINES							
PARKING TICKETS & MISC FINES	\$ 23,000	\$ 10,798	46.95%	\$ 28,000	\$ 11,336	40.49%	\$ (538)
MISCELLANEOUS							
INVESTMENT INCOME	\$ 45,000	\$ 206,434	458.74%	\$ 30,000	\$ 30,500	101.67%	\$ 175,934
RENTS	\$ 75,000	\$ 7,190	9.59%	\$ 75,000	\$ 5,259	7.01%	\$ 1,931
UNCLASSIFIED	\$ 20,000	\$ 44,644	223.22%	\$ 20,000	\$ 57,174	285.87%	\$ (12,530)
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 24,772		\$ -	\$ 26,136		\$ (1,364)
SALE OF PROPERTY	\$ 100,000	\$ 20,731	20.73%	\$ 100,000	\$ 778	0.78%	\$ 19,953
MMWAC HOST FEES	\$ 240,000	\$ 96,713	40.30%	\$ 240,000	\$ 116,055	48.36%	\$ (19,342)
TRANSFER IN: TIF	\$ 1,500,000	\$ -	0.00%	\$ 1,140,000	\$ -	0.00%	\$ -
TRANSFER IN: Other Funds	\$ 362,500	\$ -	0.00%	\$ 619,000	\$ -	0.00%	\$ -
ENERGY EFFICIENCY							\$ -
SPONSORSHIPS - COMMUNITY ENGAGEMENT	\$ 40,000	\$ -		\$ -	\$ -		\$ -
CDBG	\$ 588,154	\$ -	0.00%	\$ 588,154	\$ -	0.00%	\$ -
UTILITY REIMBURSEMENT	\$ 20,000	\$ -	0.00%	\$ 20,000	\$ 2,521	12.61%	\$ (2,521)
CITY FUND BALANCE CONTRIBUTION	\$ 1,500,000	\$ -	0.00%	\$ 1,500,000	\$ -	0.00%	\$ -
TOTAL MISCELLANEOUS	\$ 4,490,654	\$ 400,482	8.92%	\$ 4,332,154	\$ 238,423	5.50%	\$ 162,059
TOTAL GENERAL FUND REVENUES	\$ 73,896,052	\$ 37,052,386	50.14%	\$ 70,477,936	\$ 38,534,336	54.68%	\$ (1,481,950)
SCHOOL REVENUES							
EDUCATION SUBSIDY	\$ 36,663,037	\$ 16,276,835	44.40%	\$ 34,826,024	\$ 18,952,206	54.42%	\$ (2,675,371)
EDUCATION	\$ 611,103	\$ 94,776	15.51%	\$ 489,465	\$ 236,193	48.26%	\$ (141,417)
SCHOOL FUND BALANCE CONTRIBUTION	\$ 2,000,000	\$ -	0.00%	\$ 1,251,726	\$ 17,723	1.42%	\$ (17,723)
TOTAL SCHOOL	\$ 39,274,140	\$ 16,371,611	41.69%	\$ 36,567,215	\$ 19,206,122	52.52%	\$ (2,834,511)
GRAND TOTAL REVENUES	\$ 113,170,192	\$ 53,423,996	47.21%	\$ 107,045,151	\$ 57,740,458	53.94%	\$ (4,316,462)

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH December 31, 2023 VS December 31, 2022

DEPARTMENT	FY 2024 BUDGET	EXP THRU DEC 2023	% OF BUDGET	FY 2023 BUDGET	EXP THRU DEC 2022	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	\$ 171,750	\$ 85,324	49.68%	\$ 170,500	\$ 74,675	43.80%	\$ 10,649
CITY MANAGER	\$ 695,009	\$ 304,588	43.83%	\$ 510,978	\$ 234,364	45.87%	\$ 70,224
COMMUNICATIONS & ENGAGEMENT	\$ 356,522	\$ 169,834	47.64%	\$ 218,746	\$ 84,928	38.82%	\$ 84,906
CITY CLERK	\$ 290,268	\$ 145,242	50.04%	\$ 257,506	\$ 142,509	55.34%	\$ 2,733
FINANCE	\$ 1,228,112	\$ 770,025	62.70%	\$ 1,138,802	\$ 677,009	59.45%	\$ 93,016
HUMAN RESOURCES	\$ 246,260	\$ 120,409	48.90%	\$ 222,099	\$ 106,786	48.08%	\$ 13,623
INFORMATION TECHNOLOGY	\$ 917,487	\$ 542,684	59.15%	\$ 827,000	\$ 503,088	60.83%	\$ 39,596
TOTAL ADMINISTRATION	\$ 3,905,408	\$ 2,138,106	54.75%	\$ 3,345,631	\$ 1,823,359	54.50%	\$ 314,747
COMMUNITY SERVICES							
PLANNING & PERMITTING	\$ 682,189	\$ 350,764	51.42%	\$ 666,629	\$ 370,465	55.57%	\$ (19,701)
ECONOMIC DEVELOPMENT	\$ 123,893	\$ 95,226	76.86%	\$ 286,598	\$ 159,169	55.54%	\$ (63,943)
BUSINESS & COMMUNITY DEVELOPMENT	\$ 710,692	\$ 178,263	25.08%	\$ 671,411	\$ 143,261	21.34%	\$ 35,002
HEALTH & SOCIAL SERVICES	\$ 180,825	\$ 358,165	198.07%	\$ 119,875	\$ 63,071	52.61%	\$ 295,094
RECREATION & SPORTS TOURISM	\$ 722,416	\$ 298,900	41.38%	\$ 762,440	\$ 322,955	42.36%	\$ (24,055)
PUBLIC LIBRARY	\$ 1,138,659	\$ 654,145	57.45%	\$ 1,084,437	\$ 632,590	58.33%	\$ 21,555
TOTAL COMMUNITY SERVICES	\$ 3,558,674	\$ 1,935,463	54.39%	\$ 3,591,390	\$ 1,691,511	47.10%	\$ 243,952
FISCAL SERVICES							
DEBT SERVICE	\$ 8,334,544	\$ 7,382,946	88.58%	\$ 8,361,254	\$ 7,549,963	90.30%	\$ (167,017)
CAPITAL INVESTMENT & PURCHASING	\$ 783,252	\$ 357,176	45.60%	\$ 672,473	\$ 305,738	45.46%	\$ 51,438
WORKERS COMPENSATION	\$ 715,400	\$ 715,400	100.00%	\$ 698,000	\$ 698,000	100.00%	\$ 17,400
WAGES & BENEFITS	\$ 8,257,879	\$ 3,442,079	41.68%	\$ 7,876,393	\$ 3,342,325	42.43%	\$ 99,754
EMERGENCY RESERVE (10108062-670000)	\$ 550,000	\$ -	0.00%	\$ 461,230	\$ -	0.00%	\$ -
TOTAL FISCAL SERVICES	\$ 18,641,075	\$ 11,897,601	63.82%	\$ 18,069,350	\$ 11,896,026	65.84%	\$ 1,575
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	\$ 6,304,713	\$ 3,110,663	49.34%	\$ 5,693,284	\$ 2,850,111	50.06%	\$ 260,552
POLICE DEPARTMENT	\$ 5,207,160	\$ 2,553,601	49.04%	\$ 4,945,034	\$ 2,417,088	48.88%	\$ 136,513
TOTAL PUBLIC SAFETY	\$ 11,511,873	\$ 5,664,264	49.20%	\$ 10,638,318	\$ 5,267,199	49.51%	\$ 397,065
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	\$ 6,108,837	\$ 3,101,878	50.78%	\$ 5,600,109	\$ 2,350,875	41.98%	\$ 751,003
SOLID WASTE DISPOSAL*	\$ 1,386,000	\$ 597,398	43.10%	\$ 1,320,000	\$ 533,662	40.43%	\$ 63,736
WATER AND SEWER	\$ 792,716	\$ 390,602	49.27%	\$ 792,716	\$ 390,602	49.27%	\$ -
TOTAL PUBLIC WORKS	\$ 8,287,553	\$ 4,089,878	49.35%	\$ 7,712,825	\$ 3,275,139	42.46%	\$ 814,739
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	\$ 205,000	\$ 204,819	99.91%	\$ 205,000	\$ 203,195	99.12%	\$ 1,624
E911 COMMUNICATION CENTER	\$ 1,287,401	\$ 521,968	40.54%	\$ 1,217,713	\$ 608,856	50.00%	\$ (86,888)
LATC-PUBLIC TRANSIT	\$ 400,079	\$ -	0.00%	\$ 431,811	\$ -	0.00%	\$ -
LA ARTS	\$ 20,000	\$ 15,000	75.00%	\$ 30,000	\$ 15,000	50.00%	\$ -
TAX SHARING	\$ 260,000	\$ -	0.00%	\$ 260,000	\$ -	0.00%	\$ -
TOTAL INTERGOVERNMENTAL	\$ 2,172,480	\$ 741,787	34.14%	\$ 2,144,524	\$ 827,051	38.57%	\$ (85,264)
COUNTY TAX							
TIF (10108058-580000)	\$ 2,972,037	\$ 2,972,037	100.00%	\$ 2,761,220	\$ 2,761,220	100.00%	\$ 210,817
OVERLAY	\$ 3,049,803	\$ 2,951,315	96.77%	\$ 3,049,803	\$ 2,479,088	81.29%	\$ 472,227
	\$ -	\$ -		\$ -	\$ -		\$ -
TOTAL CITY DEPARTMENTS	\$ 54,098,903	\$ 32,390,451	59.87%	\$ 51,313,061	\$ 30,020,593	58.50%	\$ 2,369,858
EDUCATION DEPARTMENT							
	\$ 59,071,289	\$ 9,958,207	16.86%	\$ 55,732,090	\$ 18,654,687	33.47%	\$ (8,696,480)
TOTAL GENERAL FUND EXPENDITURES	\$ 113,170,192	\$ 42,348,658	37.42%	\$ 107,045,151	\$ 48,675,280	45.47%	\$ (6,326,622)

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF December 31, 2023**

INVESTMENT	FUND	BALANCE December 31, 2023	BALANCE November 30, 2023	INTEREST RATE
ANDROSCOGGIN BANK 449	CAPITAL PROJECTS	\$ 13,070,156.01	\$ 13,070,201.01	2.00%
ANDROSCOGGIN BANK 502	SR-TIF	\$ 1,052,675.41	\$ 1,054,623.81	2.00%
ANDROSCOGGIN BANK 836	GENERAL FUND	\$ 18,847,043.87	\$ 25,847,043.87	2.00%
ANDROSCOGGIN BANK 801	WORKERS COMP	\$ 53,660.22	\$ 53,660.22	2.00%
ANDROSCOGGIN BANK 684	EMS CAPITAL RESERVE	\$ 346,951.33	\$ 346,951.33	2.00%
ANDROSCOGGIN BANK 414	INGERSOLL TURF FACILITY	\$ 231,661.08	\$ 231,661.08	2.00%
ANDROSCOGGIN BANK 0888	ELHS FUNDRAISING	\$ 476,435.18	\$ 476,435.18	2.00%
ANDROSCOGGIN BANK	ELHS CONSTRUCTION	\$ 139,309.74	\$ 114,466.88	2.00%
NOMURA 2	ELHS Bond Proceeds	\$ 7,587,941.00	\$ 13,347,999.00	2.08%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.00%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.15%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.15%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.25%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.40%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.50%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.45%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.15%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.50%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.50%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.50%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.80%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.40%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.75%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.60%
GRAND TOTAL		\$ 46,555,833.84	\$ 59,293,042.38	4.29%

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2023 - June 30, 2024
Report as of December 31, 2023

	Beginning	December 2023					Ending
	Balance 12/1/2023	New Charges	Payments	Refunds	Adjustments	Write-Offs	Balance 12/31/2023
Bluecross	\$ 43,397.46	\$ 20,122.20	\$ (9,111.35)		\$ (1,674.25)		\$ 52,734.06
Intercept	\$ (1,069.40)						\$ (1,069.40)
Medicare	\$ 292,311.88	\$ 150,092.00	\$ (44,046.13)		\$ (61,181.47)		\$ 337,176.28
Medicaid	\$ (36,331.13)	\$ 57,957.55	\$ (28,435.87)		\$ (21,834.12)		\$ (28,643.57)
Other/Commercial	\$ 114,757.67	\$ 29,895.60	\$ (13,343.85)		\$ (965.36)		\$ 130,344.06
Patient	\$ 77,858.86	\$ 11,215.40	\$ (9,461.14)		\$ (652.11)	\$ (31,092.18)	\$ 47,868.83
Worker's Comp	\$ (7,206.41)		\$ (3,909.60)				\$ (11,116.01)
TOTAL	\$ 483,718.93	\$ 269,282.75	\$ (108,307.94)	\$ -	\$ (86,307.31)	\$ (31,092.18)	\$ 527,294.25

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2023 - June 30, 2024
Report as of December 31, 2023

	July 2023	August 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Totals	% of Total
Bluecross	\$ 12,163.20	\$ 17,050.40	\$ 11,900.40	\$ 18,210.00	\$ 13,878.60	\$ 20,122.20	\$ 93,324.80	5.58%
Intercept	\$ -	\$ (969.20)	\$ 200.00	\$ 300.00	\$ -		\$ (469.20)	-0.03%
Medicare	\$ 144,760.40	\$ 176,422.00	\$ 141,352.25	\$ 217,867.20	\$ 150,402.45	\$ 150,092.00	\$ 980,896.30	58.68%
Medicaid	\$ 61,035.00	\$ 82,884.40	\$ 53,226.00	\$ 58,306.80	\$ 53,655.00	\$ 57,957.55	\$ 367,064.75	21.96%
Other/Commercial	\$ 17,128.40	\$ 36,769.30	\$ 14,611.00	\$ 30,035.95	\$ 19,624.05	\$ 29,895.60	\$ 148,064.30	8.86%
Patient	\$ 13,258.80	\$ 16,885.60	\$ 14,580.20	\$ 19,484.60	\$ 6,522.20	\$ 11,215.40	\$ 81,946.80	4.90%
Worker's Comp				\$ -	\$ 859.40		\$ 859.40	0.05%
TOTAL	\$ 248,345.80	\$ 329,042.50	\$ 235,869.85	\$ 344,204.55	\$ 244,941.70	\$ 269,282.75	\$ 1,671,687.15	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2023 - June 30, 2024
Report as of December 31, 2023

	July 2023	August 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Totals	% of Total
Bluecross	12	27	12	20	15	24	110	5.41%
Intercept	0	3	2	3	0	0	8	0.39%
Medicare	178	236	172	254	172	178	1190	58.48%
Medicaid	72	112	59	64	65	64	436	21.43%
Other/Commercial	17	63	18	35	24	38	195	9.58%
Patient	16	20	16	25	7	11	95	4.67%
Worker's Comp			0		1	0	1	0.05%
TOTAL	295	461	279	401	284	315	2035	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES
As of December 31, 2023

	1902	1910	1914	1917	1928	2003	2005	2008	2009	2010	2011	2014	2015	2016	2018	2019		
	Riverwatch	Community Service	Oak Hill Cemeteries	Wellness Grant	Vending	Byrne JAG	MDOT	Homeland Security	PD Evidence Money Deposits	State Drug Money	PD Capital Reserve	Speed Grant	AARP Walkability Grant	Pedestrian Safety	Nat Opioid Settlement	Law Enforcement Training		
Fund Balance 7/1/23	\$ 419,018.01	\$ 7,337.93	\$ 37,205.06	\$ 7,041.18	\$ -	\$ 2,808.57	\$ (862,167.55)	\$ (101,432.52)	\$ 212,779.28	\$ 8,224.66	\$ 31,585.83	\$ 5,736.24	\$ -	\$ 545.31	\$ 212,510.51	\$ (8,205.29)	\$ (27,012.78)	
Revenues FY24	\$ 25,351.04	\$ 524.00	\$ 807.70	\$ 3,837.00	\$ 254.70	\$ 3,232.99	\$ -	\$ -	\$ 2,301.00			\$ 8,629.65			\$ 41,251.49		\$ 86,189.57	
Expenditures FY24	\$ 148,377.00			\$ 3,503.30	\$ 287.76	\$ 16,957.99	\$ 2,134,136.20	\$ 19,000.00	\$ (2,030.00)	\$ 11,935.65		\$ 8,638.77	\$ 2,033.49				\$ 2,342,840.16	
Fund Balance 12/31/2023	\$ 295,992.05	\$ 7,861.93	\$ 38,012.76	\$ 7,374.88	\$ (33.06)	\$ (10,916.43)	\$ (2,996,303.75)	\$ (120,432.52)	\$ 217,110.28	\$ (3,710.99)	\$ 31,585.83	\$ 5,727.12	\$ (2,033.49)	\$ 545.31	\$ 253,762.00	\$ (8,205.29)	\$ (2,283,663.37)	
	2020	2025	2026	2030	2037	2040	2041	2043	2044	2047	2048	2051	2054	2059	2068			
	CDBG	Community Cords	State Grant Non-GA Heat Asst	Parking	Bulletproof Vests	Great Falls TV	Blanche Stevens	DOJ Covid 19 Preventative	Federal Drug Money	American Firefighter Grant	TD Tree Days	Project Canopy	EMS Transport Capital Reserve	Distracted Driving	Northern Borders Grant			
Fund Balance 7/1/23	\$ 1,207,031.43	\$ 30,379.80	\$ 25,064.37	\$ 40,215.76	\$ 3,374.73	\$ 20,536.23	\$ 21,618.18	\$ -	\$ 110,525.79	\$ (1,695.00)	\$ 2,213.05	\$ (1,522.60)	\$ 288,581.46	\$ 802.57	\$ 178,046.71	\$ 1,925,172.48		
Revenues FY24	\$ 652,501.37			\$ 88,756.50			\$ 350.00		\$ 31,196.49				\$ 202,615.62			\$ 975,419.98		
Expenditures FY24	\$ 687,073.41		\$ 9,933.77	\$ 2,847.40	\$ 7,674.97		\$ 1,187.10		\$ 23,048.43							\$ 731,765.08		
Fund Balance 12/31/2023	\$ 1,172,459.39	\$ 30,379.80	\$ 15,130.60	\$ 126,124.86	\$ (4,300.24)	\$ 20,536.23	\$ 20,781.08	\$ -	\$ 118,673.85	\$ (1,695.00)	\$ 2,213.05	\$ (1,522.60)	\$ 491,197.08	\$ 802.57	\$ 178,046.71	\$ 2,168,827.38		
	2071	2080	2085	2300	2400	2405	2500	2700	2100									
	Com Engage Spec Events	Futsal Court Project	Edna Hodakin Crowley Park	ARPA Grant	NRPA Youth Mentoring	Elmina B Sewall Grant	Parks & Recreation	Capital Reserve Funds	School Capital Reserve									
Fund Balance 7/1/23	\$ 48,854.00	\$ 25,353.61	\$ 6,053.02	\$ 11,279,077.49	\$ 482.09	\$ 82,000.00	\$ 228,248.69	\$ -	\$ -							\$ 11,670,068.90		
Revenues FY24				\$ 58,836.55	\$ 17,618.56	\$ -	\$ 166,029.13	\$ 2,023,255.00	\$ 286,000.00							\$ 2,551,739.24		
Expenditures FY24	\$ 18,750.00			\$ 1,118,377.85	\$ 7,974.78	\$ 18,250.05	\$ 263,661.06		\$ 29,000.00							\$ 1,456,013.74		
Fund Balance 12/31/2023	\$ 30,104.00	\$ 25,353.61	\$ 6,053.02	\$ 10,219,536.19	\$ 10,125.87	\$ 63,749.95	\$ 130,616.76	\$ 2,023,255.00	\$ 257,000.00							\$ 12,765,794.40		
	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	2600	Total Special Revenues	TIF Totals
	Tambrands II TIF 6	Mall TIF 9	Downtown TIF 10	Auburn Industrial TIF 12	Auburn Plaza TIF 13	Auburn Plaza II TIF 14	Webster School TIF 16	Hartt Transport TIF 19	62 Spring St TIF 20	Minot Ave TIF 21	48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	2600 Stable Ridge TIF 27		
Fund Balance 7/1/23	\$ 126,694.39	\$ 806,274.01	\$ 786,690.71	\$ (627,211.49)	\$ 623,092.36	\$ (662,615.38)	\$ 19,435.74	\$ 27,952.81	\$ 1,120.91	\$ 74,350.62	\$ 132,062.18	\$ (28,481.47)	\$ 13,914.35	\$ (76,544.08)	\$ 59,527.65	\$ -	\$ 14,844,491.91	\$ 1,276,263.31
Revenues FY24	\$ 320,418.48		\$ 1,067,545.12	\$ 157,316.25	\$ 305,587.10	\$ 423,195.28	\$ 36,072.86	\$ 30,616.50	\$ 69,246.45	\$ 58,305.98	\$ 114,488.40	\$ 113,293.40	\$ 42,837.59	\$ 37,087.06	\$ 71,601.08	\$ 103,703.60	\$ 6,564,663.94	\$ 2,951,315.15
Expenditures FY24		\$ -	\$ 21,495.16	\$ 260,900.00		\$ 105,461.73	\$ 18,036.43		\$ 34,623.23	\$ 14,577.06	\$ 28,622.10	\$ 133,754.34	\$ 21,418.80	\$ 2,619.48	\$ -		\$ 5,172,127.31	\$ 641,508.33
Fund Balance 12/31/2023	\$ 447,112.87	\$ 806,274.01	\$ 1,832,740.67	\$ (730,795.24)	\$ 928,679.46	\$ (344,881.83)	\$ 37,472.17	\$ 58,569.31	\$ 35,744.13	\$ 118,079.54	\$ 217,928.48	\$ (48,942.41)	\$ 35,333.14	\$ (42,076.50)	\$ 131,128.73	\$ 103,703.60	\$ 16,133,324.94	\$ 3,482,366.53



City of Auburn, Maine

Finance Department

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for December 31, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of December 31, 2023.

INGERSOLL TURF FACILITY

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of December 31, 2023.

Current Assets:

As of the end of December 2023 the total current assets of Ingersoll Turf Facility were \$431,288. This consisted of cash and cash equivalents.

Noncurrent Assets:

Ingersoll's noncurrent assets are the building, and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of December 31, 2023, was \$34,044.

Liabilities:

Ingersoll had no accounts payable as of December 31, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through December 2023 are \$94,463. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through December 2023 were \$12,847. These expenses include program costs and capital purchases. Personal and operating costs are now in the Recreation budget.

As of December 2023, Ingersoll has an operating gain of \$81,616 compared to a net gain in November 2023 of \$63,756.

As of December 31, 2023, Ingersoll has an increase in net assets of \$83,362.

The budget to actual reports for revenue and expenditures, show that the revenue for FY24 compared to FY 23.

Statement of Net Assets
Ingersoll Turf Facility
December 31, 2023
Business-type Activities - Enterprise Fund

	December 31 2023	November 30 2023	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 231,233	\$ 231,233	\$ -
Interfund receivables/payables	\$ 200,055	\$ 180,449	19,606
Accounts receivable	-	-	-
Total current assets	431,288	411,682	19,606
Noncurrent assets:			
Capital assets:			
Buildings	672,279	672,279	-
Equipment	119,673	119,673	-
Land improvements	18,584	18,584	-
Less accumulated depreciation	(776,492)	(776,492)	-
Total noncurrent assets	34,044	34,044	-
Total assets	465,332	445,726	19,606
LIABILITIES			
Accounts payable	\$ -	\$ -	-
Interfund payable	\$ -	\$ -	-
Total liabilities	-	-	-
NET ASSETS			
Invested in capital assets	\$ 34,044	\$ 34,044	\$ -
Unrestricted	\$ 431,288	\$ 411,682	\$ 19,606
Total net assets	\$ 465,332	\$ 445,726	\$ 19,606

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
December 31, 2023

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	\$ 94,463
Operating expenses:	
Personnel	-
Supplies	-
Utilities	293
Repairs and maintenance	
Rent	-
Depreciation	-
Capital expenses	8,555
Other expenses	3,999
Total operating expenses	12,847
Operating gain (loss)	81,616
Nonoperating revenue (expense):	
Interest income	1,746
Interest expense (debt service)	-
Total nonoperating expense	1,746
Gain (Loss) before transfer	83,362
Transfers out	-
Change in net assets	83,362
Total net assets, July 1	381,970
Total net assets, December 31, 2023	\$ 465,332

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through December 31, 2023 compared to December 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU DEC 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU DEC 2022	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship		\$ 7,525			\$ 1,500	
Batting Cages		\$ 13,105			\$ 2,855	
Programs		\$ 13,501			\$ 12,801	
Rental Income		\$ 60,332			\$ 34,717	
TOTAL CHARGE FOR SERVICES	\$ -	\$ 94,463		\$ -	\$ 51,873	
INTEREST ON INVESTMENTS	\$ -	\$ 1,746		\$ -	\$ 173	
GRAND TOTAL REVENUES	\$ -	\$ 96,209		\$ -	\$ 52,046	

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through December 31, 2023 compared to December 31, 2022

DESCRIPTION	ACTUAL			ACTUAL			Difference
	FY 2024 BUDGET	EXPENDITURES THRU DEC 2023	% OF BUDGET	FY 2023 BUDGET	EXPENDITURES THRU DEC 2022	% OF BUDGET	
Salaries & Benefits	See Recreation Budget			See Recreation Budget			\$ -
Purchased Services							\$ -
Programs		\$ 3,999			\$ 4,761		\$ (762)
Supplies					\$ 1,641		\$ (1,641)
Utilities		\$ 293					\$ 293
Insurance Premiums	\$ -			\$ -	\$ -		
Capital Outlay	\$ -	\$ 8,555		\$ -	\$ 11,136		\$ (2,581)
	\$ -	\$ 12,847		\$ -	\$ 17,538		\$ (4,691)
GRAND TOTAL EXPENDITURES	\$ -	\$ 12,847		\$ -	\$ 17,538		\$ (4,691)



City of Auburn, Maine

Finance Department

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for December 31, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of December 31, 2023.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, November 30, 2023.

Current Assets:

As of the end of December 2023 the total current assets of Norway Savings Bank Arena were (\$1,386,000). These consisted of cash and cash equivalents of \$280,764, accounts receivable of \$26,500, and an interfund payable of \$1,693,324.

Noncurrent Assets:

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of December 31, 2023, was \$102,173.

Liabilities:

Norway Arena had accounts payable of \$5,308 as of December 31, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through December 2023 are \$418,376. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through December 2023 were \$397,566. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of December 2023, Norway Arena had an operating gain of \$20,810.

As of December 31, 2023 Norway Arena has an increase in net assets of \$20,810.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY24 is \$3,058 less than in FY23 and expenditures in FY24 are \$43,929 more than last year in December.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
December 31, 2023
Business-type Activities - Enterprise Fund

	December 31 2023	November 30 2023	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 280,764	\$ 280,764	\$ -
Interfund receivables	\$ (1,693,324)	\$ (1,759,972)	\$ 66,648
Prepaid Rent			\$ -
Accounts receivable	26,560	26,560	\$ -
Total current assets	(1,386,000)	(1,452,648)	66,648
Noncurrent assets:			
Capital assets:			
Buildings	58,223	58,223	-
Equipment	517,049	517,049	-
Land improvements	-	-	-
Less accumulated depreciation	(473,099)	(473,099)	-
Total noncurrent assets	102,173	102,173	-
Total assets	(1,283,827)	(1,350,475)	66,648
LIABILITIES			
Accounts payable	\$ 5,398	\$ 4,400	\$ 998
Net OPEB liability	\$ 64,614	\$ 64,614	\$ -
Net pension liability	(52,355)	(52,355)	-
Total liabilities	17,657	16,659	998
NET ASSETS			
Invested in capital assets	\$ 102,173	\$ 102,173	\$ -
Unrestricted	\$ (1,403,657)	\$ (1,469,307)	\$ 65,650
Total net assets	\$ (1,301,484)	\$ (1,367,134)	\$ 65,650

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
December 31, 2023

	Norway Savings Arena
Operating revenues:	
Charges for services	\$ 418,376
Operating expenses:	
Personnel	190,905
Supplies	53,578
Utilities	16,938
Repairs and maintenance	19,766
Insurance Premium	-
Depreciation	
Capital expenses	101,600
Other expenses	14,779
Total operating expenses	397,566
Operating gain (loss)	20,810
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	20,810
Transfers out	-
Change in net assets	20,810
Total net assets, July 1	(1,322,294)
Total net assets, December 31, 2022	\$ (1,301,484)

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through December 31, 2023 compared to December 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU DEC 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU DEC 2022	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concussions	\$ 16,500	\$ 9,000	54.55%	\$ 16,500		0.00%	\$ 9,000
Skate Rentals	\$ 6,000	\$ 1,495	24.92%	\$ 6,000		0.00%	\$ 1,495
Pepsi Vending Machines	\$ 2,000	\$ 415	20.75%	\$ 2,000	\$ 522	26.10%	\$ (107)
Games Vending Machines	\$ 3,000	\$ -	0.00%	\$ 3,000	\$ -	0.00%	\$ -
Vending Food	\$ 2,000	\$ 239	11.95%	\$ 2,000	\$ 374	18.70%	\$ (135)
Sponsorships	\$ 230,000	\$ 94,327	41.01%	\$ 230,000	\$ 86,382	37.56%	\$ 7,945
Pro Shop	\$ 7,000	\$ 3,432	49.03%	\$ 7,000	\$ 2,340	33.43%	\$ 1,092
Programs	\$ 20,000	\$ -	0.00%	\$ 20,000		0.00%	\$ -
Rental Income	\$ 702,000	\$ 285,741	40.70%	\$ 702,000	\$ 273,824	39.01%	\$ 11,917
Camps/Clinics	\$ 50,000	\$ 11,560	23.12%	\$ 50,000	\$ 21,010	42.02%	\$ (9,450)
Tournaments	\$ 50,000	\$ 12,167	24.33%	\$ 50,000	\$ 36,982	73.96%	\$ (24,815)
TOTAL CHARGE FOR SERVICES	\$ 1,088,500	\$ 418,376	38.44%	\$ 1,088,500	\$ 421,434	38.72%	\$ (3,058)

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through December 31, 2023 compared to December 31, 2022

DESCRIPTION	ACTUAL			ACTUAL			VARIANCE
	FY 2024 BUDGET	EXPENDITURES THRU DEC 2023	% OF BUDGET	FY 2023 BUDGET	EXPENDITURES THRU DEC 2022	% OF BUDGET	
Salaries & Benefits	\$ 291,095	\$ 190,905	65.58%	\$ 291,095	\$ 181,926	62.50%	\$ 8,979
Purchased Services	\$ 136,900	\$ 34,545	25.23%	\$ 136,900	\$ 57,652	42.11%	\$ (23,107)
Supplies	\$ 76,562	\$ 53,578	69.98%	\$ 76,562	\$ 20,818	27.19%	\$ 32,760
Utilities	\$ 267,000	\$ 16,938	6.34%	\$ 267,000	\$ 69,447	26.01%	\$ (52,509)
Capital Outlay	\$ 50,000	\$ 101,600	203.20%	\$ 50,000	\$ 23,794	47.59%	\$ 77,806
Rent	\$ -	\$ -		\$ -	\$ -		\$ -
	\$ 821,557	\$ 397,566	48.39%	\$ 821,557	\$ 353,637	43.04%	\$ 43,929
GRAND TOTAL EXPENDITURES	\$ 821,557	\$ 397,566	48.39%	\$ 821,557	\$ 353,637	43.04%	\$ 43,929



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: January 16, 2024

Subject: Executive Session

Information: Personnel matter, 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;

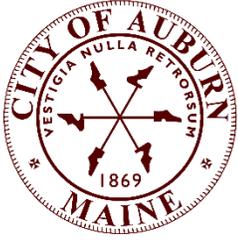
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 16, 2024

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

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;
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- (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;

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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.