



City Council Workshop & Meeting
March 4, 2019
Agenda

5:30 P.M. City Council Workshop

- A. Executive session – Discussion on legal rights and responsibilities, pursuant to 1 M.R.S.A. Sec. 405 (6)(E).
- B. Proposed TIF 24 (Gracelawn) – Brett Sawyer (15 minutes)
- C. Agricultural Advisory Board Ordinance – Peter Crichton (30 minutes)
- D. Executive Session – Discussion regarding a real estate matter (St. Louis Church), pursuant to 1 M.R.S.A. Sec. 405 (6)(C).

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

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 27-03042019***
Approving the temporary sign request for the Auburn Business Association (Citizen of the Year).
 - 2. **Order 28-03042019***
Setting the time to open the polls at 7:00 AM for the April 23, 2019 Special Municipal Election for the Ward 4 School Committee seat.
- II. **Minutes**
 - February 25, 2019 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Communication – Finance Department (Jill Eastman, Finance Director)
 - Recognition – Jane Norris
- IV. **Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

V. Unfinished Business

1. Ordinance 01-02252019

Amending Chapter 60, Sec. 60-145 (b)(17) Special Exception Use Regulations. Second reading.

VI. New Business

2. Order 29-03042019

Authorizing the purchase of the used pro-deck floor for the Norway Savings Bank Arena.

3. Order 30-03042019

Approving the Mill and Main Street Intersection Design as recommended by staff.

4. Order 31-03042019

Authorizing the sale of tax acquired property (by sealed bid) for Court Street and Beck Avenue.

5. Ordinance 02-03042019

Adopting the Age Friendly Community Committee Ordinance. Public hearing and first reading.

6. Resolve 03-03042019

Supporting the formation of the Mayor's Ad Hoc Committee on Water Quality.

VII. Reports

a. Mayor's Report

b. City Councilors' Reports

c. City Manager Report

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

IX. Executive Session

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2019

Subject: Executive Session

Information: Legal consultation, with discussion on legal rights and responsibilities, pursuant to 1 M.R.S.A. Section 405(6) (E).

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

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

(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;

(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;

(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and

(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal;

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

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

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

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

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

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

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: February 4, 2019

Author: Brett Sawyer, Economic Development Specialist

Subject: Proposal for TIF District 24-Gracelawn Apartment Complex

Information: The Economic Development Office has been working with the Developers of Gracelawn Apartments to solve the pedestrian traffic concern currently on Turner Street. The complex will create 48 market rate apartment units at the corner of Turner Street and Gracelawn Road. The development of the apartment complex will create additional pedestrian traffic in the area and will require sidewalks to be built. The proposed sidewalk on Turner St. would connect the mall area sidewalk system to future planned sidewalks on Gracelawn Road. This project supports City walkability goals and is supported by the Complete Street Committee.

The creation of the TIF district will make it possible to build the sidewalk at the same time the apartment complex is being built with tax shift funds that would otherwise be lost to the State and County. The Developer of the complex would finance the project and be repaid utilizing a CEA. Additional TIF funds would be generated for future repaving of Turner Street and Joline Drive.

The next steps for creating the TIF District will be discussed.

City Budgetary Impacts: No impact to General Fund

Staff Recommended Action: Create the TIF District

Previous Meetings and History:

Proposed TIF 24 Gracelawn Apartment Executive Session- January 28, 2019

TIF workshop- December 3, 2018

City Manager Comments:

A handwritten signature in blue ink, reading "Peter J. Caulton".

I concur with the recommendation. Signature:

Attachment(s):

TIF 24 Information sheet

TIF 24 Calculation, Tax Shift sheet, TIF revenue Graphic

TIF 24 Project Costs sheet

City of Auburn

Proposed TIF 24: Gracelawn Apartments

TIF objective: Creating a TIF District will allow the City of Auburn to capture tax funds generated by the Gracelawn Apartments to build a sidewalk along Turner Street and improve roads on Turner Street and Joline Drive. TIF funds from this project will only be used for infrastructure around the TIF District.

Prosed Capture Rate of the TIF & Duration: 43% of new assessed value will be captured in this proposed TIF district. 57% of new assessed value will go toward the general fund. Based on County & State tax shifts the City will lose no revenue to the General Fund in this scenario. The Term of the district proposed will be 24 years.

Use of a CEA: The developer will fund the building of the sidewalk on Turner St. The TIF district will not generate enough funds to build the sidewalk for years without the using the CEA. The CEA will pay 100% of captured tax revenue until the cost of the sidewalk and interest is repaid. Once the sidewalk has been paid for the CEA will end. The estimated duration of CEA payments is approx. 10 years (based on best available estimates of cost of construction, value created by the district, and interest rates)

Need for Sidewalks & Road Improvement: The Auburn PD has raised a safety concern for pedestrians in the area. The new apartment complex will generate additional pedestrian traffic requiring the sidewalk to be built. Building the sidewalk aligns with walkability goals for the City and is supported by the Complete Street Committee. The balance of the TIF funds will be accrued for repaving Turner and Joline Streets in the future.

Benefit of using TIF District in this scenario: The city retains funds that would have been lost to the State and County for the outlined infrastructure improvements. Utilizing the CEA agreement, the sidewalk will be built in time for the opening of the apartment complex reducing the safety concerns to pedestrians and motorists in the area. The city doesn't incur any debt to complete the projects outlined.

Drawbacks to creating a TIF district: Minimal- some legal fees incurred for creation of TIF. Amount saved by creation far outweigh legal fees incurred.

TIF 24- Gracelawn Calculations

TIF Year	Tax Year	Original Assessed Value	Projected Additional Assessed Value*	Projected MIL rate	Projected New Taxes	New Taxes Captured w/TIF 43%	Amount To General Fund w/ TIF 57%	Amount to GF without TIF
1	2021	\$ 262,200	\$ 1,247,800	0.02368	\$ 29,548	\$ 12,706	\$ 16,842	\$ 16,016
2	2022	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
3	2023	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
4	2024	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
5	2025	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
6	2026	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
7	2027	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
8	2028	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
9	2029	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
10	2030	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
11	2031	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
12	2032	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
13	2033	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
14	2034	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
15	2035	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
16	2036	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
17	2037	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
18	2038	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
19	2039	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
20	2040	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
21	2041	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
22	2042	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
23	2043	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363
24	2044	\$ 262,200	\$ 2,247,800	0.02368	\$ 53,228	\$ 22,888	\$ 30,340	\$ 30,363

Totals \$ 1,253,790 \$ 539,130 \$ 714,660 \$ 714,365

Difference \$ 295

First year estimate is for 2 buildings completed

TIF Funds returned to developer until Sidewalk construction paid off- about 10 yrs- approx \$150,000 plus interest

The Project is fully funded by funds that would have been otherwise lost to County and State due to the tax shift

repay year	Loan balance	CEA repay amount
1	\$ 150,000	\$ 12,706
2	\$ 146,294	\$ 22,888
3	\$ 132,184	\$ 22,888
4	\$ 117,227	\$ 22,888
5	\$ 101,373	\$ 22,888
6	\$ 84,567	\$ 22,888
7	\$ 66,753	\$ 22,888
8	\$ 47,870	\$ 22,888
9	\$ 27,855	\$ 22,888
10	\$ 6,638	\$ 6,638
	Total repayment	\$ 202,447

TIF 24- Tax Shifts

TIF Year	Tax Year	Revenue Sharing	Education	County Tax	Total Shift	Amount to GF without TIF
1	2021	\$ 1,065	\$ 10,581	\$ 807	\$ 13,532	\$ 16,016
2	2022	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
3	2023	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
4	2024	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
5	2025	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
6	2026	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
7	2027	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
8	2028	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
9	2029	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
10	2030	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
11	2031	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
12	2032	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
13	2033	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
14	2034	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
15	2035	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
16	2036	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
17	2037	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
18	2038	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
19	2039	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
20	2040	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
21	2041	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
22	2042	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
23	2043	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
24	2044	\$ 1,918	\$ 19,061	\$ 807	\$ 22,864	\$ 30,364
Total		\$ 45,186	\$ 448,992	\$ 19,368	\$ 539,412	\$ 714,378

Tax Revenue Lost

Generated without TIF designation



43% Lost Revenue : State Revenue Sharing (lowered)
School Aid (lowered)
County Tax (raised)

**TIF 24- Gracelawn Apartments
City of Auburn's Project Costs**

Project	Cost Estimate
<u>Sidewalk Rehabilitation/Extension and Connectivity</u> : Design and construction of sidewalks that are either located in the District or that are made necessary by or are directly related to the Facility.*	\$ 202,500
<u>Road and Intersection Improvements</u> : Design, construction and engineering related to street construction and engineering related to street construction and improvements, including but not limited to Turner St. and Joline Dr.	\$ 338,000
TOTAL	\$ 540,500

*The Sidewalk cost includes all estimated construction costs with interest



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2019

Author: Peter Crichton, City Manager

Subject: Draft Ordinance for Agricultural Advisory Board

Information: This ordinance has been drafted for discussion purposes by the City Council and Mayor.

City Budgetary Impacts: None.

Staff Recommended Action: Discuss the draft ordinance.

Previous Meetings and History: City Council Workshop on February 25, 2019. 2018 Ag Study and Report.

City Manager Comments:

I concur with the recommendation.

Signature:

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

Attachments:

Draft Ordinance

Division 8. – Agriculture Advisory Board

Section 2-485.1 – Board established

An Agriculture Advisory Board is hereby established to consist of nine members appointed by the city council, all of whom shall be residents of the city. The terms of office shall be three years except that initial appointments after the date of adoption of the ordinance from which this division derives shall be such that the terms of no more than three members shall expire in any single year. For that purpose, the city council shall initially appoint three members for terms of one year, three members for terms of two years, and three member for terms of three years; such that the terms of approximately one-third of the members shall expire each year.

Section 2-485.2 – Purpose

The purpose of the Agriculture Advisory Board shall be to review, monitor or document agricultural, conservation and residential activity in the Agriculture and Resource Protection zoning district of the City of Auburn. Make decisions on special permission as it pertains to converting use to nonfarm residential.

Section 2-485.3 – Qualifications

All members of the board shall be selected upon the basis of their knowledge of or interest in agriculture, forestry, wildlife protection or preservation, and conservation or related fields.

Section 2-485.4 – Powers and Duties

The board:

1. Shall adjudicate special permission consistent with its authority pursuant to Section 60-145(a,1,e) in accordance with and consistent with the purpose set forth in Section 60-144;
2. Shall keep records of its meetings and activities and make an annual report to the city council;
3. Shall work with the conservation commission, the planning board, and the city council to protect the natural environment;
4. Shall seek to coordinate the activities of agricultural bodies organized for similar purposes;
5. Shall keep an index of all properties in compliance with Section 60-145 and 146. The board may recommend to the city council for the better protection, development or protection of areas within the Agriculture and Resource Protection zoning district;
6. Assist the farmers of Auburn, in so far as is practicable, to secure farm help and to promote increased production of farm crops;

7. Shall undertake any other agricultural activity referred to it by the city council;
8. Shall educate the community about the societal contributions of agriculture;
9. Shall promote farm financing and rural development proposals; conservation and preservation of agricultural lands; increased and improved production of beef, poultry, sheep, dairy beef and other livestock; expanded and improved production of potatoes, fruits and other vegetables and horticultural ventures; and coordinated foreign and domestic marketing of Auburn agricultural products;
10. Shall develop a plan for and provide advice to city staff and agencies regarding the management of the Agriculture and Resource Protection zoning district including the anticipated impact of proposed development;
11. Shall adopt by-laws to govern the internal affairs of the board; and
12. May perform such other functions as are permitted by this Code.

Section 2-485.5—Officers, meetings and records.

- (a) The members shall elect from their membership a chairperson, a vice-chairperson and a secretary. Officers shall serve two-year terms.
- (b) All meetings of the board shall be open to the public, and notice, shall be provided to the public about such meetings.
- (c) The Board may request that testimony provided during public hearings in front of the Board be provided under oath.
- (d) Minutes shall be kept of all meetings.

Section 2-485.6 – Committees

A majority of the board may create committees and appoint members of such committees.

Section 2-485.7 – Quorum and necessary vote

- (a) As to any matter requiring a public hearing, no business shall be transacted by the Board without a quorum, consisting of at least half of the voting members of the committee.
- (b) If less than a quorum is present, the hearing shall be rescheduled, and the members and other interested parties shall be notified of the rescheduling.

Section 2-485.8 — Appeals

An appeal from any final decision of the board as to any matter over which it has final authority may be taken by any party to the Board of Appeals.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2019

Subject: Executive Session

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

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- This paragraph does not apply to discussion of a budget or budget proposal;

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

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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: March 4, 2019

Order: 27-03042019

Author: Sue Clements-Dallaire, City Clerk

Subject: Temporary sign request – Auburn Business Association

Information: The Auburn Business Association would like to request approval to display temporary signs at the locations stated in the attached letter. Signs will be installed by April 10, 2019 and will remain in place until the week following the event which is scheduled to be held on May 7, 2019.

City Budgetary Impacts: None

Staff Recommended Action: Recommend passage.

Previous Meetings and History: This is a yearly request from this organization

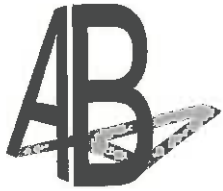
City Manager Comments:

I concur with the recommendation.

Signature:

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

Attachments: Letter of request, diagram of the sign, and Order 27-03042019.



**Auburn Business
Association**

February 20, 2019

To: City of Auburn
From: Margie Bickford, Auburn Business Association
RE: Auburn Business Association "Citizen of the Year" signs

For over 40 years, the Auburn Business Association has recognized a prominent person as its "Citizen of the Year". Once again this year, on May 7th, the ABA will be honoring another worthy recipient. For the past several years, the ABA has placed signs in several locations throughout the City, and this year we are asking the City's permission to display signs on Center Street (in front of Better Homes & Gardens Realty), on Minot Avenue, at Androscoggin Bank, and in New Auburn. These are the same signs used in prior years, updated to reflect current information. To take advantage of their promotional potential, we would like to install them April 10th, and they would remain until the week following the event thereby giving recognition to the recipient.

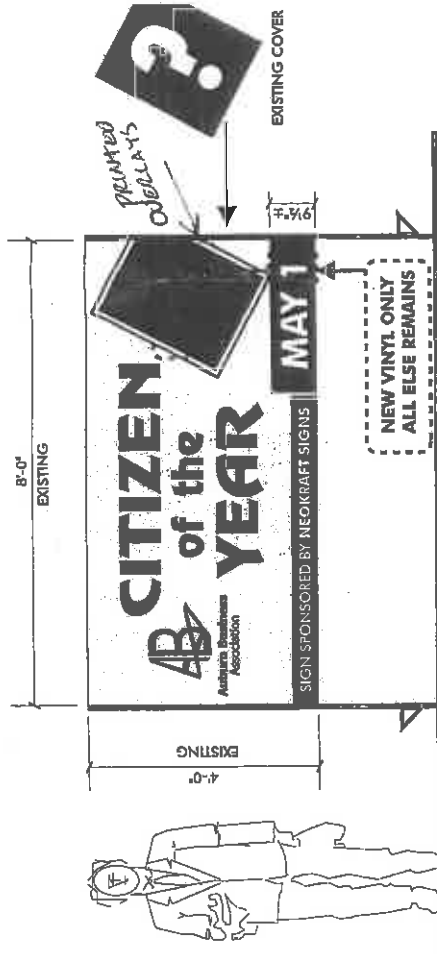
For your convenience, I have attached a drawing showing the type of sign which will be installed. I trust this will give you sufficient information to make a speedy decision regarding this matter. I can be reached at Mechanics Savings Bank, 333-4532. Please don't hesitate to contact me if you should require any additional information and thank you for your help with this matter.

Sincerely,

A handwritten signature in blue ink that reads "Margie Bickford". The signature is fluid and cursive, with the first name "Margie" and last name "Bickford" clearly visible.

Margie Bickford
Mechanics Savings Bank
Board Member, Auburn Business Association

* REPRINTED ONE SIDE BECAUSE OF DAMAGE (LATEX PRINTER)
 SEE FILE FOR ADJUSTED COLORS
 SEE VINTAGEZ FOR UPDATES



REPLACE WHITE VINYL GRAPHICS ON EXISTING SIGNS

VINYL GRAPHICS UPDATES FOR D/F SIGNS

SCALE: 1/2" = 1'-0"

(3) SIGNS TOTAL

Auburn Business Association

17966

SHOP DRAWING

Location:	PO Box 821
	Auburn, Maine
Drawing No.:	1 of 2
Drawn by:	BK
Date:	02.24.2014
Lead No.:	020933
Gen. Ref.:	12/14918, 13272, 11487



Neokraft Signs Inc.
 666 Main Street
 Portland, Maine 04260
 Tel: 207.752.9454 Fax: 207.752.0099
 Email: info@neokraftsigns.com
 © COPYRIGHT 2011, BY NEOKRAFT SIGNS, INC.

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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 27-03042019

ORDERED, that the City Council hereby authorizes the Auburn Business Association to place temporary signs to promote the Auburn Citizen of the Year Event to be held on May 7, 2019 so long as their placement does not affect sight distance for streets or adjacent driveways.

The signs are to be installed on Center Street (in front of Better Homes & Gardens Realty), on Minot Avenue (at Androscoggin Bank), and in New Auburn by April 10, 2019 and removed one week after the event.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2019

Order: 28-03042019

Author: Sue Clements-Dallaire, City Clerk

Subject: Setting the time for opening the polls for the April 23, 2019 Special Municipal Election

Information:

State law requires the Municipal Officers to set the time to open the polls for each election. The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. It is recommended that the polls open at 7:00 A.M. in Auburn for the April 23, 2019 Special Municipal Election. Opening the polls at 7:00 A.M. is consistent with past practice in Auburn and it allows additional time in the morning for people to have an opportunity to vote.

21-A §626. Polling times

The following provisions apply to polling times at any election.

1. Opening time flexible. The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. The municipal officers of each municipality shall determine the time of opening the polls within these limits. The municipal clerk shall notify the Secretary of State of the poll opening times at least 30 days before each election conducted under this Title.

City Budgetary Impacts: Minimal – the cost for Election workers to start one hour early is under \$100.

Staff Recommended Action: Recommend a motion to set the time for opening the polls for the April 23, 2019 Special Municipal Election to be 7:00 AM.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments:

Order 28-03042019

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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 28-03042019

ORDERED, that the City Council hereby sets the time for opening the polls for the April 23, 2019 Special Municipal Election to be 7:00 A.M.

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



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

Jason J. Levesque, Mayor

IN COUNCIL REGULAR MEETING FEBRUARY 25, 2019 VOL. 35 PAGE 13

Mayor Levesque called the meeting to order at 7: 00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present. Councilor Titus had to leave the meeting at 8:30 PM.

I. Consent Items - None

II. Minutes

- February 4, 2019 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Fournier to approve the minutes of the February 4, 2019 Regular Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Proclamation - Proclaiming March 9th as Mary's Race Day for Mary's Firemen's Race for a Cure
- Proclamation – Proclaiming March 2019 as DeMolay Month
- Proclamation – National Children's Dental Health Month
- Communications – 2020 Census - Betsy Enright presented
- Communications – Information Technology (IT) Department Update - Paul Fraser, Director presented
- Update on the New Edward Little High School – Katy Grondin, Superintendent presented

IV. Open Session

Larry Pelletier, 129 Second Street encouraged residents to attend the School Committee meetings. He noted that he was unable to attend the last meeting and there seemed to be an issue with the microphones so he encouraged staff to check microphones before the meetings to be sure they are working properly.

Dan Herrick, 470 Hatch Road commented on the Public Works Department plowing his road.

V. Unfinished Business

1. Order 04-01072019

Authorizing the discontinuance of Niskayuna Street. Second reading and final vote.

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

Public comment – no one from the public spoke.

Passage 7-0.

VI. New Business

Motion was made by Councilor Titus and seconded by Councilor Lasagna to suspend the rules and take item #9, Order 26-02252019 out of order moving it to the first item under new business. Passage 5-2 (Councilors Walker and Gerry opposed).

Order 26-02252019

Referring the proposed Agricultural Ordinance to the Conservation Commission, Planning Board and the Maine Department of Agriculture, Conservation, and Forestry.

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

Public comment - Kelly Walker, Sopers Mill Road, Shelly Kruszewski, Auburn resident and Executive Director of the Androscoggin Land Trust, and Kathy Shaw, Sopers Mill Road all spoke.

Passage 6-1 (Councilor Gerry opposed).

1. Order 19-02252019

Approving the sale (by sealed bid) of tax acquired property (77 Gill Street).

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

Public comment – no one from the public spoke.

Passage 6-0.

2. Order 20-02252019

Approving the sale (by sealed bid) of tax acquired property (120 Cook Street).

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

Public comment – no one from the public spoke.

Passage 6-0.

3. Order 21-02252019

Approving the sale (by sealed bid) of tax acquired property (Garfield Road PID #245-011-001).

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

Public comment – no one from the public spoke.

Passage 6-0.

4. Order 22-02252019

Approving the sale (by sealed bid) of tax acquired property (Hackett Road PID #135-010).

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

Public comment – no one from the public spoke.

Passage 6-0.

5. Order 23-02252019

Appointing Bryan Bachelder as the Local Sealer of Weights and Measures with a term expiration of December 31, 2019.

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

Public comment – no one from the public spoke.

Passage 6-0.

6. Order 24-02252019

Amending the Consolidated and Annual Action Plan (STAR Program & Senior Center Renovations). Public hearing.

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

Public comment – no one from the public spoke.

Passage 6-0.

7. Ordinance 01-02252019

Amending Chapter 60, Sec. 60-145 (b)(17) Special Exception Use Regulations. First reading.

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

Public hearing – Jan Phillips and Barbara Mitchell, West Shore Road and both are representatives of the Taylor Pond Association. Ms. Phillips spoke adding that she hopes as we move forward in the future if there are any other proposals, for light industrial usages in particular, in the water shed that the concerns and considerations will be up front and fully vetted and addressed. The Taylor Pond Association will continue to watch and monitor the watershed.

Failed first reading 5-1 (Councilor Gerry in favor). A roll call vote was taken.

8. Order 25-02252019

Approving the Auto Graveyard/Junkyard permit for Don's No Preference Towing.

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

Public comment – no one from the public spoke.

Passage 4-2 (Councilors Gerry and Hayes opposed).

VII. Reports

Mayor Levesque reported on the 150th birthday celebration event that took place on February 22, 2019, on upcoming Sesquicentennial events, the formation of a Mayor's ad hoc committee on water quality, and last about the upcoming slalom ski race coming up at Lost Valley.

Councilor Young – congratulated the ELHS girls on winning the Class A Alpine skiing championship. He also reported that he attended a few of the cake sites for the birthday celebration, as well as the indoor farmers market at the Auburn Public Library.

Councilor Walker – commented on the birthday celebration noting that he also attended a few of the cake sites. He also reported that tomorrow, the United New Auburn Association meeting is scheduled at Rolly's Diner at 6:00 PM. Fire Chief Bob Chase will be the guest speaker. Last, the Neighborhood Watch group will meet at the Sixth Street Congregational Church on Thursday night at 6:30 PM.

Councilor Fournier – reported that she also visited a few of the cake sites and commented that Auburn has two very nice bed and breakfasts. One is the Munroe Inn on Pleasant Street and the other is located at 11 Forest Avenue.

Councilor Hayes – reported that he attended a Lion's Hockey tournament a week or so ago and while dining at Gritty's he saw the Kora Temple bag pipers and suggested that we reach out to them for the upcoming Memorial Day parade.

Councilor Lasagna – reported that the CDBG Finance Committee met on Tuesday the 19th to review the proposal and make recommendations. They will be meeting again on Wednesday to finalize the grant program. This Thursday the 28th at 6:00 PM there will be a meeting of the Invest Strategic Planning Sub-committee. She commented on the Sesquicentennial events and said she would like us to do something to honor our native American history.

Councilor Gerry – reported that the committees she serves on have been working on their budgets. She also noted that she has had to miss a few meetings due to scheduling conflicts with other committee meetings over lapping.

City Manager – reported that the ATRC and the city have prepared an RFP for a walkability study that will be reviewed by the Complete Streets Committee on February 27th. The FY20 budget process is well underway in terms of meeting with Department Directors to go over Department budgets. A draft budget will be presented to the Council sometime in March. He noted that the Strategic Planning process is moving along well. He commented on the

birthday celebration event adding that it was a success. He addressed comments made during the meeting about plowing, adding that Public Works Director, Dan Goyette, will be looking into it to gather facts and will report back. Last, he noted that they are looking into changing the time of the Joint City Council/School Committee meeting to be held this week.

Finance Director, Jill Eastman – January 2019 Monthly Finance Reports

Motion was made by Councilor Gerry and seconded by Councilor Lasagna to accept and place on file the January 2019 Monthly Finance Report. Passage 6-0.

VIII. Open Session

Bill Sylvester, 1128 Riverside Drive said he was disappointed in the strategic plan as far as forestry is concerned and we should realize the value and benefits of forestry in Auburn.

Joe Gray, Sopers Mill Road commented on “misstatements” that are made and that no one is being held accountable. He also noted that he has been waiting for information from the Public Works Department on the cost for one mile of road to be maintained in a year.

IX. Executive Session - None

X. Adjournment - Motion was made by Councilor Fournier and seconded by Councilor Lasagna to adjourn. All were in favor and the meeting adjourned at 9:13 PM.

A TRUE COPY

ATTEST *Susan Clements-Dallaire*

Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Meeting Date: March 4, 2019

Ordinance: 01-02252019

Author: Audrey Knight, AICP, City Planner

Subject: Second Reading of citizen petition to amend Chapter 60, Sec.60-145 (b) (17) Special Exception Use Regulations in the Agriculture and Resource Protection District.

Information: Members of the Taylor Pond Association filed a petition on October 5, 2018 to prohibit certain uses from being permitted in the AG zone by Special Exception in the Lake Auburn and Taylor Pond watersheds in order to protect water quality and the environment.

City Budgetary Impacts: None.

Staff Recommended Action: Review the petition, the Planning Board discussion and recommended action, City Council e-mail communications, hold public hearing and schedule 2nd reading for March 4, 2019.

Previous Meetings and History: This item was reviewed in workshop by City Council on January 28, 2019. On November 13, 2018 the Planning Board scheduled a public hearing, however with one recusal a quorum was not reached. Members from the public spoke, no deliberation was held, and the item was noticed for December 11, 2018. A 90-minute Public Hearing was held on the petition December 11, 2018, with more than 20 residents in attendance, including City Council members, with a unanimous decision to recommend denial of the petition.

Special Exception (17) was a text amendment initiated by City Council at its April 3, 2017 meeting. The Planning Board held a public hearing on the item May 9, 2017 and recommended Approval to City Council. City Council public hearing and first reading of the text amendment June 5, 2017, and second reading and adoption June 19, 2017, by Ordinance 06-06052017.

Failed first reading on 2/25/2019.

City Manager Comments:

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

I concur with the recommendation. Signature:

Attachments: E-Mail from Robert Hayes and Jason Levesque; Planning Board Report; Planning Board Meeting Minutes 12.11.18; Planning Board Staff Report, 12.11.18; Citizen Petition; 2017 Staff Report creating Special Exception (17) and Council adopting ordinance.

Audrey Knight

From: Michael Chammings
Sent: Wednesday, January 02, 2019 8:05 AM
To: Eric Cousens; Audrey Knight
Subject: FW: Proposed amendment to Ag land

FYI

From: Robert Hayes (Council) <rhayes@auburnmaine.gov>
Sent: Tuesday, January 01, 2019 11:16 AM
To: Jason Levesque (Council) <jlevesque@auburnmaine.gov>; AuburnElectedOfficials <AuburnElectedOfficials@auburnmaine.gov>; Peter Crichton <pcrichton@auburnmaine.gov>; Michael Chammings <mchammings@auburnmaine.gov>
Cc: Kathy Shaw <kath@valleyviewfarmme.com>; Kim Finnerty <kim.finnerty@jfmh.org>; Mary Sylvester <mary.sylvester207@gmail.com>
Subject: Re: Proposed amendment to Ag land

The proposed text amendment to the Agricultural and Resource Protection zoning district to prohibit a class of industrial, assembly, maintenance and manufacture equipment associated with recreational uses in the Taylor Pond and Lake Auburn watersheds has been presented to and considered by the Planning Board (PD). Now that the PD has voted and has forwarded its recommendation to the Council, I feel it imperative to respond to the Mayor, to explain my support for the intent of the amendment and, most importantly, to emphatically state my long support for the protection of agricultural, natural resources and recreational activities in Auburn.

I fault myself for not taking more time to help wordsmith the amendment language presented to the PD. Knowing the time constraints on planning staff, I should have realized that staff would not have adequate resources to work with the petition authors to develop language that would better express and address the concerns of the petitioners. What initially prompted the Taylor Pond Association (TPA) members was the tree cutting, ground vegetation disturbance, soil erosion and runoff. The TPA concerns were and remain environmental and water quality.

The project that prompted the writing of the special exemption amendment ultimately did not come before the PB. The realization of the costs that would be incurred through the approval process and the build out of the project moved consideration elsewhere. The project has been built out in Auburn and within a planned and approved industrial park.

Consideration of the proposed text amendment by the PB identified a concern that should be highlighted. With the approval of project plans, the PB frequently applies conditions. One PB member stated that with limited staff resources, the insuring of compliance with conditions is recognized as an issue.

As does an agricultural or a recreational use fit its locational features, so should any complimentary use. Likewise, any complimentary supporting use should have like accepted ag. and rec. impacts. On site fabrications, assembly, attachment and equipment maintenance are surely accepted as part of ag. and rec. operations, as are training, demonstration and sales activities. Industrial scale manufacturing, assembly, inventory housing and laydown for offsite distribution has impacts that must be considered carefully and usually gravitate those operations to areas that offer appropriate infrastructure and connectivity.

As previously recognized and supported by ordinance, some types of residential development are congruous adjacent to recreational facilities. Certainly, allowing adjacency of complimentary activities of complimentary activities encourages economic well being for those entities. However, caution should be exercised with respect to commercial type activities that might be complimentary, but not particularly suited to be outside commercially zoned areas.

Respectfully,

Bob Hayes

From: Jason Levesque (Council)
Sent: Friday, December 7, 2018 8:06 AM
To: AuburnElectedOfficials
Cc: Kathy Shaw; Kim Finnerty; Mary Sylvester; scott@aerialndt.com
Subject: Proposed amendment to Ag land

Good morning,

I would like you all to review the proposed ag land ordinance change as proposed by the Taylor Pond Water Association. It makes broad changes to land use which would effectively stop all agricultural activities within ag zoned land that is in these watersheds (which is a LOT of land). It also stops any type of new commercial activity at businesses such as Lost Valley, & Whiting Farm located in watershed even if those businesses took all necessary protective precautions.

I did notice that Councilor Hayes signed the petition, he might want to explain to the farmers in that area what the effects of this ordinance, if passed, will be. I recommend we direct landowners to him. I have copied several Residents which have a vested interest in this ordinance request.

http://www.auburnmaine.gov/CMSContent/Planning/Staff_Reports/2018/12_11_18_Meeting/Ord%20Amend%20Petition%20Application.pdf



City of Auburn, Maine

Office of Economic & Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

PLANNING BOARD REPORT to the CITY COUNCIL

To: Mayor Levesque and Honorable Members of the Auburn City Council

From: Auburn Planning Board

Re: Citizen Petitioned Text Amendment for the Agriculture and Resource Protection Zoning District

Date: December 18, 2018

A. **SUMMARY** - On December 11, 2018 the Auburn Planning Board held a public hearing and made a recommendation on a Citizen Petitioned Zoning Ordinance Text Amendment that was seeking to address allowable uses by Special Exception in the Taylor Pond and Lake Auburn Watersheds. This item was considered for 90 minutes and consisted of a staff presentation, petitioners' rationale and argument for their amendment, public hearing with statements for and against the proposal from members of the community, and discussion by the Planning Board. At the conclusion of the public hearing and board discussion the Planning Board voted unanimously (motion by Bowyer, seconded by Scogin) to recommend **DENIAL** of the Text Amendment to the City Council.

PROPOSAL – A request by the Taylor Pond Association, acting as the applicant, sought the following text amendment (changes indicated by italicized bold text that has been underlined):

Chapter 60 – ZONING, Article IV. – DISTRIC REGULATIONS

Division 2. – AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-145 - Use Regulations

... (b) *Special Exception Uses ...*

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings, as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
- b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; **and**
- c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested **in conformance with Maine DEP standards; and**

d. Industrial use, manufacture, assembly and maintenance of recreational or agricultural equipment, is prohibited in the watershed areas surrounding Lake Auburn and Taylor Pond.

The applicant argued that protecting the water quality of these two great ponds was in everyone's best interest and that the uses identified in the amendment are inappropriate and counter to protecting water resources. The applicant argued that phosphorous loading, non-point source pollution, rural road conditions, and the ability of the city to monitor and enforce Best Management Practices and any conditions of approval put in place to mitigate environmental impacts, are real issues and that a complete prohibition of specific uses should be utilized to avoid further phosphorus loading within the watersheds.

PLANNING BOARD PUBLIC HEARING, DELIBERATION AND RECOMMENDATIONS -

During the public hearing and discussion several ideas and alternatives to the proposed text amendment were brought forward that could address the concerns of the petitioners. There was discussion about: the possibility of requiring any "Industrial" type use in the AG zone to have third party environmental review and annual monitoring; amending the Taylor Pond Overlay district to encompass the watershed with greater protections; and, updating the phosphorous ordinance and mitigations into project reviews.

An agent for the applicant suggested that the text amendment creating Special Exception (17) was approved to enable the Kassbohrer project to come forward and the applicant and petitioners were seeking to prevent a similar type project in the future. The Board Chair was clear in stating that the Board's consideration and approval of that text amendment was based on a comprehensive understanding of all the potential impacts of the amendment city-wide. The Lost Valley Ski enterprise expressed their shared value and concern for the environment and water quality.

It was also suggested by a member of the public that a text amendment that effects the Lake Auburn Watershed should be discussed with the Conservation Committee and the Lake Auburn Water Protection District for their input and support prior to bringing this type of item to the Board for a favorable action. Statements were made regarding the need to monitor and enforce conditions of approval and environmental mitigation measures for projects that may have environmental impacts, and that the lack of staff and lack of enforcement of past measures may contribute to the perceived need for this text amendment.

Planning Board members mentioned that they did not want to discourage creative projects such as the Kassbohrer concept from coming forward, stating that the current Special Exception and environmental review process already requires review under Maine DEP guidelines and could address the type of concerns being expressed by the petitioners without the need for an amendment. Members of the Board noted that the primary source of current phosphorus loading is derived from residential and not industrial uses, and that the proposed text amendment would have no affect on residential sources of phosphorus loading. This led multiple members of the Board to express the concern that the proposed



City of Auburn, Maine

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207.333.6601

amendment's only impact would be to prohibit current and future development without addressing actual sources of phosphorus loading within the watersheds. Mr. Bowyer made a motion to recommend DENIAL of the petition, which was seconded by Mr. Scogin, and the vote was unanimous, with Mr. Tardif recused as a member of the Taylor Pond Association. (Bowyer, Scogin, Cyr, Carrier, Boutin, Hamlyn, Martelli)

A handwritten signature in black ink, appearing to read "Evan Cyr", is written over a horizontal line.

Evan Cyr
Chair, Auburn Planning Board

Cc: Evan Cyr, Chair Auburn Planning Board
File

Auburn Planning Board Meeting Minutes

December 11, 2018

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Robert Bowyer, Dustin Boutin, Samuel Scogin, Marc Tardif and Nathan Hamlyn

Regular Members absent: Mia Poliquin Pross

Associate and other Members present: Stephen Martelli and Brian Carrier

Associate and other Members absent: None

Also present representing City staff: Audrey Knight, Auburn City Planner

Chairperson Cyr called the meeting to order at 6:00 pm and asked for a roll call. He stated due to Mrs. Mia Poliquin Pross being absent, Stephen Martelli's status would be elevated to full voting rights for this meeting.

MINUTES:

October 9, 2018 Meeting Minutes Approval Request

A motion was made by Sam Scogin and seconded by Robert Bowyer to approve the October 9, 2018 meeting minutes as presented. After a vote of 7-0-0, the motion carried.

Chairperson Cyr explained the process of Planning Board meetings and asked Ms. Knight to present the Staff report.

PUBLIC HEARINGS & NEW BUSINESS:

- 1. Becket Family of Services is seeking Special Exception approval to convert a former school building located at 31 Holbrook Road, to a children's residential treatment program serving twelve (12) children, in the Low Density Rural Residential zone (PID 387-028).**

Audrey Knight went over the staff report and presented slides via PowerPoint.

Michael Gotto, representing Becket family Services and Justin Gifford, Executive Director of Children Residential Services, Maine added to the presentation.

(11:40 on Recording)

Open Public Input

A motion was made by Sam Scogin and seconded by Nathan Hamlyn to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

No comments.

A motion was made by Sam Scogin and seconded by Stephen Martelli to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

A motion was made by Sam Scogin and seconded by Marc Tardif to approve the request by Becket Family Services for a Special Exception to convert a former school building located at 31 Holbrook Road, to a children's residential treatment program serving twelve (12) children, in the Low Density Rural Residential zone (PID 387-028) as it meets the Findings as listed in the Staff Report and with the following Condition: That an emergency operations plan (EOP) be created within one year of operations. The EOP should address a variety of scenarios, including a continuity of operations component, and could be developed with input from City Police and Fire Departments. While this is always a necessary item, protocols should be in place if response times can't bring help when needed. After a vote of 7-0-0, the motion carried.

(14:50 on Recording)

2. SME Engineers on behalf of Bangor Savings Bank, is seeking Site Plan and Special Exception approval for a one-story 5,600 square foot building with 3-lane drive-thru at 170 Turner Street (PID 250-195) in the General Business zoning district.

Audrey went over the staff report and presented slides via PowerPoint.

(23:15 on Recording)

David Latulippe with CJ Developers, representing Bangor Savings Bank introduced Jeff Reed from Sevee & Maher Engineers. Mr. Latulippe commented that the City of Auburn planning process for developers is very well done. He spoke about the proposal and answered questions from Board members.

Open Public Input

A motion was made by Sam Scogin and seconded by Nathan Hamlyn to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

Christine Bosse from Sabattus explained why she felt Bangor Savings would be a good neighbor in the City and said she is excited to see them come to Auburn.

A motion was made by Sam Scogin and seconded by Stephen Martelli to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

Audrey brought up the fact that the City of Auburn did not have a lighting standard for developments and that the lighting plan that was submitted for the Bangor Savings project may or may not be acceptable to the neighbors.

(35:00 on Recording)

A motion was made by Sam Scogin and seconded by Marc Tardif to approve the Site Plan and Special Exception request for a one-story 5,600 square foot building with 3-lane drive-thru at 170 Turner Street (PID 250-195) in the General Business zoning district as it meets the Findings for approval of Sections 60-1277 and 60-1336 and including the following 3 conditions: A) No development activity until any

bonding or inspection fees are determined by the Auburn Engineering Department, B) The Planning Board requires a no-left turn sign at the intersection of Troy and Turner Streets which is to be provided and paid for by Bangor Savings and C) Any other items raised during the Public Hearing that the Planning Board deems appropriate. After a vote of 7-0-0, the motion carried.

(36:45 on Recording)

3. The Taylor Pond Association is seeking to amend Article IV, Zoning District Regulations, Division 2 Agriculture and Resource Protection District, Sec.60-145 (b) Special Exception Uses (17) to prohibit industrial use, including the manufacture, assembly and maintenance of recreational or agricultural equipment in the watershed areas of Lake Auburn and Taylor Pond.

Audrey proceeded to go over the staff report and presented slides via PowerPoint.

Chairperson Cyr apologized for interrupting the presentation and stated there were a couple assertions that should be declared before moving on.

Marc Tardif declared that he would step down because he is a Board member of the Taylor Pond Association. Chairperson Cyr stated Brian Carrier's status would be elevate to a Full voting member for this portion of the meeting.

Chairperson Cyr stated that his residence is within the Lake Auburn Watershed and that he often visits relative's properties that are in the Taylor Pond Watershed. He said he didn't think he needed to recuse himself but wanted it on the record for full disclosure.

Audrey continued on with the presentation of the staff report.

(47:50 on Recording)

At the conclusion of the staff report presentation, Chairperson Cyr asked if the Board members had any questions for City staff.

Several questions were asked by the Board members relating to the following:

- Overlays of the zoning district
- Referring to watershed boundaries
- Describing light industries vs Home based business
- DEP standards for water pollution and environmental control

(61:55 on Recording)

Dana Little of 585 Garfield Road spoke about the following:

- Wants to see Lost valley and the City of Auburn thrive
- Special ordinance passed by this board was a mistake and if allowed to stand could potentially harm Taylor Pond
- Representing Taylor Pond Association, has been president for over 15 years
- Okay to correct the original amendment in some way as long as it protects Taylor Pond
- 130 members in the Taylor Pond Association and 210 people live around Taylor Pond
- Described Association actions to monitor and protect Taylor Pond
- Spoke about algae growth and mitigating phosphorous

- Spoke about the Kassbohrer proposal coming to Lost Valley
- Conflict between 2 Engineering reports
- One of the concerns the Association had was that the inspection by Kassbohrer was to be done by Kassbohrer and not a 3rd party
- Described and passed around to Board members a photo taken on 9.10.17 where Kassbohrer started opening a road into their area – shows the area with hay on it, bare soil, and bare soil washing across the road. In the distance is Taylor Brook which feeds right into Taylor Pond. Should have been prevented but wasn't.
- Hoping to see projects like these prevented in the future.
- Asked Barbara Mitchel to join him to help answer any questions from Board members

(69:45 on Recording)

Chairperson Cyr said he would like to make the following point of clarification before any questions are asked: There have been several points at which the previous amendment to the Zoning ordinance was described as being done for a particular project. He said it's important for people in the room to understand that the Planning Board does not make decisions like this lightly particularly when we amend Zoning Ordinance that affects roughly 40% of the City's land mass. It's important to understand that the Board did not make an amendment in order to allow a singular industry into a singular spot. The Board made an amendment that, while it was instigated by a specific group, made a decision that affects all City wide agriculturally zoned land. The previous amendment was not made solely for property around Lost Valley so was not a project specific decision.

Several members of the Board stated because the photo and other findings from outside agencies mentioned were not submitted as public record prior to the meeting that they shouldn't be entertained by the Planning Board.

Barbara Mitchel said Eric Cousens told her specifically that the amendment was written to accommodate that project. Chairperson Cyr responded that the Board would not do something so foolish as to allow for something in one area that then has ramifications across 40% of the City and not take that into account.

Dana Little re-iterated that he wants to see Taylor Pond protected and said any project that comes up, the Taylor Pond Association is going to look at it very carefully.

(75:35 on Recording)

Sam Scogin commented that the proposed amendment seemed redundant to current City code and asked why the need to reference back to the Maine DEP?

Ms. Mitchel replied it's because the City was trying to find areas where they could mitigate phosphorous run-off to compensate for the additional phosphorous that was going to be put in and the DEP specifically says that the MP's can only be allowed on a property of which the off-site mitigation is taking place and the project parcel are in common ownership which they were not going to be so they had overlooked that. Also, it has to be a permanent entity such as a town or school district and Lost Valley is not a permanent entity. The reason we are bringing this forth is because this wasn't being followed.

The discussion continued amongst all parties regarding the redundancy of the language referencing the DEP standards, watersheds in other Zoning Districts, the vulnerability of Taylor Pond, the Planning Board's responsibilities and charges, impacts from additional run-off, definition of light industry, etc.

(91:20 on Recording)

Audrey stated there are about 4 other Special Exception categories that do specifically address the watersheds in the Agriculture and Resource Protection Ordinance and proceeded to read them. More discussion ensued regarding, among other things, trusting the Planning Board process.

(103:50 on Recording)

A motion was made by Sam Scogin and seconded by Dustin Boutin to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

Jan Philips of West Shore Road said she too is a member of the Taylor Pond Association and spoke about the following:

- September 11, 2017, the previous City Council voted 5-2 during a final reading to implement this amended zoning ordinance.
- The DEP standards weren't caught at that level
- The project came in conjunction at that meeting
- We brought this forward to start, not with an exemption already in place, but opens the door for a development with a lack of impact; it restarts what the default is
- Goal A-2 of Auburn's 2010 Comprehensive Plan: protecting the water quality of Taylor Pond to maintain both the environmental and economic value of the pond is emphasized extremely well
- Concerned not just about phosphorous, but petroleum product run-off and a host of other things that those projects would have made it impactful
- City Assessor's Office is currently undertaking a 2-year revaluation study of Taylor Pond so likely that we will see tax increases – important economic engine
- Water quality obviously is not easy to maintain

(109:55 on Recording)

Michael Gotto, representing Lost Valley, spoke about the following:

- Represented Kassbohrer
- Apologized to Mr. Little for the cost they went through but said they did offer on multiple occasions to meet with the opposition to the Kassbohrer project
- Held the project so issue could be reviewed and resolved but resolving added too much cost, so the project went elsewhere in Auburn
- City's ordinance has everything it needs to have to protect exactly what these folks want it to
- Because of the wording of the proposed amendment, it's a problem for Lost Valley
- Lost Valley is just as concerned about the pond as the Association is and does not want to do anything to cause a problem for that pond
- Spoke about how the proposed amendment could prohibit Lost Valley with any expansion of the maintenance shed or work on a snow cat or installation of a 3rd ski lift. Severely hurts Lost Valley the way it's worded

(116:03 on Recording)

Mary Sylvester of 209 Maple Hill Road spoke about the following:

- Currently the Chair of the Mayor's Ad Hoc Committee on Agriculture that was convened in the fall of 2017 to work with Crossroads Research Center, consultants hired by the City.
- Also a Trustee of the Auburn Water District so understands that water protection is very important
- Definition of industrial can be found on any farming operation in the City
- Applauds the discussion amongst all groups and as the updating of the ordinance occurs, we must be aware that there's a lot of potential for economic development in agriculture here as well as the protection of these important natural resources

(118:55 on Recording)

John Herrick of 216 Fletcher Road stated that on behalf of Lost Valley, wanted everyone to know that Lost Valley is an outdoor based organization company and appreciates protecting the environment because that's where we play in. Wanted to remind the Auburn Community that a lot of great things have come out of Lost Valley and said snow making today all over the world has its roots in Auburn, Maine along with snow grooming. He said that adding that language would reduce our ability to innovate and make Auburn and Lost Valley great again.

(121:13 on Recording)

Tizz Crowley of 35 University Street stated the following:

- She also serves as an Auburn Water District Trustee and is a Commissioner of the Lake Auburn Watershed Protection Commission.
- Commented that she learned about this at the last minute and had difficulty getting information until Chairperson Cyr helped direct her to the agenda and supporting documents on the City's website.
- Encourages the Board to reach out to the Lake Auburn Watershed Protection Commission, the Auburn Water District, and the City of Auburn's own Water Conservation Commission which had met last night and could have participated in the conversation.
- The City is very busy both with the past program and the accelerated Mayor's Action Group on the Agricultural Zone, yet this information has not come forward under their part
- Concerns her gravely that we do not have a transparent system here and asks that before any action is taken, particularly since it does affect a great percentage of our City, that the Board reaches out to the various committees and organizations to participate
- Commended Mr. Bowyer for his statements and said there were rules put in place that today are not being enforced and the answer from the City is we'll change them
- Particularly to the Taylor Pond sitting here, when they spoke, they did not mention the Lake Auburn Watershed Protection Commission, it was very focused on their community and their neighborhood. They sort of inferred that we don't want to see more industrial or more risk to the water and yet the City of Auburn, the Auburn Water District and the residence of Taylor Pond each put up \$3,000 for a total of \$9,000 to have a study done to expand the sewer system so that more development, more conversions from camps to year round homes could happen.
- Finds that troublesome because it seems like we're spending money on both sides of the fence for a competing thing
- Before anything is done, maybe we look at our strategic plan and focus on Taylor Pond
- Does not believe that the activities around Taylor Pond have really met watershed protection things. We heard a little bit about phosphorous, but the Lake Auburn Watershed Protection Commission has a full-time person dealing with outreach and education.

- Taylor Pond has a privately-owned public beach and when the municipal beach was having problems, they did not even want to test the water for safety
- Concern is that she is seeing 2 different messages here. 1 side in one room she hears we want to develop Taylor Pond, we want to invest there, we want you to put some money to raise the water rates for others to do that investment and on the other side she hears we want to protect our neighborhood

(125:30 on Recording)

A motion was made by Sam Scogin and seconded by Stephen Martelli to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

A lengthy discussion ensued amongst Board members regarding the proposal and there being a number of protections already in place.

(138:15 on Recording)

A motion was made by Robert Bowyer and seconded by Sam Scogin to forward to the City Council the recommendation that the proposed amendment not be approved for the reasons that have come forward tonight.

Robert Bowyer commented that he hoped members of the audience leave with the understanding that there are a number of good protections already in place and if they were to continue in their zeal to protect the quality of water, we will need a different approach than what this amendment has produced.

Brian Carrier agreed with Mr. Bowyer and thanked the Association for bringing this forward.

Sam Scogin commented that he would encourage members of the Taylor Pond Association as well as everyone else in the watershed to come before us as we want to hear your concerns and you can trust that we will be fair in our assessment of your concerns.

(140:50 on Recording)

After a vote of 7-0-0, the motion carried.

Chairperson Cyr reemphasized to the members of the audience that this does not mean that other solutions cannot be developed and said Ms. Crowley's points were correct about involving all stakeholders to help find solutions to protect our great ponds and watersheds and keep our water ways as pristine as they can be.

(143:00 on Recording)

Chairperson Cyr called for a 5-minute recess and the meeting was reconvened approximately 12 minutes later.

(155:30 on Recording)

OLD BUSINESS:

a. Mayor's Action Group on Agriculture & Resource Protection – update

Brian Carrier updated the Board on the MAG-ARP committee's proposed text amendment.

Mayor Jason Levesque commented that this was his first time sitting through a Planning Board meeting and said he was impressed with the process. He then proceeded to go over the time line for the potential adoption of the language and answered questions from Board members.

(167:20 Recording)

MISCELLANEOUS:

a. Updates from Planning Board members on projects and communications

No updates at this time

(171:00 Recording)

ADJOURNMENT

A motion was made by Sam Scogin and seconded by Stephen Martelli to adjourn. After a vote of 7-0-0, the motion carried.



City of Auburn, Maine

Office of Economic and Community Development

60 Court Street, Auburn, Maine 04210

www.auburnmaine.gov

207.333.6601

To: Planning Board, City of Auburn

From: Audrey Knight, AICP, City Planner

Date: November 13, 2018

RE: Petition for Text Amendment to the Agricultural and Resource Protection zoning district to prohibit a class of industrial, assembly, maintenance and manufacture equipment associated with recreational and agricultural uses in the Taylor Pond and Lake Auburn watersheds.

A. Proposal

A zoning text amendment has been requested to add a restriction to the Agricultural and Resource Protection District (AG) to land located within the defined watershed boundaries of Taylor Pond and Lake Auburn. As some of you may be aware, as recent as 2017 amendments were made to this district to enable certain assembly and maintenance of heavy equipment. While this change to the ordinance was due to an application by Lost Valley Ski Area for a niche snow making, grooming equipment, sales, and equipment training operation, it was viewed as a use and activity similar to tractor and agricultural equipment in the same zone. (Ordinances and reports attached).

The petition seeks to protect the watershed areas from this type of light industrial and commercial use that may be otherwise allowed in the AG zone citywide. While the watersheds encompass several zoning districts besides the AG zone, all other districts are low density residential designations and uses. However, land within the AG allows for more diverse commercial agrarian and rural enterprises.

The language proposed by the petitioner, the Taylor Pond Association, is as follows:

Division 2, Section 60-145, Use Regulations, (b) Special Exception Uses;

- (17) *Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:*

- a. *The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;*
- b. *The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and*
- c. *The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested, **in conformance with Maine DEP standards;***
and,
- d. **Industrial use, including manufacture, assembly and maintenance of recreational or agricultural equipment, is prohibited in the watershed areas surrounding Lake Auburn and Taylor Pond.**

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

B. Discussion

As evidenced by the history provided in attachments dated 2017, Special Exception use category (17) was brought forward by staff in response to a unique opportunity created by the original owner and designer of specific winter sports tractor type equipment. He wanted to produce, operate, sell, train and maintain this type of equipment in conjunction with the ski resort. Through discussions it was thought that this kind of operation could stimulate other tourist, visitor and economic drivers within the AG zones in the city. The ordinance passed without dissent.

The original project that generated this amendment to the code, did not come to fruition due to constraints unforeseen at the time. The initial project proposed a 21,000 square foot building and 2.6 acres of outside storage for equipment. The facility would assemble or produce the equipment. The Lost Valley Ski area is in the Taylor Pond Watershed north of the pond, and on the border with the Lake Auburn Watershed.

Most of the city lies within a watershed, with a few of the watersheds having protections related to specific purposes and implemented through overlay zoning districts. The zoning ordinance currently addresses the Lake Auburn Watershed with an overlay district designed to protect the metropolitan areas' drinking water. This overlay district (Division 4, Sec.60-950) specifies that all uses allowed in the underlying zones are allowed if they can meet environmental performance standards and are approved by the water district for the watershed. The overlay district provides environmental protections more stringent than AG zone regulations.

The Taylor Pond Overlay District (Division 3, Sec.60-921) was created to clean-up and protect land area mostly within 250' of the Great Pond. This district does not cover the entire watershed. The proposed text amendment would limit the recreational and agricultural light industrial uses allowed by special exception (17) in the area outside of the Taylor Pond Overlay zone, but within the Taylor Pond watershed.

There are several other smaller tributary watersheds that do not have overlay districts associated with them but also are protected or subject to the Shoreland Zone. This proposed text amendment would only apply to the Great Pond watersheds, due in part to the long history protecting the lakes that provide the city's water supply and boating recreational amenities.

The proposed limitation does not change the other elements of this use category, namely: *instruction, training, demonstrations, research and development or sales*. The Taylor Pond Association states:

The reason for the proposed change is to protect Lake Auburn and Taylor Pond from unnecessary damage to the water quality of these bodies of water that could endanger public health, affect property values resulting in loss of tax revenue to the city of Auburn and do irreversible damage to wildlife and the environment. Also, the roads in these areas are not safe for the heavy traffic that could be generated from such industrial use

C. Advantages

No comments were received by city department head staff at Plan Review Committee. Demonstrations, sales, training and R & D could still occur at locations such as Lost Valley, but larger assembly plants with the associated heavy truck traffic would be restricted. Large assembly facilities are generally considered to be light industrial in use and are most appropriate in industrial zones where truck traffic and large areas of impervious surface are more appropriate. A square footage, truck trip generation threshold, impervious surface restriction, or environmental performance standard such as some of those already applied to the Lake Auburn Watershed would also have a more consistent and restrictive effect on protecting both watersheds. A small home-based business involved in assembling, creating and repairing equipment would not be impacted by the text addition. This amendment would only apply to the two Great Pond watersheds and would not be applicable in all other Agriculture and Resource Protection zoning districts. The additional restriction is not inconsistent with the Comprehensive Plan which designates these areas as "Restricted Areas", to be given "Protection or be held in Reserve".

D. Disadvantages

Larger assembly or maintenance facilities that rely on the locational advantages of specific agricultural, resource or recreational locations would not be allowed in the north half of the city covered by the two watersheds. This could have a fiscal impact or

prevent some commercial recreational destination synergies from occurring. The maintenance and sale of agricultural equipment has been a long-standing part of the AG zone. This text amendment would limit the ability of tractor or ATV/snowmobile sales yards from complimentary assembly, repair and maintenance activities. Larger manufacturing or assembly facilities are typically a light industrial use, and are not allowed unless directly associated (agriculture) or complimentary (recreational) with an existing recreational or agricultural use. The fiscal or economic impact of this additional restriction is unknown and is already subject to many environmental constraints. The amendment may have unintended consequences that could prohibit larger scale creative economic enterprises in this zone, such as the one originally proposed by the Ski Area that initiated this recently added Special Exception.

E. Fiscal Impacts

The original purpose for the addition of these use categories had a narrow market potential, and site constraints prevented the development of the use. The proposed text amendment has unknown fiscal impacts on tax revenue or the regional economy.

F. Planning Board Action

The Planning Board will either A) continue the hearing to the next Planning Board meeting to reconsider amended or other language, or B) report the results of the hearing and make a recommendation to the City Council on the proposed text amendment.



Audrey Knight, AICP, City Planner

RECEIVED
OCT 05 2018

BY: *Rw*

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Division 2, Sec. 60-144, #17 of the Special Exemption Uses for Agriculture/Resource Protection Zone that currently allows for

Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
- b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
- c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

to specify conformity to Maine DEP standards and to exclude industrial use, including manufacture, assembly and maintenance of recreational or agricultural equipment, in the watershed areas of Taylor Pond and Lake Auburn.

Proposed text amendment:

Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
- b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
- c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested, ***in conformance with Maine DEP standards; and***

d. Industrial use, including manufacture, assembly and maintenance of recreational or agricultural equipment, is prohibited in the watershed areas surrounding Lake Auburn and Taylor Pond.

The reason for the proposed change is to protect Lake Auburn and Taylor Pond from unnecessary damage to the water quality of these bodies of water that could endanger public health, affect property values resulting in loss of tax revenue to the city of Auburn, and do irreversible damage to wildlife and the environment. Also the roads in these areas are not safe for the heavy traffic that could be generated from such industrial use.

TAYLOR POND WATERSHED
Auburn and Minot, Maine

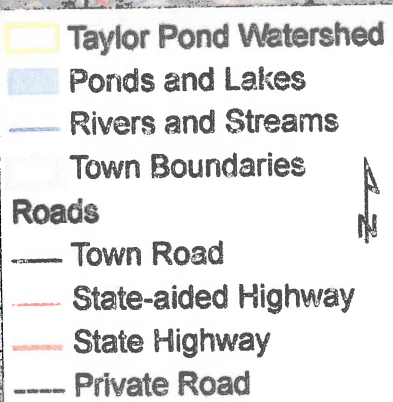
Legend:

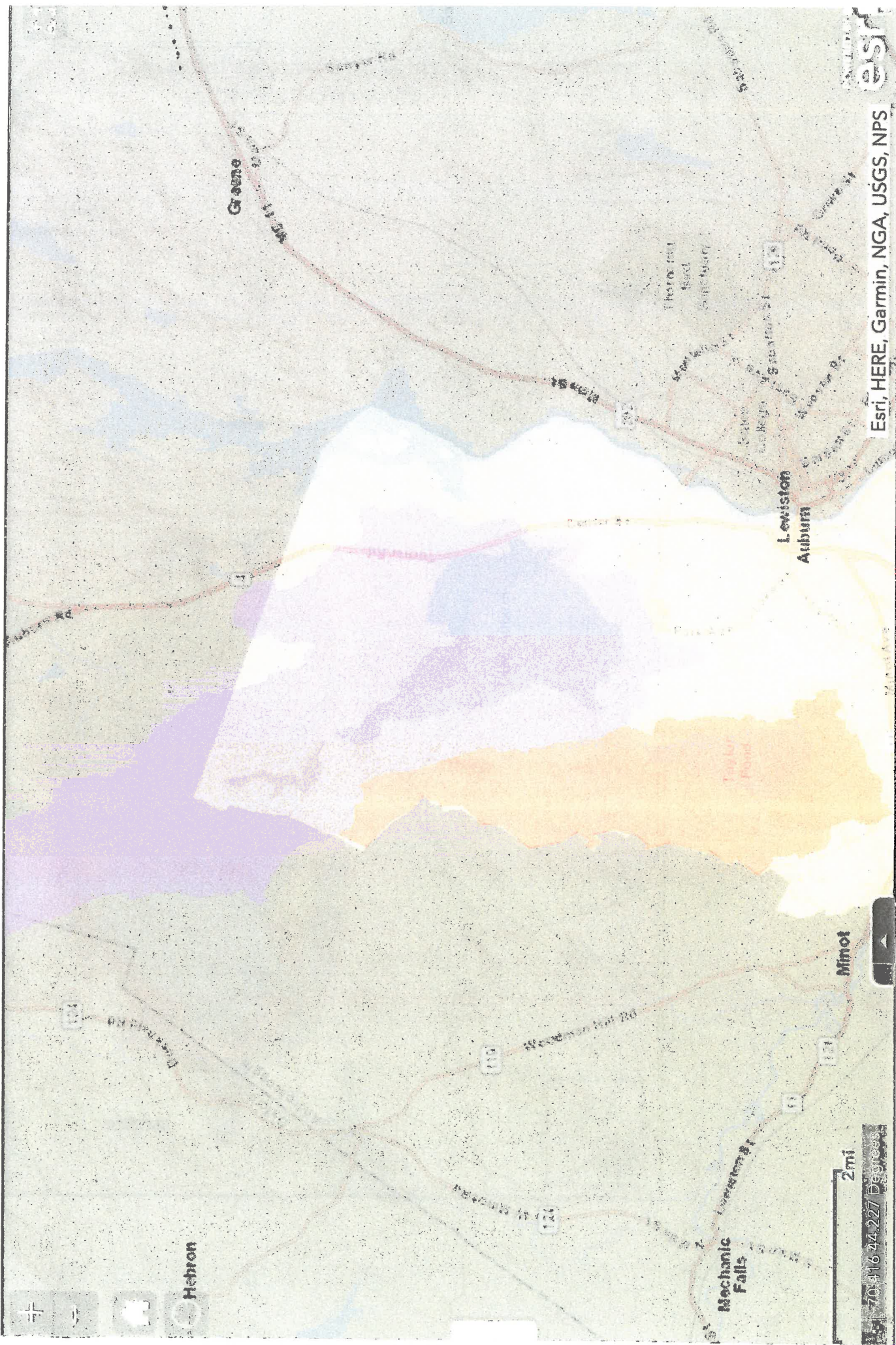
- Taylor Pond Watershed
- Ponds and Lakes
- Rivers and Streams
- Town Boundaries

Roads

- Town Road
- State-aided Highway
- State Highway
- Private Road

Scale: 0 0.25 0.5 1 1.5 2 Miles





Esri, HERE, Garmin, NGA, USGS, NPS

BUCKFIELD

LAKE AUBURN WATERSHED CONTROL LEVELS



HEBRON

LEGEND

Watershed Control Levels:

- LEVEL 1
- LEVEL 2
- LEVEL 3
- LEVEL 4

- WATERSHED LINE
- SUB-WATERSHED LINE
- TOWN LINE

TURNER

MINOT

LAKE
AUBURN

AUBURN

LEWIS



Name (Printed)	Signature	Address
Donna L. Loria	Donna L. Loria	72 Winter St., Auburn, ME 04201
Cheryl W. Tardif	Cheryl Tardif	420 Youngs Corner Rd. Auburn, ME
Beth Ann Sheats	Beth Ann Sheats	321 Waterbury Dr. Auburn, ME
Kristi Huard Norcross	Kristi Huard Norcross	230 Valview Dr. Auburn
Lucile Merin	Lucile Merin	100 Stony Road Auburn, ME
Richard Byard	Richard Byard	699 Garfield Rd. Auburn, ME
JOAN MACRI	Joan Macri	699 Garfield Rd. Auburn, ME
Patricia Sawyers	Patricia Sawyers	42 Waterbury Dr. Auburn, ME
KELLY MCGOVERN SHAW	Kelly McGovern Shaw	214 Valview Dr. Auburn
Peter Durgin	Peter Durgin	165 W. SHORE RD AUBURN
Paul Paradis	Paul Paradis	30 W. Ateaview Dr. 04201
Cullen McCormick	Cullen McCormick	173 Chicoine Ave. Auburn
Lorena A. Faiman	Lorena A. Faiman	173 Chicoine Ave. Auburn
Bonnie M. Faiman	Bonnie M. Faiman	One Shore Path Rd.
Michael Lutter	Michael Lutter	1 Shore Path Rd.
Stephen W. Sawyer	Stephen W. Sawyer	9 Shore Path Rd.
Neslie Shields	Neslie Shields	214 Valview Dr. Auburn
MEREDITH SHORE	Meredith Shore	171 West Shore Rd., Auburn
Wylie Mitchell	Wylie Mitchell	124 Cove Rd. Auburn
Judi Andrews	Judi Andrews	179 West Shore Rd. Auburn
BARBARA MITCHELL	Barbara Mitchell	15 Shore Path Rd. Auburn
Larry M. Murin	Larry M. Murin	179 West Shore Rd., Auburn
Grace Day Bedette	Grace Day Bedette	77 Quiver St. Auburn
Dennis Grafflin	Dennis Grafflin	130 Valview Dr. Auburn
Jeanne K. Phillips	Jeanne K. Phillips	173 W. Shore Rd. Auburn
August Frohlich	August Frohlich	173 W. Shore Rd. Auburn
Joel Richmond	Joel Richmond	767 GARFIELD RD Auburn
William Turner	William Turner	198 VALVIEW DR., AUBURN
PETER GARZINI	Peter Garzini	185 Chicoine Auburn
Patricia M. Garcia	Patricia M. Garcia	201 WEST SHORE RD AUBURN
Robert J. Thomas	Robert J. Thomas	201 West Shore Rd. Auburn
BOB HAYES	Bob Hayes	138 Everett Rd., Auburn
Douglas Libbey	Douglas Libbey	172 ALLEN AVE., AUBURN
Susan Trask	Susan Trask	130 Chicoine Ave, Auburn
Elwood Trask	Elwood Trask	75 Taywood Rd. Auburn
Edwin Gray	Edwin Gray	75 Taywood Rd. Auburn
Dana Little	Dana Little	153 Chicoine Ave. Auburn
Ezra Thomas	Ezra Thomas	585 Gerchild Road, Auburn
Melissa Sundell	Melissa Sundell	138 Everett Rd. Auburn
Yolande Gay	Yolande Gay	40 Nottingham Rd., Auburn
		195 West Shore Rd.

[illegible]



PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA
Urban Development Specialist

Re: Text Amendment to allow training, sales and service of equipment related to outdoor recreation in the Agricultural and Resource Protection and Low Density County Residential districts

Date: May 9, 2017

I. PROPOSAL-

The City Council initiated a text amendment at its April 3, 2017 meeting. The text amendment would allow training, sales and service of equipment related to outdoor recreation in the Agricultural and Resource Protection (AGRP) district. If approved, these uses would also be allowed in the Low Density Country Residential (LDCR) district.

The request for the text amendment came as a result of a project that would be part of the Lost Valley Ski Resort. The project is a large building, parking and sales area for a snow grooming company that would like to locate at the Lost Valley Ski Resort and use the ski area for training, grooming and displaying the equipment.

Currently, the sales and servicing of machinery and equipment related to agriculture are allowed as permitted uses in the Agricultural and Resource Protection (AGRP) District. This type of use does not apply to outdoor recreation and, hence, is the impetus for the text amendment.

II. DEPARTMENT REVIEW- The Plan Review Committee met and reviewed this proposal at its April 19, 2017 meeting. The group discussed the general impact of the text amendment and had little concerns about the text amendment itself. There was some discussion about the sketch plan for the Lost Valley project. It was acknowledged that the sketch plan was not an active application for development.

a. Police – No comments.


- b. Auburn Water and Sewer – No comments
- c. Fire Department – No Comments
- d. Engineering – No Comments.
- e. Public Services – No comments.
- f. Economic and Community Development- No comments.

III. **PLANNING BOARD ACTION** – A draft of the text amendment is presented to the Planning Board with an “option A” and “option B”. Option A is a permissive approach that would make the training, sales and servicing of both agricultural and outdoor recreation related equipment a permitted use. Option B relegates those uses as a special exception and would require Planning Board approval. The intent of the text amendment is to have it included in the Low Density Country Residential district as well.

IV. **STAFF RECOMMENDATION** – The staff considered the impact of allowing training, sales and servicing of equipment for outdoor recreation uses and came to the conclusion that there are limited outdoor recreational uses such as golf courses or park uses where those uses could apply. The golf courses could have golf cart sales or golf training schools for example.

With regards to Option A or Option B, the staff supports Option B in order to ensure that these new uses will be reviewed as a special exception, which would include public notice and Planning Board consideration

The Staff recommends the Planning Board send a recommendation of **APPROVAL** to the City Council for a text amendment making the training, service and sales of equipment for agricultural and outdoor recreation special exceptions in the Agricultural and Resource Protection district as shown in Option B of the staff report.


Douglas M. Greene, A.I.C.P., R.L.A.
Urban Development Specialist



**City of Auburn
City Council Information Sheet**

Council Meeting Date: April 3, 2017

Order: 31-04032017

Author: Michael Chammings, Director of Economic and Community Development

Subject: Agriculture and Resource Protection/Low Density Rural Residence Ordinance review for schools and equipment sales accessory to a recreational use.

Information: We have a unique opportunity to site a recreational equipment sales, assembly, service, testing and training facility adjacent to a recreational use in Auburn that would benefit an important community recreational asset.

Advantages: This would benefit an important community recreational asset, create taxable value, create "livable wage" jobs and attract international visitors to the city.

Disadvantages: None.

City Budgetary Impacts: None.

Staff Recommended Action: Approve the order.

Previous Meetings and History: March 20, 2017 Council Meeting Executive Session.

Attachments: Memo from Eric J. Cousens, Deputy Director of Economic and Community Development dated 03/29/17 and Order.



City of Auburn, Maine

Office of Economic & Community Development

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

To: Michael Chammings, Director of Economic and Community Development

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

Re: Options for the Agriculture and Resource Protection/Low Density Rural Residence Ordinance to allow for schools and equipment sales associated with and complimentary to a recreational use

Date: March 29, 2017

A question has been raised regarding the following use group listed as a Special exception in the Agriculture and Resource Protection District:

- (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

We allow handling, storage and sale of agricultural services, equipment, and supplies accessory to a farming use with Planning Board review. We also allow recreational uses of land intended or designed for public use subject to Planning Board review and some conditions. The question raised is: Could we allow handling, storage and sale of agricultural services, equipment, and supplies accessory to or associated with a recreational use?

As written the allowance is very specific to farming uses, although the impacts of allowing the use accessory to farming or recreational uses in the Agriculture and Resource Protection District are likely identical. Special exception uses require individual proposals to be reviewed through a public process with the Planning Board to ensure that impacts are avoided.

The term "accessory" includes a determination that the use is subordinate to or under the control of another within a larger organization. That may be too restrictive to allow an associated business that is in separate ownership from the recreational use but still mutually beneficial to locate adjacent to a recreational use. We have an exciting opportunity to site a recreational equipment sales, assembly, service, testing and training facility adjacent to a recreational use in Auburn that would benefit an important community recreational asset and attract international investment and visitors to the city.

We have discussed this opportunity with a couple of Councilors and they have initiated the item for discussion. We are hopeful that the Council will direct staff to draft an amendment to the ordinance and to host a public review process with the Planning Board to recommend a change for Council consideration.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 31-04032017

ORDERED, that the City Council hereby directs City Staff to consult with the Planning Board and develop recommendations to increase the flexibility of the uses allowed in the Agricultural and Resource Protection District, which would allow existing large recreational users to undertake complimentary uses such as the sale of services, equipment, and supplies related to existing recreational uses, and to develop recommendations from the Planning Board for Council consideration.

OPTION A

DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. - Purpose.

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

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. - Use regulations.

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

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:
 - a. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.
 - b. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
 - c. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns, silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.

- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

(14) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings and accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:

- a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
- b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
- c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.

(3) ~~Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.~~

~~(34)~~ Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

~~(54)~~ Recreational uses of land intended or designed for public use subject to the following conditions:

- a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
- b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

~~(65)~~ Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

- a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
- (76) Rifle, pistol, skeet or trap shooting ranges, public or private.
- (87) Cemeteries, subject to the following conditions:
- a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
- (89) Municipal sanitary landfills, subject to the following conditions:
- a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- (910) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
- a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (101) Wholesale nurseries, subject to the following conditions:
- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (112) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (132) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (143) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the Watershed of Taylor Pond, the Shoreland Overlay District or the Floodplain Overlay District.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.

- d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
- e. Hours of operation shall be limited to between 6 a.m. and 8 p.m.
- (145) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
 - a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011)

Sec. 60-146. - Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
- (2) *Density.* The density of yearround dwelling units shall not exceed an average of one dwelling per ten acres.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.31C)

Secs. 60-147—60-199. - Reserved.

OPTION B

DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. - Purpose.

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

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. - Use regulations.

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

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:
 - a. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.
 - b. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or

reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

- c. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment, and machinery accessory to the principal use including, but not limited to: barns, silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings and accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
 - (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
 - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
 - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
 - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) ~~Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use. [MM1]~~

- (34) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
- (54) Recreational uses of land intended or designed for public use subject to the following conditions:
- a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
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- a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
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- a. At least 20 acres in area.
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- a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- (940) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
- a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
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- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

- (112) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - An end-use plan must be filed as part of the planning board process.
- (132) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (143) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- The facility shall not be located within the Lake Auburn Watershed Overlay District, the Watershed of Taylor Pond, the Shoreland Overlay District or the Floodplain Overlay District.
 - The proposed use shall not occupy more than 10,000 square feet of building area.
 - The number of employees shall be limited to not more than 15.
 - Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - Hours of operation shall limited to between 6 a.m. and 8 p.m.
- (145) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - Provisions shall be made to avoid surface and groundwater pollution.
 - Provisions shall be made to counteract vermin, insects and odors.
 - Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings and accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011)

Sec. 60-146. - Dimensional regulations.

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

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- a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
- (2) *Density.* The density of year round dwelling units shall not exceed an average of one dwelling per ten acres.
- (3) *Yard requirements.*
- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.31C)

Secs. 60-147—60-199. - Reserved.

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Adam R. Lee, Ward Four



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 06-06052017

BE IT ORDAINED, that the City Council, that Chapter 60, Zoning be amended as follows:

ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2 AGRICULTURE AND RESOURCE PROTECTION
DISTRICT, Section 145, Use Regulations, (b) Special Exception Uses,

(16) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
- b. The recreational or agricultural use has been in existence for at least 5 years prior to the date of the application for the special exception; and
- c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

**Public hearing and passage of first reading on 6/5/2017 5-0-1 (Councilor Young absent).
Passage of second and final reading on 6/19/2017 7-0.**

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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 01-02252019

Division 2, Section 60-145, Use Regulations,

(b) Special Exception Uses;

- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
 - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
 - c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested, in conformance with Maine DEP standards; and
 - d. Industrial use, including manufacture, assembly and maintenance of recreational or agricultural equipment, is prohibited in the watershed areas surrounding Lake Auburn and Taylor Pond.

**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date:

Author: Marc Gosselin

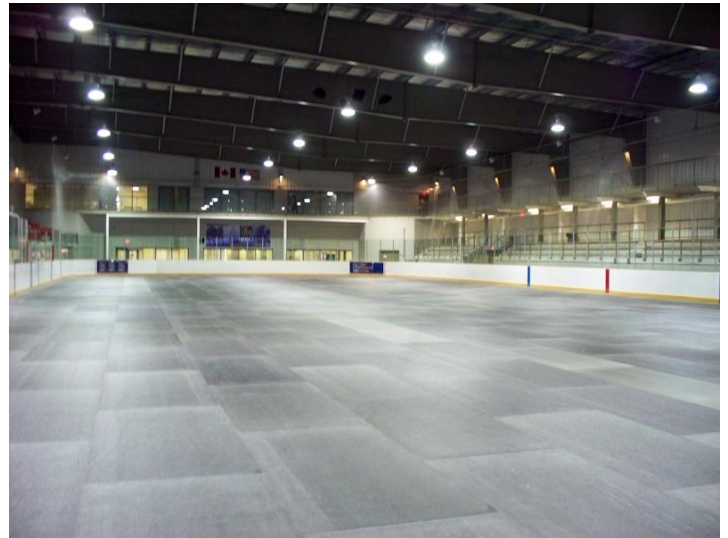
Subject: Pro Deck Floor Covering for the Norway Savings Bank Arena

Information:

Norway Savings Bank Arena has become a multi-purpose facility, now hosting two major Trade Shows during the shoulder season. Our current Homasote event floor, which was purchased used for \$7,000, will have served three of these events. The current floor condition requires staff to patch holes in the floor to prevent tripping hazards and utilize an additional top cover in some ways to limit airborne dust and debris. The current Floor Cover is estimated to be over 20 years old. A pro-deck ice cover is made of a durable hard poly carbon material that is designed to withstand full show events. Whether it is a simple chair set and stage, to vehicles being driven out onto the ice, the pro-deck can handle it all. ProDeck is the revolutionary ice floor cover installed in 120+ facilities over the last 10+ years. ProDeck is the only answer for multipurpose facilities looking for a lightweight composite floor on which to host dry floor events. Made of a state-of-the-art composite urethane foam combined with random strand fiberglass, ProDeck is the most durable ice floor cover on the market.

Benefits of new flooring:

- Ability to cover Rink #1 or Rink #2 completely (17,500 Sq. Ft.)
- Provide a hard, durable surface that is easy to clean and maintain
- Radius-cut corners built to rink specifications
- Extremely high 2.84 R-value
- 48" wide x 96" long x 1" sheets are easy to handle and install – cutting down on changeover time
- ProDeck can stay down for days or weeks – allowing greater flexibility in the type of events you can host.
- ProDeck can accommodate forklifts and full glass carts with no damage
- Will not stick to ice or absorb moisture
- Venues can store ProDeck outside as they do not have any issues with weather.
- A full rink can be covered in just an hour with a crew of 8-10 workers



City Budgetary Impacts: \$24,700. Note a new Pro-Deck Floor average cost is \$120,000. Funding will come from TIF funds earmarked for sports tourism.

Staff Recommended Action:

Looking to receive approval to purchase pro deck floor covering



Previous Meetings and History:

Mentioned and presented during the Recreation and Sport Facilities departmental update at the January 29th council meeting.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink, which appears to read "Peter J. Caulton".

Attachments: Order 29-03042019

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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 29-03042019

ORDERED, that the City Council hereby authorizes the purchase of the pro-deck floor for \$24,700 with funding coming from TIF funds earmarked for sports tourism.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2019

Order: 30-03042019

Author: Tony Beaulieu, City Engineer

Subject: Mill/Main Street Intersection Design

Information: Staff and the City's Consultant has proposed two design options of the Mill and Main Street intersection which includes a driveway access of Rolly's Diner. The first option, preferred by Staff, Consultant, MDOT and Complete Streets Committee, eliminates the existing driveway access from Rolly's diner onto Mill Street and allows for two driveway entrances on Second Street. The second option signalizes the existing exit onto Mill Street from Rolly's Diner and allows for two driveway entrances on Second Street. Signalizing the exit has an associated expense. This option has support from staff and MDOT but is not endorsed by the Complete Streets Committee. See attached memo to the City Manager.

City Budgetary Impacts: Driveway entrances on Second Street and eliminating exit on Mill Street- none. Signalizing exit on Mill Street- \$40,000, City share \$4,000 (10%).

Staff Recommended Action: Direction from City Council on how to proceed with intersection design with regards to Rolly's Diner driveway access.

Previous Meetings and History: Public Meeting- October 23, 2018. Complete Streets Committee presentation- January 23, 2019. City Council Workshop- February 25, 2019.

City Manager Comments:

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

I concur with the recommendation. Signature:

Attachments:

Memo to City Manager

Rolly's Diner Proposed Parking Layout- December 14, 2018

Rolly's Diner Proposed Parking Layout with Signalized Exit into Mill/Main Intersection- January 15, 2019

01/28/2019

Complete Streets Recommendation
Re: Rolly's Parking Lot Exit to Main/Mill Intersection

Dear Auburn City Manager, Council, and Mayor,

At a meeting of the Complete Streets Committee held on January 23rd, 2019, we were presented with a concept for vehicle access to the parking lot at Rolly's Diner in Auburn. This concept includes converting a curb cut to an official signalized exit at the intersection of Main and Mill Street. The Complete Streets Committee passed a unanimous motion against this component of the concept. Our concerns regarding this item can be explained as follows:

- 1) Addition of the exit driveway as a fifth leg will require a separate, exclusive traffic phase, shutting down the overall intersection and exacerbating congestion where it is already challenged;
- 2) A new traffic signal for the exit will also require a new pedestrian signal and crosswalk, as pedestrians will need to be informed that they do not have the right-of-way when exiting vehicles have the green signal;
- 3) Provision of this leg almost certainly forces the stop bar for Mill Street westbound traffic farther to the east, resulting in more stacking concerns along Mill;
- 4) The exit only drive, coming up once per traffic signal operational cycle, will likely have the majority of users exiting into the street without waiting for a green light, continuing the dangerous practice that exists there now.

It is the charge of our committee to prioritize public safety for all users in advising the design of our streets. We also take into consideration the importance of improving traffic flow, and promoting community and economic development. It appears that the driveway in question serves no purpose other than to reduce exit delays by seconds for patrons who have already been to the restaurant. Given the problems described above affecting the public right-of-way, and the limited function of the private driveway, we cannot endorse the concept as proposed.

The changes to 2nd Street as part of the overall improvements to New Auburn include two curb cuts to Rolly's parking lot, providing plenty of access for restaurant patrons. Furthermore, the removal of the exit drive would add two more on-site parking spaces, which would help with peak patronage at the restaurant.

It is the understanding of our committee that Public Works staff have been in extensive communication with the owner of Rolly's Diner, who has expressed a strong desire for this signalized exit. While the staff of Public Works and members of the Complete Streets Committee are in agreement that the proposed concept is not consistent with best street design

practices, we would like to bring this item to the attention of the Auburn Council. If any member of Auburn Council feels there are justifications for the signalized exit that sufficiently outweigh the concerns we have raised, we recommend that Council call for the item to be reviewed in a Council workshop. If no council member requests this item to be brought before the council, then we will advise staff to proceed with planning and design for a concept that restores the curb and sidewalk on Main Street next to Rolly's, and provides two curb cuts on 2nd Street to access the diner's parking lot.


Staff can provide any further information or history regarding other concepts that were explored prior to this proposal.

We welcome any questions or comments.

Sincerely,

Craig Saddlemire, Chair
Complete Streets Committee
csaddlemire@lewistonmaine.gov
(207) 558-2143

Jeremiah Bartlett, Vice Chair
Complete Streets Committee
jeremiahbartlett@gmail.com
(207) 632-1065



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ROLLY'S DINER
PROPOSED PARKING LAYOUT
WITH SIGNALIZED EXIT
INTO MILL/MAIN INTERSECTION
SHEET 1 OF 1
32 STALLS

JANUARY 15, 2019

PLAN


150

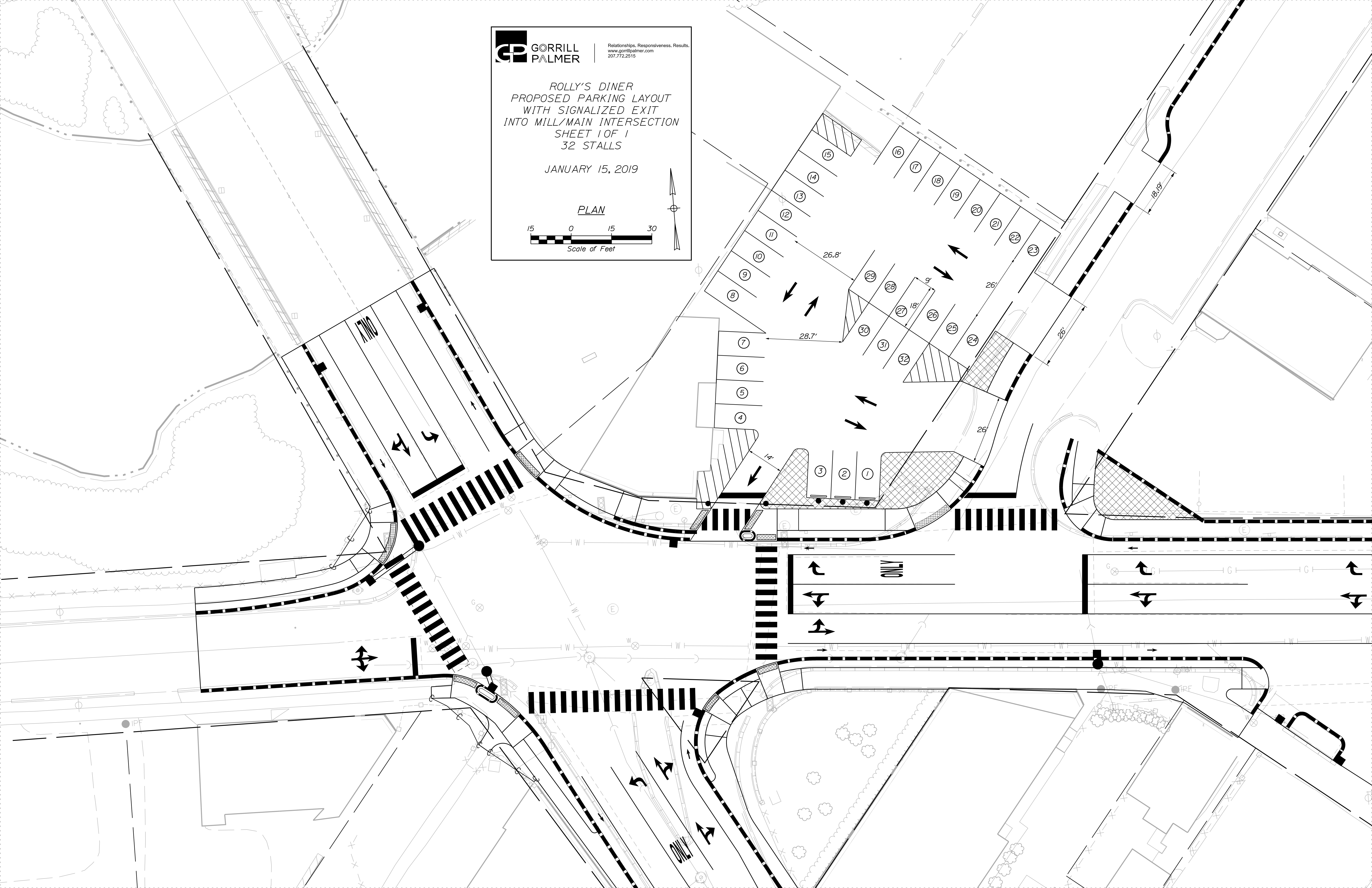
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15

30

Scale of Feet





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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 30-03042019

ORDERED, that the City Council hereby approves the proposed design of the intersection of Mill and Main Streets which incorporates the existing exit from Rolly's Diner as shown on the plan "Rolly's Diner Proposed Parking Layout with Signalized Exit into Mill/Main Intersection", by Gorrill Palmer, dated January 15, 2019.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2019

Order: 31-03042019

Author: Eric Cousens, Deputy Director of Economic & Community Development &
Jody Durisko, Executive Assistant to the City Manager

Subject: Disposition of Tax Acquired Property

Information: The Tax Acquired Committee is recommending two (2) properties for disposition with a combined total \$10,349.92 in property taxes owed to the City.

City Budgetary Impacts: There is not a negative impact to the city budget for the potential sale of tax acquired properties. The known positive impacts of selling tax acquired properties are recouping taxes owed, associated fees, and getting the property back on the tax role.

Staff Recommended Action: Motion to authorize the sale of tax acquired and city owned property at 31 Beck Avenue and 0 Court Street (PID #'s 208-045 & 218-017) by sealed bid.

Previous Meetings and History: Council Workshop February 4, 2019, and February 25, 2019.

City Manager Comments:

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

I concur with the recommendation. Signature:

Attachments:

Memorandum Dated February 4, 2019 – Disposition of Tax Acquired Property
Tax Acquired Committee Recommendation
Tax Statement
Property Review Form



City of Auburn, Maine

Office of the City Manager

60 Court Street | Auburn, Maine 04210

207.333.6601 | www.auburnmaine.gov

MEMORANDUM

TO: Mayor Levesque and Honorable Members of the Auburn City Council

CC: Peter Crichton, City Manager and Jill Eastman, Finance Director

FROM: Jody Durisko, Executive Assistant to the City Manager

RE: Disposition of Tax Acquired Property

DATE: February 4, 2019

Enclosed you will find the supporting documentation on six (6) tax acquired properties that the Tax Acquired Property Committee has recommended for disposition. The six (6) properties combined total \$37,901.05 in property taxes and CDBG balances owed to the City. Following below are brief summaries of each property being presented to Council for disposition:

31 Beck Avenue & 0 Court Street (PID #'s 208-045 & 218-017) - The combined total balance due is \$10,349.92. Enclosed you will find the property details, committee recommendation, and tax acquired property review form. The last tax payment for both was on January 4, 2016. The Tax Acquired Property Committee has reviewed the parcels and recommends the following:

1. Work with the abutter to cover the cost of survey and deed preparation to correct existing lot access and frontage issue. The parcel at 9 Kimball is legally existing but relies on part of the tax acquired property to access Court Street. To do this the City could allow for the transfer of a strip of land that contains the private drive known as Kimball Street to be combined with the residential property at 9 Kimball Street. The abutter should pay for deed preparation, so it doesn't cost the City. This will make the 9 Kimball Street lot more conforming and should not have a noticeable effect on the value of the City owned parcel.
2. Market the remaining land for sale as 2 house lots or up 10 condominium units.

The City currently has no plans for water access in this area and Taylor brook is a small impoundment. The Council could consider retaining frontage on Taylor Brook for potential future water access from Beck Street; Retaining the strip of land between Beck and Taylor

Brook may not impact the sales value significantly. A sketch showing the potential for 2 house lots and the transfer to the abutter is attached. The committee also noted that a major portion of the parcels is in the 1% floodplain which limits future development.

The committee recommends working with the abutter as noted above and marketing the remaining land by sealed bid to recoup tax dollars from sale and improve lot conformance and marketability of 9 Kimball Street. The Council should also decide if the City should retain waterfront access to Taylor Brook.

Garfield Road (PID # 245-011-001) - The total due is \$632.64. Enclosed you will find the property details, committee recommendation, and tax acquired property review form. The last tax payment was on August 8, 2016. This property is land only. It had a DHHS LIEN, which has been released. The property doesn't appear to have road access. The small piece of land would only have value to one abutter therefore the committee recommends selling it to the abutter.

Hackett Road (PID # 135-010) - The total due is \$661.57. Enclosed you will find the property details, committee recommendation, and tax acquired property review form. The last tax payment was on November 4, 2014. This is a 5.31 house lot that abuts 428 Hackett Rd. The committee recommends selling by sealed bid.

120 Cook Street (PID # 211-059) - The total due is \$15,073.15. Enclosed you will find the property details, committee recommendation, and tax acquired property review form. The last tax payment was on April 8, 2013. The committee recommends selling by sealed bid.

77 Gill Street (PID # 211-103) - The total due including CDBG balance due is \$11,183.77. Enclosed you will find the property details, committee recommendation, and tax acquired property review form. The last tax payment was on January 14, 2016. The committee recommends selling by sealed bid.



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Section 3.5 Committee Action/Recommendations. The committee will meet to review the comments received from each department. The Committee will then forward a recommendation to the City Manager for appropriate action. The Committee will meet in sufficient time before the foreclosure deadline in order for the City Manager and City Council to have sufficient time to take any action that may be necessary, including waiver of foreclosure.

PARCEL ID:	208-045 & 218-017	Location:	31 Beck Avenue & 0 Court Street
Acreage	0.87	Zone:	Urban HSLT
Current Assessed Land Value:	\$55,000	Current Assessed Building Value:	\$0
Total Land & Bldg. Value:	\$55,000	Minimum Bid:	\$10,349.92

Retain for public use		Sell the property	x	Waive foreclosure	
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Sell to prior owner		Sale to immediate heirs	
Sale by Sealed Bid	x	Request for proposals	
Real Estate Broker Contract			

The bid price for either process shall be determined by the Finance Director or his/her designee in no event being less than all outstanding property taxes, including the total amount of all delinquent taxes plus the total taxes for the current year (and the estimated taxes for the next year after commitment) plus accrued interest, lien costs and any other costs relating to the property and this process (including, but not limited to, insurance, attorney's fees, auction/bid or notice costs).

Notes: Work with the abutter to cover cost of survey and deed work to correct existing lot access and frontage issue for 9 Kimball which currently relies on tax acquired property for access to Court Street. The committee then recommends either marketing the remaining land as 2 house lots or up to 10 condominiums units. Council should also consider if they want to retain footage on Taylor Brook for potential water access.

01/29/2019 14:36
4924nbosse

CITY OF AUBURN
Real Estate Tax Statement

P 1
txtaxstm

PARCEL: 208-045-000-000

LOCATION: 31 BECK AVE

OWNER:

AUBURN CITY OF
CROSSLEY E NEIL, PARTY IN POSS
PO BOX 757
WINDHAM ME 04062

STATUS:

SQUARE FEET: 0
LAND VALUATION: 26,800
BUILDING VALUATION: 0
EXEMPTIONS: 0
TAXABLE VALUATION: 26,800
INTEREST PER DIEM .51

LEGAL DESCRIPTION:

DEED DATE: 07/19/1996 BOOK/PAGE: 3681-21

INTEREST DATE: 01/29/2019

YEAR	TYPE	BILL	BILLED	PRIN DUE	INT DUE	TOTAL DUE
INST	CHARGE					
2018	RE-R	2984				
1	2018 REAL		317.31	317.31	8.15	325.46
2	2018 REAL		317.31	317.31	.00	317.31
			634.62	634.62	8.15	642.77
2017	LIEN	106				
1	RETAX TL		616.13	616.13	24.58	640.71
	DMD TL		3.00	3.00	.00	3.00
	CERTMA		6.67	6.67	.00	6.67
	LNCHG TL		51.00	51.00	.00	51.00
	INTTL		23.57	23.57	.00	23.57
			700.37	700.37	24.58	724.95
			700.37	700.37	24.58	724.95
2016	LIEN	127				
1	RETAX TL		598.98	598.98	65.71	664.69
	CERTMA		6.56	6.56	.00	6.56
	DMD TL		3.00	3.00	.00	3.00
	LNCHG TL		51.00	51.00	.00	51.00
	INTTL		23.84	23.84	.00	23.84
			683.38	683.38	65.71	749.09
			683.38	683.38	65.71	749.09
2015	LIEN	99				
1	RETAX TL		569.50	569.50	104.74	674.24
	CERTMA		6.47	6.47	.00	6.47
	DMD TL		3.00	3.00	.00	3.00
	LNCHG TL		51.00	51.00	.00	51.00
	INTTL		19.98	19.98	.00	19.98

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 4924nbosse

CITY OF AUBURN
Real Estate Tax Statement
P 2
txtaxstm

YEAR TYPE INST CHARGE	BILL	BILLED	PRIN DUE	INT DUE	TOTAL DUE
		649.95	649.95	104.74	754.69
		649.95	649.95	104.74	754.69
2014 LIEN	108				
1 RETAX TL		561.46	561.46	142.56	704.02
CERTMA		6.48	6.48	.00	6.48
DMD TL		3.00	3.00	.00	3.00
LNCHG TL		51.00	51.00	.00	51.00
INTTL		19.70	19.70	.00	19.70
		641.64	641.64	142.56	784.20
		641.64	641.64	142.56	784.20
GRAND TOTALS		3,309.96	3,309.96	345.74	3,655.70

last paid 01/04/2016

31 Beck \$3,655.70
 O Court \$4,394.22
 Legal \$ 300.00
10,349.92

01/29/2019 14:35
4924nbosse

CITY OF AUBURN
Real Estate Tax Statement

P 1
txtaxstm

PARCEL: 218-017-000-000

LOCATION: COURT ST

OWNER:

AUBURN CITY OF
CROSSLEY E NEIL, PARTY IN POSS
PO BOX 757
WINDHAM ME 04062

STATUS:

TOTAL ACRES: 4.950
DEFERRED ACRES: .000
LAND VALUATION: 48,300
BUILDING VALUATION: 0
EXEMPTIONS: 0
TAXABLE VALUATION: 48,300
INTEREST PER DIEM .92

LEGAL DESCRIPTION:

DEED DATE: 07/19/1996 BOOK/PAGE: 3681-21

INTEREST DATE: 01/29/2019

YEAR	TYPE	BILL	BILLED	PRIN DUE	INT DUE	TOTAL DUE
INST	CHARGE					
2018	RE-R	3946				
1	2018 REAL		571.87	571.87	14.70	586.57
2	2018 REAL		571.87	571.87	.00	571.87
			1,143.74	1,143.74	14.70	1,158.44
2017	LIEN	105				
1	RETAX TL		1,110.42	1,110.42	44.29	1,154.71
	DMD TL		3.00	3.00	.00	3.00
	CERTMA		6.67	6.67	.00	6.67
	LNCHG TL		51.00	51.00	.00	51.00
	INTTL		42.48	42.48	.00	42.48
			1,213.57	1,213.57	44.29	1,257.86
			1,213.57	1,213.57	44.29	1,257.86
2016	LIEN	164				
1	RETAX TL		1,079.51	1,079.51	118.42	1,197.93
	CERTMA		6.56	6.56	.00	6.56
	DMD TL		3.00	3.00	.00	3.00
	LNCHG TL		51.00	51.00	.00	51.00
	INTTL		42.96	42.96	.00	42.96
			1,183.03	1,183.03	118.42	1,301.45
			1,183.03	1,183.03	118.42	1,301.45
2015	LIEN	140				
1	RETAX TL		1,026.38	1,026.38	188.77	1,215.15
	CERTMA		6.47	6.47	.00	6.47
	DMD TL		3.00	3.00	.00	3.00
	LNCHG TL		51.00	51.00	.00	51.00
	INTTL		36.02	36.02	.00	36.02

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4924nbosse

CITY OF AUBURN
Real Estate Tax Statement

P 2
txtaxstm

YEAR TYPE INST CHARGE	BILL	BILLED	PRIN DUE	INT DUE	TOTAL DUE
		1,122.87	1,122.87	188.77	1,311.64
		1,122.87	1,122.87	188.77	1,311.64
2014 LIEN	145				
1 RETAX TL		1,011.89	1,011.89	256.94	1,268.83
CERTMA		6.48	6.48	.00	6.48
DMD TL		3.00	3.00	.00	3.00
LNCHG TL		51.00	51.00	.00	51.00
INTTL		35.52	35.52	.00	35.52
		1,107.89	1,107.89	256.94	1,364.83
		1,107.89	1,107.89	256.94	1,364.83
GRAND TOTALS		5,771.10	5,771.10	623.12	6,394.22

last paid 01/04/2016



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Tax Acquired Property Review Form

ADDRESS: 31 Beck Ave & Court Street

PID#: 218-017 & 208-045

DESCRIPTION: This parcel contains 4.950 AC of land mainly classified as URBAN HSLT with a Building, having primarily Exterior.

BALANCE DUE: \$10,349.92

1. Is the property either unfit or unnecessary for City use?

Yes.

2. Does the City wish to retain ownership for municipal purposes?

No.

3. Is the property adjacent to publicly owned land?

No.

4. Are there buildings on the property that should be demolished?

No.

5. Are there environmental liabilities or hazards present on the site?

No.



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6. Does the property have investment or marketable value?

Yes. This lot is located in a Suburban Residential District and contains close to 5 acres of land. This land could be divided into several lots and sold as "buildable water front" property.

7. Are there are uses that the property is suited for which meet the requirements of the City's zoning and land use ordinance?

Yes. This lot is located in a Suburban Residential District and contains close to 5 acres of land. This land could be divided into several lots and sold as "buildable water front" property.

8. Does the property only have value to an abutter (provides additional set back, off street parking, etc.)?

No, although one abutter would benefit by a small piece of it in order to legalize the location of their driveway.

Other concerns:



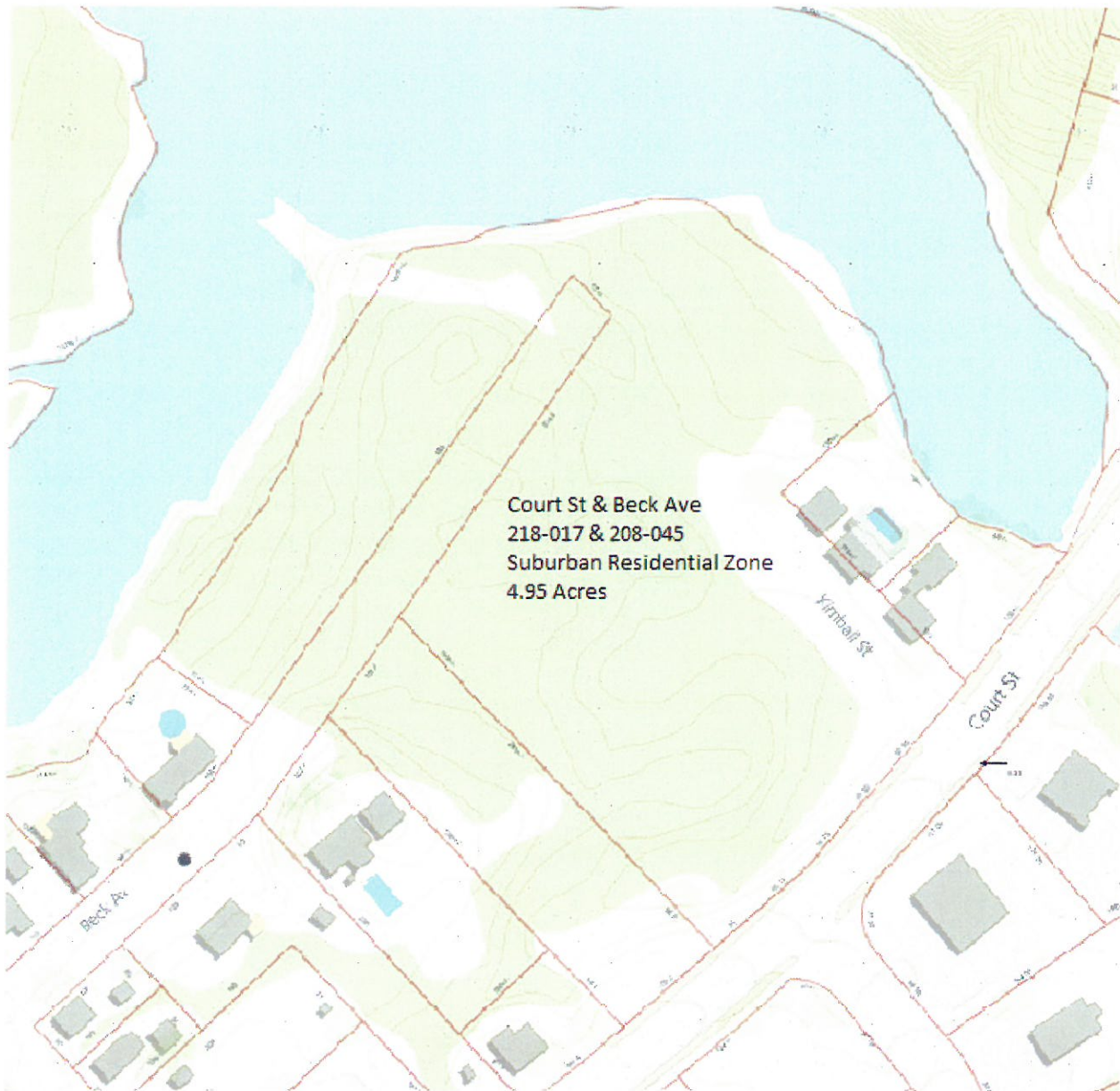
City of Auburn, Maine

Office of the City Manager

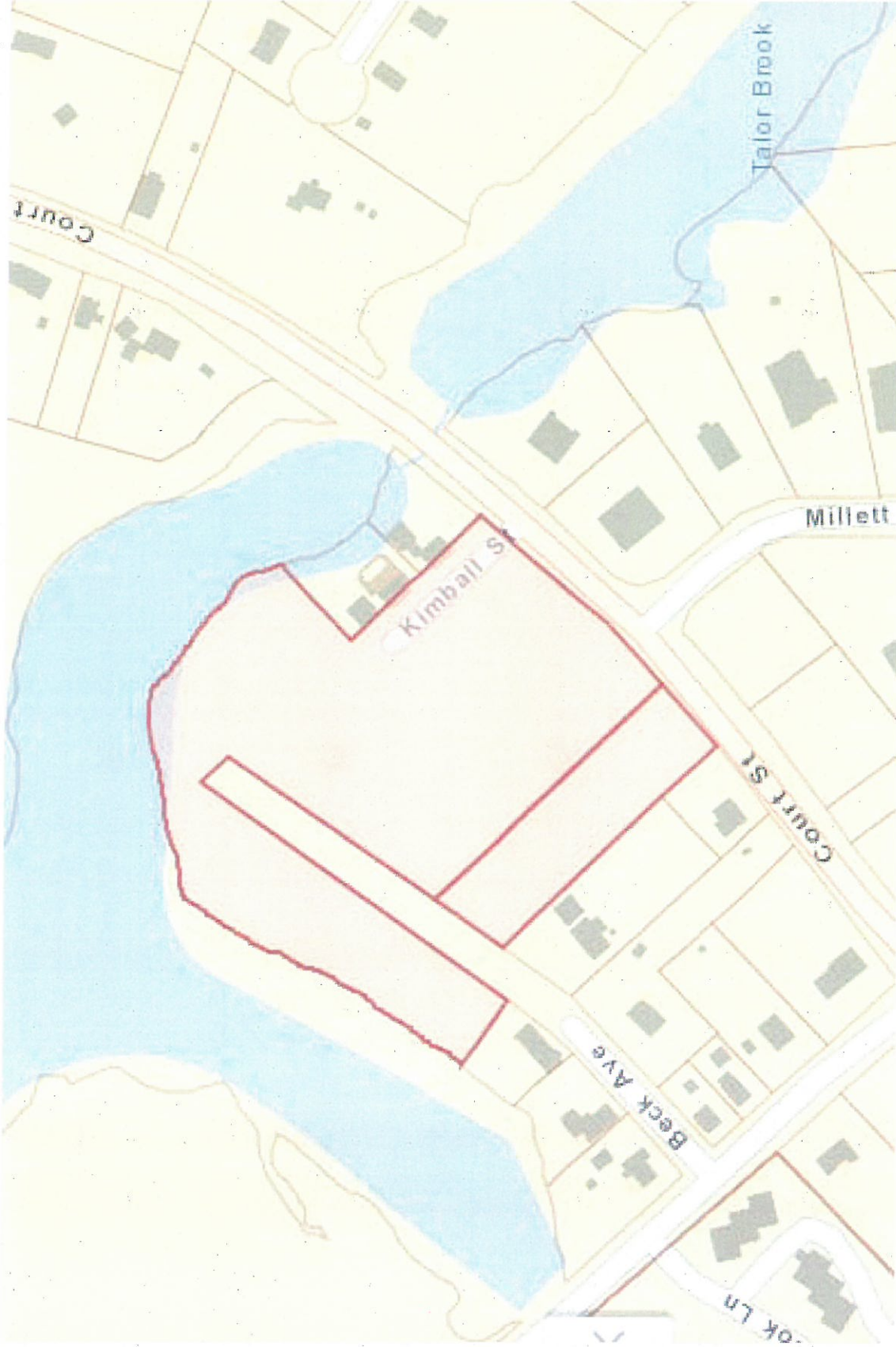
60 Court Street | Auburn, Maine 04210

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31 Beck and Court Street – Tax acquired parcel map



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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 31-03042019

Ordered, that the City Council hereby authorizes the sale of tax acquired and city owned property at 31 Beck Avenue and 0 Court Street (PID #'s 208-045 & 218-017) by sealed bid.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2019

Ordinance: 02-03042019

Author: Phil Crowell, Assistant City Manager

Subject: Adopt ordinance to create an Age Friendly Community Committee

Information: The Mayor's Ad-hoc Group on Age Friendly was created on January 8, 2018. The group was co-chaired by Councilors Gerry and Walker who recruited a team of citizens which focused on the AARP acceptance as an Age Friendly Community process, the senior community center kitchen, senior center facility expansion, programming, activities, developing bylaws, and developed a community assessment survey. To move the initiative further, it is important for the committee to become an established committee with appointed members.

The Committee will coordinate efforts to effect policy and system changes that enhance the health and social well-being of older adults. The Committee will engage leaders, consumers, and providers to develop and sustain a community framework that fosters healthy aging.

The major functions of this Committee are:

1. To facilitate communication among leaders, consumers and providers that identify key issues for healthy aging communities
2. To conduct impact evaluations and analyze the effectiveness of age-friendly programs
3. To make policy recommendations to the city council and advance initiatives that promote the health and social well-being of older adults

City Budgetary Impacts: No fiscal impact.

Staff Recommended Action: Adopt the Age Friendly Committee with the Director of Recreation and Sports Tourism as the ex officio member.

Previous Meetings and History:

January 8, 2018 the Mayor's Ad-Hoc Age Friendly Committee was created - Resolve 02-01082018

July 16, 2018 AARP recognized Auburn as part of the network of Age Friendly Communities

February 25, 2019 City Council Workshop

City Manager Comments: I concur with the recommendation.

Signature:

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

Attachments:

Draft Ordinance

Age Friendly Bylaws



CITY OF AUBURN AGE FRIENDLY COMMUNITY COMMITTEE BYLAWS

ARTICLE 1 - Name of the Committee

The name of this Committee shall be the “[City of Auburn] Age-Friendly Community Committee,” hereinafter referred to in these Bylaws as the “Committee.”

ARTICLE 2 Offices of this Committee

The office for the Committee is located at the Auburn Senior Community Center, Department of Recreation, 48 Pettengill Park Road, Auburn, Maine 04210.

ARTICLE 3 – Purpose and Responsibilities of the Committee

Section 1 - General Purpose

The Committee is appointed by the Auburn City Councilors to coordinate efforts to effect policy and system changes that enhance the health and social well-being of older adults. The Committee will engage leaders, consumers, and providers to develop and sustain a community framework that fosters healthy aging.

The major functions of this Committee are:

1. To facilitate communication among leaders, consumers and providers that identify key issues for healthy aging communities
2. To conduct impact evaluations and analyze the effectiveness of age-friendly programs
3. To make policy recommendations to the city council and advance initiatives that promote the health and social well-being of older adults

Section 2 - Specific Duties

In order to achieve its general purpose, the Committee shall among other things:

- a. Provide annual reports to the Auburn City Councilors and other interested parties on the initiatives impacting the older adult population in Auburn;
- b. Host public forums on the state of aging in Auburn with consumer representation;
- c. Support initiatives and programs that serve older adults through public outreach, advocacy and sharing resources;
- d. Provide knowledge and expertise to policy makers and community-based programs that serve older adults to enact policies and practices that impact aging communities.

ARTICLE 4 Committee Membership

Section 1 - Appointments

The Auburn City Council will appoint members to the Committee.

Section 2 - Number, Composition, Executive Members

1. The Committee shall consist of 13 members (“Committee members”) as follows, special consideration should be given to the following organizations when selecting representatives, if available:

- a. Representatives from the Auburn Public Library, Area Agency on Aging, Seniors Plus, Lewiston Auburn Transit Committee, Auburn Housing Authority, Community Based Senior Organizations and the Auburn School Department.
 - b. All other representatives shall be from the community.
2. The executive committee (officers) shall consist of the chair, vice chair, and secretary. The Director of Recreation and Sports Tourism or designee shall attend all executive committee meetings.

Section 3 - Term of Office and Resignations

All Committee members shall serve a three-year (3) term at the pleasure of the Auburn City Council. Any vacancy on the Committee shall be filled by the City Council in the same manner as the original appointment. Any person appointed to fill a vacancy shall serve for the unexpired term of the Committee member he or she succeeds. Any Committee member may resign by giving written notice to the Chairperson of the Committee. The resignation shall be effective when the notice is given.

Section 4 - Duties and Responsibilities of Committee members.

1. Attendance

- a. All Committee members shall be in attendance at the hour and day appointed for each regular or special meeting.
- b. A Committee member may be excused from attendance with a valid reason which shall be as follows:
 1. EXCUSED absences may be due to planned events such as vacation, medical appointments, military service, family activities, jury duty, and funerals that conflict with a regularly scheduled Committee meeting. Committee members must provide advance notification to the Committee's designated staff person.
 2. UNPLANNED may be reported in a timely manner and excused by the Committee Chairperson or designee for a valid reason including personal illness, family emergencies or other unavoidable urgent reason.
- c. A non-valid absence is any absence other than an excused or unplanned absence.
- d. The Executive Committee may grant Committee members requiring an extended period of EXCUSED absence a six month leave of absence for personal injury/illness, care of a parent, spouse or child.
- e. The Executive Committee shall review attendance, every six months, of the Committee members, to ensure compliance of these attendance Bylaws.

2. Removal of Committee members

A Committee member can be removed from the Committee by majority vote of the Committee and declaration of the City Council if more than three consecutive absences or three unexcused absences.

ARTICLE 5 – Meetings

Section 1 - Quorum

Unless a quorum is present, no business requiring a vote of the Committee or any of its committees may be transacted. A quorum shall be the number of members equal to, or greater than, 1/3 of the appointed voting members of the Committee.

Section 2 - Regular and Annual Meetings

- a. Regular meetings of the Committee shall be held each month at a site designated by the Committee. Monthly meetings may be omitted, as long as the Committee meets a minimum of ten times a year.
- b. Agendas for regular meetings, special meetings, and meetings of standing committees shall specify the time and place of the meeting and shall contain a brief description of each item of business to be transacted at the meeting.

Section 3 - Special Meetings

The Chairperson of the Committee, the Vice Chairperson, or any two (2) Committee members may call special meetings of the Committee. Notice for a special meeting shall be made in the same manner as for regular meetings.

Section 4 – Notice

Notice of the time and place of regular and special meetings shall be posted on the City of Auburn's website and event calendar.

ARTICLE 6 - Committees of the Committee

Section 1. Ad-Hoc Committees

- a. Throughout the year, there are events or actions required by the Committee that require the creation of an ad-hoc committee. These ad-hoc committees do not continue throughout the year but are necessary for a period of time.
- b. The Committee may create additional ad-hoc committees by majority vote, each consisting of at least three (3) Committee members. Additional ad-hoc committees shall be subject to the same rules and procedures as the ad-hoc committees created in these Bylaws. The ad-hoc committees shall make recommendations to the full Committee. The action of all committees is subject to the approval of the full Committee.
- c. The Committee chairperson shall make appointments to the committees.
- d. The Committee chairperson may appoint one or more committee members as alternate members of any such committee, to replace any absent member of a committee at any meeting.
- e. Nomination Committee: This ad-hoc committee shall be appointed by the Committee chairperson in September to propose nominations to the Committee. The ad-hoc committee shall report to the Committee no later than the meeting in October with their nominations for the upcoming appointment. The committee shall be responsible for conducting the election process at the November Committee meeting. The committee is to propose the confirmation of the newly elected officers at the January Committee meeting.

ARTICLE 7 - Officers and Responsibilities

Section 1. Officers

The officers of the Committee shall consist of the Chairperson, Vice Chairperson, and Secretary

Section 2 - Election and Terms of Officers

- a. The three (3) officers of the Committee shall be elected at the annual regular meeting held during the month of November. Each Committee member shall cast one vote by ballot. Each Committee member voting must be present at the November meeting. No Committee member may vote by proxy. The candidate receiving the highest number of votes in each of the three (3) positions shall be elected as that officer for the next calendar year.

- b. No Committee member shall be elected as an officer of the Committee without serving one (1) full year as a Committee member (except for the first year of the committee).
- c. No Committee member shall serve as an officer of the Committee for more than four (4) consecutive years (except for secretary).

Section 3 – Chairperson

- a. shall preside at all meetings of the Committee.
- b. shall determine whether there are extraordinary circumstances to warrant an excused absence of a Committee member.
- c. shall appoint a Nomination Committee in the month of September.
- d. shall exercise and perform such other powers and duties as the Committee may assign.

Section 4 - Vice Chairperson

- a. shall perform all duties of the Chairperson, during his or her absence.
- b. shall have all powers of and be subjected to all restrictions of the Chairperson, during his or her absence.
- c. shall have such other powers and perform such other duties as the Committee may assign.

Section 5 – Secretary

- a. shall maintain written minutes of the proceedings of the Committee.
- b. shall maintain a record of each Committee member name, address, title and Committee responsibility.
- c. shall respond to all inquiries or communication as directed by the Committee.

ARTICLE 8 – Staffing

The Recreation and Sports Facility Department shall provide, to the extent funds are made available by the City Council, staff and supplies necessary to assist the Committee in the performance of its duties, including but not limited to, the issuance of notices and agendas for all meetings. The Director of Recreation and Sports Tourism will have the responsibility of overseeing the support of the Committee.

ARTICLE 9 - Maintenance of Committee Records and Reports

Section 1 - Committee Records

- a. Written minutes of the proceedings of the Committee and its committees.
- b. A record of each Committee member name, address, title, and Committee responsibility.

Section 2 - Committee Inspection Rights

Every Committee member may inspect the records and documents of the Committee. Reasonable notice must be given to staff to make the records or documents available.

Section 3 - Copies and Extracts

Any inspection under this section may be made in person and the right to inspection includes the right to copy in accordance with the city fee schedule.

ARTICLE 10 - Compensation and Reimbursement of Committee member

Any request for compensation or reimbursement for expenses incurred for conferences and meetings (including food, lodging, air, car, or bus costs must be approved prior to travel or purchase by the Director of Recreation and Sports Tourism. Any such authorized expenditure will be recorded as a line item in the Recreation Department annual budget.

ARTICLE 11 - Conflict of Interest Policy

The Committee Chairperson shall ensure that each Committee member and each staff person who is either subject to the conflict of interest policy or is responsible for investigating possible conflicts of interest on the part of the Committee members or staff shall make a copy of these Bylaws available.

- a. All Committee officers and committee members must neither cast a vote on, nor participate in, any decision-making capacity on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or a member of his or her immediate family. To participate in a decision-making capacity includes discussing an issue and influencing, or trying to influence, other Committee or committee members or staff to take a position for or against an issue.
- a. All Committee officers and committee members will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or sub agreements made with the Committee.
- b. All Committee officers and committee members shall not be financially interested in any action made by them in their official capacity or in any action of the Committee. No member shall make, participate in making or in any way attempt to use his or her official position to influence a decision of the Committee in which he or she knows or has reason to know, he or she has a financial interest. A member of the Committee has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on the Committee member or Committee member's immediate family or in his/her business entity, real property, or source of income.
- c. Each Committee or committee member is required to disqualify (recuse) him or herself from participation in a decision which may have a foreseeable material financial impact on his or her financial interests.
- d. No Committee or committee member shall receive at any time any money that was donated to, raised by, or held in the name of the Committee. All funds must be submitted to the appropriate city staff member assigned to Age-Friendly programming.

ARTICLE 12 - Rules of Order

The most recent edition of Roberts Rules of Order shall apply to all questions of parliamentary procedure used at all Committee meetings.

ARTICLE 13 - Amendment of Bylaws

Amendment of the Bylaws requires a two-thirds vote of the Committee members present at a meeting where a quorum is present. Any amendments to the proposed amendments shall be handled according to the same procedures as the original amendments.

ARTICLE 14 –Severability

If any part of these Bylaws is held to be null and void by any competent court of law, the remaining portion of the Bylaws shall not be affected.

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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 02-03042019

Chapter 2, Article V, Division 7. – Age Friendly Community Committee

DIVISION 7. – AGE FRIENDLY COMMUNITY COMMITTEE

Sec. 2-482.7. - Established; membership.

- a) There shall be an age friendly community committee, which shall be composed of thirteen members. All except the ex officio member of the board shall be appointed by the city council.
- b) Serving as the ex officio member shall be the director of recreation and sports tourism or designee.
- c) Nothing in this article shall preclude the creation of standing subcommittees.

Sec. 2-482.8. - Term of members.

All appointed members of the age friendly committee shall serve staggered three-year terms from the date of their appointment and thereafter until their successors are appointed beginning with the effective date of this Code.

Sec. 2-482.9. - Officers; rules of procedure; vacancies.

The age friendly committee shall elect a chair, a vice-chair, secretary, and such other officers as it may require. The board shall develop such rules to govern its meetings and operations as it deems advisable. Upon the death, incapacity or removal from the city of any member, or if any member shall be absent without excuse for three consecutive meetings, the secretary of the board shall advise the city council that a vacancy exists and request the appointment of a replacement.

Sec. 2-482.10. - Duties.

The purpose of the age friendly committee shall be:

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



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

Jason J. Levesque, Mayor

- a) To facilitate communication between leaders, consumers and providers that identify key issues for healthy aging communities;
- b) To conduct impact evaluations and analyze the effectiveness of age-friendly programs; and
- c) To make policy recommendations to the city council and advance initiatives that promote the health and social well-being of older adults



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2019

Resolve: 03-03042019

Author: Sue Clements-Dallaire, City Clerk

Subject: Formation of the Mayor's Ad Hoc Committee on Water Quality

Information: The Mayor has formed an Ad Hoc Committee on Water Quality to address the feasibility and advantages to building a water filtration plant for Lake Auburn and the ability of current programs and efforts to maintain the existing filtration waiver.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to support the formation of the Mayor's Ad Hoc Committee on Water Quality.

Previous Meetings and History: Mentioned at the 2/25/2019 Council meeting during the Mayor's report.

City Manager Comments:

I concur with the recommendation. Signature:

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

Attachments: Resolve 03-03042019

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



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

Jason J. Levesque, Mayor

CITY COUNCIL

RESOLVE 03-03042019

Whereas the Mayor has formed an Ad Hoc Committee on Water Quality to address the feasibility and advantages to building a water filtration plant for Lake Auburn and the ability of current programs and efforts to maintain the existing filtration waiver, including the following activities:

- Gather information on the current quality of Lake Auburn water and issues that pose a threat to future water quality, such as taste and odor;
- Investigate any and all alternative sources of water supply;
- Provide a best estimate as to the length of time the existing filtration waiver is likely to be maintained;
- Develop a concept plan for a water filtration plant with an estimate of construction and operating costs;
- Develop financial pro-formas, including estimates of the impact on water rates for additional non-filtration efforts, as well as constructing and operating a water filtration plant, and for using other alternative sources of water;
- Investigate potential sources of funding;
- Undertake an economic analysis to evaluate the cost/benefit of a water filtration plant, including the level of development that might be supported and the cost of additional municipal services to support such development and the extent to which new tax revenues would offset these costs;
- Recommend a preferred alternative.

Whereas the Ad Hoc Committee will have regularly scheduled meetings for a period not to exceed 6 months.

Whereas the Ad Hoc Committee will need to be supported by City Staff in order to accurately and efficiently bring forth proposed changes to the City Council for deliberation and possible action, and be provided documents and reports relating to its work.

It is hereby ordered that the City Manager delegate appropriate staff time and resources to the formation of the Mayors Ad Hoc committee, as well as the ongoing support of the committee once it has been formed, comparable to staff time and resources delegated to past Ad Hoc Committees for a period of time not to exceed 6 months.


COUNCILOR WALKER'S REPORTS

Maine Waste to Energy

*110 Goldthwaite Road
Auburn, Maine 04210
(207) 783-8805
Fax (207) 783-9831
www.mainewastenergy.com*

MEMORANDUM

To: MWE Executive Committee
From: John P. King, Executive Director
Subject: Executive Committee Meeting
Date: February 19, 2019



The Executive Committee will meet at 11:30 AM, Tuesday, February 26, 2019, at MWE's offices in Auburn.

The agenda as well as minutes from the last meeting are attached.

Please contact me if you have any questions.

cc: Board of Directors

Reference No.: 03969

MEMBER COMMUNITIES:

AUBURN • BOWDOIN • BUCKFIELD • LOVELL • MINOT • MONMOUTH • NEW GLOUCESTER • POLAND • RAYMOND • SUMNER • SWEDEN • WALES

**MAINE WASTE TO ENERGY
EXECUTIVE COMMITTEE MEETING**

Tuesday, February 26, 2019; 11:30 A.M.

Maine Waste to Energy
Conference Room
110 Goldthwaite Rd., Auburn

Agenda

1. Roll Call

- There are five (5) members of the Committee and three (3) members constitute a quorum.

2. Minutes

- Consider approval of the January 22, 2019 minutes

3. Monthly Activity reports

- Consider accepting the January 2019 Activity Report

4. Metal recycling line

- Status of our new recycling line

5. Budget

- Discuss the FY20 budget

6. Updates

- Legislative update
- Meeting schedule
- Other

Portions of the agenda of the Executive Committee meeting may be conducted in Executive Session, when appropriate, and upon a vote of the Committee.

Draft-Minutes of the January 22, 2019

Executive Committee Meeting

The Executive Committee of the Maine Waste to Energy met on Tuesday January 22, 2019, at 11:37 A.M, at the facility in Auburn.

1. Roll call

President Landry called the meeting to order. Members present were: Curtis Lunt, Roy Letourneau, John King, and Eaton Peabody lobbyist Rick McCarthy. Mr. Walker arrived shortly after the meeting started.

2. Minutes

Mr. Lunt made a motion, seconded by Mr. Landry, and approved 3/0, to accept the minutes of the December 18, 2018 Executive Committee meeting. Mr. Letourneau abstained due to being absent at the previous meeting.

3. Monthly Activity Reports

Mr. Lunt made a motion, seconded by Mr. Letourneau, and approved 4/0 to accept the December 18, 2018 Monthly Activity Report.

4. Legislative Update

Mr. McCarthy was invited to the meeting to update the Executive Committee about the upcoming legislative session. Mr. McCarthy highlighted two important issues that he knows will have some discussion in Augusta. One concerning the Renewable Portfolio Standard and one concerning solid waste management. The Executive Committee had many questions and there was a lengthy discussion about the various subjects. We thank Mr. McCarthy for his time and insight.

5. Daymark proposal

Mr. King informed the Executive Committee about recent discussions concerning the Renewable Portfolio Standard and Rec's with Mr. McCarthy, our attorney Mark Bower, and Ecomaine general manager Kevin Roche. The group had requested a proposal from Daymark Energy Advisors to assess the Rec market and analyze the potential impact to the Renewable Portfolio Standard if changes are made to include WTE. Mr. King outlined the proposal and after much discussion, asked the Executive Committee if it was something that MWE wanted to participate in. The Executive Committee on a motion by Mr. Lunt, seconded by Mr. Walker, and approved 4/0, declined to participate in the proposal by Daymark due to the lack productivity and risk of potential return.

6. Metal contract

Mr. King informed the Executive Committee that MWE had entered into a Ferrous and Light Iron contract with Schnitzer for a period of two years. The contract will yield MWE a 10% increase in the Post Burn ferrous pricing from the previous contract. MWE should yield significantly more volume to Schnitzer when the new metal recycling line is installed in late February. The light iron pricing remained the same as the previous contract. Mr. King also informed the Executive Committee that the non-ferrous collection from the new metal recycling line can be sold to Schnitzer but is not exclusive to them.

Mr. King thinks there pricing was lower than market so he kept MWE's options open. We can sell the product to them or ship it to other outlets.

7. Updates

Mr. King informed the Executive Committee the metal recycling line is progressing forward. Steinert has informed us that the installation date will be pushed back 1 week and will commence on February 18th. The equipment is being assembled and shipped and should all arrive in the United States soon. It will then be transported from the Steinert warehouse to our door for installation.

Mr. King informed the Executive Committee that our Workers' Comp policy was renewed on January 1st. The premium increased, which was expected, due to an incident two years ago.

There being no further business Mr. Letourneau made a motion, seconded by Mr. Walker, and approved 4/0 to adjourn at 1:33 P.M.

MONTHLY ACTIVITY REPORT

January 2019
2019 Fiscal Year



maine waste
to energy

Member Communities

Auburn • Bowdoin • Buckfield • Lovell • Minot • Monmouth • New Gloucester • Poland
Raymond • Sumner • Sweden • Wales

Maine Waste to Energy

110 Goldthwaite Road


Auburn, Maine 04210

(207) 783-8805

Fax (207) 783-9831

www.midmainewaste.com

MEMORANDUM

To: Board of Directors
From: John King, Executive Director 
Michael Daily, Finance Director
Subject: January Financial/Activity Report - Unaudited
Date: February 18, 2019

Enclosed please find the unaudited January Activity Report covering the period from January 1 through January 31, 2019.

General Summary

Plant throughput for the month was 6,147 tons processed, or about 198 tons per day and running time throughput was 201 tons per day. Operating Revenues were above Expenses resulting in December having an operating profit of \$94,702 (These figures do not reflect balance sheet expenses). Year-to-date operating loss is \$465,949 compared to projected budget loss of \$62,069 and a \$71,507 operating loss in FY18. Cash and investments totaled \$4,926,869. Cash and investments are down \$1,155,666 from the start of FY19. The reserve goal established by the Board for FY19 is \$5,900,000 and is now at 83.5% of goal. The balance sheet shows current assets less liabilities at \$5,573,197, which is down \$822,666 from the beginning of the fiscal year.

Waste Deliveries/Operations

A total of 6,034 tons were delivered to the pit for an average of 195 tons per day. 6,941 tons were received from all sources for the month. Details on deliveries are presented in the following table:

Waste Type	Year-To-Date Tons		Variance	
	FY19 Actual	FY18 Actual	Tons	%
MSW Member	10,353	10,227	126	1.2%
Comm Member	8,655	7,774	881	11.3%
Municipal Non-Member	14,590	12,942	1,648	12.7%
Gate/Hauler	10,917	10,761	156	1.4%
OBW/Res TS	6,618	6,366	252	4.0%
Other	4,459	7,458	(2,999)	-40.2%
Total	55,592	55,528	64	0.1%

MEMBER COMMUNITIES:

AUBURN • BOWDOIN • BUCKFIELD • LOVELL • MINOT • MONMOUTH • NEW GLOUCESTER • POLAND • RAYMOND • SUMNER • SWEDEN • WALES

Waste flows to the plant and transfer station are running 0.1% above last year. Year-to-date tons processed in the plant are equal to 191 tons per day. Running time year-to-date throughput equaled 206 tons per day. The transfer station processed 698 tons during the month from all sources and averaging 29.1 tons per day for the month, (5.5 day receiving week) and 13,135 tons year-to-date. Recyclables totaled 211 tons for the month and 1,657 tons year-to-date. Prior year and budget comparisons of processing records as follows:

	Prior Year Comparison YTD				Budget Comparison YTD			
	FY19	FY18	Variance		FY19	FY19	Variance	
	Actual	Actual	Tons	%	Actual	Budget	Tons	%
Waste-To-Energy	41,134	42,712	(1,578)	-3.7%	41,134	42,019	(885)	-2.1%
Transfer Station	13,135	10,958	2,177	19.9%	13,135	11,618	1,517	13.1%
Recycling	1,657	1,858	(201)	-10.8%	1,657	1,628	29	1.8%
Total	55,926	55,528	398	0.7%	55,926	55,265	661	1.2%

Cash Available to Operations

Cash balances in checking and investments total \$4,926,869 down \$22,688 from the prior month. The following is the status of the reserve goal:

Reserve Status		
	FY 19 Goal	As of 1/31/19
Operating	2,006,000	1,675,135
Capital Improvement	944,000	788,299
20-Year Plan	1,711,000	1,428,792
Rate Stabilization	1,239,000	1,034,642
Total	5,900,000	4,926,868

Total Cash	4,926,869
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Surplus or (Deficit)	(973,132)
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Revenue

Revenue for the month totaled \$589,809. Major categories of revenue by month include: tipping fees, \$453,314; power contract, \$114,345; recycling, \$13,176; interest, \$8,329; other, \$645. Revenue for the month was \$23,150 below budget projections and \$12,241 below FY18. Year-to-date revenue is \$4,242,505, which is \$72,328 above budget and \$123,753 above FY18.

The table that follows shows detail relative to electrical sales:

	Price per MWHr			Electrical Output MWHr			Electrical Revenue		
	FY18	FY19		FY18	FY19		FY18	FY19	
Month	Actual	Budget	Actual	Actual	Budget	Actual	Actual	Budget	Actual
Jul	\$30	\$38	\$36	1,288	1,300	1,256	\$38,560	\$49,737	\$44,985
Aug	\$29	\$33	\$35	1,259	1,275	1,213	\$36,364	\$41,702	\$41,982
Sep	\$24	\$28	\$29	1,291	1,300	1,255	\$31,372	\$36,840	\$35,917
Oct	\$36	\$37	\$36	1,033	1,100	1,004	\$37,670	\$41,129	\$36,272
Nov	\$30	\$37	\$37	1,357	1,425	1,378	\$41,334	\$53,036	\$51,399
Dec	\$48	\$56	\$55	1,452	1,425	1,536	\$69,776	\$79,156	\$84,047
Jan	\$70	\$82	\$78	1,391	1,450	1,460	\$97,374	\$119,088	\$114,345
YTD	\$39	\$45	\$45	9,071	9,275	9,102	\$352,450	\$420,688	\$408,948

Total gross kWh for the latest period was 2,050,820 of which 1,459,587 were sold to the grid. Net kWh per ton equaled 237, as compared to 212 for the comparable period in FY18.

Expenditures

Operating expenses in all categories total \$495,107 for the month, which is \$43,230 above budget projections, and \$20,141 above last year. Year-to-date expenses are \$4,708,454 which is \$476,208 above budget and \$518,195 above FY18.

Investments Status

As of January 31, MMWAC's investments totaled \$4,926,869. Table 8 details all of our investments.

Capital Expenditures:

For the month of January \$105,411 was spent on capital projects. The Metal Recovery Project was \$104,604, and the E/I Laptop was \$807.

cc: Member Municipalities
Reference No.: 03968