



**City Council Workshop & Meeting
November 6, 2017
Agenda**

5:30 P.M. Workshop

- A. Parking Enforcement- Fire Lanes – Phil Crowell (20 minutes)
- B. Street Lights – Derek Boulanger (30 minutes)
- C. Accepting the Deed to 25 Dell Court – Dan Goyette (10 minutes)
- D. Executive Session, regarding an economic development matter (Pan Am Land Acquisition), pursuant to 1 M.R.S.A. 405 (6)(C).

7:00 P.M. City Council Meeting

Roll call votes will begin with Councilor Pross

Pledge of Allegiance

- I. **Consent Items** – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.
 - 1. Order 99-11062017*
Confirming Chief Crowell's appointment of John Banville as Constable without firearm for the Auburn Police Department.
 - 2. Order 100-11062017*
Accepting the transfer of \$1,940.00 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-17-1847 Dennis Roman).
 - 3. Order 101-11062017*
Accepting the transfer of \$3,295.00 forfeiture assets in Rem (\$1,087.35 in U.S. Currency) to the Auburn Police Department (Unified Criminal Court Docket No. CR-17-1660 Cain Robertson).
 - 4. Order 102-11062017*
Approving the temporary sign request for the Auburn Ski Association's annual Ski Swap.
 - 5. Order 103-11062017*
Appointing Wardens and Ward Clerks for the November 7, 2017 Election.

- II. **Minutes – October 16, 2017 Regular Council Meeting**
- III. **Communications, Presentations and Recognitions**
- IV. **Open Session –** Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.
- V. **Unfinished Business**
 - 1. **Ordinance 11-10162017**
Amending Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits, Appendices A, B, C, and D effective 10/01/2017 to 9/30/2018. Second reading.
 - 2. **Ordinance 12-10162017**
Amending the General Assistance Ordinance Chapter 24, Article II, Division 1, Sec. 24-21 (d) *Information from other sources*; and Chapter 24, Article II, Division 4, Sub division II, Sec. 24-161 (*) (h) *Determination of family members' ability to pay*. Second reading.
 - 3. **Order 95-10162017**
Authorizing Staff to proceed with the discontinuance of a section of the Troy Street Right of Way.
 - 4. **Order 96-10162017**
Authorizing \$110,000 in HOME funds be reserved for the Troy Street workforce housing project.
 - 5. **Order 97-10162017**
Authorizing the City Manager to sign the Memorandum of Understanding between the City of Auburn and the Auburn Business Development Corporation.
- VI. **New Business**
 - 6. **Public Hearing - CDBG substantial amendment**
 - 7. **Order 104-11062017**
Appointing Amy Dieterich to the Board of Assessment Review as a full member with a term expiration of 10/01/2022.
 - 8. **Order 105-11062017**
Appointing Shelly Norton to the Conservation Commission with a term expiration of 06/01/2020.
 - 9. **Order 106-11062017**
Reappointing Bruce Richardson, Christopher Gendron, and Courtney McDonough to the Zoning Board of Appeals, each as full members with a term expiration of 10/01/2020.
 - 10. **Order 107-11062017**
Approving the Liquor license for Tin Tin Buffet located at 120 Center Street, Suite 202. Public hearing.

11. Order 108-11062017

Authorizing staff to request proposals for the History Trail Signage project, and to utilize up to \$25,000 of existing Wayfinding funds for the project.

12. Ordinance 13-11062017

Amending the Code of Ordinances, Chapter 60 (Zoning), Sec. 60-2 (Definitions). Public hearing and first reading.

13. Resolve 04-11062017

Authorizing the City Auburn to Join a Lawsuit Against Opiate Drug Companies.

VII. Reports

a. Mayor's Report

b. City Councilors' Reports

c. City Manager Report

d. Finance Director, Jill Eastman – September 2017 Monthly Finance 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

A. Executive Session, regarding labor negotiations (Police - MAP), pursuant to 1 M.R.S.A. 405 (6)(D).

X. Adjournment

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

A. Discussion 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 Meeting Date: October 16, 2017

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

Subject: Revise City Ordinance 52 Sec. 35 – Fire lanes on private property may be established by agreement.

Information: The Auburn Police Department recommends the revision of City of Auburn Ordinance 52 Sec. 35 to become compliant with National Fire Protection Association's NFPA 1:18.2.3.5, Marking of Fire Apparatus Access Road. The current ordinance only requires painted fire lanes on private property lots. This revision will require that signs or other approved notices be provided and maintained to identify fire department access roads or to prohibit the obstruction of fire lanes. The installation of signs will make fire lanes more identifiable particularly during inclement weather.

The proposed revised ordinance language would read as follows:
Sec. 52-35. - Fire lanes on private property may be established by agreement.

The chief of police may enter into agreements with the owners of private property to which members of the public are invited regarding the establishment of fire lanes when the parking of motor vehicles or other obstructions would be likely to interfere with the ingress or egress of fire department vehicles for the protection of persons and property. Such agreements shall be in writing and kept on file at the city police station so long as they remain in effect and shall specify the locations of the fire lanes in question. Fire lanes shall also be clearly identified with ~~paint or~~ **ground markings and** signs prohibiting obstruction by motor vehicles or otherwise. **Proper identification guidelines shall be followed pursuant to NFPA 1:18:2.3.5, Marking of Fire Apparatus Access Road.** Violations of the fire lane agreements shall be civil violations and shall be enforced by the city police department in the same manner as violations of city ordinances regulating on-street parking of vehicles.


(Code 1967, § 26-2.7)

City Budgetary Impacts: None

Staff Recommended Action: The Chief of Police recommends revision to City Ordinance 52 Sec. 35 – Fire lanes on Private property may be established by agreement.

Previous Meetings and History: n/a

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments:

- Memo to Mayor and City Council



Auburn Police Department

Phillip L. Crowell, Jr. | Chief of Police

Jason D. Moen | Deputy Chief of Police

www.AuburnPD.com | 207.333.6650

60 Court Street | Auburn, Maine 04210

MEMORANDUM

Date: October 6, 2017
To: Mayor LaBonte and Members of the City Council
From: Phillip L. Crowell, Jr., Chief of Police

RE: REVISION OF CITY OF AUBURN ORDINANCE 52 SEC. 35 – FIRE LANES ON PRIVATE PROPERTY MAY BE ESTABLISHED BY AGREEMENT.

Currently, City of Auburn Ordinance 52 Sec. 35 – Fire lanes on private property may be established by agreement only requires that fire lanes be identified by paint on the ground or curb. Patrons of local businesses park closest to the building during inclement weather without consideration of the need to maintain a clear fire lane(s).

The Auburn Police Department seeks a revision to the ordinance, as per National Fire Protection Association NFPA 1:18.2.3.5, Marking of Fire Apparatus Access Road. This revision would require approved signs or other approved notices to be provided and maintained to identify fire department access roads or to prohibit the obstruction thereof or both.

The proposed revised ordinance language would read as follows:

Sec. 52-35. - Fire lanes on private property may be established by agreement.

The chief of police may enter into agreements with the owners of private property to which members of the public are invited regarding the establishment of fire lanes when the parking of motor vehicles or other obstructions would be likely to interfere with the ingress or egress of fire department vehicles for the protection of persons and property. Such agreements shall be in writing and kept on file at the city police station so long as they remain in effect and shall specify the locations of the fire lanes in question. Fire lanes shall also be clearly identified with ~~paint or~~ **ground markings and** signs prohibiting obstruction by motor vehicles or otherwise. **Proper identification guidelines shall be followed pursuant to NFPA 1:18:2.3.5, Marking of Fire Apparatus Access Road.** Violations of the fire lane agreements shall be civil violations and shall be enforced by the city police department in the same manner as violations of city ordinances regulating on-street parking of vehicles.

(Code 1967, § 26-2.7)

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

Be it Ordained, that the City Council hereby approves the language revision to City of Auburn Ordinance Chapter 52 Sec.35 – Fire lanes on private property may be established by agreement.

The chief of police may enter into agreements with the owners of private property to which members of the public are invited regarding the establishment of fire lanes when the parking of motor vehicles or other obstructions would be likely to interfere with the ingress or egress of fire department vehicles for the protection of persons and property. Such agreements shall be in writing and kept on file at the city police station so long as they remain in effect and shall specify the locations of the fire lanes in question. Fire lanes shall also be clearly identified with ~~paint or~~ **ground markings and** signs prohibiting obstruction by motor vehicles or otherwise. **Proper identification guidelines shall be followed pursuant to NFPA 1:18:2.3.5, Marking of Fire Apparatus Access Road.** Violations of the fire lane agreements shall be civil violations and shall be enforced by the city police department in the same manner as violations of city ordinances regulating on-street parking of vehicles.

(Code 1967, § 26-2.7)



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 6, 2017

Author: Derek Boulanger, Facilities Manager/ Purchasing Agent

Subject: The purchase of utility owned community street light system and conversion to LED fixtures.

Information: The City's approximately 1250 street lights are currently owned and maintained by Central Maine Power. The current inventory is comprised of aging and inefficient technology. The purchase of these light fixtures would allow the City to convert the fixtures to efficient LED technology. This conversion would reduce the annual electricity consumption from street lights by an estimated 61% and would reduce annual electricity costs related to street lights by an estimated 85%.

City Budgetary Impacts: No impact to the current budget, any debt service will be covered by the reduction in electricity costs; additional savings will be utilized to reduce electricity expenditures in future budgets.

Staff Recommended Action: Enter into an agreement with RealTerm Energy for the LED Street Light Conversion Project. \$81,000 in available funds as part of the FY 2018 CIP will be utilized to begin the project. The remaining funds needed will be requested through a Bond Order at a later date.

Previous Meetings and History: Budget meetings: fiscal year 2013- 2014. \$750,000 was bonded in FY2014 and was reallocated to other projects. Issues with rules and regulations at the State level prevented this project from moving forward at that time. These issues have been resolved allowing the project to now move forward.

City Manager Comments:

I concur with the recommendation. Signature: Peter J. Cudde

Attachments:

- Real Term Presentation
- Real Term Proposal
- Request for Qualifications - Conversion of community street light system to LED fixtures and from utility owned to municipally owned and maintained fixtures on utility owned poles. Cities of Rockland, South Portland and Biddeford, and Town of Falmouth, Maine



Conversion of Town Street Light System to LED Fixtures and from Utility Owned to Municipally Owned and Maintained Fixtures on Utility Owned Poles

Auburn , ME
November 6, 2017



AGENDA

1

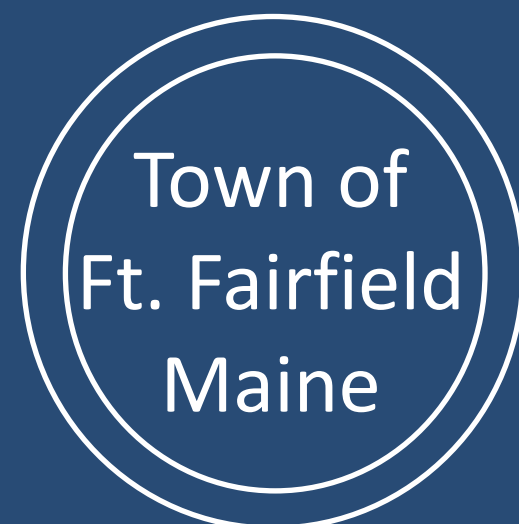
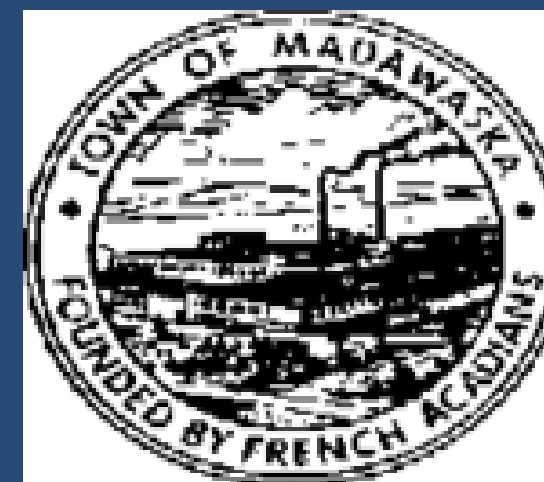
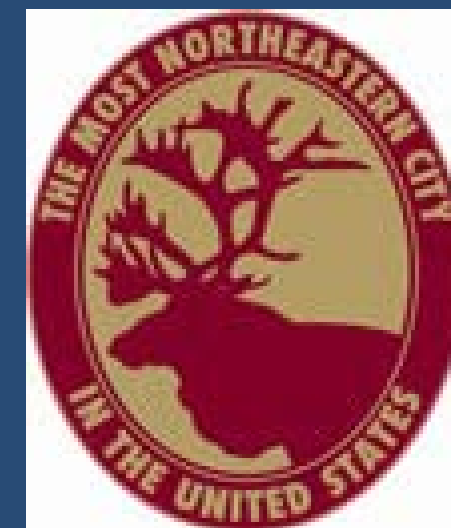
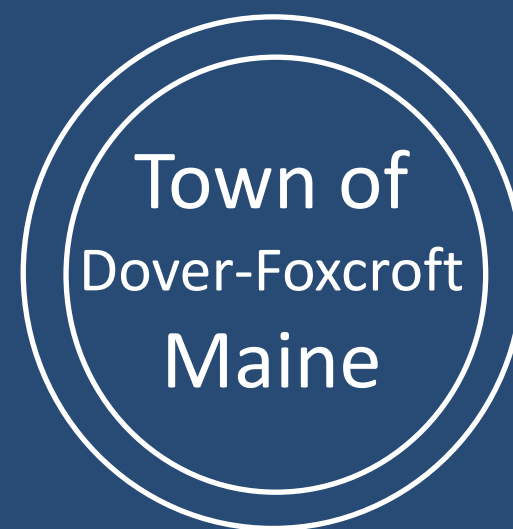
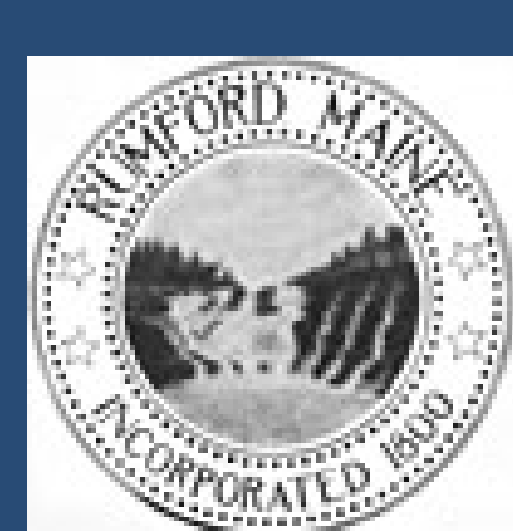
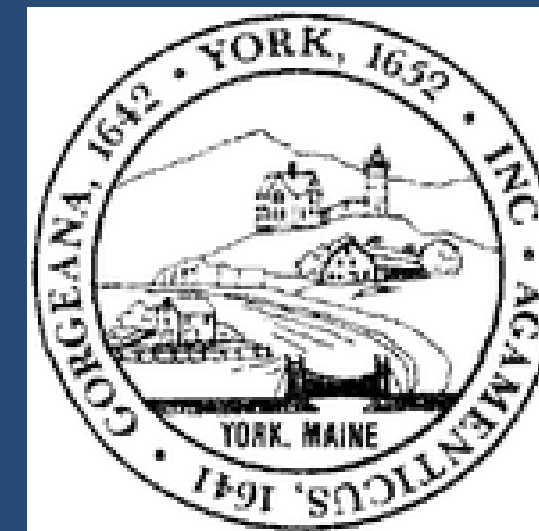
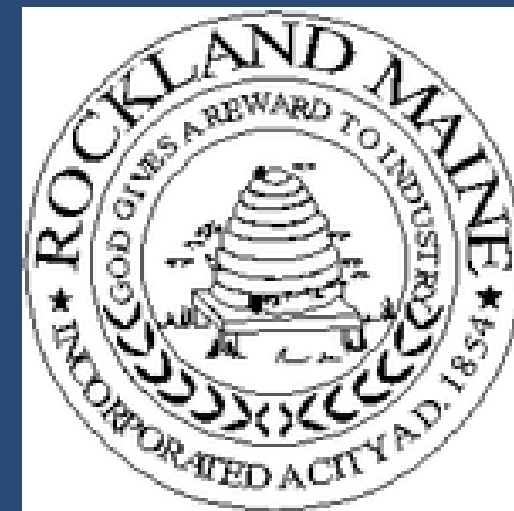
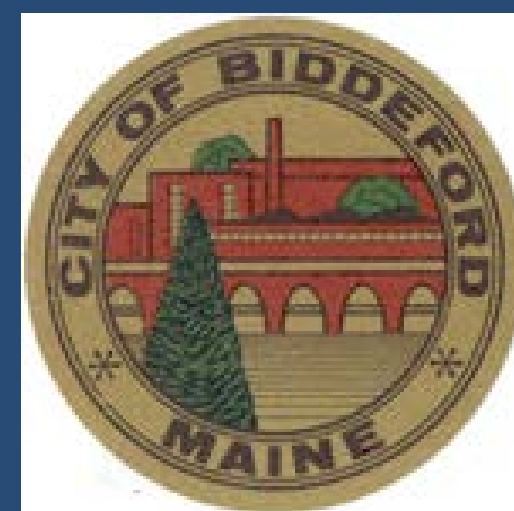
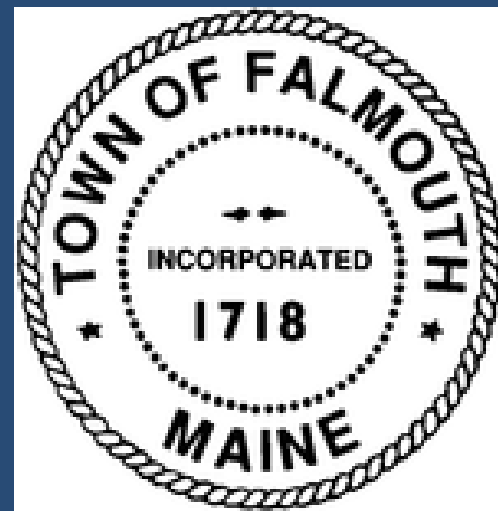
INTRODUCTIONS

OUR APPROACH

DISCUSSION

SUPPLEMENTAL
INFORMATION

PROJECTS AWARDED IN MAINE



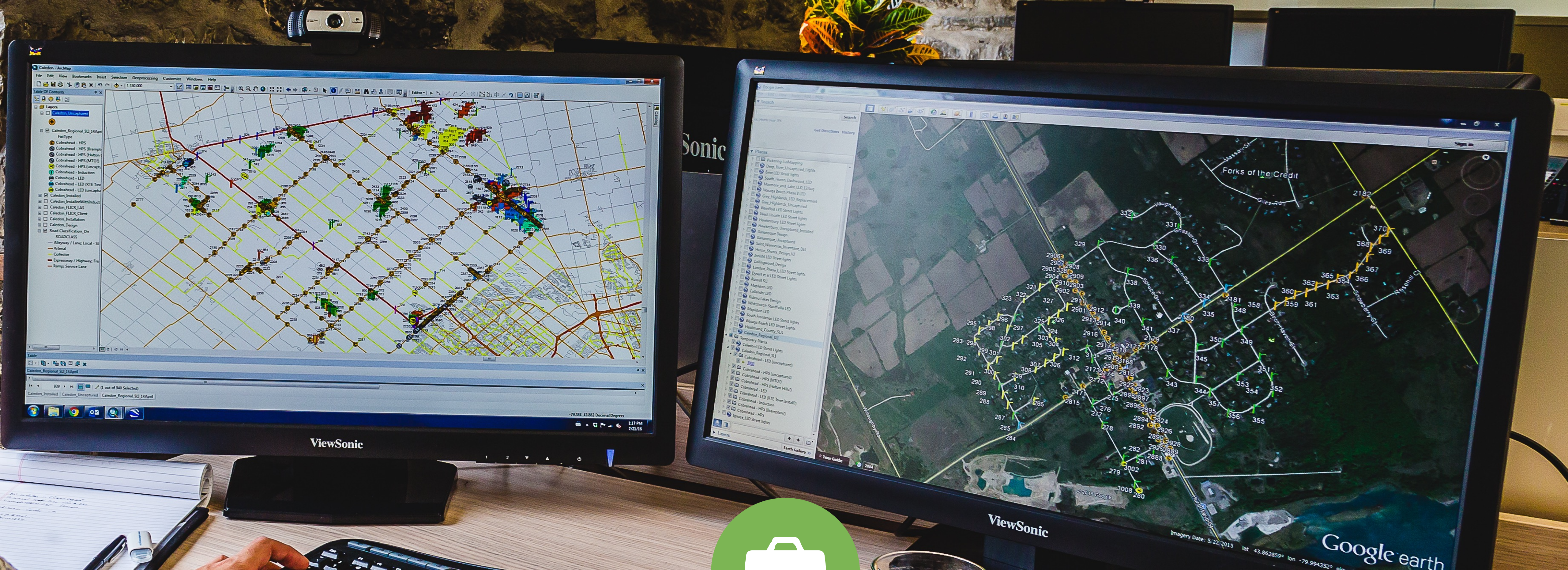
EXECUTIVE SUMMARY

3

Technical/ Environmental Assessment	Title	City of Auburn LED Street Light Conversion
	Baseline	1,250 HID ¹ Cobrahead fixtures, 3 HID decorative fixtures Total demand: 151.3 kW Annual energy consumption: 644,858 kWh Annual operating hours: 4,260
	Technology Employed	Smart ready LED Fixtures
	Technology Provider(s)	Acuity Brands
	Technical Specifications	7-PIN, Smart ready fixtures Color temp: 4,000K, Average life ≥ 100,000 hours CRI ≥ 65, IP ≥ IP 65
	Fixture Warranty	10 years
	Annual Energy Savings	395,218 kWh (61%)
Financial Assessment	Financing Scheme	Capital Purchase (Financed by Auburn)
	Project Cost	\$586,911
	Acquisition Cost (estimate) ²	\$187,950
	Total Project Cost (RTE & Acquisition Cost)	\$774,861
	Project Reference Period	23 Years
	Payback Period	3.9 Years
Organizational Assessment	Time Schedule	TBD

SAVINGS SUMMARY

CURRENT STATUS	BEFORE UPGRADE	POST UPGRADE	VARIANCE	PERCENT
Number of Fixtures	1253	1,253		
Annual Electricity Consumption (kWh)	644,858	249,640	395,218	61%
Annual Electricity Costs	\$233,815	\$34,244	\$199,571	85%
Annual Maintenance Cost	\$0	\$10,024	(\$10,024)	
Total Street Lights Expenditures	\$233,815	\$44,268	\$189,547	81%
Average Annual Cost per Fixture	\$187	\$35	\$151	81%



OUR APPROACH

VALUE ADDED SERVICES

6

- Lux Mapping – Identify and measure lighting deficiencies pre-conversion and degradation post-conversion
- LED lighting samples – Test various fixture types and color temperatures to better define the look and feel of the LED solution
- Smart Control/Smart City Pilot – Evaluate benefits of adaptive controls, video monitoring and environmental sensors.

A COMPLETE TURNKEY SOLUTION

7



GIS Data Collection



Photometric Design



Investment Grade Audit



Installation &
Project Management



Incentive work and
Billing Changes

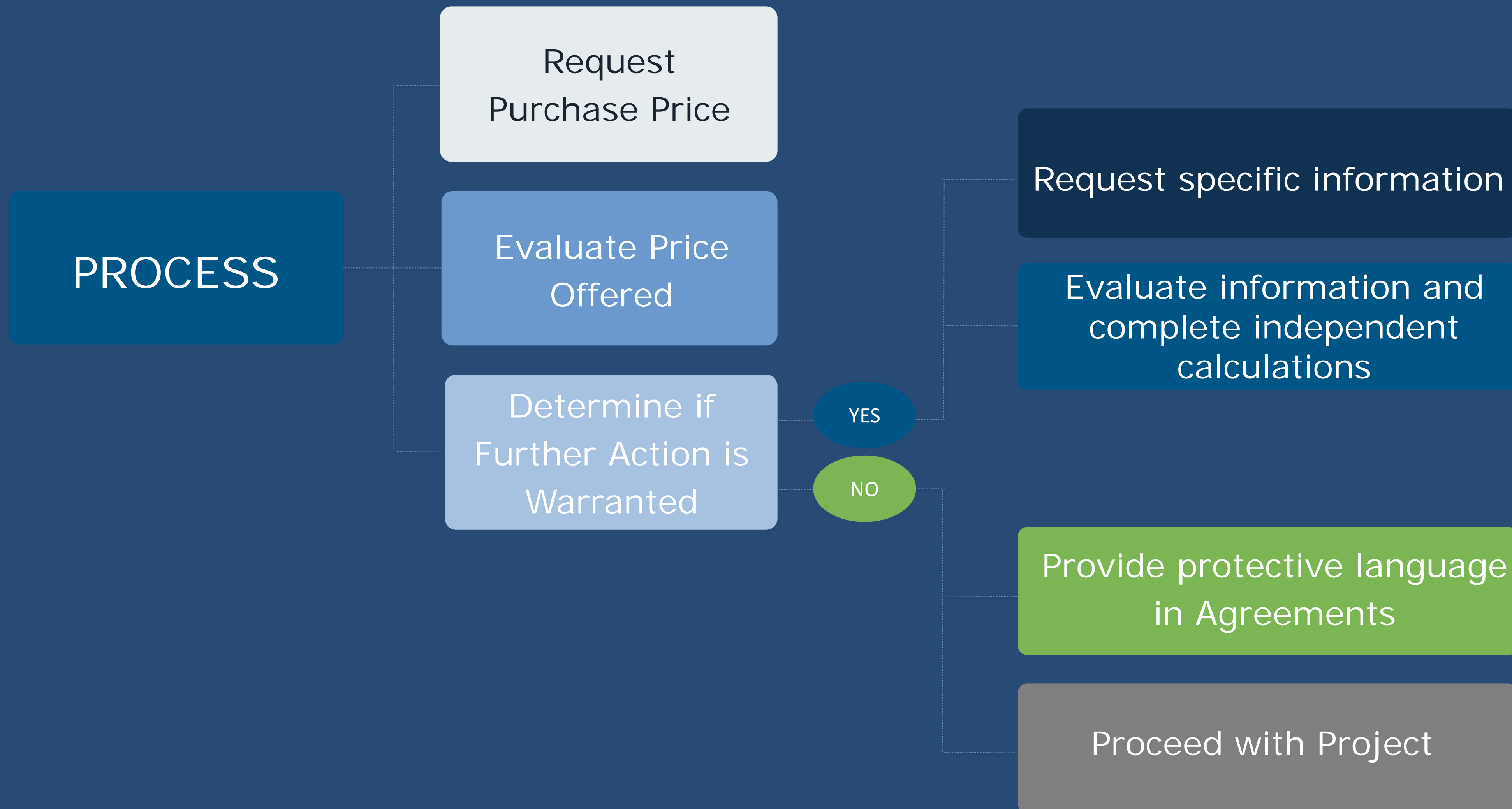


Final
Commissioning



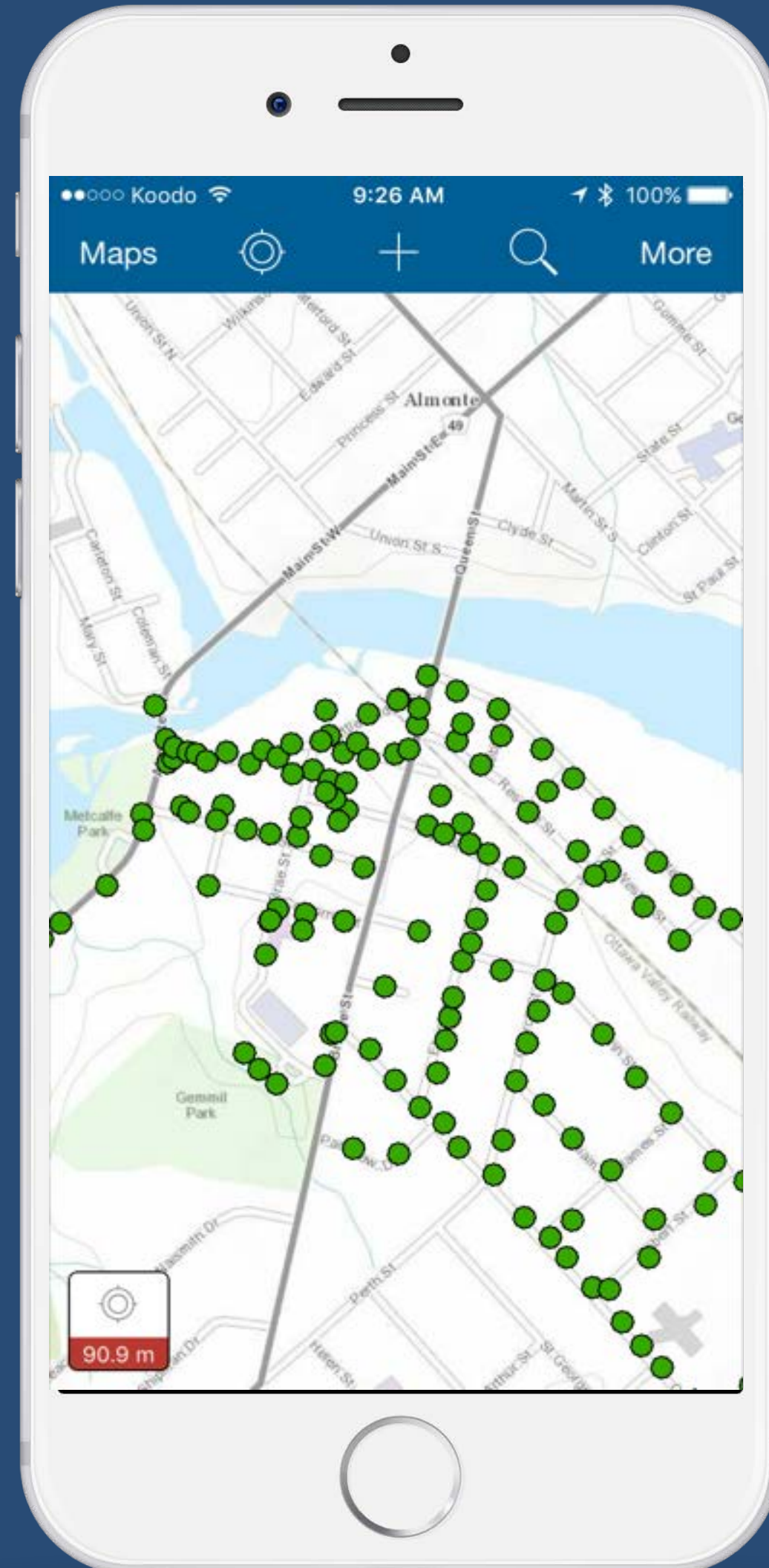
Measurement &
Verification

STREET LIGHT ACQUISITION PROCESS

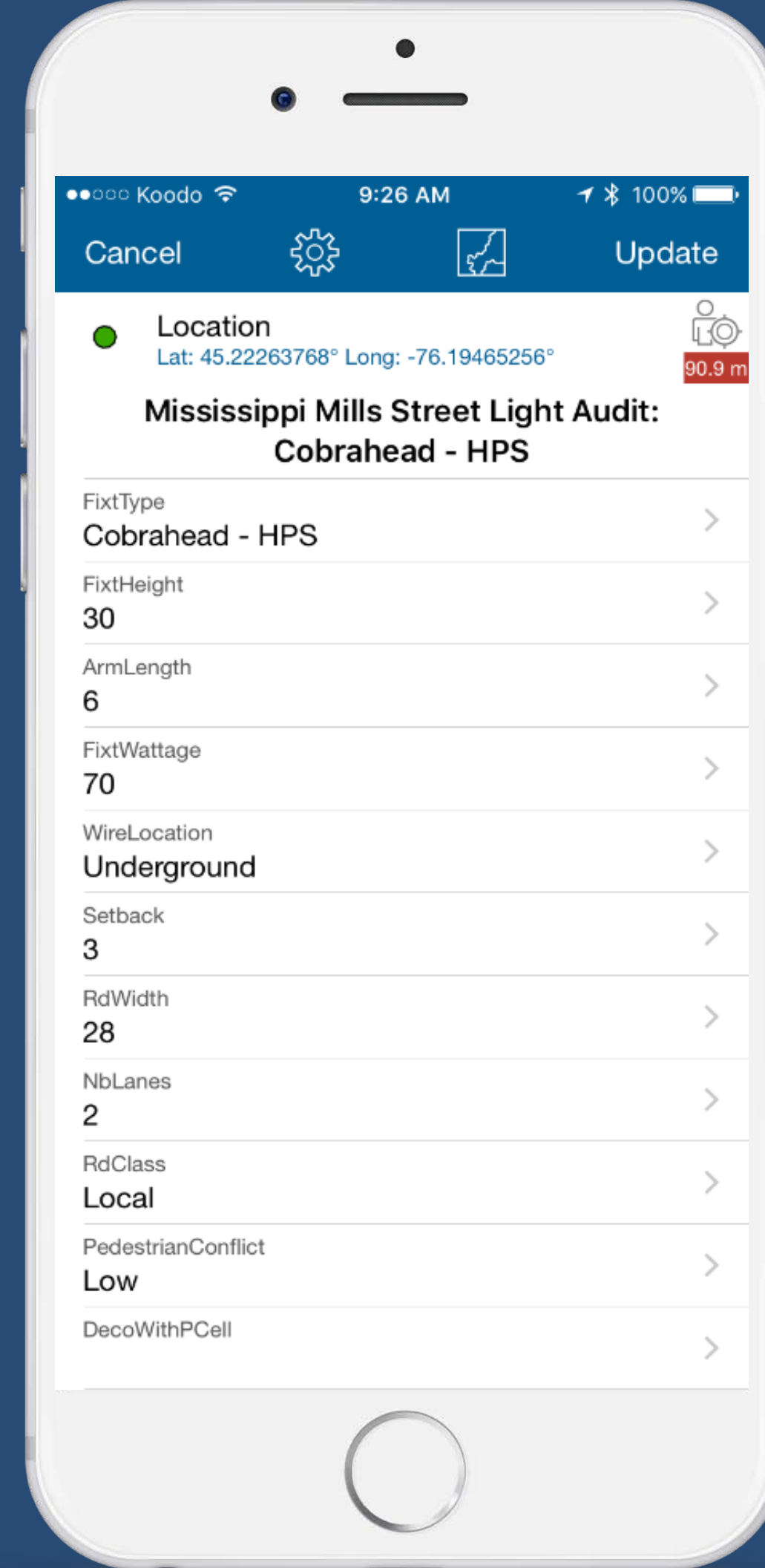


A ROBUST INVENTORY INCLUDES:

9



GIS Data Collection

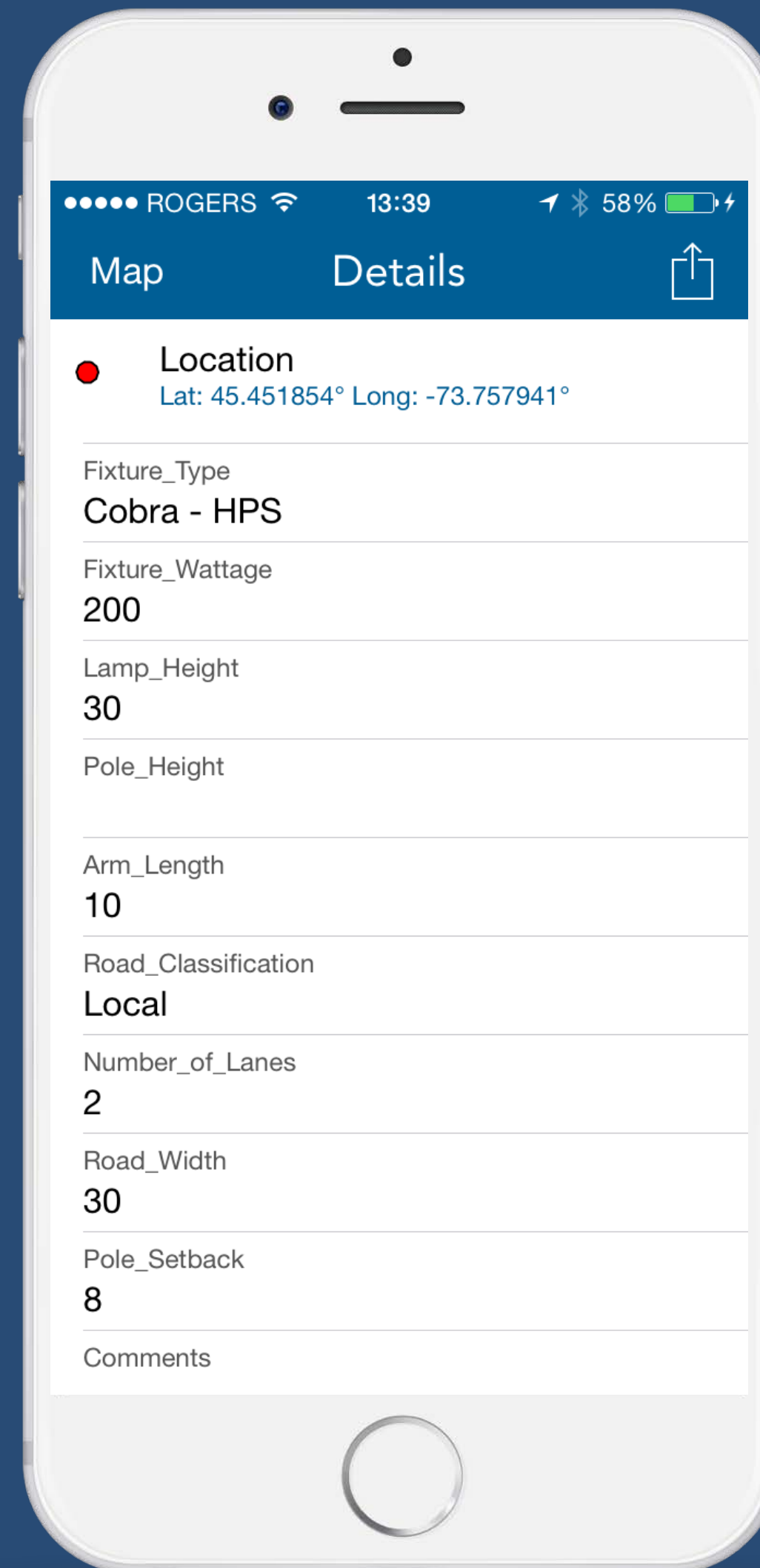
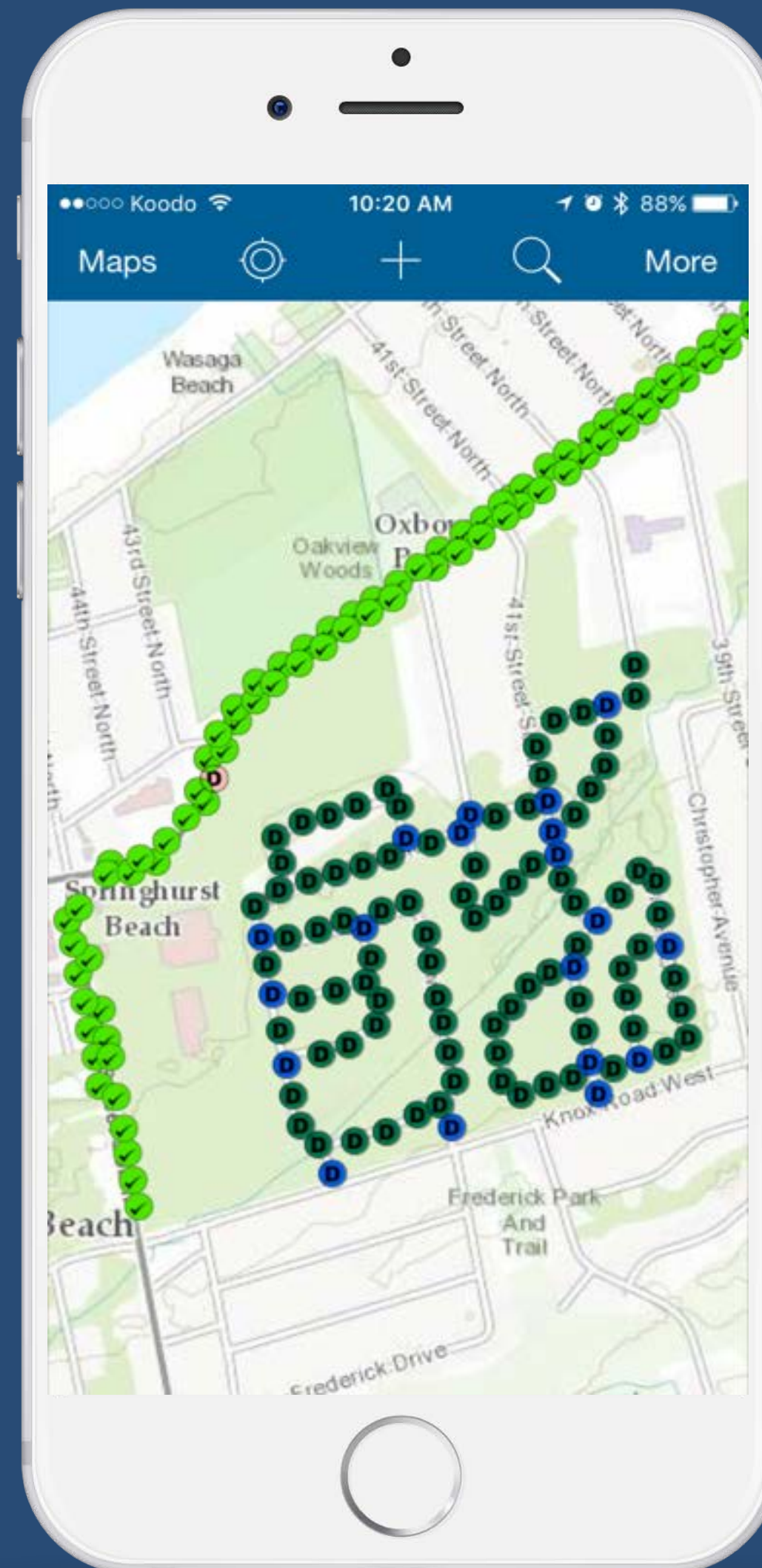


- Fixture Type
- Fixture Wattage
- Fixture Height
- Road Width
- Pole Setback
- Pole Material
- Wire Location
- # Traffic Lanes
- Road Classification
- Pedestrian Traffic
- Intersections
- Color (if Decorative)
- Street Name
- Pole ID + Ownership
- Comments

GIS DATA COLLECTION PROPRIETARY SOFTWARE

10

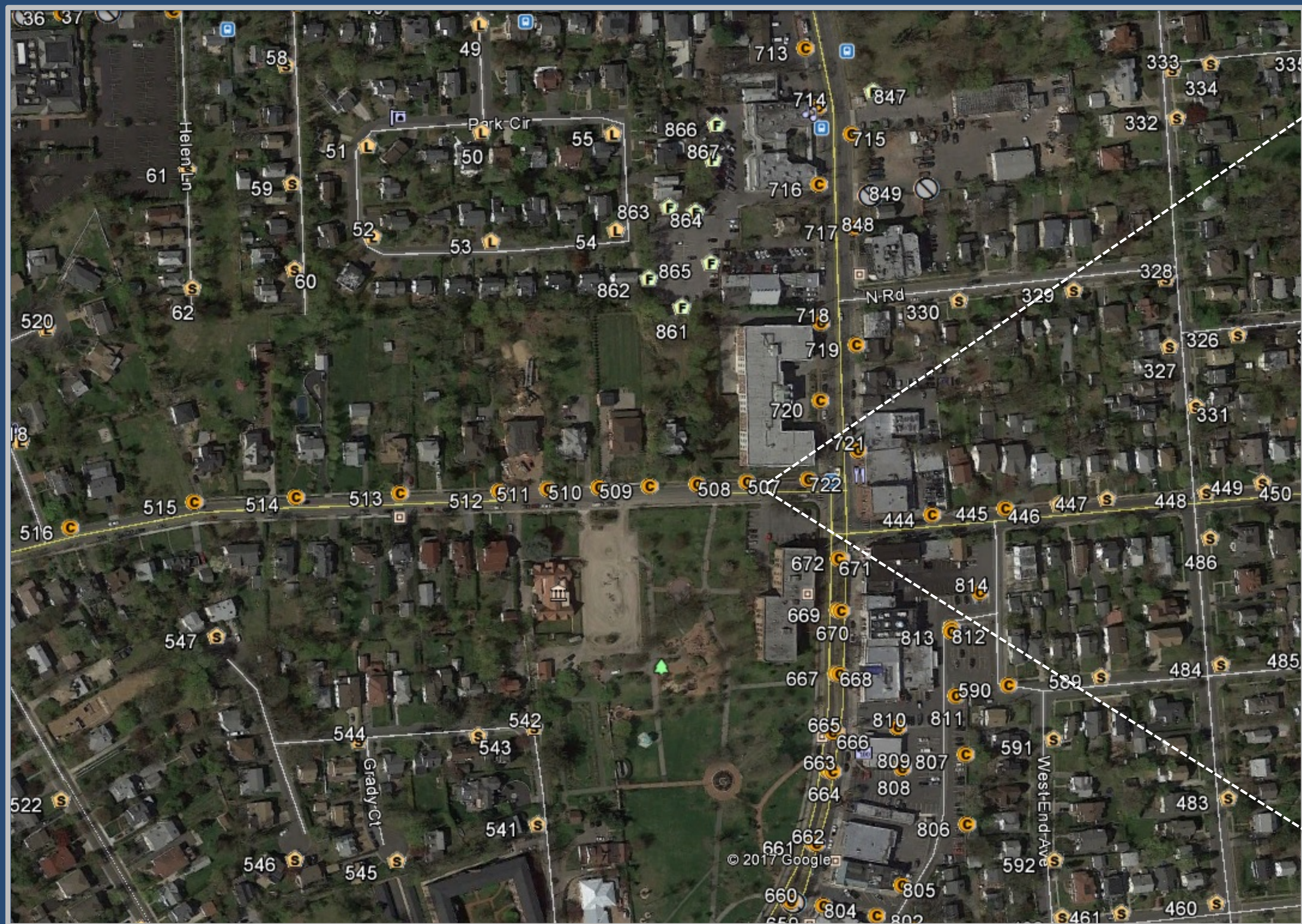
GIS Data Collection



- Used for both the street light audit and installation phases.
- The app interface is fully customizable allowing fields of data to be modified to meet all User's needs.
- The app can be served over any smart phone or handheld surveying devise.
- Collected data accuracy is +/- 3 ft.
- Collected data is synced in near real-time to an online server.
- Access to the audit and installation phases can be shared throughout allowing remote tracking of work progress.

REVIEW OF GIS DATA

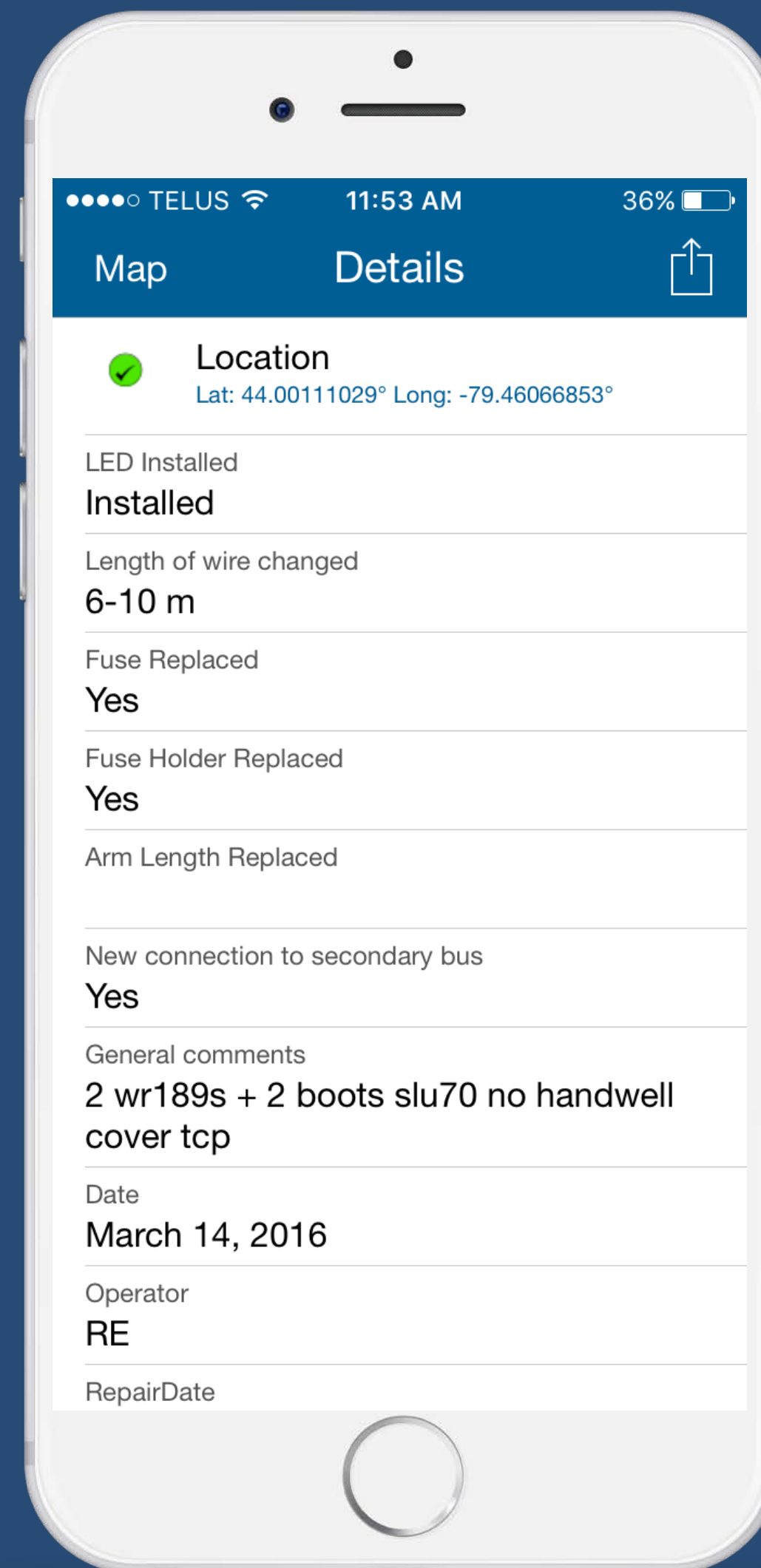
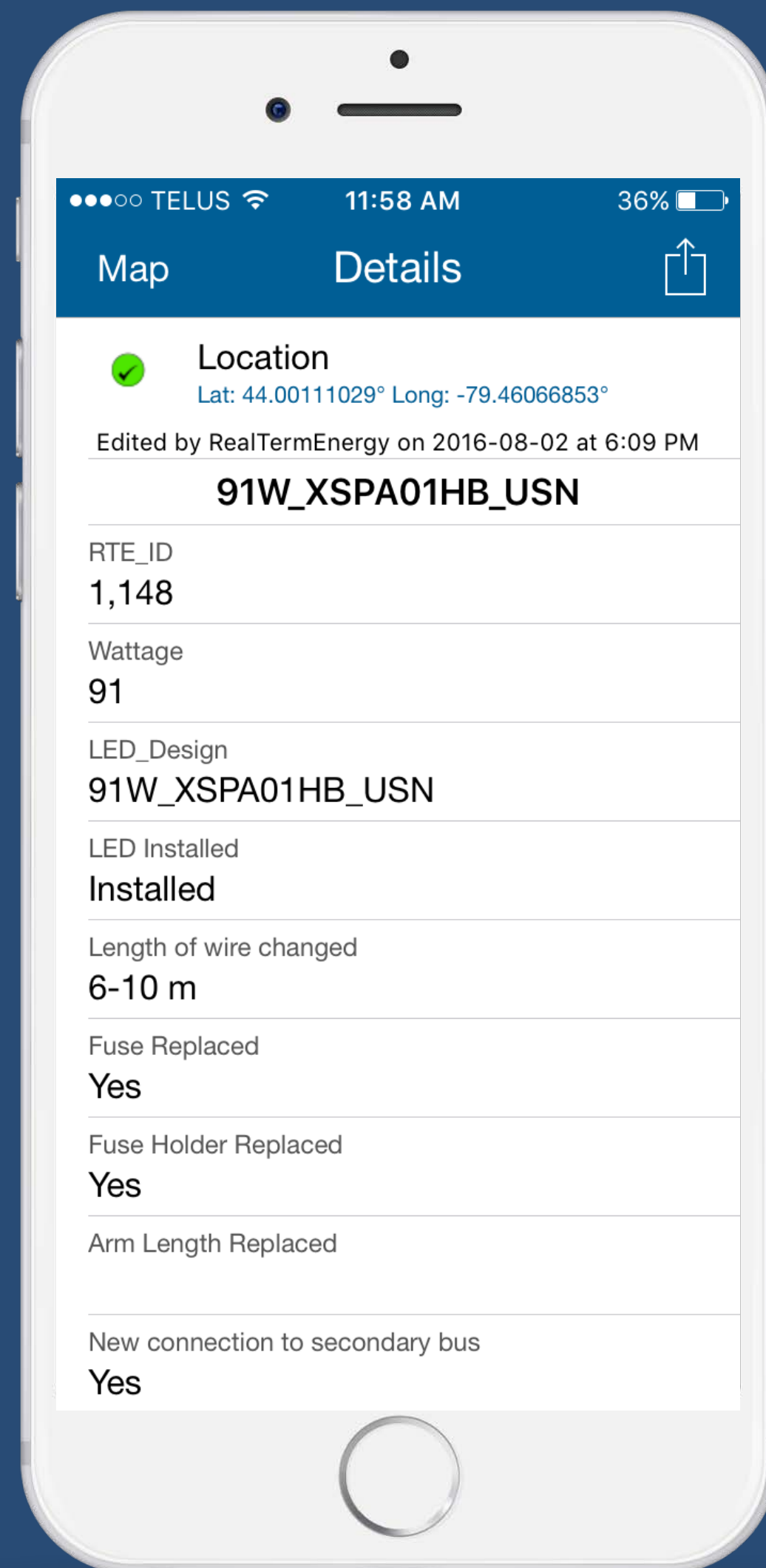
11



507	
FID	501
RTE_ID	507
UtilPoleID	
RdClass	Collector
Pedestrian	Low
FixtQty	1
FixtType	Cobrahead - HPS
FixtHeight	28
ArmLength	6
FixtWattag	150
WithBallas	0
Setback	1
RdWidth	28
WireLocati	Overhead
StreetName	Arrandale Ave
DecoWithPC	
DecoColour	
PoleMateri	Wood
Problems	
Comments	
SurvDate	1/20/2017
Surveyor	Jack
ProjectNo	
LDC	
Name	507
FolderPath	Great_Neck_NY_SLI/Conv
	to LED/Cobrahead - HPS
MountRatio	0
Performanc	0
Replacemen	Convert to LED
DesignMode	
MiscParts	
DesignID	0
POINT_X	-73.735887
POINT_Y	40.806189

ASSET MANAGEMENT: DIGITAL RECORD KEEPING

12



BEFORE AND AFTER

13



“LED lighting is an energy-efficient way to illuminate streets. But it’s important to direct the light only where it’s needed to support visibility, safety, and the health of humans and other living creatures; and to limit glare for pedestrians, bicyclists, and drivers.” (AMA 2016)

IMPORTANCE OF DESIGN: LCC Savings

14

REPLACEMENT OF A 100W HPS

ONE FOR ONE

- ✓ **60W LED**
- ✓ **Distribution pattern not considered**
- ✓ **50-55% energy savings**
- ✓ **RP-8-14 compliance: unknown**
- ✓ **Over lit areas will remain over lit**



100W
+20W-30W
ballast

DESIGN OPTIMIZATION

- ✓ **43W LED**
- ✓ **Distribution pattern considered**
- ✓ **65% energy savings**
- ✓ **RP-8-14 compliance known**
- ✓ **Less light trespass**
- ✓ **Lighting to suit the location**

**Proper design approach can reduce
your overall project costs by up to 15%**

* See Design White Paper for more details.

IMPORTANCE OF DESIGN: COLOR TEMPERATURE, VISUAL ACUITY, AND SAFETY

15



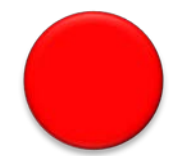
4000K
(103W)



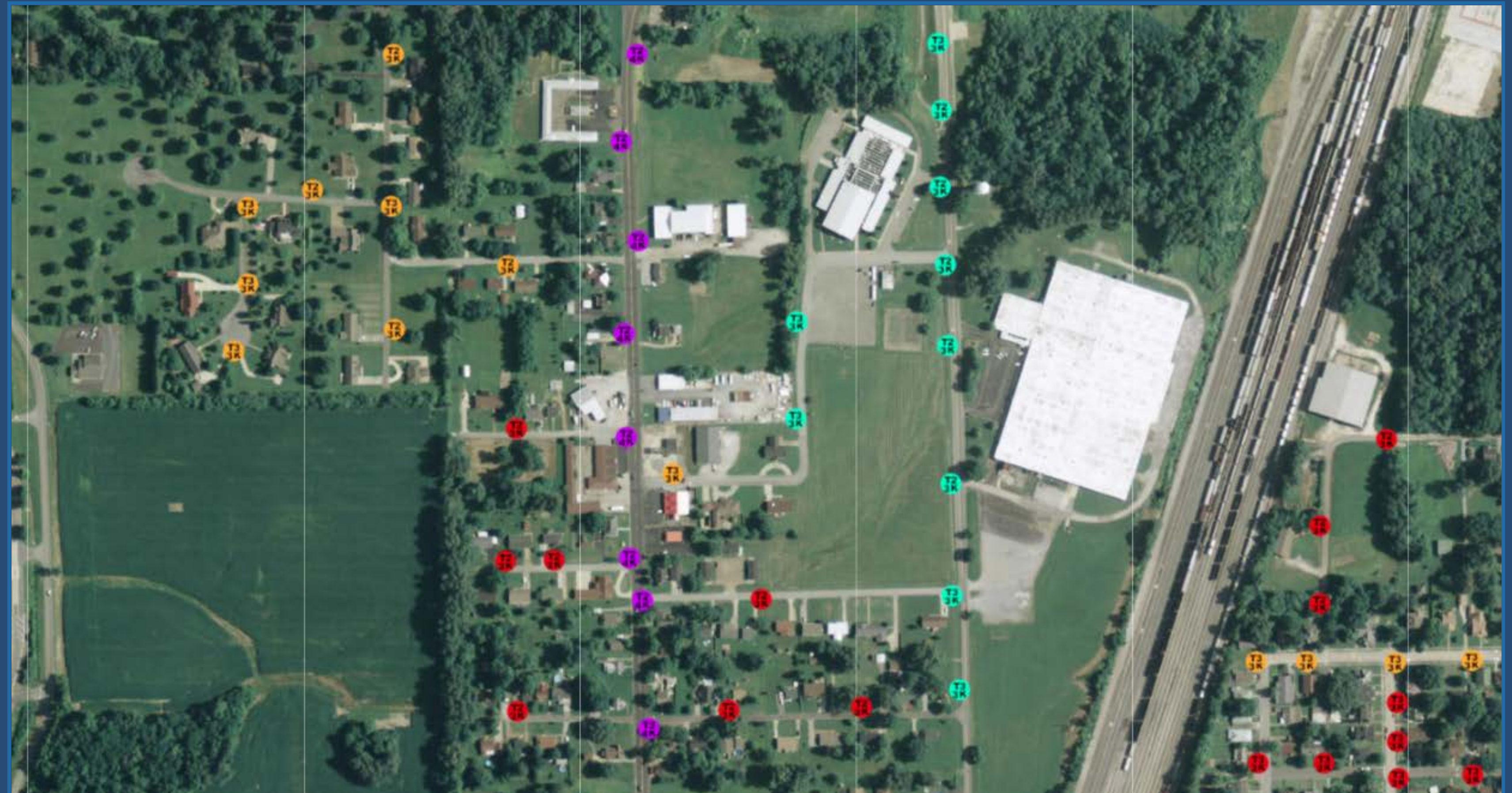
3000K
(72W)



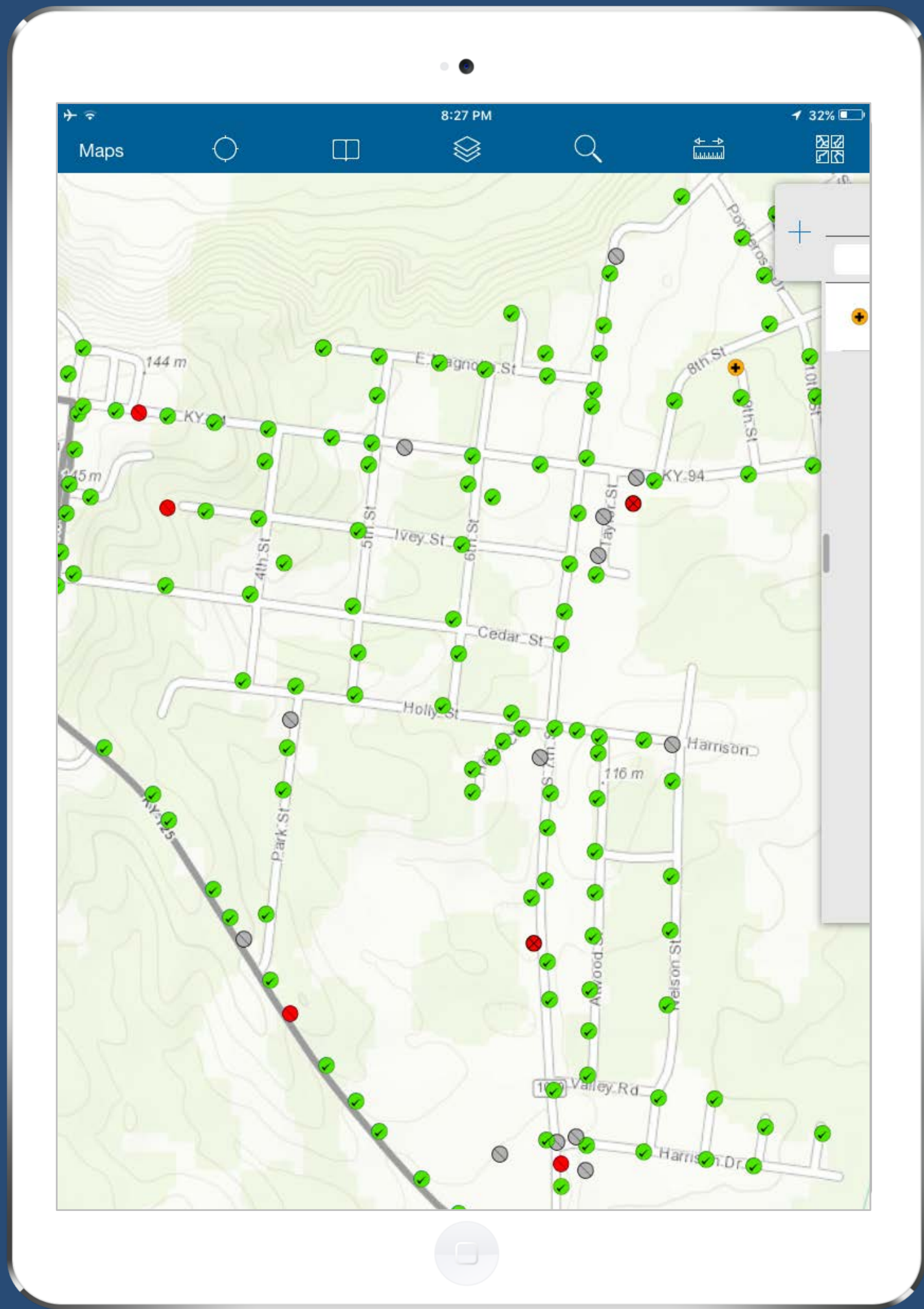
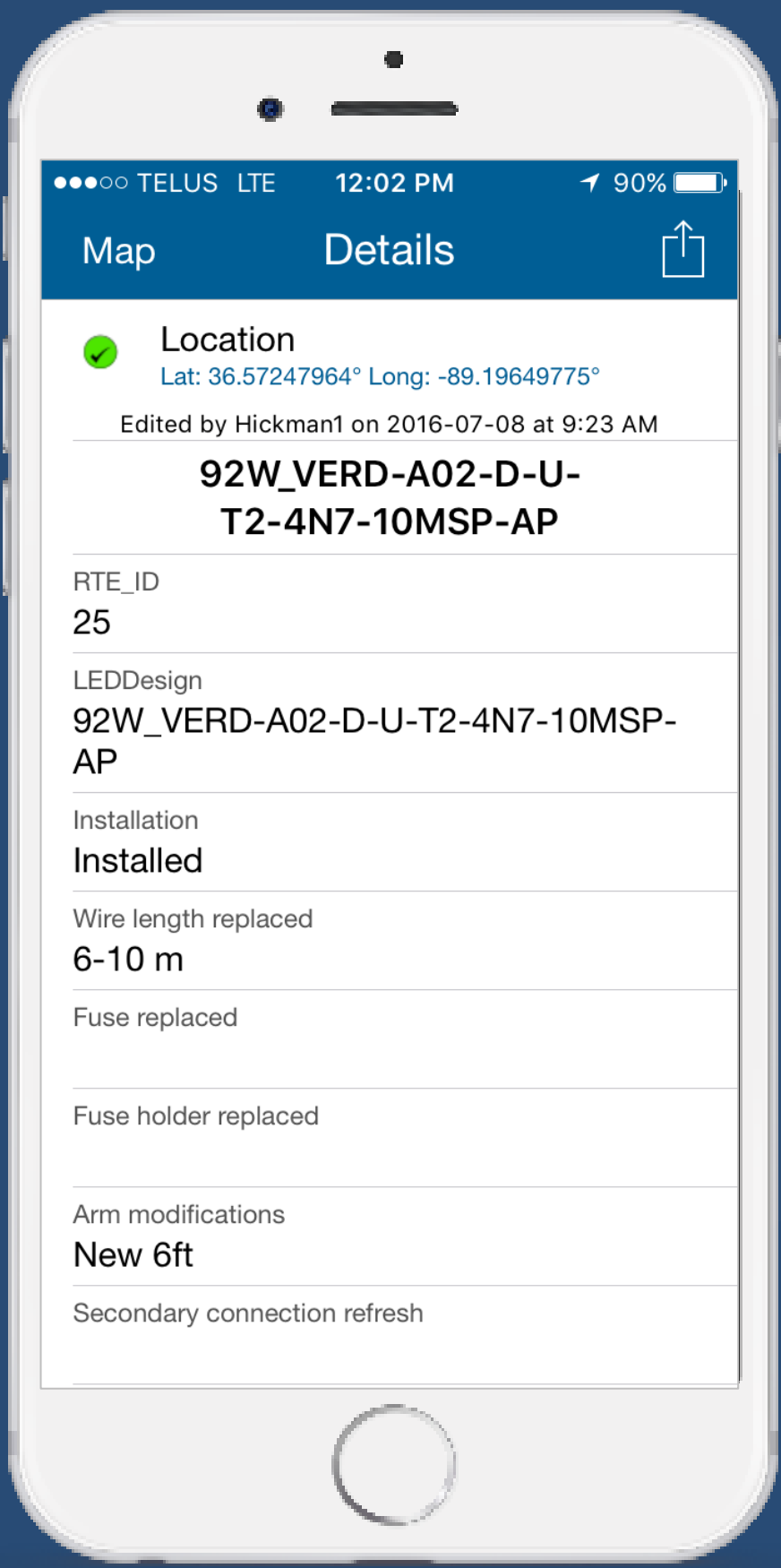
3000K
(64W)



3000K
(51W)



PROJECT MANAGEMENT SUPPORT



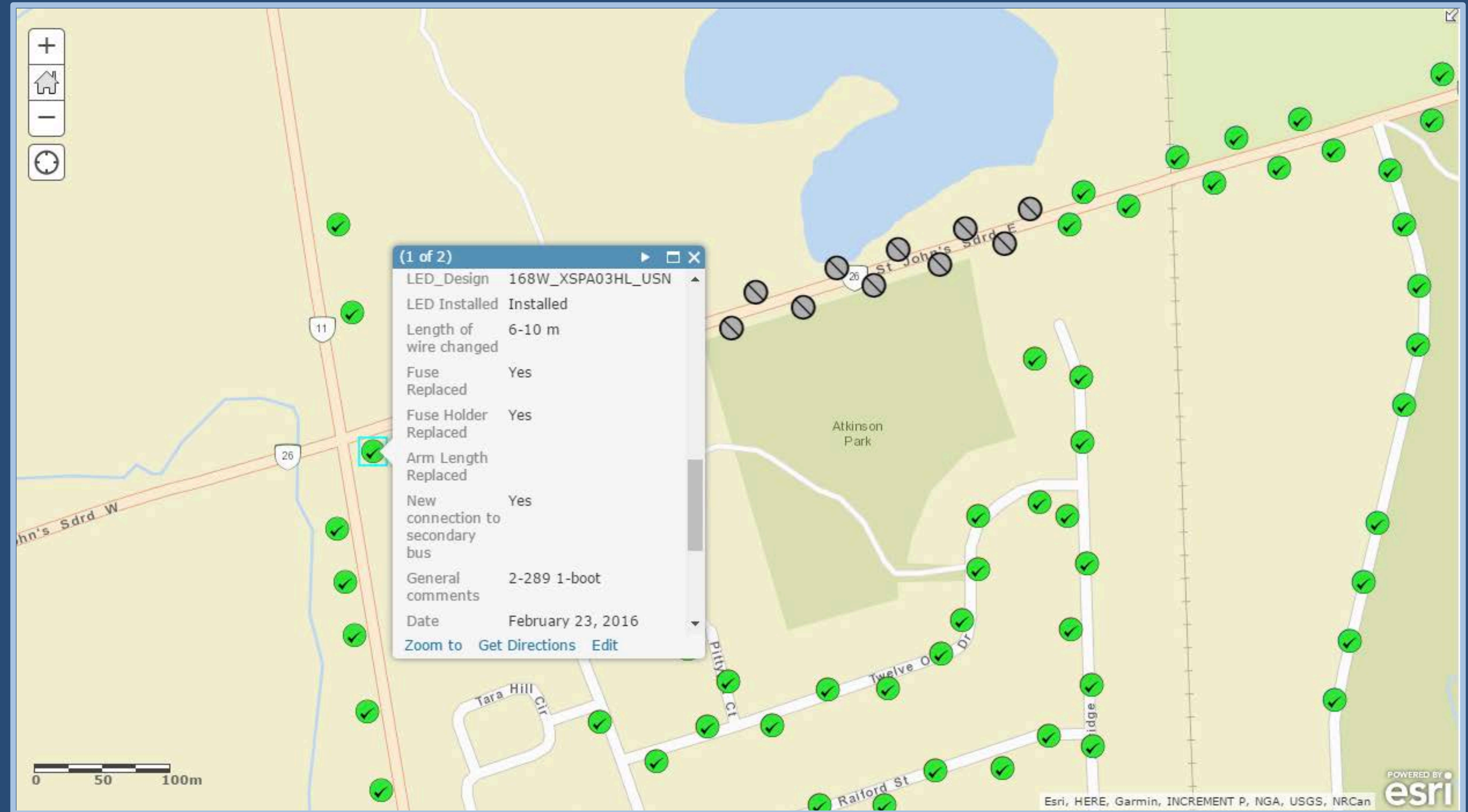
LIVE TRACKING SHARED VIA THE WEB

17



Real time tracking of installation details:

- Sectors
- Locations
- Materials
- Crews



INSTALLATION AND PROJECT MANAGEMENT

18



Staging and logistics
for installation



Health & safety



Planning of
installation routes



Traffic management
plan



Environmental
management plan



Communications &
public outreach



Final inspection &
sign-off of work

INSTALLATION AND PM BEST PRACTICES

19



- Plan and prepare for delivery, unloading, storage, and recycling of old fixtures
- Utilize initial inventory and designs to plan routes, equip installers with App
- Incorporate construction and road maintenance schedules (parades, etc.) into plans in advance
- Experience working with over 50 utilities in eastern North America

INSTALLATION AND PM BEST PRACTICES

20

- Kick-off meeting between Muni, Installers, and PM clarify scope, expectations, and reporting cycles
- Training and expert presence at initial stages crucial
- Random inspections ensure installers do quality job throughout



COMMUNITY OUTREACH

21



Open house



Press releases



Website updates



Live tracking of
installation



Answering
resident
complaints



Continuous
Communications

FIXTURE PROCUREMENT PROCESS

22

Fixture Selection

The chosen fixture (Acuity) meets or exceeds the requirements included in the RFP.

Audit & Design

Site-specific needs and requirements are fine-tuned during the audit and design processes.

Color Temperature

We can specify the color temperatures as required

Procurement

We complete all administrative and logistical tasks relating to the procurement of the fixtures.



FINANCING

VALUE ADDED: MULTIPLE FINANCE OPTIONS

24



Energy
Performance
Contract



General
Obligation
Bonds



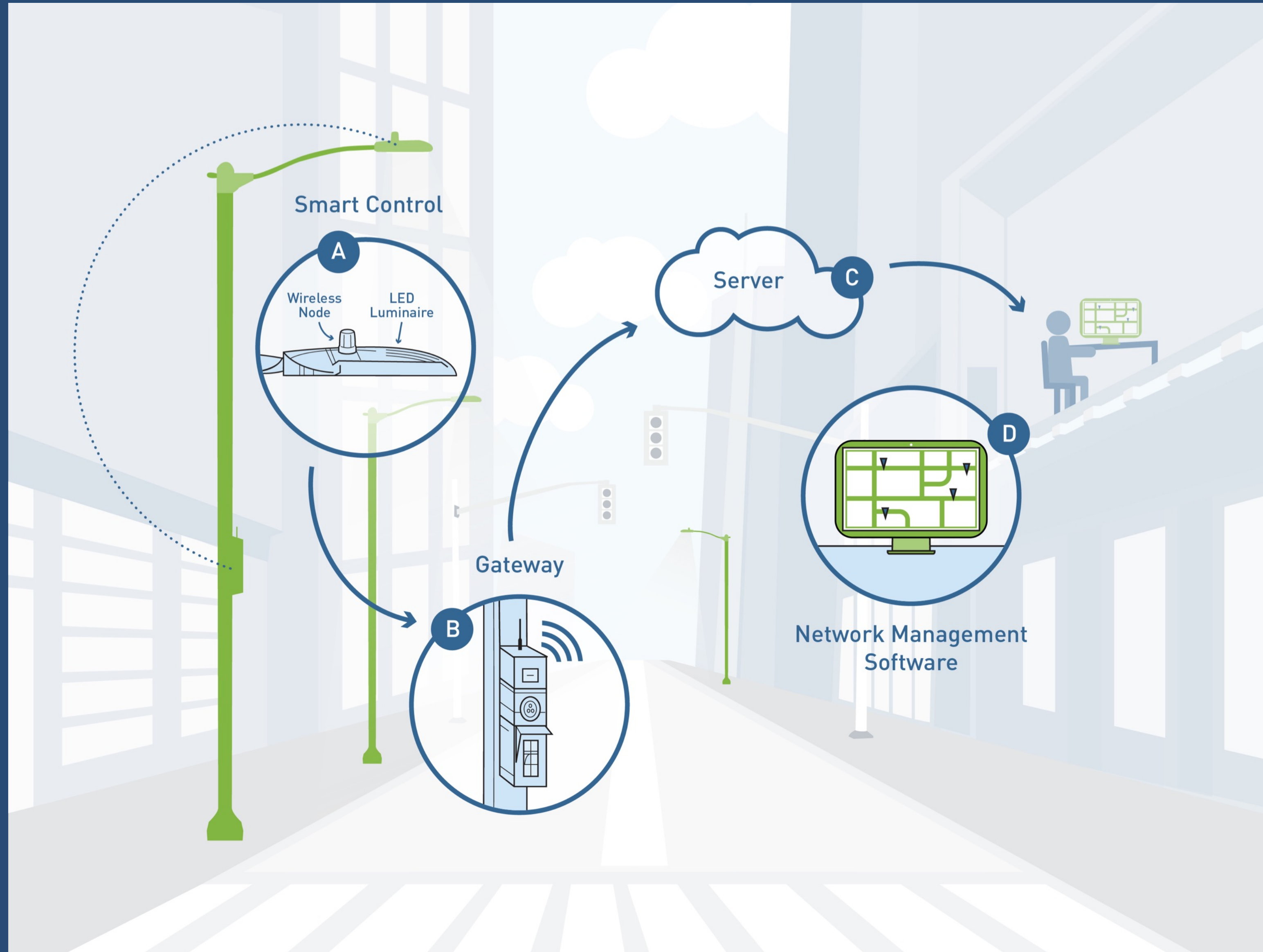
Tax-Exempt
Lease
Purchase



Incentives &
Grants

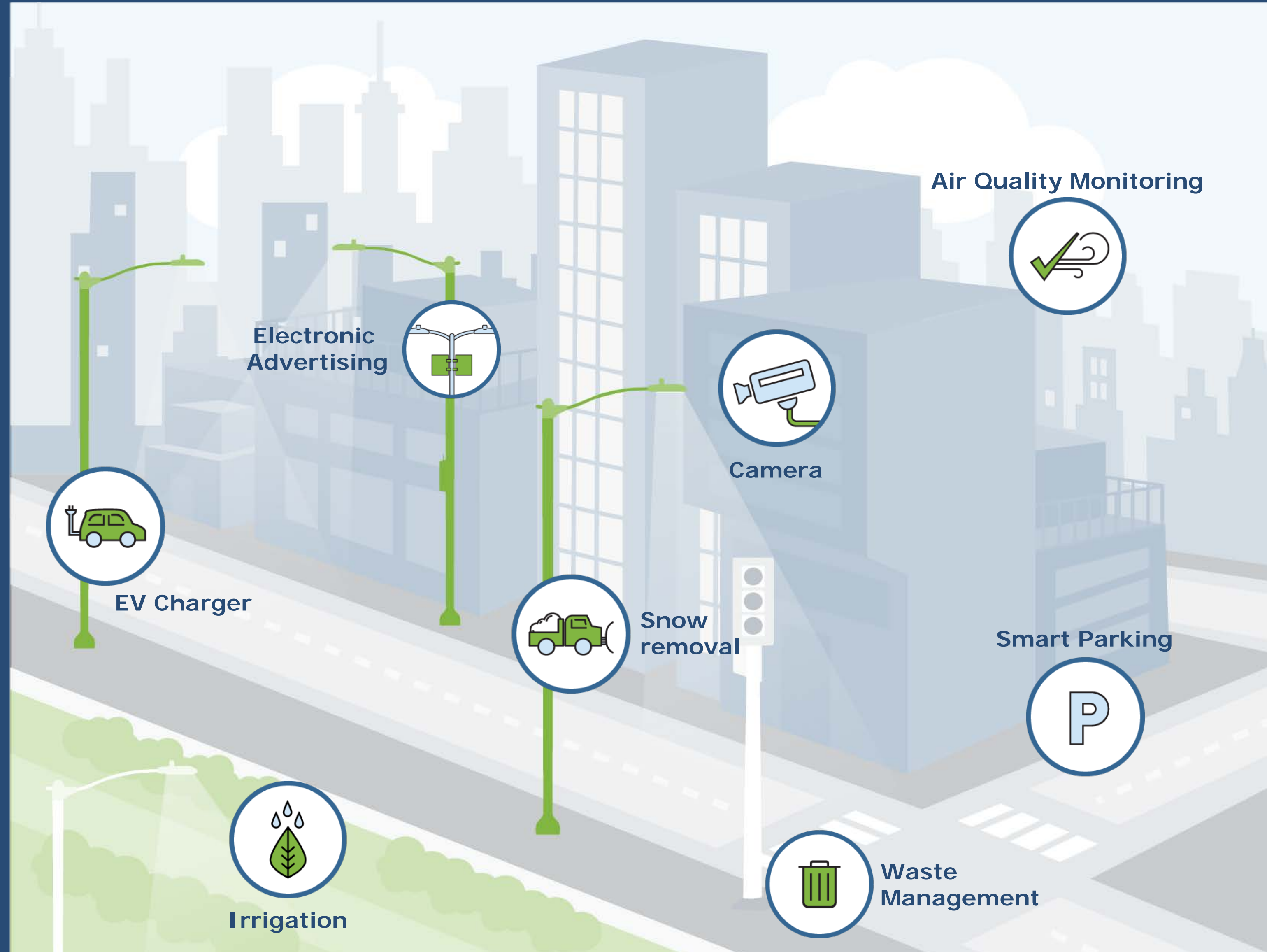
SMART CONTROLS

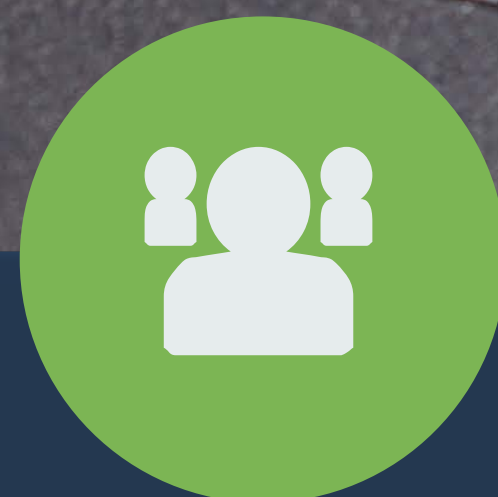
25



SMART CITIES

26





DISCUSSION



REALTERM

ENERGY



201 West Street,
Suite 200
Annapolis, MD



Contacts:
Paul Vesel
Mark Carter



1.866.522.5202



info@realtermenergy.com /
realtermenergy.com



APPENDICES

Company Background and other Additional Information

STREETLIGHT INFRASTRUCTURE IS OLD AND SOMETIMES NEGLECTED

30



City of Toronto Archives, Fonds 1231, f1231_it0128

- Most streetlight infrastructure has been neglected for 20+ years.
- Trouble-shooting should evolve with new scenarios.

Laying the Smart City
Network can start
with selection of the
right photocell
receptacle



WHY SWITCH TO LED STREETLIGHTS?

32



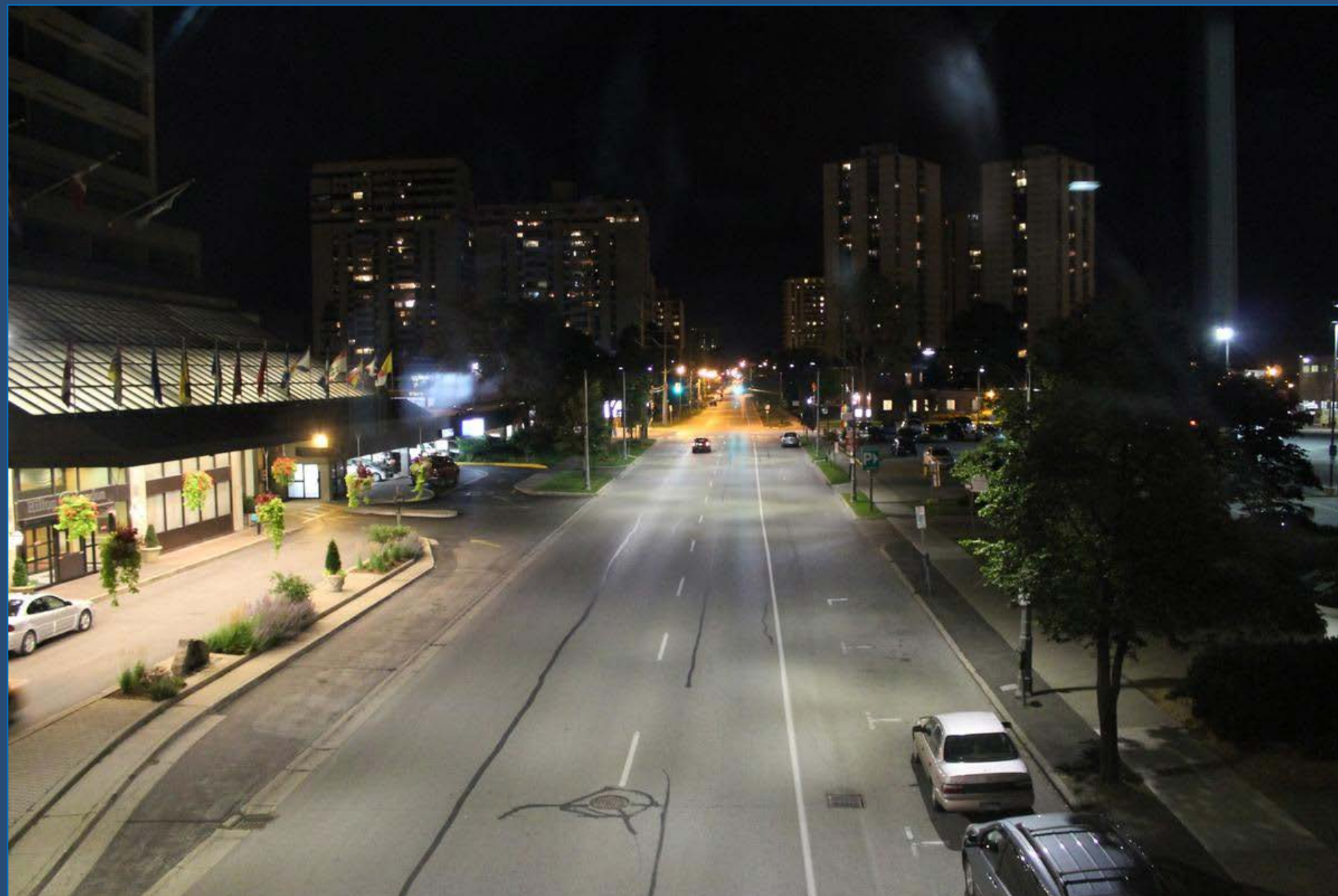
Get ahead of a legislative
/ regulatory imperative



70 to 80%
Maintenance Savings



Spend your operating
budget elsewhere



- Life expectancy 15-20 years
- Safer streets & less light pollution when properly designed
- Community / Sustainability leadership
- Spend less time and money on a fairly nuisance piece of utility infrastructure

BENEFITS: MAINTENANCE SAVINGS

33



Negligible failure rates (~0.5%)



Reduced repair response time



Reduced work orders and truck rolls



Optimized resource allocation

City of Los Angeles: 187 failures on 98,000 lights over 3 years

RealTerm Energy: 14 failures on 100,000+ lights installed

USE CASES FOR LED LIGHTING THAT HAVE HAD A NEGATIVE IMPACT HUMAN HEALTH

34

1. If you are a lab technician working directly with blue light LED chips without an optical lens
2. If you are 6.5 feet away from a 4000k+ streetlight and stare at for 2.5 hours

LED lighting should be used with the same prudence with which we use any other technology. LED lighting should be selected, designed and installed in a way that maximizes energy efficiency while minimizing glare, wasted light and blue wavelength content.

- While some recent media reports have focused on LEDs, it is important to note that these issues are neither new nor restricted to LED technology. Blue light is emitted by all lights regardless of source type. Further, the proposed remedy – opt for a lower CCT light – is overly simplistic from both a public health and a public lighting point of view.
- RTE's team of lighting experts utilize a recently developed circadian stimulus (CS) calculator to select light sources and light levels that will minimize the impact on acute melatonin suppression, a marker of circadian system activation.
- RTE will work with City staff to select fixtures that balance CS factors with energy efficiency, color rendition, visual acuity, and other critical safety and maintenance factors.



ABOUT US

OUR MISSION

37

**“SAVING
ENERGY
WE CAN'T
AFFORD TO
WASTE”**



OUR VISION

We harness and integrate innovative and sustainable technologies that will allow people to live and work in smarter, safer and more energy-efficient communities for generations to come.



SHARED
SERVICES

CAPITAL MARKETS · LEGAL · TAX · ACCOUNTING · INVESTOR REPORTING · MARKETING · HR · INFORMATION TECHNOLOGY



RTE is a North American leader in providing energy-efficient, turnkey LED street lighting conversions for municipalities and utilities

Realterm owns and manages a global portfolio of assets valued at over \$3 billion.

Our parent company, Realterm, has a 25-year history of real asset and infrastructure development focused on transportation and delivery of goods and services across the entire supply chain around the globe.

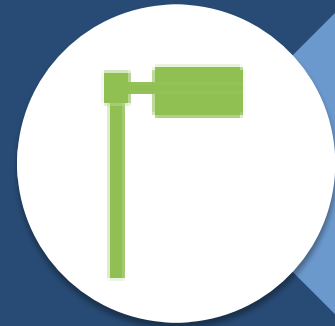


EXPERIENCE WITH TURNKEY CONVERSION PROJECTS

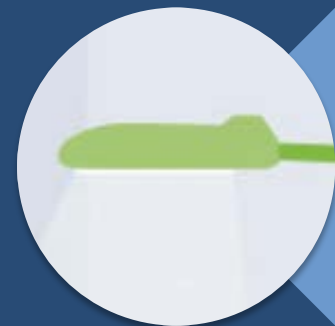
40



>170 communities have chosen RealTerm Energy for their LED conversion



180,000+ fixtures sold to date
Projects from 14 to >10,000 fixtures



Over 110,000 fixtures installed



40+ full and part-time Municipal LED streetlight professionals



Financing Options Available

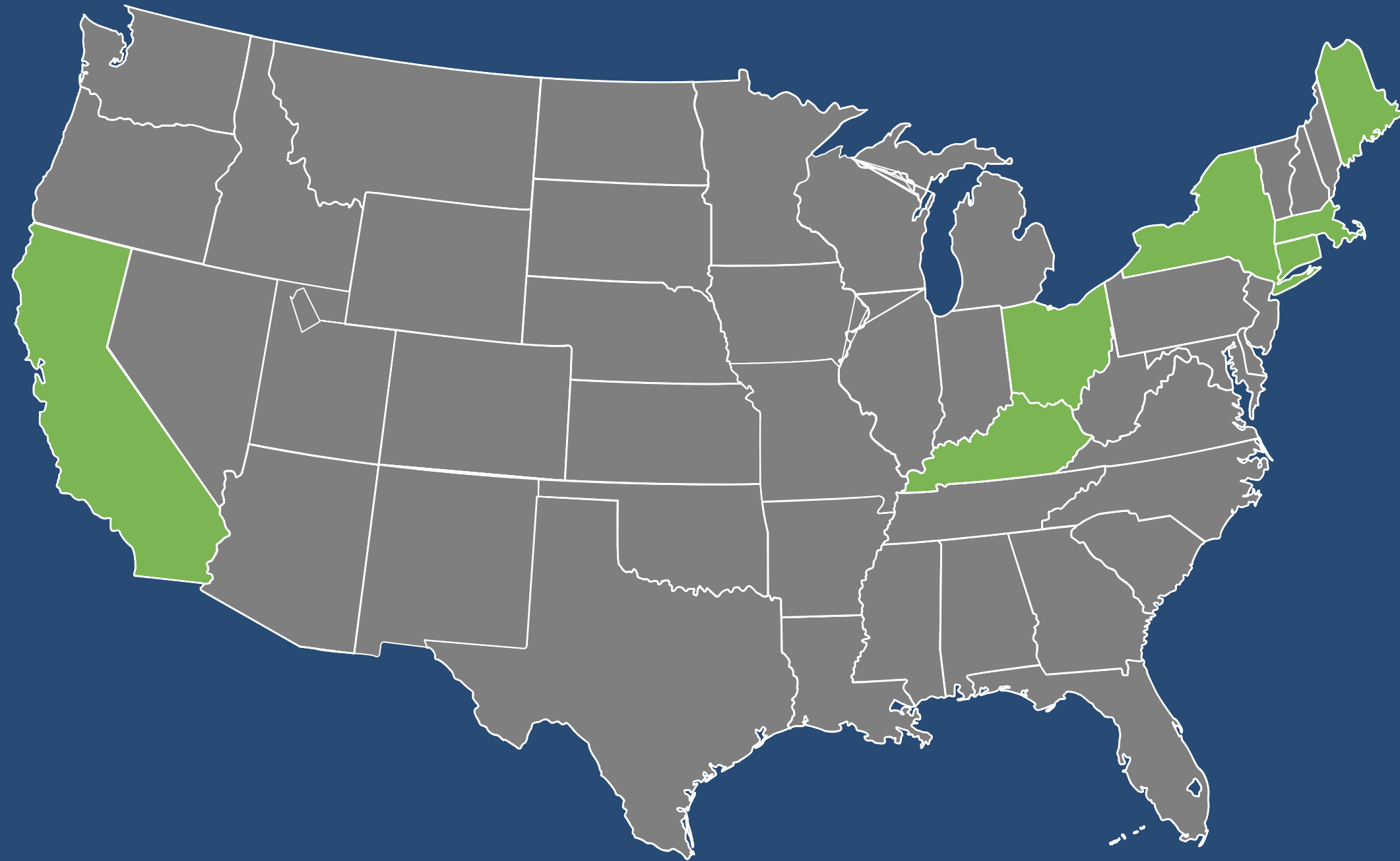


WORLD BANK GROUP

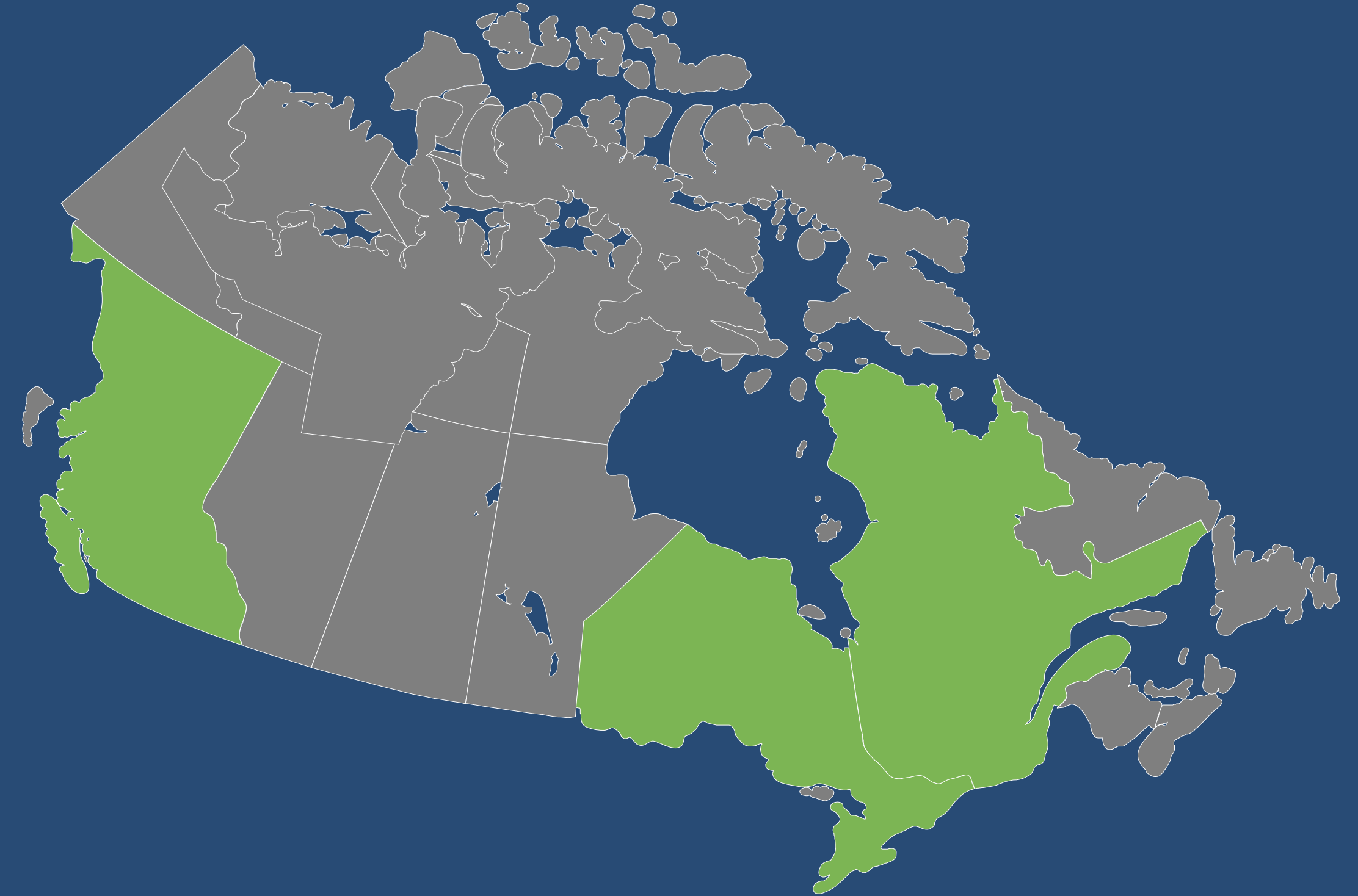
**REGONIZED AS AMONG
THE BEST PRACTICES
IN THE WORLD**

RTE STREETLIGHT PROJECTS

41



7 US STATES



3 CANADIAN PROVINCES

Cities of Rockland, South Portland and Biddeford, and Town of Falmouth, Maine

Request for Qualifications - Conversion of community street light system to LED fixtures and from utility owned to municipally owned and maintained fixture on utility owned poles.

January 28, 2016

The four communities are inviting qualified companies to submit proposals for the design and implementation of community-wide street light enhancements and conversions to LED fixtures. **Proposals must be submitted no later than 2:00 PM on February 25, 2016.**

I. GENERAL

A. Project Background

Maine's municipalities incur significant annual costs related to street lighting. Through this RFQ, the participating municipalities "PM" are interested in selecting a service provider to assist them in reducing streetlight costs by retrofitting their streetlights to LED technology. The PM anticipate that the scope of work may include street lights mounted to utility owned poles, decorative streetlights, parking facility lighting, lighting controls, etc., in the LED conversion process. A profile of each participating municipality is included in Attachment A. Detailed billing for all street lights attached to utility poles is also attached.

B. Scope of Services

PM are seeking proposals from qualified service providers (referred to variously as "proposer", "firm", or "contractor") This proposal is to be a turn-key proposal that includes: undertaking an IGA (Investment Grade Audit) of the street lights and their attributes, performing an independent and certified lighting design analysis which includes designing each unique street to either an RP 8-14 standards where applicable or at a standard to be specified; providing a comprehensive financial analysis to indicate ROI (Return On Investment), savings and payback period; completing all applicable incentive applications; carrying out all procurement requirements; applying on behalf of the PM for all available grants and rebates relating to the LED conversion project; performing project management functions; undertaking or overseeing the LED luminaire installation and the recycling/disposal of all waste material; and identifying any Financing Options that the supplier can provide. The service provider must also demonstrate experience in performing street light acquisitions from Electric Utilities or submit a detailed approach to how best perform an acquisition and the options associated with an acquisition.

C. Non-Compete

PM plan to select a firm that will provide the services requested in this RFQ, including but not limited to LED streetlight conversions and streetlight maintenance services for public entities in Maine. If selected, the firm shall agree to provide such services to Maine municipalities, individually or collectively.

D. Conflict of Interest

PM seek to work with firms that represent consumers, not suppliers, avoiding both the appearance, as well as any actual conflict of interest. Any subsequent disclosure of a conflict of interest after the award has been made, but which existed at the time of proposal submission, will be grounds for termination of any resulting contract

II. PROPOSAL FORMAT

Proposals must be submitted in the following format using the numbering sequence outlined below. This is the minimum information to be provided and will be used in the evaluation process. Proposals are to be limited to a maximum of 25 pages excluding addendums

A. Covering Letter

A covering letter signed by an authorized representative of the company of Proposer shall outline the intent of the response and shall state that the information contained in the Proposal accurately describes the services to be provided

B. Company Profile

- Provide a description of the Proposer's company or business, purpose, history and successes, including the number of years in LED street lighting business and major successes.
- List any similar projects, the client/owner, and the approximate value of the work.
- List similar partnerships with municipalities including collaborations with groupings of municipalities to carry out LED lighting upgrades
- Extensive knowledge of relevant legislation, standards, including the knowledge of available grants and rebate programs
- Describe any unique technologies pertinent to improving street lighting projects
- Knowledge of local municipal operations and maintenance requirements
- Experience in assisting municipalities with evaluation and acquisition of their streetlights from electric utilities.

C. Key Personnel

Identify key personnel that would be employed for this program and provide a detailed resume/CV of their relevant experience, education & successes. Key personnel should demonstrate ample experience in managing turn-key street lighting projects.

D. References

Include a list of at least three (3) projects that the Proposer has successfully completed an LED retrofit and provide associated references and contact information for the persons or organizations

that engaged the Proposer. By submitting a proposal, the Proposer consents to PM contacting these references, and consents to PM also contacting any other organization for the purposes of evaluating the Proposal.

E. Approach

Describe the approach and/or process proposed to address the project requirements. Include any notable methodologies, tools and techniques, and their respective suitability to this project. Also provide a project plan that reflects your proposed approach/process and demonstrates your ability to meet the milestones.

The following key components must be included in the approach description:

1. Audit

The provider will determine the existing street and outdoor light inventory via a Geographic Information Systems (GIS) inventory assessment of all the streetlights and outdoor lights included in the project. The provider should list the attributes that they collect and describe how they relate to the design process.

During the inventory assessment, the provider will report and review all issues with the PM weekly so that the PM may begin to address them in order to minimize any delay on the eventual conversion.

The proponent must produce an electronic inventory file suitable for use in common GIS software (e.g. ESRI ArcMap), as well as Microsoft Excel, that contains the required attributes.

Based on the inventory, utility bill analysis, and consultation on controls and/or other products, the Proposer will develop an Audit Report which will include:

- Deficiencies in the current street lighting network
- Baseline energy use, energy cost and operations & maintenance costs
- Estimated retrofit energy use and operations & maintenance costs
- Estimated sources of funding, including rebates
- Calculation of estimated total conversion cost (remaining design tasks, product, and installation), energy reduction, and simple payback

The PM seeks Proposers who can provide the strongest case for why their Audit will be most accurate and support approval by the PM.

2. Financial stability

- Proposer should demonstrate the capacity to finance street lighting projects by having financed or been part of a financing project using an Energy Savings Performance Contract (ESPC).
- Should the PM opt for this type of financing, the Proposer must produce an ESPC contract at the time opt in.

3. Design

The design of an LED network will have a measurable impact on both the life cycle savings as well as overall light quality. Proposers must include a design component in the scope of work.

The determination of adequate light levels for safety of pedestrians, cyclists, and vehicles is guided by the Illuminating Engineering Society (IES) Standard for Roadway Lighting (RP-8-14). The PM recognizes that existing pole placement limits the degree to which IES standards may be met. The PM will look favorably upon proposals that use design methodologies that will best deliver adequate lighting through the PM for the expected life of the products and the PM's desire for specific goals associated with customized lighting levels. IES standards may not be the standard selected by the PM. Additionally, the designer should incorporate an analysis of the following data points to identify target areas that may need special consideration:

- Pedestrian/vehicle and bicycle/vehicle crash data for the last 5 years to identify areas where light levels and/or spacing have affected public safety.
- Important localized land uses (e.g. parks, schools, hospitals, etc.)
- Relative volumes of pedestrian and bicycle activity
- Unique neighborhood characteristics

The provider should describe their design process, including how actual light levels are measured before & after the conversion, and how designs are modified for unique street characteristics.

4. Project Management

Proposers shall describe their approach to Project Management and how this will impact cost, quality control and timing of the project.

- Qualifications and experience of Project Team
- Experience in projects managing multiple projects simultaneously
- Experience in projects managing large LED retrofits (over 1,000 fixtures)
- Detailed description on how the project will be managed including:

- A description of the methods to be employed in the performance and coordination of the work that will control the scope, quality, schedule and cost of the Project
- The anticipated risks and assumptions that will be part of completing the Project
- Any special challenges or considerations foreseen by the Proposer and proposed solutions for each.

5. Technology Procurement

a. Fixtures

Describe the process for selecting appropriate fixtures.

The Proposers should develop complete and detailed specifications for LED Luminaires to replace lighting fixtures. The specifications will be non-proprietary performance specifications describing all relevant photometric, electrical, physical, and durability characteristics of the luminaires.

The Proposer should provide details on their method of developing specifications and how that ensures that appropriate quality standards are met.

b. Smart Controls and other Smart City solutions

The Proposer will advise the PM on the use of controls in terms of impact on safety, standardization, and energy and cost savings. The Proposer should be able to present analysis of how controls could impact the total lifecycle costs of the system. The Proposer should also propose to the PM any other value-add systems and discuss with the PM their financial impacts, commercial readiness, and alignment with utility policies.

The Proposer will demonstrate their knowledge and ability to advise municipalities on different Smart City applications to add on to their existing street light infrastructure.

6. Installation & Maintenance

Based on the finalized design, the Proposer will describe their approach to installation and maintenance or oversight as an owner representative. The following elements should be covered:

- Description of Work
- Required installation schedule
- Reference standards
- Submittals
- Quality Assurance and Warranty
- Installation
- Field Quality Control
- Adjusting and Cleaning
- Disposal

7. Construction Administration

The Proposer will describe their approach to Construction Administration including the following:

- Perform a sampling of spot-checks on installed lights to ensure proper installation procedures are being followed, especially at the beginning of the project
- Manage data on installations and provide a weekly status update of the of the project
- Confirmation of satisfactory installation completion by install contractor

8. Acquisition of Streetlights

The Proposer will describe their experience and methodology for assisting municipalities in acquiring their streetlights.

9. Rebates/Incentives

The Proposer will describe their experience and approach to managing rebates/incentives for streetlights on behalf of municipalities.

F. Value Added Services

The Proposer has the opportunity to propose value added services or products and detail what the Proposer is prepared to supply as part of the contract.

G. Additional Information

The proposer may provide any other information that may be relevant for the review and evaluation of the prospective vendor's experience or capabilities.

H. Project Schedule

The selected Proposer shall be expected to begin work immediately upon contract signing and complete the tasks in their entirety within a reasonable yet aggressive schedule. The dates below indicate desired dates for the completion of project milestones however the PM anticipates guidance from the selected Proposer to refine the project schedule.

- January 28, 2016 Issue RFP
- February 8, 2016 11:00 AM EST - Pre-bid meeting (*Falmouth Town Hall, 271 Falmouth Road, Falmouth Maine or via conference call by dialing 207- 699-5399. All participants who plan to use the conference call to attend the meeting must pre register with Nathan Poore by e-mail at npoore@falmouthme.org.*)
- February 25, 2016 Deadline for Submission of Proposals
- March 1, 2016 Interviews with lead proposer(s)
- March 3, 2016 Select consultant
- March-May 2016 Meet with staff, utility and other stakeholders
- April 2016 Audit

- May-June 2016 Design and product selection
- July 2016 – Aug 2017 Installation

I. Submission

Nine (9) paper copies and four digital copies of the proposal must be submitted. No facsimile or e-mail submissions will be considered. Please submit the electronic copy as a disc or thumb drive in PDF format and enclose with your paper copies. Submission delivery instructions – see Section K.

J. Proposer Selection

At its discretion, the Municipalities may select a firm outright or select a finalist(s) for in-person interviews. The Municipalities reserve the right to negotiate directly with the firm selected for additional project work at a negotiated contract for services. The Municipalities reserve the right to accept or reject any or all proposals for any reason, to negotiate with any individual or firm and to select one or more of the proposals. Attachment B includes a table that identifies the selection criteria which will be used to rank proposals.

K. Questions

The Town of Falmouth will administer all aspects of this RFQ. Questions regarding this RFQ may be directed, in writing, to Nathan Poore, Town Manager, Falmouth Maine via e-mail at npoore@falmouthme.org. All submitted inquiries and responses will be posted to the Town of Falmouth web site in an area dedicated to bids/RFP/RFQ <http://www.falmouthme.org/current-bids-rfps/pages/current-bids-rfps>

Deadline for Submissions:

All responses to this Request for Qualifications must be received by the Town of Falmouth no later than February 25, 2016, 2:00 PM. Proposals should be sent to: Nathan Poore, Town Manager, Town of Falmouth, 271 Falmouth Road, Falmouth, Maine 04105. Proposals shall be labeled “RFQ – Street Lights.”

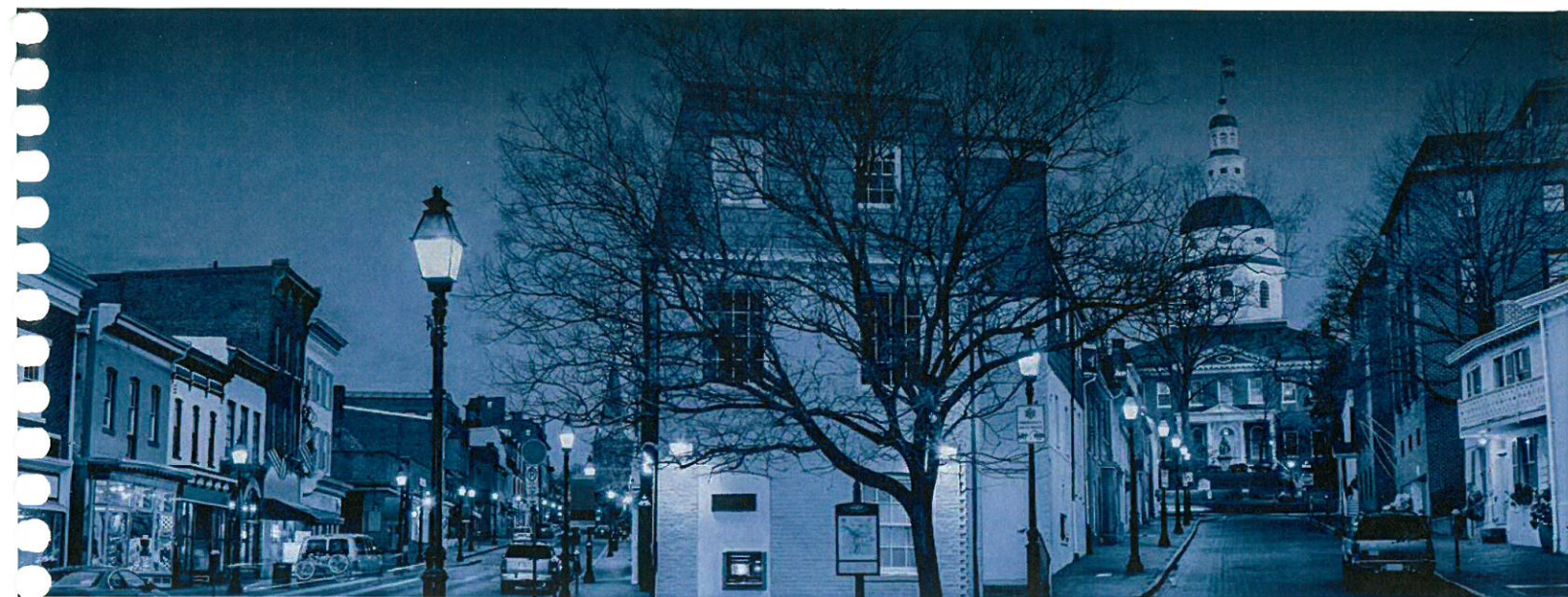
ATTACHMENT A – Participating Community Profile

COMMUNITY PROFILE	Approximate Units
Falmouth, Maine <ul style="list-style-type: none">• Road Miles• Street Lights attached to public utility poles and scheduled for replacement through this project• Population	78 700 11,185
Rockland, Maine <ul style="list-style-type: none">• Road Miles• Street Lights attached to public utility poles and scheduled for replacement through this project• Population	57 704 7,297
South Portland, Maine <ul style="list-style-type: none">• Road Miles• Street Lights attached to public utility poles and scheduled for replacement through this project• Population	153 1,597 25,002
Biddeford, Maine <ul style="list-style-type: none">• Road Miles• Street Lights attached to public utility poles and scheduled for replacement through this project• Population	135 2,325 21,277

ATTACHMENT B – Rating Categories

The following table will be used to rank proposals in the selection process:

RATING CATEGORY	WEIGHT
Company Capability & Experience <ul style="list-style-type: none"> Respondent demonstrates strong knowledge of streetlight technology, quality standards, and design requirements. Respondent has project experience <ul style="list-style-type: none"> Managing or performing all aspects of the project With large projects (1,000+ lights) in urban and suburban areas for a PM Knowledge of local municipal operations and maintenance requirements Experience with similar partnerships with municipalities and/or municipal collaborations Experience or demonstrated understanding of utility requirements and incentives. Experience in assisting municipalities with evaluation and acquisition of their streetlights Experience and capability of providing financing Possession of unique tools and technologies to improve system performance 	30
Project References <ul style="list-style-type: none"> For the three project references. Each should: <ul style="list-style-type: none"> Demonstrate high degree of responsiveness to client needs References speak highly of all aspects of the project and the key delivery personnel 	15
Qualifications & Experience of Project Team <ul style="list-style-type: none"> Sufficient staff to support project implementation Employees that will staff this project have: <ul style="list-style-type: none"> Experience performing or managing all aspects of the project (i.e. audit through verification) Experience on the projects listed as references Connections with the appropriate utility reps Experience managing a project in this region Appropriate training/certifications 	25
Project Approach <ul style="list-style-type: none"> Describes a coherent, convincing plan to meet or exceed requirements of scope of work for all tasks <ul style="list-style-type: none"> Includes a detailed schedule that accelerates implementation where possible Includes a description of a rigorous Audit Report that can be used to support financing of the remaining project costs Includes a design approach that will meet the PM's goals of safety, standardization, and minimizing lifecycle costs Includes a project management approach which demonstrates efficiencies in time and cost Describes the PM's involvement in all phases and describes an efficient use of their time and resources (e.g. efficient plan for meetings, use of police details or avoiding them) 	30



Proposal to the City of Auburn

LED Street Light Conversion

August 11, 2017

O-1109

Primary Contact

Paul Vesel, Director, Business Development – NE USA
201 West Street, Suite 200, Annapolis, MD 21401
(413)-695-0045
pvesel@realtermenergy.com



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August 11th, 2017

Derek Boulanger
Facilities Manager and Purchasing Agent
The City of Auburn
60 Court Street
Auburn, ME 04210

Dear Mr. Boulanger,

RealTerm Energy is pleased to propose its LED conversion services to the City of Auburn. Our experienced team of lighting professionals employ customized and innovative solutions utilizing the highest quality luminaires to provide you with increased system performance, safe and reliable lighting, and maximized energy savings. The economics of this project are compelling, as substantiated by the **81% overall operating cost savings** on your streetlight expenditures in the first year.

Our turnkey service offering includes:

- An initial GIS/GPS inventory assessment of your existing streetlight network
- Complete photometric designs to optimize energy efficiency, minimize costs, and protect public safety
- A comprehensive Investment Grade Audit (IGA)
- Robust procurement to ensure best value pricing on equipment and labor
- Installation of new LED fixtures and responsible recycling of old fixtures
- Transfer of all inventory files, data, and warranties
- Review of project financing options, and
- Customized community outreach services

We manage all of our conversion projects in a transparent fashion. During each phase, we will keep the City of Auburn informed of all progress facilitated by regular meetings and continually accessible reports.

You will find included a preliminary LED life-cycle cost analysis based upon data provided by the Town. The next step is a demanding Investment Grade Audit (IGA) that includes extensive field investigations, data collection and verification, infrastructure analysis, comprehensive lighting designs, and detailed engineering calculations to project accurate and reliable energy and maintenance savings. This Proposal includes the estimated acquisition cost of \$187,950 from Central Maine Power (CMP). The acquisition cost is provided solely for analysis purposes and is not included in RealTerm Energy's total project cost.

The RealTerm Energy team appreciates this opportunity to present our proposal. We look forward to the prospect of working with the City of Auburn to design and install your new, highly-efficient LED street lighting system. We are passionate about what we do and want you to feel the same way about this project's results.



Sean Neely, President
sneely@realtermenergy.com

1. EXECUTIVE SUMMARY

Technical/ Environmental Assessment	Title	City of Auburn LED Street Light Conversion
	Baseline	1,250 HID ¹ Cobrahead fixtures, 3 HID decorative fixtures Total demand: 151.3 kW Annual energy consumption: 644,858 kWh Annual operating hours: 4,260
	Technology Employed	Smart ready LED Fixtures
	Technology Provider(s)	Acuity Brands
	Technical Specifications	7-PIN, Smart ready fixtures Color temp: 4,000K, Average life ≥ 100,000 hours CRI ≥ 65, IP ≥ IP 65
	Fixture Warranty	10 years
	Annual Energy Savings	395,218 kWh (61%)
Financial Assessment	Financing Scheme	Capital Purchase (Financed by Auburn)
	Project Cost	\$586,911
	Acquisition Cost (estimate) ²	\$187,950
	Total Project Cost (RTE & Acquisition Cost)	\$774,861
	Project Reference Period	23 Years
	Payback Period	3.9 Years
Organizational Assessment	Time Schedule	TBD

(1) – High Intensity Discharge

(2) – Acquisition Cost from Central Maine Power is Estimated

2. PRELIMINARY ANALYSIS

Our team has constructed an initial LED assessment for illustrative purposes. The inventory that is presented was established using data provided by the City of Auburn. For any assumptions made regarding the inventory, please refer to the Calculation Assumptions section of this report. We have selected Acuity Brands LED fixtures with comparative light outputs for all existing HPS fixtures recorded in the City of Auburn's most up to date inventory. This analysis is only a starting point, and demonstrates the energy savings that are possible using LED technology while deploying industry standard roadway practices. Final luminaire selection and revised energy savings will follow, after the design phase of the analysis.

Please note that these estimates are conservative. Once our IGA report and photometric analysis are completed, our team typically improves the efficiency levels and project costs by as much as 10%.

2.1. Current Inventory and Proposed LED Replacements

COBRAHEAD FIXTURES								
HID Fixture type	HID System Wattage	HID Qty.	Total HID Demand (kW)	LED Fixture type	LED System Wattage	LED Qty.	Total LED Demand (kW)	Energy Savings
100W Sodium Cut off	130	78	10.1	40W_ATBS E MVOLT R2 MP NL P7	40	78	3.1	69%
50W Sodium Enclosed	65	246	16.0	31W_ATBS C MVOLT R2 MP NL P7	31	246	7.6	52%
70W Sodium Enclosed	95	55	5.2	40W_ATBS E MVOLT R2 MP NL P7	40	55	2.2	58%
100W Sodium Enclosed	130	22	2.9	50W_ATBS G MVOLT R2 MP NL P7	50	22	1.1	62%
150W Sodium Enclosed	195	29	5.7	76W_ATBS I MVOLT R2 MP NL P7	76	29	2.2	61%
250W Sodium Enclosed	300	56	16.8	95W_ATBM D MVOLT R2 MP NL P7	95	56	5.3	68%
400W Sodium Enclosed	465	6	2.8	164W_ATBM H MVOLT R2 MP NL P7	164	6	1.0	65%
70W Sodium Cut off	95	86	8.2	40W_ATBS E MVOLT R2 MP NL P7	40	86	3.4	58%
50W Sodium Cut off	65	487	31.7	31W_ATBS C MVOLT R2 MP NL P7	31	487	15.1	52%
250W Sodium Cut off	300	117	35.1	95W_ATBM D MVOLT R2 MP NL P7	95	117	11.1	68%
150W Sodium Cut off	195	56	10.9	76W_ATBS I MVOLT R2 MP NL P7	76	56	4.3	61%
400W Sodium Cut off	465	10	4.7	164W_ATBM H MVOLT R2 MP NL P7	164	10	1.6	65%
70W Sodium Open	95	2	0.2	40W_ATBS E MVOLT R2 MP NL P7	40	2	0.1	58%
Total (Cobras)		1,250	150.1			1,250	58.2	61.2%

FLOOD & DECORATIVE FIXTURES								
HID Fixture type	HID System Wattage	HID Qty.	Total HID Demand (kW)	LED Fixture type	LED System Wattage	LED Qty.	Total LED Demand (kW)	Energy Savings
400W Sodium Flood	465	2	0.9	150W_ACP0LED PK4 MVOLT FL 40K YK GYSDP 10KVMP PER7 04 23 NL	150	2	0.3	68%
250W Sodium Flood	300	1	0.3	119W_ACP0LED PK3 MVOLT FL 40K YK GYSDP 10KVMP PER7 04 23 NL	119	1	0.1	60%
Total (Decos)		3	1.2			3.0	0	65.9%
Total (Cobras+Decos)		1,253	151.4			1,253	58.6	61.3%

2.2. Robust Photometric Design is Recommended

Relying solely on a "one-for-one" replacement technique has limitations:

- It is limited to existing inventory records that are often outdated and/or inaccurate.
- It can only prescribe the LED replacement wattage according to the wattage that is recorded in the most up to date inventory.
- No consideration is made for a proper lighting design and updated for current roadway conditions.
- Without lighting designs, over-lit or under-lit streets today will continue to be so, even with LEDs.

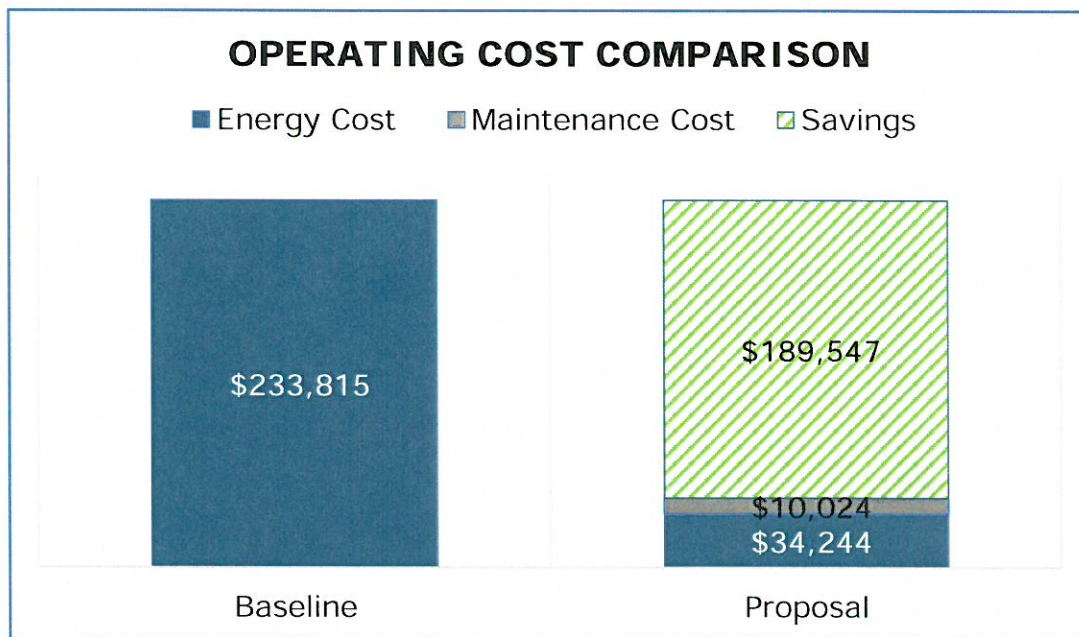
The limitations of the industry-standard one-for-one replacement, listed above, are why RealTerm Energy advises all of its clients to undertake an Investment Grade Audit (IGA). The IGA includes extensive field investigations, infrastructure analysis, comprehensive photometric designs, and detailed engineering calculations to project accurate and reliable energy and maintenance savings. The many benefits of robust photometric design are described in more detail in Section 5.2 below.

2.3. Expected Savings

CURRENT STATUS	BEFORE UPGRADE	POST UPGRADE	VARIANCE	PERCENT
Number of Fixtures	1253	1,253	-	-
Annual Electricity Consumption (kWh)	644,858	249,640	395,218	61%
Annual Electricity Costs ⁽¹⁾	\$233,815	\$34,244	\$199,571	85%
Annual Maintenance Cost	\$0	\$10,024 ⁽²⁾	(\$10,024)	-
Total Street Lights Expenditures	\$233,815	\$44,268	\$189,547	81%
Average Annual Cost per Fixture	\$187	\$35	\$151	81%

(1) Before upgrade, the maintenance cost is included in the electricity cost. After the acquisition of the lights from Central Maine Power, Auburn will be responsible for the maintenance cost of the new LED lighting system.

(2) Estimated maintenance cost includes only the warranty maintenance cost of the fixtures and photocells.



3. PROJECT FINANCING

The cash flows associated with implementing energy efficiency projects create unique opportunities for alternative financing structures. Auburn may wish to consider one of the options presented below for this project. RealTerm Energy can assist the City in procuring its preferred source of financing:

1. Tax Exempt Lease-Purchase Agreements (TELP)
2. Design, Upgrade, Transfer (DUT) Option

3.1. Tax Exempt Lease-Purchase Agreements (TELP)

Numerous municipalities have opted for TELP for their LED upgrades. RealTerm Energy possesses extensive experience in structuring this financing option.

Advantages of TELP

- No creation of debt
- Typically, no voter approval needed
- Conservation of working capital
- Building of Equity
- Full ownership
- Flexibility, convenience and cost-effectiveness

Several other important factors to consider:

- Provides effective solutions during revenue shortfalls and other unexpected situations
- Enables the prompt acquisition of modern equipment and technology upgrades, and continues to provide quality public services
- Appropriates annually
- Ties to the useful life of the equipment
- Allows for the lowering of cost to administer a lease versus a bond

3.2. Design, Upgrade, and Transfer (DUT)

The Capital Purchase, or Design, Upgrade and Transfer (DUT) option provides the same services as in the other options but is self-financed through reserves, levies, or some other local source. In this option, the City provides its own financing, and purchases from RealTerm Energy a fully-designed and upgraded system, with ownership being transferred immediately upon final payment.

Advantages of DUT

- RealTerm Energy delivers a full turn-key program to manage the entire project, including design, procurement, installation and final commissioning
- Easy to administer, no need for third-party involvement unless desired
- Turnkey services greatly minimize staff time over the life of the project
- No creation of debt
- Able to enjoy 100% of the savings from project completion

4. PROJECT COSTS AND PAYBACK PERIOD

PROJECT COSTS	
Number of Fixtures	1,253
Total RTE Project Cost (excluding Acquisition Costs)	\$586,911
Estimated Acquisition Cost	\$187,950
Total Project Cost (including acquisition cost)	\$774,861
RTE Price per Fixture	\$468.40
Estimated Acquisition Cost per Fixture	\$150.00
Total Price per Fixture (including Acquisition Costs)	\$618.40

4.1. Investment Return

The payback period of the project, including acquisition cost but excluding any financing costs is **3.9 years**. The following table shows an example of financing based on a representative interest rate (3%):

CAPITAL COST	TERM (YEARS)	INTEREST RATE	ANNUAL PAYMENT	COST OF BORROWING
\$774,861	10	3.00%	\$89,706	\$122,196
\$774,861	15	3.00%	\$64,129	\$187,082

Annual Savings over 10-year Period for a 10-year loan period with 3% interest rate

Year	1	2	3	4	5	6	7	8	9	10
Annual Savings	\$189,547	\$195,334	\$201,296	\$207,439	\$213,769	\$220,291	\$227,010	\$233,933	\$241,066	\$248,416
Loan Repayment	\$89,706	\$89,706	\$89,706	\$89,706	\$89,706	\$89,706	\$89,706	\$89,706	\$89,706	\$89,706
Annual Net Savings	\$99,841	\$105,628	\$111,590	\$117,733	\$124,063	\$130,585	\$137,304	\$144,227	\$151,360	\$158,710
Cumulative Net Savings	\$99,841	\$205,470	\$317,060	\$434,793	\$558,857	\$689,442	\$826,747	\$970,974	\$1,122,334	\$1,281,045

4.2. Calculation Assumptions

1. The electricity cost savings were calculated based on Central Maine Power current rates valid at the date of the preparation of this Proposal. The annual energy savings of the new LED street lighting system were calculated based on the data provided by the City. Any modifications in the data outlined in section 2.1 of this proposal report will change the energy consumption and cost savings. The annual streetlight system operating hours were obtained from Central Maine Power's current tariff structure.
2. The Total project cost includes the following costs:
 - Refusing Each new LED fixture to include a new fuse
 - Fuse Holder Replacement 100% of Inventory to require a new fuse holder
 - Disposal Included at no additional cost
 - Arm Replacement 2% of the davit arms
 - Quality Control 2% fixtures to undergo installation quality control

RealTerm Energy includes each of these elements because, based upon our extensive experience over a wide range of infrastructure conditions, we know that they are required to do the job properly. While it is not uncommon in the industry to see attractive looking proposals with lower-cost fixtures and workmanship, often there is no provision for refusing or required arm replacements. While appearing lower in price, many in the industry rely upon change orders to both complete the job and make their margins. At RealTerm Energy, we work extensively at the outset to properly assess costs and establish work standards that eliminate, as much as possible, the need for change orders, thereby reducing the need to return to Council to request additional funds to complete the project.

Therefore, we provide transparent and realistic allowances for all cost centers as part of our proposals, upon which staff reports to Council are based. In the event that we spend less than the provisions which have been allocated, you will receive a credit for the work that was not required.

3. The total project cost does not include any of the following costs:
 - Secondary Connection Refresh
 - Modification of fixture mounting
 - Relocation of fixture
 - The replacement of the fixtures near high tension located in the restricted zone
 - Any potential connection or disconnect fees by the Central Maine Power
 - Any applicable Sales Tax
4. The specified fixtures have a 10-year warranty and include Long Life Photo controls with a warranty of the same length. Specified LED fixtures come with Dimmable Drivers and 7-pin NEMA Photocell Receptacle.
5. The energy and costs savings have been calculated assuming that the current lighting inventory baseline is being billed by Central Maine Power based on Rate SL-Full Service Lighting. The proposed LED energy costs have been calculated assuming that the new LEDs will be billed under the Delivery Only Service lighting where your municipality will own and maintain the street lights. Special facility charges have not been factored into the energy and cost savings.

4.3. Opportunity Cost

Sometimes postponing the decision to buy something today is rewarded by a lower price tomorrow. While on the surface this is sometimes true, we have to examine the dollar value of any anticipated cost savings versus the lost energy and maintenance savings from postponing the project. Energy experts and our LED production partners have determined that the major price reductions and efficiency advances that we've seen in the past 5 years in LED manufacturing are not likely to be seen again.

With LED streetlights, postponing doesn't just mean waiting, it also means continuing to operate the existing inefficient system and missing out on material energy and maintenance savings while waiting for the prices to drop. In other words, if you're waiting, you're wasting energy and money. For example, even in the unlikely event of a 10% price reduction as shown in the table below, there is still a net loss for those who decide to wait:

OPPORTUNITY COST	
Foregone Energy/Maintenance Savings (1 Year)	\$189,547
LED Luminaire Cost (today)	\$237,267
Projected Price Reduction (10%)	-\$23,727
Opportunity Cost of Waiting (12 months)	\$165,821

As you can see, postponing a decision to upgrade, costs the City each year in foregone savings and wasted money spent on maintaining an inefficient and costly system.

5. APPROACH

RealTerm Energy uses a proven six-step approach. Each of these steps is fundamental to achieving the most efficient LED conversion with the highest degree of energy savings and the greatest assurance of safe light levels. We tailor our work to the context and needs of your City, relying on the input of your knowledgeable municipal staff.



1. GIS Inventory	2. Photometric Design	3. Investment Grade Audit Report
<ul style="list-style-type: none"> Conduct comprehensive geospatial streetlight inventory Identify any discrepancies in previous streetlight inventory Develop accurate base for an interactive, geospatial streetlight map 	<ul style="list-style-type: none"> Create robust photometric designs based on updated streetlight inventory and selected LED luminaires Maximize energy savings and roadway / pedestrian safety while minimizing glare 	<ul style="list-style-type: none"> Complete analysis of your current streetlight infrastructure's performance Comparison of the City's current energy consumption with the post-conversion LED system



4. Fixture Procurement	5. Fixture Installation	6. Project Close-Out
<ul style="list-style-type: none"> Negotiations with vendors aimed at securing best value prices Complete all administrative and logistical tasks relating to the procurement of all products and labor 	<ul style="list-style-type: none"> Complete installation of new LED street lights Real-time installation tracking Recycling / safe disposal of old fixtures Community outreach 	<ul style="list-style-type: none"> Transfer of commissioning binder Finalize incentive and/or rebate application(s) Assist with utility billing changes Transfer of finalized geospatial streetlight map

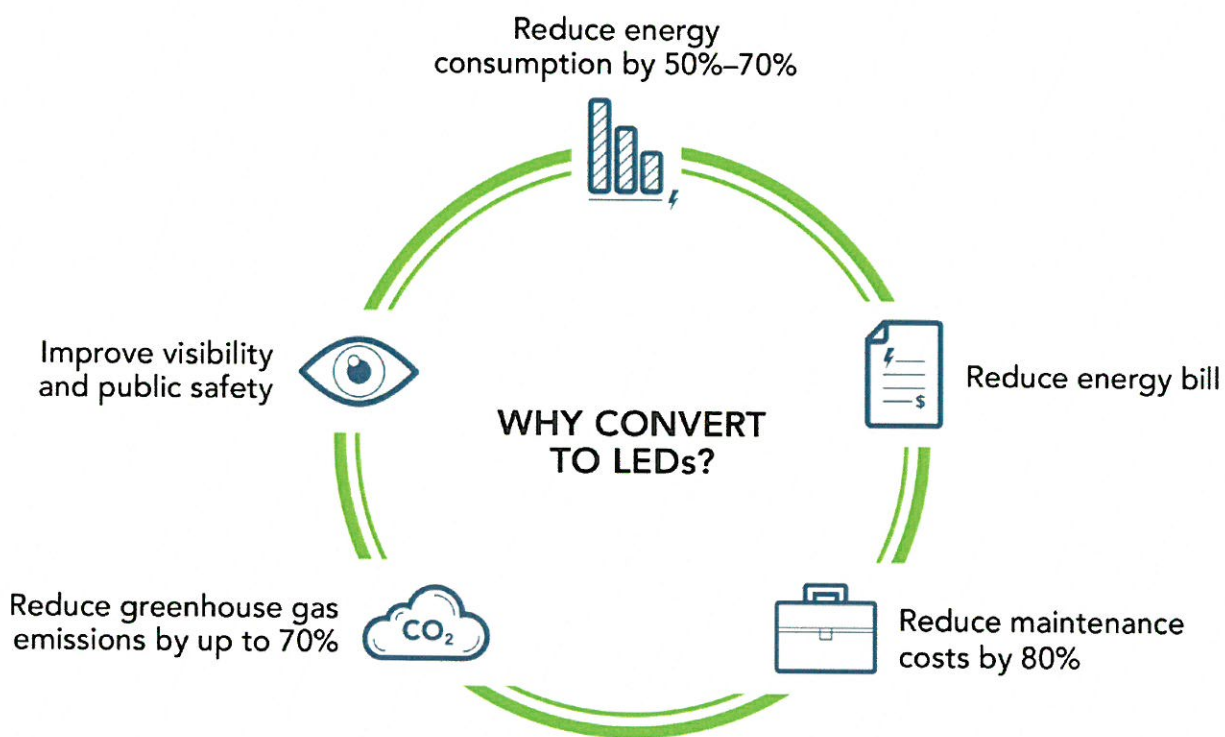
Project Management Experience

RealTerm Energy's conversion projects have ranged from 13 fixtures to over 12,000 fixtures in urban, suburban and rural municipalities. Our project management team has demonstrated its ability to effectively manage and complete numerous turn-key LED conversion projects simultaneously for multiple municipalities in wide-spread locations. We adapt our approach to each municipalities' unique needs and streetlight infrastructure requirements, standards and legislation. During a recent quarter, our project management team was overseeing 64 installation subcontractors on 35 separate projects. All projects were completed on time and within budget.

Single Point of Contact (SPOC) Management

We will assign a project manager as the single point of contact for the duration of the project. This enhances overall efficiency and increases project transparency. Our team recommends that the City also assign a SPOC as this will provide a clear management structure to communicate all project information.

RealTerm Energy Can Help You:





5.1. GIS Inventory Survey

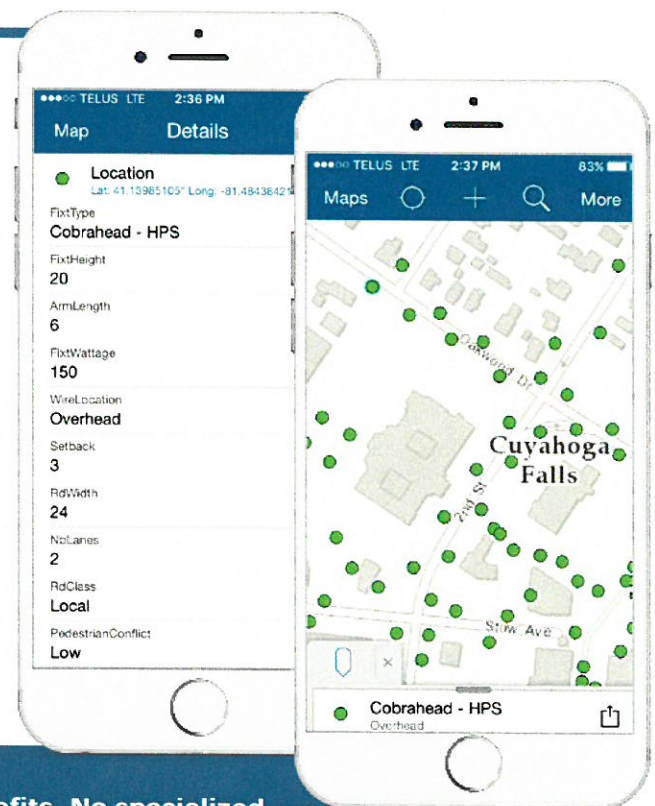
The GIS inventory is a critical component of our approach. Our project team collects all the baseline geospatial streetlight data required to develop a comprehensive photometric design plan of your new LED street lighting network.

Your staff will find that asset management is now easy. They will be able to identify each individual light in the system and view its history and characteristics.

RealTerm Energy uses a customized ESRI application to capture and record detailed street light data and measurements.

The GIS-based application records and verifies the following characteristics:

- Exact pole location (longitude, latitude)
- Unique ID number
- Fixture type, wattage and mounting height
- Pole setback from edge of pavement
- Arm length
- Pole material (steel, aluminum, wood)
- Pole ownership
- Connection location (overhead or ground)
- Road classification and pedestrian activity
- Decorative data (pole color, photocell)
- Street name



Our mobile street lighting app offers significant benefits. No specialized equipment or expensive software licenses are required for the Town's authorized users to access the survey data online and all data can be easily exported to MS-Excel.

Access the link below to view a work product sample of RealTerm Energy's street light map:

<http://arcg.is/2dzu9SA>

Our team delivers the most efficient design methodology to achieve standardized designs that meet the RP-8-2014 guidelines wherever possible, thereby reducing the number of over- or under-lit roadways. While every effort is made to use RP-8-14 in all instances, concerns specific to the Village will be addressed by the design team (such as adding or reducing light levels where desired by the Village). Unique regional characteristics such as neighborhoods, schools, hospitals and areas with higher levels of street crime, accidents and/or vehicle-bicycle-pedestrian conflicts, are taken into account.



5.3. Investment Grade Audit Report

The Investment Grade Audit (IGA) report will provide the City with 1) a complete analysis of your current streetlight infrastructure's performance and 2) a comparison of the status quo energy consumption with the post-conversion LED system, using highly accurate data from the custom photometric designs.

This bankable report is based on precise, fixture-by-fixture inventory and design, and provides the optimal fixture types, wattages, light distributions and quantities for approval by the City and for procurement. It is easily understood and acts as a helpful tool for communicating the advantages of the LED conversion to non-expert decision-makers, stakeholders and community members.



5.4. Procurement

RealTerm Energy will carry out the procurement of all the necessary equipment and installation services.

Selection of LED Supplier(s)

RealTerm Energy will use a competitive bidding process, involving non-proprietary performance specifications describing relevant photometric, electrical, physical, and durability characteristics of the luminaires, to select a luminaire supplier(s). The City will be requested to review and approve the luminaires based on the RealTerm's recommendation and on the specifications required by the City.

The RealTerm Energy team has directly handled the procurement of approximately 150,000 streetlight fixtures in the last 3 years working with the major LED streetlight manufacturers.

Municipalities we've worked with know that we will only design LED streetlight systems using products from reputable manufacturers. These manufacturers must be financially solid, certified, proven and supply the highest quality luminaires accompanied by appropriate warranties. Various fixture characteristics are reviewed during the selection process such as color temperature, color rendition index, distribution pattern, efficacy, etc., and the impacts of each.

Selection of Installation Contractor

RealTerm Energy will work with the MUNISHORT to develop detailed installation specifications and through a competitive procurement process, to engage a firm, authorized by the electric utility, to install the light fixtures.

Our experience gained from preparing 160+ Installation Quote Requests (IQRs) will ensure a proper tender for installation services is developed in collaboration with the City and any other relevant stakeholders. Our team has learned that a more detailed and clear quote request will eliminate delays during the construction phase and will establish a better working relationship with the selected contractor as the project progresses.



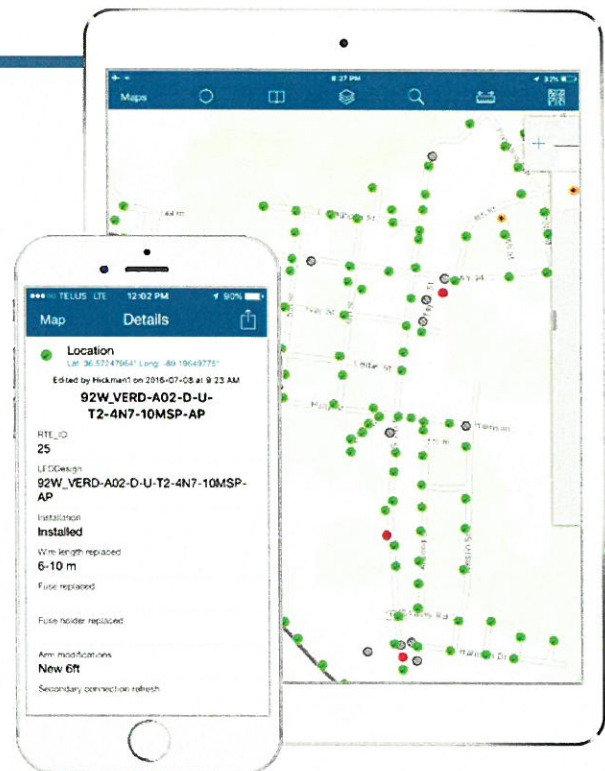
5.5. Installation

Oversight of Installation

Our project manager and field installation supervisor outline installation protocol and provide all necessary training for each team of installers. This ensures that all work is done to the highest standards and is fully documented. Procedures are worked out in advance to ensure a safe working environment and to establish guidelines for handling exceptions and reporting problems.

All installation personnel will use RealTerm Energy's customized GIS streetlight app, which builds on the GIS survey and design data. Use of this app is extremely important as it tells the installation crew what LED luminaire to install at each individual location and confirms what has been installed and removed. Team members and any municipal stakeholders can review project progress in real-time.

The installation team can also use the app to view and/or record any streetlight infrastructure that requires a return trip for unexpected repairs and/or new wiring.



Installation Protocols

Our field-tested highly efficient installation protocols:

- Minimize disruption to traffic, pedestrians and residents
- Minimize the installation timeline
- Maximize safety standards
- Maximize installation crew efficiency

We Think Local

Our goal is to identify and contract with qualified local electrical contractors for the conversion of your streetlights. We train them in best practices and the use of the latest technology which we provide. This technology allows them to know exactly which streetlight to install in each location and provides detailed documentation to the City that the correct equipment was installed.

Media and Community Outreach

Our Marketing team provides the City with resources for media and community outreach such as press releases, frequently asked questions, and white papers on key topics. RealTerm Energy staff are also available for open houses, council meetings, and other community outreach events.

Quality Control and Spot-Checks

Quality control verifications are initiated as soon as the installation begins to verify that all standards are being met. We ensure that fixtures are mounted level, that all connections are secure, and that proper safety equipment is in place both for the workers as well as the site. We remain in constant communication with the City's staff and respond to any issues raised by community members throughout the installation process.

Billing Changes

The tremendous benefit of your energy savings won't be realized until the energy bills from your utility are adjusted to reflect the new lower kW consumption of the new LED street lights.

Revised billing usually begins the very next billing cycle after installation is completed. Our proven experience with over 40 utilities to date reveals that billing changes have never been refused nor delayed due to our accurate data and efficient procedures.

Environmental Management Plan (EMP)

RealTerm Energy will develop an Environmental Management Plan (EMP) together with the installation contractors to respect the requirements for identifying, handling, storing, and shipping of fixtures, and of the hazardous materials resulting from the removal and recycling of the existing luminaires. Our team will maintain organized disposal records for reference as needed.



5.6: Closeout

Upon completion of the contract, RealTerm Energy transfers a Commissioning Binder (on paper and on a USB key) to the City. This ensures that you and your team have all the necessary and complete information going forward. This will include but is not limited to:

Closing and Contractor letters	Disposal approvals
Luminaire and photocell warranties	Lighting designs
Cost outline	Customer Care information
All collected metadata on the street lights and their LED replacements	Final installed mapping (ESRI, KMZ and Excel Spreadsheet Format)
Insurance	Emergency contact details of our key staff
Final incentive and/or rebate application documentation	Billing change confirmation from the utility

6. CONCLUSION AND NEXT STEPS

We are available to meet with municipal staff either in person or by video conference to review this proposal, answer any questions you may have, and gain a better understanding of your lighting needs and objectives.

The next steps for implementing this new technology and seeing energy and maintenance savings are as follows:

1. **Recommendation from Staff to Council to proceed** (RealTerm Energy Personnel are available to make a presentation to Council on the contents of this proposal)
2. Letter of Intent (LOI)
3. RealTerm Energy commences our Investment Grade Audit of your Streetlight network
4. Data Collection (GIS/GPS mapping and physical parameters)
5. Review of Energy and Maintenance Records
6. Photometric Analysis and Detailed Lighting Designs
7. Final Fixture Selection
8. Economic Models and Savings Forecasts
9. Preparation of Project Financing
10. Final Costing and Timetable for Completion
11. Presentation of Findings to Staff/Council
12. Approval by Council (if required)

7. VALUE ADDED SERVICES

Troy and Banks Smart Solutions – Forensic Audit

One of Troy & Banks' core specialties is its forensic audit of municipal street lighting, aimed at identifying errors in utility rates, tariffs and service options. Troy & Banks has recovered over \$500 million for its clients and has performed over 10,000 utility audits in all 50 states.

Troy and Banks is offering their contingency-based forensic audit on your utility bills. All fees are paid from the refund or reduction in the costs charged to the municipality. The municipality only pays if they receive a refund or savings.

Some of its street light audit clients and their savings include: Town of Cheektowaga, NY - \$300,000, Town of Dewitt, NY – \$261,000, City of Buford, GA - \$76,000, Village of Royal Palm Beach, FL - \$21,000, and City of Virginia Beach, VA - \$16,000.

City of Buffalo

The City of Buffalo issued an RFP bid for streetlight consulting services, which was subsequently awarded to Troy & Banks.

Over the course of the street light portion of the audit, Troy & Banks found that the City of Buffalo was being charged for 3,500 luminaires that did not exist. The disparity was a data entry error of the part of the city's electricity provider, National Grid, which resulted in **\$1.1 million** in overcharges.

8. COMPANY PROFILE

8.1. RealTerm Energy

RealTerm Energy is an international leader in providing energy-efficient turnkey LED street lighting conversions for cities. Over 175 municipalities have selected RealTerm Energy for such projects over the past three years.

Our group of 40 full-time employees is dedicated exclusively to designing and executing high-quality and cost-effective LED street light conversions for cities. We have complete GIS, lighting design, project management, implementation, government relations, and client services departments.

Cities we've worked with quickly recognize that RealTerm Energy lives and breathes its business. Our team's innovative technical and operational processes ensure we accomplish what we set out to do – in short, what we promise at the onset of a project. This approach results in municipalities finding we are tenacious when it comes to making things right. Should any issues arise during or post a project, we'll all work together until they're resolved.

RealTerm Energy's solid expertise with similar conversions enables us to provide the scope of services you are seeking. Our combined teams are equipped with the resources they need, and the on-the-ground experience, to complete this project on time and on budget for the City.

"The LED streetlight conversion project went very smoothly. RealTerm Energy developed an installation protocol that allowed them to work rapidly, while doing the job right. The RealTerm team converted 10,622 High Pressure Sodium lights to LED in three months (57 working days). We had very few complaints on any aspect of the project, especially considering this change impacted virtually every resident in Barrie."

Barry Thompson, Manager of
Energy Management
City of Barrie, ON

Realterm (Parent Company)

Founded in 1991, Realterm is a privately-held international on-airport real estate operator and leader in infrastructure and logistics strategies, with installations in North America, Europe, and Asia. Since its inception, Realterm has grown steadily, currently managing over \$3 billion in assets. RealTerm Energy, established in 2013, is the division of Realterm that was created to deliver best-in-class technological, managerial and financial solutions for efficient energy-related projects to municipalities and public authorities.

APPENDIX A: LUMINAIRE SPEC SHEETS

Please refer to the zip file attached in our email to access the Luminaire Specification Sheets.

DISCLAIMER

This confidential Proposal is being provided to the City of Auburn for the sole purpose of demonstrating various options for the City to consider in designing and upgrading its street lighting network to LED technology, (the "Project") including evaluating a possible shared energy savings partnership, and is not to be used for any other purpose or made available to any other party without the prior written consent of RealTerm Energy.

This Proposal contains select information about the Project and the LED Street Lighting market, but does not contain all of the information necessary to evaluate the exact energy savings potential of the Project. The financial projections contained herein (or in any other Evaluation Material, including any computer diskettes) are for general reference only. They are based on assumptions relating to the overall market and historical data, among other factors. Accordingly, actual results may vary materially from such projections.

While the information contained in this Proposal and any other Evaluation Material is believed to be reliable, RealTerm Energy cannot guarantee its accuracy or completeness. Prospective clients or other parties authorized by the prospective client to use such material solely to facilitate the prospective client's investigation are advised to make their own independent investigations, projections and conclusions regarding the energy savings of the Project without reliance on this Proposal or any other Evaluation Material. Although additional Evaluation Material, which may include engineering, system design or other reports, may be provided to qualified parties as the evaluation period proceeds, prospective clients should seek advice from their own attorneys, accountants, engineers and street lighting experts.

RealTerm Energy expressly reserves the right, at its sole discretion, to reject any offer to partner or to terminate any negotiations with any party at any time upon written notice to the client. RealTerm Energy shall have no legal commitments or obligations to any prospective client unless and until a written term sheet has been fully executed, delivered and approved by RealTerm Energy.

This Proposal is the property of RealTerm Energy and may be used only by parties approved by RealTerm Energy.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 6, 2017

Author: Dan Goyette

Subject: Land donation – 25 Dell Court

Information: Daniel Theberge, owner of 25 Dell Court, has deeded the property to the City. For the transfer to occur, the City would need to accept the deed. The property is assessed at \$3,600. It does not have any built road frontage and the high costs associated with developing the lot have made it virtually worthless. In benefit to the City, the City snow dump melt does pass through this lot and would allow the City to own the land that the melt drains thru. There is a small portion of the lot that is at a higher elevation that a neighbor currently maintains. The neighbor has expressed interest in purchasing that small portion of the lot. The City may be able to sell this portion to help defray the loss in tax revenue.

City Budgetary Impacts: Loss of tax revenue in the amount of \$82.76

Staff Recommended Action: Accept the deed.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Peter J. Cudde

Attachments: Deed, Property maps.

25 Dell Ct



0 50 Feet

25 Dell Ct



RELEASE DEED

Daniel E. Theberge, of Jensen Beach, Florida, for consideration paid, **RELEASES** to the **City of Auburn, Maine**, the land in Auburn, County of Androscoggin, and State of Maine. bounded and described as follows:


Land in Auburn and being the unnumbered lot on an Amended Plan of E. F. Abbott dated Jun 4, 1938 made by George H. Barron and recorded in the Androscoggin County Registry of Deeds, Book of Plans, Volume 2, Page 311 and being bounded on the southeast by lots 22, 23 and 24 on said plan on the southwest by lot 28 on said plan, northwest by unlotted land and northeast by unlotted land and the end of Dell Court.

Meaning and intending to convey the same property conveyed to Grantor by Patricia S. Ray by Quit Claim Deed With Covenant dated April 26, 2002 and recorded April 30, 2002 in the Androscoggin County Registry of Deeds in Book 4978, Page 192.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on this 23 day of December, 2016.



Witness



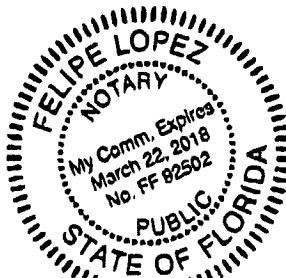
Daniel E. Theberge

STATE OF FLORIDA

Maria, SS.

December 23, 2016

Then personally appeared the above-named **Daniel E. Theberge**, and acknowledged the foregoing instrument to be his free act and deed.



Before me



Notary Public/Attorney at Law

Print Name:

My commission expires:



**MAINE REVENUE SERVICES
REAL ESTATE TRANSFER TAX
DECLARATION**
TITLE 36, M.R.S.A. SECTIONS §§4641-4641N

1. County

ANDROSCOGGIN

2. Municipality/Township

AUBURN

3. GRANTEE/
PURCHASER3a) Name LAST or BUSINESS, FIRST, MI
CITY OF AUBURN

3c) Name, LAST or BUSINESS, FIRST, MI

3e) Mailing Address
60 COURT STREET3f) City
AUBURN

BOOK/PAGE—REGISTRY USE ONLY

3b) SSN or Federal ID

01-6000018

3d) SSN or Federal ID

3g) State

ME

3h) Zip Code

04210

4. GRANTOR/
SELLER4a) Name, LAST or BUSINESS, FIRST, MI
THEBERGE, DANIEL E.

4c) Name, LAST or BUSINESS, FIRST, MI

4e) Mailing Address
3792 NE OCEAN BLVD., 307S4f) City
JENSEN BEACH

4b) SSN or Federal ID

006-46-0520

4d) SSN or Federal ID

4g) State

FL

4h) Zip Code

34957

5. PROPERTY

5a) Map

230

Block

Lot

40

Sub-Lot

5b) Type of property—Enter the code number that best describes the property being sold. (See Instructions) —>

Check any that apply:

No tax maps exist

5d) Acreage

Multiple parcels

Portion of parcel

5c) Physical Location

25 DELL COURT

6. TRANSFERTAX

6a) Purchase Price (If the transfer is a gift, enter "0")

6a

0.00

6b) Fair Market Value (enter a value only if you entered "0" in 6a) or
If 6a) was of nominal value)

6b

3700.00

6c) Exemption claim - ☒ Check the box if either grantor or grantee is claiming exemption from transfer tax and explain.

Grantee is a city municipality exempt from tax

7. DATE OF TRANSFER (MM-DD-YYYY)

8. WARNING TO BUYER—If the property is classified as Farmland, Open Space, Tree Growth, or Working Water-front a substantial financial penalty could be triggered by development, subdivision, partition or change in use.

MONTH DAY YEAR

CLASSIFIED

9. SPECIAL CIRCUMSTANCES—Were there any special circumstances in the transfer which suggest that the price paid was either more or less than its fair market value? If yes, check the box and explain:

10. INCOME TAX WITHHELD—Buyer(s) not required to withhold Maine income tax because:

Seller has qualified as a Maine resident

A waiver has been received from the State Tax Assessor

☒ Consideration for the property is less than \$50,000

Foreclosure Sale

11. OATH

Aware of penalties as set forth by Title 36 §4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete. Grantee(s) and Grantor(s) or their authorized agent(s) are required to sign below:

Grantee _____ Date _____ Grantor Daniel E. Theberge Date 12/23/2016

Grantee _____ Date _____ Grantor _____ Date _____

12. PREPARER

Name of Preparer Isaacson & Raymond, PA

Phone Number (207) 795-5000

Mailing Address PO Box 891, Lewiston, ME 04243-0891

E-Mail Address isaacsonraymond.com

Fax Number



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: November 6, 2017

Subject: Executive Session

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

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

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

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

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

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

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

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

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

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

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

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



**City of Auburn
City Council Information Sheet**

Council Meeting Date: November 6, 2017

Order: 99-11062017

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

Subject: Confirm Chief Crowell's appointment of John Banville as Constable without firearm for the Auburn Police Department.

Information: Chief of Police Crowell requests that the Auburn City Council appoint civilian city employee John Banville to serve documents in the City of Auburn as a Constable without firearm.

City Budgetary Impacts: None

Staff Recommended Action: Vote to confirm Chief Crowell's appointment of John Banville as a Constable without firearm for the Auburn Police Department.

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. Crowell", written over a horizontal line.

Attachments:

- Memo from Chief Crowell



Auburn Police Department

Phillip L. Crowell, Jr. | Chief of Police

Jason D. Moen | Deputy Chief of Police

www.AuburnPD.com | 207.333.6650

60 Court Street | Auburn, Maine 04210

MEMORANDUM

Date: October 23, 2017

To: Honorable Mayor Jonathan LaBonte and Members of the City Council

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

RE: CONSTABLE 2017

We request the following named person be appointed to serve documents as Constable on behalf of the Auburn Police Department for 2017:

John Banville

Civil Process Only

Without Firearm

Appointment

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

ORDER 99-11062017

ORDERED, that the City Council hereby appoint the following named person to serve documents as a Constable on behalf of the Auburn Police Department for 2017:

John Banville

Civil Process Only

Without Firearm

Appointment



**City of Auburn
City Council Information Sheet**

Council Meeting Date: November 6, 2017

Order: 100-11062017

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

Subject: Transfer of Forfeiture Assets – Dennis Roman

Information: In June 2017, MDEA agents with the assistance of uniformed Auburn Police officers executed a search warrant at a residence on Bearce St. in the City of Auburn. As a result, a male from New York and a female from the Lewiston Auburn area were arrested on multiple charges. The male subject had \$1,940.00 in U.S. Currency on his person which was seized for forfeiture as suspected proceeds from the illegal sale and distribution of drugs.

City Budgetary Impacts: The State of Maine, Office of the Attorney General, seeks to transfer \$1,940.00 U.S. Currency to the Auburn Police Department.

Staff Recommended Action: Vote to accept the transfer of \$1,940.00.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: _____

A handwritten signature in blue ink, appearing to read "Peter J. Cusick", is written over a horizontal line.

Attachments:

- Memo to City Manager



Auburn Police Department

Phillip L. Crowell, Jr. | Chief of Police

Jason D. Moen | Deputy Chief of Police

www.AuburnPD.com | 207.333.6650

60 Court Street | Auburn, Maine 04210

MEMORANDUM

Date: October 6, 2017
To: Peter Crichton, City Manager
From: Phillip L. Crowell, Jr., Chief of Police

RE: FORFEITURE ASSETS – DENNIS ROMAN

In June 2017, MDEA agents with the assistance of uniformed Auburn Police officers executed a search warrant at a residence on Bearce St. in the City of Auburn. As a result, a male from New York and a female from the Lewiston Auburn area were arrested on multiple charges. The male subject had \$1,940.00 in U.S. Currency on his person which was seized for forfeiture as suspected proceeds from the illegal sale and distribution of drugs.

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

ORDER 100-11062017

ORDERED, that the City Council hereby accepts the transfer of \$1,940.00 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-17-1847 Dennis Roman).



**City of Auburn
City Council Information Sheet**

Council Meeting Date: November 6, 2017

Order: 101-11062017

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

Subject: Transfer of Forfeiture Asset – Cain Robertson

Information: In June 2017, MDEA agents went to a Pine St. residence in the City of Lewiston for the purpose of executing an arrest warrant. Upon executing the arrest warrant, agents established probable cause to apply for a search warrant of the residence. Subsequent to the search of the residence, \$3,295.00 in U.S. Currency was seized as suspected proceeds from the illegal sale and distribution of drugs. Of that money \$1,087.35 or 33% is to be allotted to the Auburn Police Department due to their involvement with having an Auburn officer assigned to MDEA.

City Budgetary Impacts: The State of Maine, Office of the Attorney General, seeks to transfer \$3,295.00 in Rem (\$1,087.35 in U.S. Currency) to the Auburn Police Department.

Staff Recommended Action: Vote to accept the transfer of \$3,295.00 in Rem (\$1,087.35 in U.S. Currency).

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Peter J. Carlton

Attachments:

- Memo to City Manager



Auburn Police Department

Phillip L. Crowell, Jr. | Chief of Police

Jason D. Moen | Deputy Chief of Police

www.AuburnPD.com | 207.333.6650

60 Court Street | Auburn, Maine 04210

MEMORANDUM

Date: October 11, 2017
To: Peter Crichton, City Manager
From: Phillip L. Crowell, Jr., Chief of Police

RE: FORFEITURE ASSET – CAIN ROBERTSON

In June 2017, MDEA agents went to a Pine St. residence in the City of Lewiston for the purpose of executing an arrest warrant. Upon executing the arrest warrant, agents established probable cause to apply for a search warrant of the residence. Subsequent to the search of the residence, \$3,295.00 in U.S. Currency was seized as suspected proceeds from the illegal sale and distribution of drugs. Of that money \$1,087.35 or 33% is to be allotted to the Auburn Police Department due to their involvement with having an Auburn officer assigned to MDEA.

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

ORDER 101-11062017

ORDERED, that the City Council hereby accepts the transfer of \$3,295.00 forfeiture assets in Rem (\$1,087.35 in U.S. Currency) to the Auburn Police Department (Unified Criminal Court Docket No. CR-17-1660 Cain Robertson).



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 11-06-2017

Order: 102-11062017

Author: Sue Clements-Dallaire, City Clerk

Subject: Temporary Sign Request – Auburn Ski Association

Information: The Auburn Ski Association is holding their annual ski swap on Sunday November 12, 2017. They are seeking permission to place a temporary sign advertising the event. More details are provided in the attached letter.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends approval of the request.

Previous Meetings and History: This is a yearly event.

City Manager Comments:

I concur with the recommendation. Signature: _____

A handwritten signature in blue ink, appearing to read "Peter J. Cusack", is written over a horizontal line.

Attachments:

Letter of request

Order

City of Auburn Me

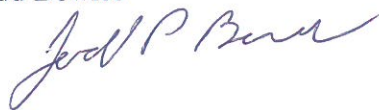
October 31, 2017

Dear Mayor and Council

The Auburn Ski Association (ASA) will be holding their annual Ski Swap on Sunday November 12th, 9:00-2:00 p.m. at the Auburn Middle School Cafeteria and Gym. We would like permission to place a sign to inform the public of this annual event in the following location. The public location is at the intersection of Turner Street and Lake Auburn Avenue below Starbucks. The sign is the same size (4'x8') and construction (plywood painted white with the date, time and location of the event some have a graphic of a skier) that we have been using for over a decade.

The Auburn Ski Association is a non-profit organization that promotes skiing and snowboarding in the Auburn area. The organization helps fund the Edward Little High School and the Auburn Middle School alpine and Nordic ski programs, as well as the Snow-Mad Freestyle program, Lost Valley Ski Racing Club and Special Olympics skiing. ASA awards college scholarships each year to a male and female graduating from Edward Little High School and helps athletes who need financial support to pursue skiing (i.e., US Ski Team) by granting them funds for equipment, training and associated travel costs. Also, ASA collaborates with and supports the development of Nordic programs and trails in our city.

Jodd Bowles

A handwritten signature in dark ink, appearing to read "Jodd Bowles", written in a cursive style.

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

ORDER 102-11062017

ORDERED, that City Council hereby approves the Auburn Ski Association request for a temporary sign for their Annual Ski Swap which will be held on Sunday, November 12th, 2017. The sign will be placed at the intersection of Turner Street and Lake Auburn Avenue below Starbucks.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 6, 2017

Order: 103-11062017

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Wardens and Ward Clerks for the November 6, 2017 Election

Information:

Warden and Ward Clerk Appointments are made every two years. Appointments were made in January of 2016 for the 2016-2017 term, however there were several positions that were either not filled or vacated. The City Clerk has nominated the following Wardens and Ward Clerks to fill those vacant positions for the November 6, 2017 Election.

David Foster – Warden
Levi Gervais – Warden
Audrey Murphy - Warden

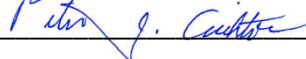
Lorraine Boilard - Ward Clerk
Steve Martelli - Ward Clerk
Paul Ouellette - Ward Clerk
Alice Dill - Ward Clerk

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Two year appointments were made 1/4/2016, however not all positions were filled and some are unable to work this election.

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments: Order

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

ORDER 103-11062017

ORDERED, that the City Council hereby appoints the following individuals as Wardens and Ward Clerks for the November 6, 2017 Election.

David Foster – Warden
Levi Gervais – Warden
Audrey Murphy - Warden

Lorraine Boilard - Ward Clerk
Steve Martelli - Ward Clerk
Paul Ouellette - Ward Clerk
Alice Dill - Ward Clerk

IN COUNCIL REGULAR MEETING OCTOBER 16, 2017 VOL. 35 PAGE 79

Mayor LaBonte 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.

I. Consent agenda

1. Order 91-10162017*

Accepting the grant that awarded by the Firehouse Subs Public Safety Foundation in the amount of \$16,150 for the purchase of a digital fire extinguisher training system.

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

Passage 7-0.

II. Minutes - October 2, 2017 Regular Council Meeting

Motion was made by Councilor Burns and seconded by Councilor Titus to accept the minutes of the October 2, 2017 Council meeting. Passage 7-0.

III. Communications, Presentations and Recognitions

- Proclamation and recognition – Extra Mile Day in Auburn, November 1, 2017
Jason Paquin (staff member), Kathy Shaw, James and Debbie Pare (Auburn residents) were all recognized for going the extra mile.
- Communications – Workforce Innovation and Opportunity Act (WIOA)

IV. Open Session – No one from the public spoke

V. Unfinished Business - None

VI. New Business

1. Order 92-10162017

Approving the Liquor License application for AMDAG LLC, DBA Kristi's Cafe, a new business, located at 767 Minot Avenue. Public hearing.

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

Public hearing – no one from the public spoke.

Passage 7-0.

2. Order 93-10162017

Approving the Staying Home Rental Assistance Program Guidelines.

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

Public comment – no one from the public spoke.

Passage 7-0.

3. Order 94-10162017

Authorizing the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the Maine Association of Police Command Unit covering 7/1/2017 through 6/30/2020. *Council may enter into executive session, pursuant to 1 M.R.S.A. §405(6)(D)*

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

Public comment – no one from the public spoke.

Passage 7-0.

4. Ordinance 11-10162017

Amending Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits, Appendices A, B, C, and D effective 10/01/2017 to 9/30/2018. Public hearing and first reading.

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

Public hearing – no one from the public spoke.

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

5. Ordinance 12-10162017

Amending the General Assistance Ordinance Chapter 24, Article II, Division 1, Sec. 24-21 (d) *Information from other sources*; and Chapter 24, Article II, Division 4, Sub division II, Sec. 24-161 (*) (h) *Determination of family members' ability to pay*. Public hearing and first reading.

Motion was made by Councilor Pross and seconded by Councilor Stone for passage.

Public hearing – no one from the public spoke.

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

6. Order 95-10162017

Authorizing Staff to proceed with the discontinuance of a section of the Troy Street Right of Way.

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

Public comment – no one from the public spoke.

Motion was made by Councilor Lee second by Councilor Burns to postpone this item to the 11/6/2017 Council meeting. Passage 6-1 (Councilor Walker opposed).

7. Order 96-10162017

Authorizing \$110,000 in HOME funds be reserved for the Troy Street workforce housing project.

Motion was made by Councilor Burns and seconded by Councilor Pross.

Public comment – no one from the public spoke.

Motion was made by Councilor Titus second by Councilor Lee to postpone this item to the 11/6/2017 Council meeting. Passage 4-3 (Councilors Walker, Young, and Burns opposed).

8. Order 97-10162017

Authorizing the City Manager to sign the Memorandum of Understanding between the City of Auburn and the Auburn Business Development Corporation.

Motion was made by Councilor Titus and seconded by Councilor Burns.

Motion was made by Councilor Stone second by Councilor Walker to postpone this item to the 11/6/2017 Council meeting. Passage 4-2-1 (Councilors Pross and Titus opposed, Councilor Lee abstained).

9. Order 98-10162017

Approving the renewal of the Auto Graveyard/Junkyard permit for Don's No Preference Towing, DBA Morris Auto Parts & Sales, located at 940 Washington St. N.

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

Public comment – Don St. Germaine, reported on the repairs made to the fence.

Passage 7-0.

VII. Reports

Mayor LaBonté – reported on the annual Walk and Bike to School Day, a meeting he attended at the Chamber of Commerce along with other organizations and developers to look at the opportunity in LA to look at a what is in Economic Development termed as a “Cluster” where industries have a strong presence and in this case, it was to look at the textile and shoe industries. He also reported on the Dempsey Challenge, he joined city staff at Auburn Manufacturing where Kathie Leonard, CEO was given a statewide award for manufacturing excellence, Safe Voices 40th Anniversary awards night, and closed by adding that this Wednesday is the first home game for Central Maine Community College, who are taking on the University of Maine Black bears at the Norway Savings Bank Arena.

Young – reported on the Dempsey Challenge and the Moses C. Hanscom re-dedication ceremony.

Pross – reported on a successful event that took place at Lost Valley over the weekend. He also reported that the Lewiston City Council approved funding for the history trail on their side of the River Walk.

Stone – reported on the passenger rail expansion study, the York toll plaza, and intercity bus service.

Councilor Titus – reported on the Dempsey Challenge, Androscoggin County Budget Committee meeting (regarding bus transport outside of the Lewiston and Auburn area), and noted that the Water and Sewer District meetings are coming up this week.

Councilor Lee – reported that there will be a Mayoral debate at Central Maine Community College on October 18, 2017 and he encouraged people to attend.

Walker – would like to ask Councilor Titus to find out how many miles of pipe have been laid (Auburn Water & Sewer Districts). He noted that on October 26th the Neighborhood Watch Meeting will be held at the Sixth Street Congregational Church, they are hoping Sheriff Sampson will attend. The United New Auburn Association meeting that is normally held on the last Tuesday of the month will be cancelled because it falls on Halloween. On Saturday, October 28th there will be a Halloween event in New Auburn and they are looking for volunteers to help the kids cross the streets. The event is to be held from 1:00 to 3:00 PM. He reminded residents that November 7th is Election Day and he encouraged people to come out to vote. Absentee ballots are available and if you haven't registered, please come in to register to vote.

Burns – reported that the Appointment Committee met today and made several nominations, however there are still many positions to fill. He noted that this was the last Appointment Committee meeting with this Council. He also reminded citizens about Election Day, absentee ballots are available and people can register to vote if they are not already registered. Last, he noted that this Friday, the undefeated Red Eddies will be playing against Lewiston High School in Lewiston.

Assistant City Manager Report – noted that it has been three months since she has been here, stating that she is impressed with the work of staff and department directors and Councilors. She provided an update on the waste management issues (complaints regarding emptying dumpsters before 7AM), she reported that the Auburn Public Library has an exhibit called "Marking Times" a Voyage about Vietnam. There will be a free open house at the Auburn Fire Department on Saturday, from 1:00 to 4:00 PM on October 21st, the Norway Savings Bank Arena will be hosting Hockey Night on Thursday, October 26th, on Friday, October 27th the Recreation Department will be hosting Fright Fest, and in closing, she said we are looking for the perfect Christmas tree to be installed in Festival Plaza which will be removed and transported at no cost. The tree will be illuminated on Saturday, Nov. 25th.

VIII. Open Session - No one from the public spoke.

IX. Executive Session

Executive session– economic development matter (Pan Am), pursuant to 1 M.R.S.A. 405 (6)(C).

Motion was made by Councilor Pross and seconded by Councilor Burns to enter into executive session pursuant to 1 M.R.S.A. 405 (6)(C). Passage 7-0, time 7:53 PM.

Council was declared out of Executive session at 8:12 PM.

Executive session – economic development matter (land acquisition – Second Street), pursuant to 1 M.R.S.A. 405 (6)(C).

Motion was made by Councilor Pross and seconded by Councilor Walker to enter into executive session pursuant to 1 M.R.S.A. 405 (6)(C). Passage 6-0-1 (Councilor Stone was not in the room for the vote), time 8:13 PM.

Council was declared out of executive session at 8:21 PM.

X. Adjournment

Motion was made by Councilor Burns and seconded by Councilor Young to adjourn. The Council unanimously approved. Time 8:22PM.

A TRUE COPY

ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 11/06/2017

Ordinance: 11-10162017

Author: Holli Olivier

Subject: Adoption of Appendices for General Assistance, Effective 10/01/2017 to 09/30/2018

Information: I'm seeking the approval of the new General Assistance Appendix A (the GA overall maximums), Appendix B (the food maximums), and Appendix C (Lewiston / Auburn MSA Rental Maximums) the housing accordance to Ordinance 24-23 in Chapter 24, and Appendix D (the Utilities / Electric Maximums). Once the appendices A - D are adopted, they will replace the FY 16-17 maximums for those appendices.

The maximums are established as a matter of State law based on certain federal and HUD fair market values. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22, M.R.S.A. §4305(4).

Advantages: By adopting the new appendices A - D the program will be in compliance for the 70% reimbursement from the State.

City Budgetary Impacts: The overall maximum (Appendix A) is an average increase of 9.25%. The food maximum (Appendix B) is an average decrease of -1.3%. The rental increase (Appendix C) is an average increase of 11% over last year's rates. The utilities maximum (Appendix D) is an average increase of 1.25%.

Staff Recommended Action: Approval of the increase / decrease to the General Assistance Appendices A - D as required by State statutes and ordinance.

Previous Meetings and History: This is a yearly approval needed by council when any changes are done to the appendices. Workshop held on 10/2/2017, public hearing and passage of first reading on 10/16/2017.

Acting City Manager Comments:

I concur with the recommendation. Signature: Peter J. Caulton

Attachments:

Appendix A, Overall Maximums
Appendix B, Food Maximums
Appendix C, Rental Maximums
Appendix D, Utilities / Electric Maximums
Adoption form for 17-18

GENERAL ASSISTANCE ORDINANCE

APPENDICES A-D

2017-2018

The Municipality of Auburn, Maine adopts the MMA Model Ordinance GA Appendices (A - D) for the period of Oct. 1, 2017—September 30, 2018. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) _____ (year)
by the municipal officers:

James Pross

(Signature)

Robert Stone

(Signature)

Andy Titus

(Signature)

Adam Lee

(Signature)

Leroy Walker

(Signature)

Grady R. Burns

(Signature)

David C. Young

(Signature)

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 11-10162017

Be it Ordained, that the City Council hereby amends Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits to incorporate the following maximum levels of assistance to be effective on and after October 1, 2017 through September 30, 2018, as follows:

Sec. 24-23. - Annual adjustment of maximum benefits.

- (a) Each year the Maine Municipal Association provides for the city ~~three~~ appendices providing maximum benefits applicable for the period beginning October 1 and ending September 30 as mandated by state law and based on certain federal values effective on October 1 of each year, as follows:
 - (1) Appendix A, a listing of overall maximum levels of general assistance relating to all Maine municipalities.
 - (2) Appendix B, a listing of maximum levels of assistance for food.
 - (3) Appendix C, a listing of maximum levels for heated and unheated housing.
 - (4) Appendix D, a listing of maximum levels for households with electrically heated hot water.
- (b) The portion of these annual appendices applicable to the city, as adopted each year by the city council, are made a part of this chapter as though fully set forth herein and a copy thereof is available in the office of the city clerk.

Editor's note— The appendices referred to in this section are not codified but are available in the office of the city clerk.

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

Appendix A – GA Overall Maximums

Effective 10/1/2017 – 9/30/2018

TOTAL NUMBER IN HOUSEHOLD:	1	2	3	4	5
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	641	726	915	1,169	1,397

Add \$75.00 for each additional person

Appendix B – Food Maximums

Effective 10/1/2017 – 9/30/2018

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2017, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	44.65	192
2	81.86	352
3	117.21	504
4	148.84	640
5	176.74	760
6	212.33	913
7	234.65	1,009
8	268.14	1,153

****Note: For each additional person, add \$144 per month.**

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

Appendix C – Rental Maximums

Effective 10/1/2017 – 9/30/2018

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	112	483	135	581
1	125	538	153	659
2	165	711	195	838
3	208	896	251	1,079
4	249	1,071	301	1,294

Appendix D – Utilities / Electric

Effective 10/1/2017 - 9/30/2018

Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses ***excluding*** heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 11/06/2017

Ordinance: 12-10162017

Author: Holli Olivier

Subject: General Assistance Ordinance changes. Effective 11/1/2017

Information: I'm seeking the approval of the new General Assistance Ordinance changes.

These amendments are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22, M.R.S.A. §4305(4).

By adopting the new changes, the program will be in compliance for the 70% reimbursement from the State. If we do not adopt the changes, the program will be penalized and lose the State reimbursement.

City Budgetary Impacts: The changes should help the City save on the burial fees that are paid by allowing a representative of General Assistance to follow up with relative's financial institutions and by making other family members responsible for payment.

Staff Recommended Action: Approval of the Ordinance changes as required by State statutes and ordinance.

Previous Meetings and History: Ordinance changes may occur every two years unless a law is passed in an emergency legislative session. However, they do not always occur on the every two-year schedule and several years have passed since the previous one. Approval is needed by council when any changes are done to the General Assistance Ordinance. Workshop held on 10/2/2017, public hearing and passage of first reading on 10/16/2017.

Acting City Manager Comments:

I concur with the recommendation. Signature: _____

A handwritten signature in blue ink, appearing to read "Peter J. Cuthbert", is written over a horizontal line.

Attachments:

Administrative Rules and Regulations Language changes.

GENERAL ASSISTANCE ORDINANCE

The Municipality of Auburn, Maine adopts the following General Assistance Ordinance. The Ordinance is filed with the Department of Health & Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) _____ (year)
by the municipal officers:

James Pross

(Signature)

Robert Stone

(Signature)

Andy Titus

(Signature)

Adam Lee

(Signature)

Leroy Walker

(Signature)

Grady R. Burns

(Signature)

David C. Young

(Signature)

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 12-10162017

Be it Ordained, that the City Council hereby amends Chapter 24, Article II, Division 1, Sec. 24-21 (d); *and* Chapter 24, Article II, Division 4, Sub division II, Sec. 24-161 (8)(h) of the General Assistance Ordinance to incorporate the following changes to be effective on and after November 1, 2017:

Chapter 24, Article II, Division 1, Sec. 24-21 (d) *Information from other sources*

(d) *Information from other sources.* Information furnished to the city by the state department of human services or any other agency or institution pursuant to 22 M.R.S.A. § 4314, ~~concerning recipients of categorical assistance~~, is confidential. The general assistance administrator will also comply with laws relating to the confidentiality of vital statistic records such as those concerning birth, marriage and death. (22 M.R.S.A. § 2706). Any representative of a financial institution or any employer of a general assistance applicant who, upon receipt of a written release signed by the depositor and a written request from the Administrator, refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. Effective November 1, 2017: national banks are also obligated to disclose deposit information to the Administrator upon receipt of a written request and release signed by the depositor. Additionally, effective November 1, 2017, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than \$25 nor more than \$100. Any person, including the applicant, who knowingly and willfully makes a false representation of a material fact to the administrator is committing a Class E crime (22 M.R.S.A. § § 4314, 4315).

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

Chapter 24, Article II, Division 4, Sub division II, Sec. 24-161 (8)(h) *Determination of family members' ability to pay*

(h) *Determination of family members' ability to pay*

Any person who refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal.

Grandparents, parents, children and grandchildren of the deceased ~~who live in the state or own property in state whether or not living in or owning property in Maine, and the spouse or registered domestic partner of the deceased,~~ are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in a lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the administrator, all legally liable relatives must provide the city administrator with any reasonably requested information regarding their income, assets and basic living expenses. The Administrator may also seek information from financial institutions holding assets of the deceased. Effective November 1, 2017, Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with section 4313 (2) and provide a written request and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 6, 2017 **Order:** 95-10162017

Author: Douglas Greene, Urban Development Coordinator, Economic and Community Development

Subject: Discontinuance of Troy Street

Information: This item on your agenda is a recommendation to the City Council to authorize the Staff to move forward with the process of discontinuing Troy Street between Hampshire Street and High Street. This "block" of Troy Street is a non-descript, seldom used Public Street. (Attachment 1) The proposed Discontinuance will preserve public access between Hampshire Street to Library Street.

The discontinuance process includes specific steps mandated by state law to finalize the request and is described in more detail in the attached memo (Attachments 2, 3 and 4). Staff is requesting that the City Council wait to complete the discontinuance until the final legal steps have been completed.

City Budgetary Impacts: Some minor expenses will be incurred to record the final discontinuance at the Registry of Deeds. There will be a slight reduction in public services time and equipment for the maintenance and snowplowing of this section of Troy Street once it is discontinued and becomes the responsibility of the developer.

Staff Recommended Action: Staff recommends the city Council approve a motion to have staff move forward on the discontinuance and to and to schedule the second reading public hearing and final action at a date to be determined.

Previous Meetings and History: The discontinuance for a section of Troy Street was heard at a city Council workshop on October 2nd and postponed on October 16th, 2017.

City Manager Comments:

I concur with the recommendation. Signature: Peter J. Cusack

Attachments:

1. Attachment 1: Photos of Troy Street
2. Attachment 2: Memo describing the legal steps required to discontinue a street
3. Attachment 3: Map of the proposed discontinuance
4. Attachment 4: Sample Order of Discontinuance

Attachment 1

Troy Street Proposed for Discontinuance



View of Troy Street from Hampshire Street



View of Troy Street from Library Street



Attachment 2 City of Auburn, Maine

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

To: Mayor Jonathan L. LaBonte and the Auburn City Council

From: Douglas Greene, Urban Development Coordinator

Date: November 6, 2017

RE: Discontinuance of a section of Troy Street

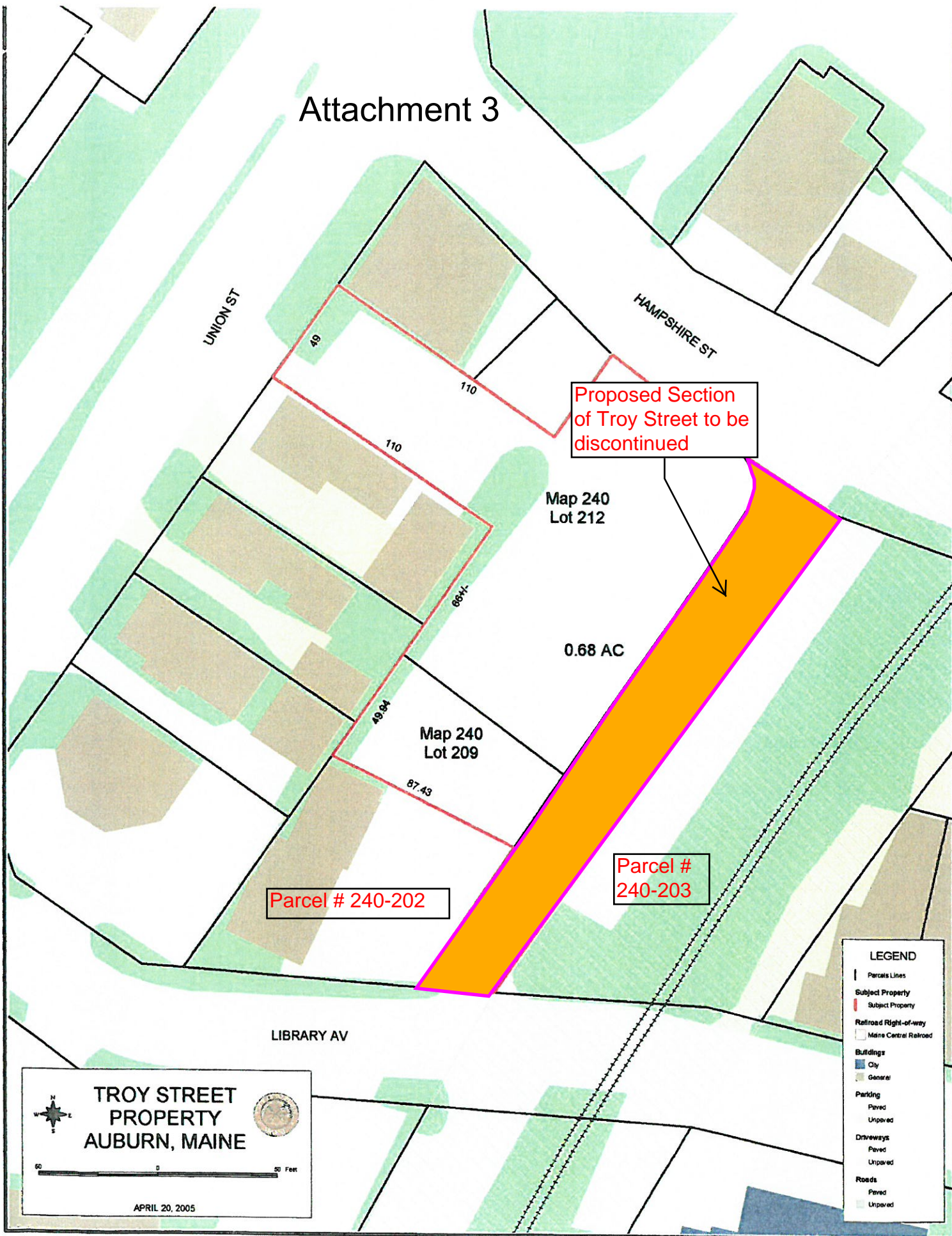
Overview: The Department of Economic and Community Development is facilitating the development of a city owned property (Parcel # 240-212) that is located in the Troy Street area with the Szanton Company. One of the ways to maximize the “Troy Street” development is to discontinue the section of the Troy Street right of way between Hampshire Street and Library Street. (Attached Map) and incorporate a portion of the discontinued street into the development. In order to do that, this section of Troy Street needs to go through a discontinuance process.

State Law for the Discontinuance of a Municipal road in Maine requires a six step process:

1. Estimate potential damages to adjacent property owners. The two properties adjacent to the proposed discontinuance are 29 Library Street (Parcel # 240-202) and a Pan Am Railroad right of way (Parcel # 240-203). Should the City Council agree to move forward, the Staff would have an appraisal of these two properties to determine possible damages, if any, due the loss of street frontage.
2. Notice will be sent to all abutting property owners prior to a public hearing and 2nd reading of the Order to Discontinue. Notice is also required to be given to the Planning Board, which can happen at their November 14th meeting.
3. The City Council should discuss the proposed discontinuance as a first reading and public hearing at the future City Council meeting. At that meeting, the City Council would move forward with the discontinuance, and pass a motion to order the discontinuance using language from the sample Order of Discontinuance of a Section of Troy Street. If that motion passes, a second motion should be made stating “I move that the City Council issue and file with the City Clerk an Order of Discontinuance that accurately reflects the action taken by the City Council to discontinue a section of Troy Street, and that the City Council send abutting property owners best practicable notice of this action without delay.”
4. The Order of Discontinuance order, signed by the Municipal Officer, is filed by the City Clerk and the notice of discontinuance is sent to abutting property owners along with a copy of the order of discontinuance.
5. The City Council then at a later meeting approves the order of discontinuance and damage awards (if any).
6. The final step, if the discontinuance is approved, is for the municipal clerk to record an attested certificate of road discontinuance in the Registry of Deeds certificate that should include a description of the road and state the municipality’s final action.

After final Council action, there is a 30 day appeal regarding the discontinuance and a 60 day appeal for damages.

Attachment 3





Attachment 4 City of Auburn, Maine

Office of City Manager

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

Order of Discontinuance of a Road

TO: Residents of the City of Auburn and other Interested Persons

FROM: Auburn City Council

The Municipal Officers of the City of Auburn hereby orders the discontinuance of a section of Troy Street as a City Way while preserving its use as a public easement, for a distance of approximately 249 feet beginning at the intersection of Hampshire Street and Troy Street. Troy Street is approximately 30 feet wide and begins at the southern side of the intersection of Hampshire Street and Troy Street, whence it runs approximately 249 feet in a generally southerly direction to the northerly intersection of Library Street and Troy Street, as shown more particularly on the attached map, (from City Tax Map 240), on file at Economic and Community Development Office. .

Having given best practicable notice to all abutting property owners, we further order damages to the abutting property owners as follows:

Name: _____	Amount: _____
Name: _____	Amount: _____

Date: _____

Peter Crichton, City Manager

(Note: A copy of this Order must be filed with the City Clerk; also, send a copy to all abutters, along with the Notice of Discontinuance.)

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

ORDER 95-10162017

ORDERED, that the City Council hereby authorizes the Economic and Community Development Staff to proceed with the legal steps necessary to discontinue the Troy Street Right of Way between Hampshire Street and Library Street.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 10/16/2017 **Order:** 96-10162017

Author: Michael Chammings, Director of Economic and Community Development

Subject: HOME Fund Commitment

Information:

The City agreed to partially fund the Troy Street project with \$110,000 in HOME funds; the allocations of these funds need to be voted on.

City Budgetary Impacts: Minimal, Federal funds are already approved for moderate or low income housing assistance and the tax shift/general fund loss would be minimal. Any co-op housing project funding would be pushed into fiscal year 2019.

Staff Recommended Action: The staff recommends passage.

Previous Meetings and History:

Council Executive Session, June 19th, 2017
Council Executive Session, August 7th, 2017
Council Meeting, August 31th, 2017
Council Workshop, October 2nd, 2017
Council agenda, October 16th, 2017 – postponed to 11/6/2017

Acting City Manager Comments:

I concur with the recommendation. Signature: _____

A handwritten signature in blue ink, appearing to read "Peter J. Coughlin", is written over a horizontal line.

Attachments:

Order **96-10162017**

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

ORDER 96-10162017

ORDERED, that the City Council hereby authorize \$110,000.00 in home funds be reserved for the Troy Street workforce housing project.



**City of Auburn
City Council Information Sheet**

City Council Meeting Date: November 6, 2017

Order: 97-10162017

Author: Peter Crichton, City Manager

Subject: Authorizing the City Manager to sign the Income Utilization Memorandum of Understanding

Information:

The Auburn Business Development Corporation was founded in 1972 as a not-for-profit organization to assist with business recruitment and business expansion in the City of Auburn. Enclosed is a timeline of ABDC activities dating back to the late 1990's. It was in the mid 1990's that ABDC working in collaboration with the City of Auburn built a speculative building in the Kittyhawk Business Park, which was later purchased and now houses Mizkan Americas.

ABDC and the City partnered together to develop plans for the Auburn Industrial Park. Then what followed was the successful sale by ABDC of Logistics Drive to a private developer and later on the creation of the Auburn Enterprise Center. It is the Auburn Enterprise Center that is the focus of the Memorandum of Understanding which is now before the Council.

The purpose of the MOU as stated in its opening paragraph is "to clarify and confirm the uses of Program Income resulting from sales of commercial/industrial lots at the Auburn Enterprise Center." As background, there have been many discussions that have taken place by the City in executive session and by the ABDC Board in order to work out an agreement on this MOU. What is before you is a reflection of the direction given to staff. It also is in agreement with the ABDC Board. In summary, the MOU addresses the following:

- By joint agreement between the City and ABDC submitted to the Federal Government's Economic Development Administration, Program income will be spent in compliance with the agreed upon Income Reutilization Plan;
- The City agrees to advance the costs of extending high speed fiber infrastructure in order to connect existing fiber, which will then be reimbursed to the City from the Program income resulting from the sale of commercial/industrial lots at AEC;
- A pool of funds of \$35,000 will be established to be held by the City of Auburn and used to pay for wetland mitigation costs. Any balance in this fund will be refunded to the ABDC;
- To improve cooperation and coordination representatives of ABDC and the City will meet periodically;
- In the interest of continued dialogue and the peaceful resolution of any disputes which may arise between ABDC and the City, the City and ABDC agree to resolve any such disputes through informal negotiation between the City Manager and President of ABDC. If the dispute remains unresolved, the parties agree to settle the dispute by mediation and if they cannot agree it shall be resolved through binding arbitration.



City Budgetary Impacts: None

Staff Recommended Action: Authorize the City Manager to sign the Memorandum of Understanding between the City of Auburn and the Auburn Business Development Corporation, dated October 16th, 2017.

Previous Meetings and History: Numerous Executive Sessions. Action was postponed until 11/6/2017 at the 10/16/2017 Council Meeting.

City Manager Comments:

I strongly recommend the Council approve the MOU. Signature: Peter J. Cusick

Attachment(s):

Memorandum of Understanding dated October 16th, 2017.

RECENT ABDC TIME LINE

Date	Action
Late 1990's	ABDC transfers loan pool management to LAEGC Strategic Planning Meeting on what to do next Decision to focus on industrial development
2000+/-	ABDC Debenture Program – sold \$100,000 in non-interest bearing bonds to Auburn businesses and ABDC supporters. Some transferred to AVCOG and forgiven as charitable deductions
2000+/-	ABDC and City reach agreement for construction of spec building on lot in the Kittyhawk Industrial Park donated by City. City provides construction loan (verify) ABDC contracts with Gendron & Gendron to construct 40,000 SF shell building
2001	ABDC sells spec building to CV Finer Foods which was later acquired Angostura ABDC repays construction loan and retains profit from sale – Now Mizkan
2002	City asks ABDC to function as lender for Riverwatch (Hilton Garden) project and lends necessary funds to ABDC – ABDC continues to service loan
2001-2004	Kittyhawk Industrial Park full and City turns to ABDC to develop new industrial park ABDC works with City and Technical Services (now merged into Sebago Technics) to identify possible areas for new industrial park
May, 2004	ABDC purchases Lamontagne and LaPointe properties for development as a new industrial park
October, 2004	ABDC through Kittyhawk Development Corp (“KDC”) purchases JB Brown parcel for development as new industrial park
2005-2006	Technical Services / Sebago Technics and Jones Associates prepare plans for subdivision approval and MDEP and Army Corps of Engineers permits for new industrial park
2006	City and ABDC enter into agreement to develop new industrial park
2006	City approves TIF district and bond for funds to develop new industrial park
August 2006	ABDC (KDC) agrees to sell land to Gendron & Gendron for construction of warehouse in phase 1 of the industrial park
October 2006	Subdivision Plan Approved by City of Auburn
December 2006	ABDC enters into contract with Gendron & Gendron for the construction of Logistics Drive
April 2007	ABDC receives Army Corps permit for new industrial park and pooled mitigation site
July 2007	ABDC purchases Dingley Estate for pooled mitigation site from Auburn Plaza for development, conveys conservation easement to Lewiston Auburn Watershed Protection District and enters into contract with Jones Associates for wetland mitigation work and monitoring
November 2009	KDC purchases land off Lewiston Junction Road from Cascades with funds borrowed from ABDC
November 2011	KDC conveys Cascades parcel to ABDC
November 2011	ABDC purchases Berwick property for industrial park expansion, preserve land at end of Airport runway, and provide access to Christian Hill for future

RECENT ABDC TIME LINE

	development
April 2012	City's application for EDA Grant for the construction of Cascades Drive approved
May 2012	ABDC enters into MOU with City of Auburn re: City management of construction of Cascades Drive funded, in part, with grant funds from EDA
October 2012	ABDC receives MDEP and Army Corps permits for phase 2 of the industrial park
December 2012	City approves subdivision plan for phase 2 of the industrial park – Dingley Estate provides off-site wetlands mitigation for project
2013	ABDC assigns its option rights in the portion of the Berwick property on the southern side of Foster Road to George Schott's entity to provide access to the Christian Hill quarrying operation – City sells abutting tax acquired property to Schott for same purpose
	City reaches agreement with ABDC to apply for EDA grant and agrees to administer grant on behalf of both applicants
	EDA approves grant application
2013?	City hires Sebago Technics to prepare construction plans for Cascade Drive
2014	City enters into contract with Gendron & Gendron for construction of Cascades Drive
2014-2015	Gendron & Gendron constructs Cascades Drive
2015	City enters into contract with Power Engineering for off—site mitigation work at Dingley Estate – contract does not include monitoring (required for ten years)
2015	ABDC and City reach agreement to transfer MDEP and Army Corps permits for industrial park and off-site mitigation work to City along with ownership of fee interest in Dingley Estate to City in connection with City taking responsibility for off-site mitigation work
2015-2016	Army Corps transfers mitigation permit to City; MDEP transfers mitigation permit to City
2016	Work complete on industrial park; final adjustments to subdivision plan to accommodate as-built Cascades Drive; subdivision plan approved by City; Cascades Drive accepted as public street by City; ABDC lists Auburn Enterprise Center with Malone Commercial Brokers and begins marketing the park.

MEMORANDUM OF UNDERSTANDING
The City of Auburn & The Auburn Business Development Corporation

The City of Auburn ("City") and the Auburn Business Development Corporation ("ABDC") enter into this Memorandum of Understanding ("MOU") as of October 16, 2017 (the "Effective Date"), in order to clarify and confirm the uses of Program Income resulting from sales of commercial/industrial lots at the Auburn Enterprise Center ("AEC").

The AEC consists of real estate indicated as Lots 1-8 on a Subdivision Plan prepared by Sebago Technics, which was approved by the Auburn Planning Board on June 10, 2016, and is recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 100, a copy of which is attached hereto as **Exhibit A** (the "Property").

The Property's improvements were funded in part through a grant from the U.S. Department of Commerce, Economic Development Administration (EDA Project No. 01-01-14171 – Auburn Industrial Park), awarded to the City and ABDC as co-applicants.

ABDC has incurred costs and expenses to develop the AEC, including real estate acquisition costs, professional service fees, and real estate taxes, enumerated in **Exhibit B** (the "ABDC Costs").

For so long as ABDC continues to own the Property, ABDC will continue to pay real property taxes on the Property to the City, which payments, once made, shall be added to the ABDC agreed upon Costs.

For the purposes of this MOU, the term "Program Income" is defined as all net revenue derived by ABDC from the AEC, whether from the rental or sale of some or all of the Property or otherwise generated by the AEC, once the ABDC Costs have first been repaid.

By execution of this MOU, the City and ABDC jointly acknowledge and agree that:

1. ABDC-owned land that comprises the commercial/industrial lots at AEC was improved in part with federal grant funds provided by the U.S. Department of Commerce, Economic Development Administration.
2. Therefore, use of Program Income resulting from sale of commercial/industrial lots at AEC is subject to conditions of the grant, specifically Special Award Condition #10 ("Income Reutilization Plan").
3. As such, Program Income will be spent in compliance with the Income Reutilization Plan jointly submitted to EDA by the City and ABDC in March of 2016, which was subsequently approved by EDA in May of 2016 (attached as **Exhibit C**).
4. After recoupment of the agreed upon ABDC Costs (attached as **Exhibit D**), Program Income shall be spent on the following qualified activities, in order of priority:
 - a) The City agrees to advance the costs of extending high speed fiber infrastructure a distance of approximately 1.2 miles along Lewiston Junction Road, in order to connect existing fiber cables to the entrance to the AEC. Program income will be used to reimburse the City of for the actual costs it has incurred to extend the fiber infrastructure as described.

- b) Establishing a pool of funds of \$35,000.00, to be held by the City of Auburn and used to pay wetland mitigation costs including monitoring cost which are solely attributable to the AEC, and which otherwise fall within the scope of the Memorandum of Understanding between ABDC and the City dated as of May 21, 2012. Any balance in this fund after the federally mandated monitoring period is completed will be refunded to the ABDC and expenditures of these funds will be subject to the same qualified activities agreed to in this MOU ;
 - c) Repayment of ABDC's debt incurred to develop the AEC above and beyond the ABDC Costs, provided that the debt shall have been secured by the Property or any portion thereof and shall have been of record as of June 13, 2016; and
 - d) Investment in future economic development investments in Auburn acceptable to ABDC, with a particular interest in revitalization projects that are not inconsistent with City plans and priorities.
5. Within 45 days of the Effective Date, ABDC shall deliver a quitclaim deed to the City, conveying title to the Pooled Mitigation Site located 1018 Summer St. in Auburn (otherwise known as the Dingley Estate), as more fully indicated on the attached Wetland Compensation Planting Plan prepared by Power Engineers, attached as **Exhibit E**.
6. The City and ABDC shall confer prior to the payment of any qualified activities listed in Section 4 above, as follows: (a) whichever party seeks payment or reimbursement of qualified activities from Program Income shall first submit a written payment request to the other in writing, directed to the City's Finance Director in the case of requests sent to the City, and in the case of requests sent to ABDC, to such agent as the President of ABDC shall designate in writing from time to time; (b) upon receipt, the City Finance Director or designated ABDC agent as the case may be, shall determine whether the request for payment satisfies EDA guidelines for income utilization, as prioritized in accordance with Section 4 above; (c) the recipient of the payment request shall notify the sender of his or her objection to or approval of the request in writing, within 5 business days of receipt; and (d) if the recipient of the payment request approves the disbursement, ABDC shall issue a check for the approved disbursement, with a copy of the check sent to the City's Finance Director. Any disputes with respect to such payment requests shall be resolved in accordance with Section 8.
7. To improve the cooperation and coordination associated with the grant and the AEC project, representatives of ABDC and the City will meet periodically, no less than once per quarter, to review expenditures of Program Income to ensure they remain in compliance with the EDA-approved Income Reutilization Plan and the above stated priorities. Additionally, ABDC and the City will convene a small working group of 4-6 representatives to consider how future ABDC investments can support City economic development priorities.
8. In the interest of continued dialogue and the peaceful resolution of any disputes which may arise between ABDC and the City with respect to the use of Program Income or any other matter within

the scope of this MOU, the City and ABDC agree to resolve any such disputes as follows: (a) first, through informal negotiation that shall require the City Manager and the President of ABDC to meet in person within 15 days of either party's request for a dispute resolution meeting; or (b) if the dispute remains unresolved following such meeting or if one party refuses to attend the meeting, the parties agree first to try in good faith to settle the dispute by mediation. If the parties fail to resolve the dispute in mediation they agree that the dispute shall be resolved through binding arbitration.

This MOU is made as of the Effective Date.

CITY OF AUBURN

AUBURN BUSINESS DEVELOPMENT CORP.

By: Peter Crichton
Its City Manager

By: Michelle Ritcheson
Its President

Exhibit "A"

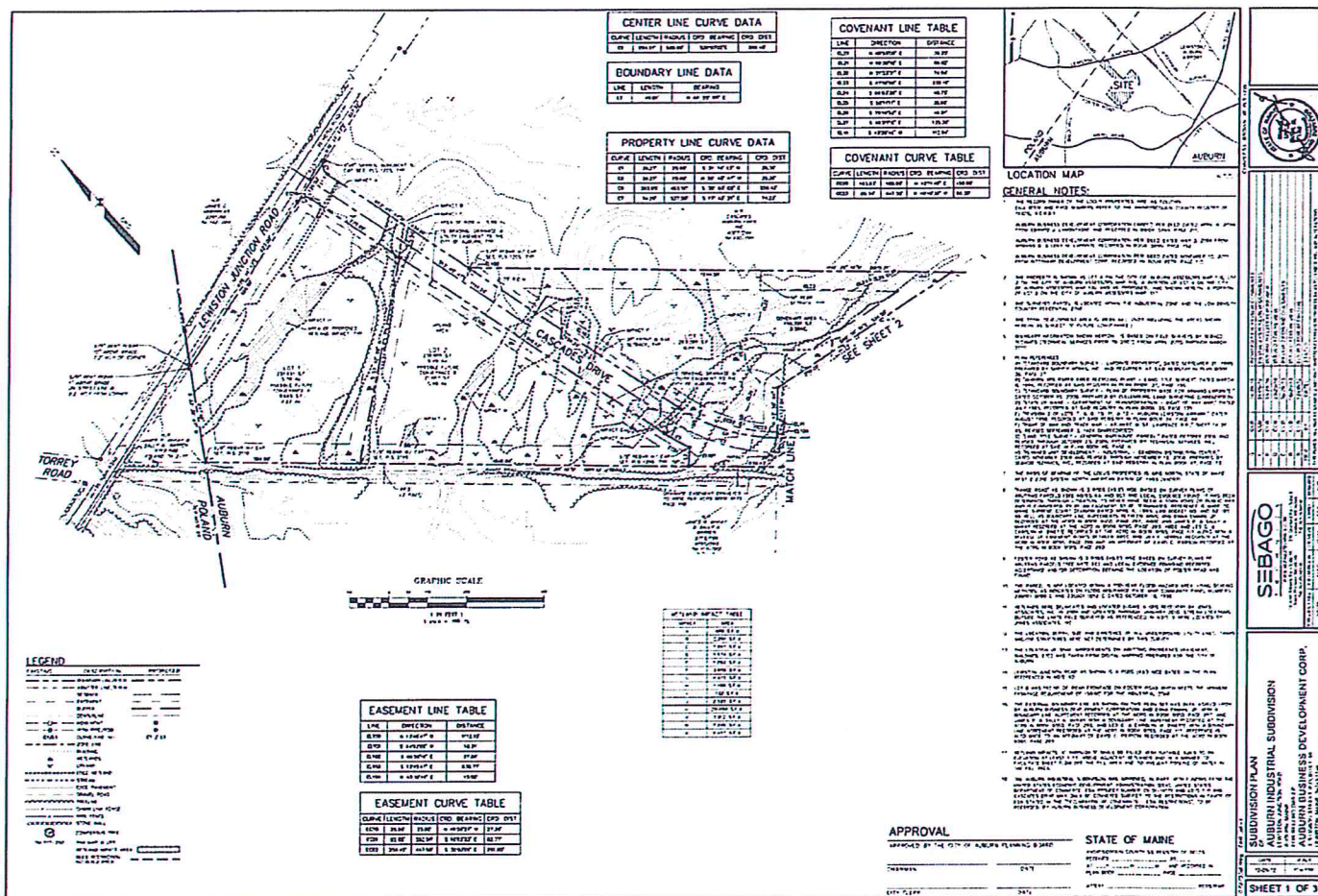


Exhibit "A"

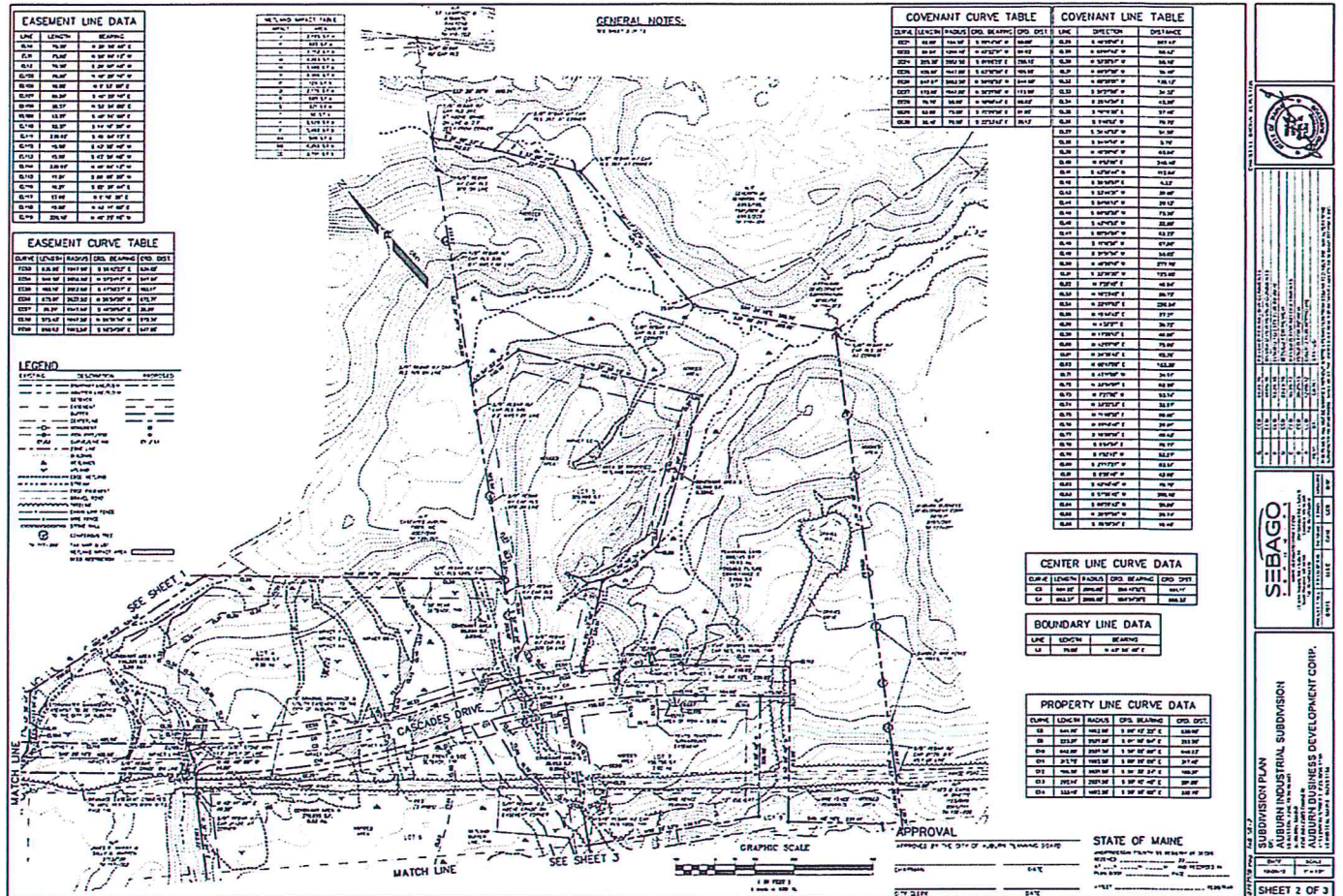


Exhibit "A"

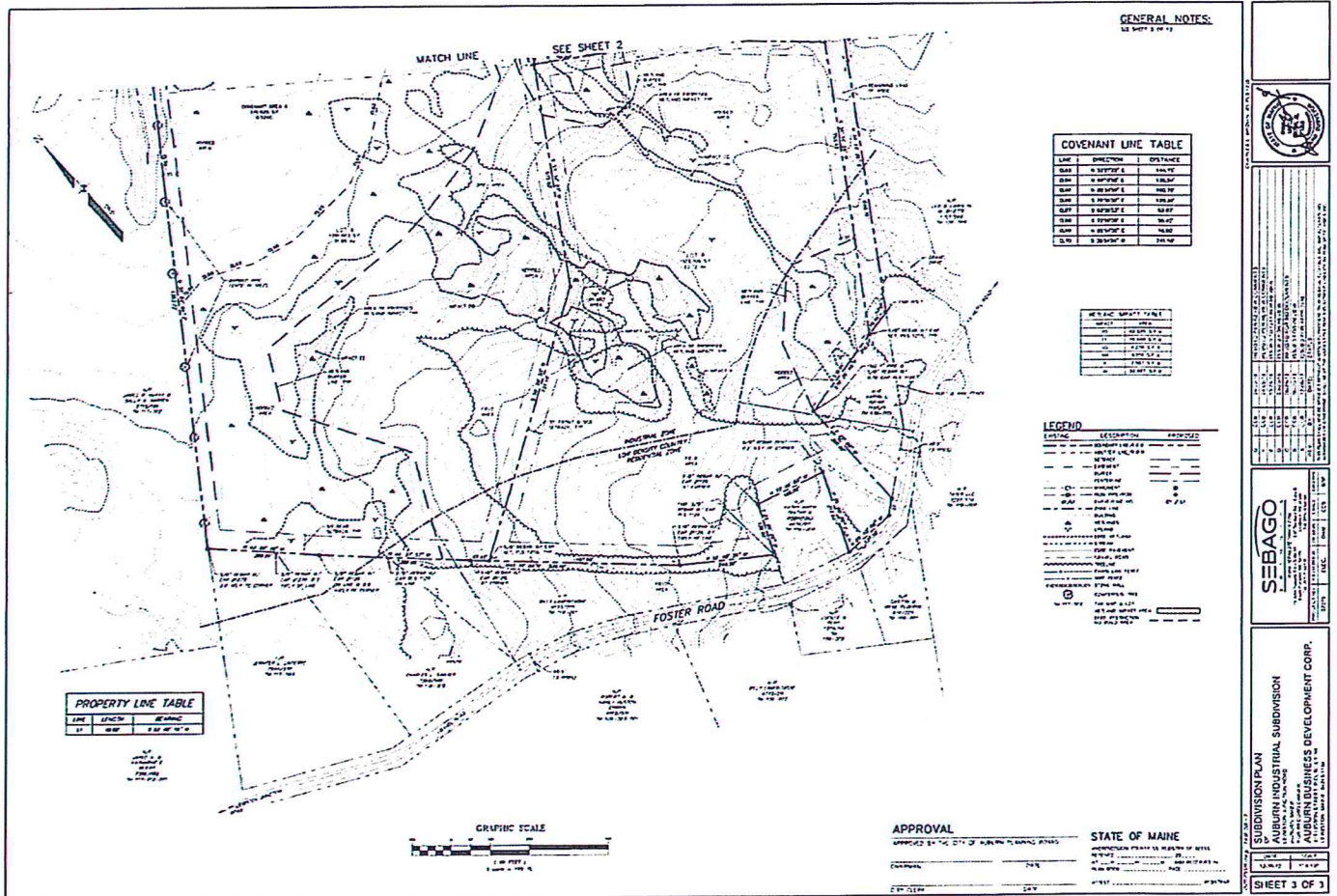


Exhibit "B" - ABDC Expenses

ABDC Expenses			
Auburn Enterprise Center			
as of 2/28/2017			
ACQUISITION			
Lapointe Property	\$ 92,009.60	purchased 2004	
Lamontagne Property	\$ 25,356.41	purchased 2004	
Cascade Property	\$ 235,892.96	purchased 2009	
Berwick Property	\$ 133,835.77	purchased/financed 2011	
	\$ 487,094.74		
DEBT SERVICE			
Berwick Property	\$ 35,565.33	Actual 2011-2016; \$120,000/20 yrs. @ 6%	
Berwick Property	\$ 50,766.81	Projected interest 2017-2031	
	\$ 86,332.14		
PROFESSIONAL SERVICES			
Legal Services	\$ 27,630.63	2012-2015; McKay easement, subdivision, deed restrictions, etc.	
Technical Services	\$ 29,403.69	2008-2015; Engineering, environmental	
Construction Services	\$ 3,400.00	2016; gate, cap re: pond	
Marketing	\$ 5,086.79	2009-2015; signage, website	
Miscellaneous	\$ 3,848.50		
	\$ 69,369.61		
REAL ESTATE TAXES			
Lamontagne Property - RE Taxes	\$ 22,994.99	2004-2016	
Lapointe Property - RE Taxes	\$ 36,930.23	2004-2006	
Berwick Property - RE Taxes	\$ 8,006.46	2011-2016	
Cascade Property - RE Taxes	\$ 43,872.33	2009-2016	
Lot 1 Property Taxes 16-17	\$ 3,025.08	formerly portion of Cascade Property	
Lot 2 Property Taxes 16-17	\$ 2,860.80	formerly portion of Cascade Property	
Lot 3 Property Taxes 16-17	\$ 3,279.87	formerly portion of Cascade Property	
Lot 4 Property Taxes 16-17	\$ 4,269.97	formerly portion of Cascade Property	
Lot 5 Property Taxes 16-17	\$ 3,599.47	formerly portion of Lamontagne Property	

Exhibit "B" - ABDC Expenses

Lot 6 Property Taxes 16-17	\$ 7,861.62	formerly portion of Lapointe Property
Lot 7 Property Taxes 16-17	\$ 2,546.79	formerly portion of Lamontagne Property
Lot 8 Property Taxes 16-17	\$ 7,748.75	formerly portion of Lapointe Property
Lamontagne Property Taxes 16-17	\$ 229.09	remaining acreage of Lamontagne Property
Berwick Property Taxes 16-17	\$ 920.82	
	\$ 148,146.25	
REMAINING RE TAXES IN 16-17		
Lot 1 Property Taxes 16-17	\$ 3,025.08	
Lot 2 Property Taxes 16-17	\$ 2,860.80	
Lot 3 Property Taxes 16-17	\$ 3,279.87	
Lot 4 Property Taxes 16-17	\$ 4,269.97	
Lot 5 Property Taxes 16-17	\$ 3,599.47	
Lot 6 Property Taxes 16-17	\$ 7,861.62	
Lot 7 Property Taxes 16-17	\$ 2,546.79	
Lot 8 Property Taxes 16-17	\$ 7,748.75	
Lamontagne Property Taxes 16-17	\$ 229.09	
Berwick Property Taxes 16-17	\$ 920.82	
	\$ 36,342.24	

Total ABDC-AEC Expenses as of 6/2017	\$ 827,284.97
--------------------------------------	---------------

Exhibit "C"

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Development

Date: 03/14/2016

Alan Schuetz, Jr., P.E.
Project Engineer
U.S. Department of Commerce
Economic Development Administration
601 Walnut Street – Suite 140 South
Philadelphia, PA 19106

Re: EDA Award Number: 01-01-14171 Auburn, ME

Subject: **Income Reutilization Plan** (S.A.C. #10)

Dear Mr. Schuetz:

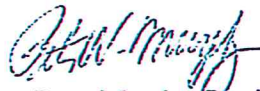
The City of Auburn (lead recipient) and the Auburn Business Development Corporation (co-recipient) agree to use the income generated from the project facility in the following order of priority:

- a. Administration, operation and maintenance of the project facilities for their useful life in a manner consistent with good property management practice and in accordance with the established building codes. This may include, where applicable, the repayment of indebtedness resulting from any legal encumbrance (e.g. mortgage) on the EDA-assisted project facility.
- b. Economic development activities that are authorized for support by EDA provided such activities are within the designated area.

Sincerely yours,



Mr. Howard Kroll, City Manager
Auburn, Maine



Peter Murphy, President
Auburn Business Development Corporation

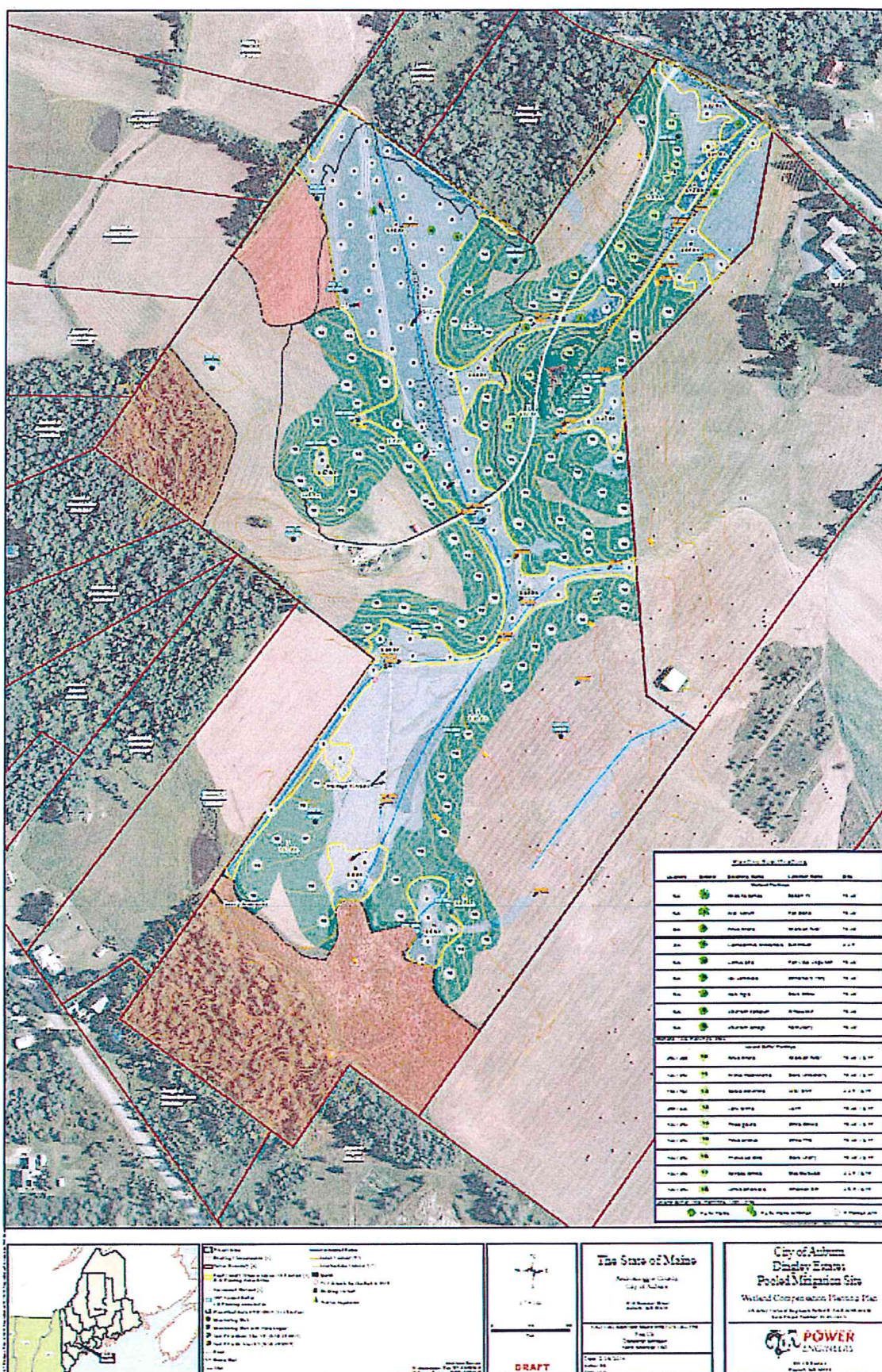
Exhibit "D"- ABDC agreed upon costs

ABDC Expenses Auburn Enterprise Center as of 2/28/2017	ABDC Expenses as of 02/28/2017	ABDC Agreed upon costs as of 09/06/2017	
ACQUISITION			
Lapointe Property	\$ 92,009.60	\$ 92,009.60	purchased 2004
Lamontagne Property	\$ 25,356.41	\$ 25,356.41	purchased 2004
Cascade Property	\$ 235,892.96	\$ 235,892.96	purchased 2009
Berwick Property	\$ 133,835.77	\$ 133,835.77	purchased/financed 2011
	\$ 487,094.74	\$ 487,094.74	
DEBT SERVICE			
Berwick Property	\$ 35,565.33	\$ 35,565.33	Actual 2011-2016; \$120,000/20 yrs. @ 6%
Berwick Property	\$ 50,766.81	\$ 50,766.81	Projected interest 2017-2031
	\$ 86,332.14	\$ 86,332.14	
PROFESSIONAL SERVICES			
Legal Services	\$ 27,630.63	\$ 27,630.63	2012-2015; McKay easement, subdivision, deed restrictions, etc.
Technical Services	\$ 29,403.69	\$ 29,403.69	2008-2015; Engineering, environmental
Construction Services	\$ 3,400.00	\$ 3,400.00	2016; gate, cap re: pond
Marketing	\$ 5,086.79	\$ 5,086.79	2009-2015; signage, website
Miscellaneous	\$ 3,848.50	\$ 3,848.50	
	\$ 69,369.61	\$ 69,369.61	
REAL ESTATE TAXES			
Lamontagne Property - RE Taxes	\$ 22,994.99	\$ 11,497.50	2004-2016
Lapointe Property - RE Taxes	\$ 36,930.23	\$ 18,465.12	2004-2006
Berwick Property - RE Taxes	\$ 8,006.46	\$ 4,003.23	2011-2016
Cascade Property - RE Taxes	\$ 43,872.33	\$ 21,936.17	2009-2016
Lot 1 Property Taxes 16-17	\$ 3,025.08	\$ 1,512.54	formerly portion of Cascade Property
Lot 2 Property Taxes 16-17	\$ 2,860.80	\$ 1,430.40	formerly portion of Cascade Property
Lot 3 Property Taxes 16-17	\$ 3,279.87	\$ 1,639.93	formerly portion of Cascade Property

Exhibit "D"- ABDC agreed upon costs

Lot 4 Property Taxes 16-17	\$	4,269.97	\$	2,134.99	formerly portion of Cascade Property
Lot 5 Property Taxes 16-17	\$	3,599.47	\$	1,799.74	formerly portion of Lamontagne Property
Lot 6 Property Taxes 16-17	\$	7,861.62	\$	3,930.81	formerly portion of Lapointe Property
Lot 7 Property Taxes 16-17	\$	2,546.79	\$	1,273.39	formerly portion of Lamontagne Property
Lot 8 Property Taxes 16-17	\$	7,748.75	\$	3,874.37	formerly portion of Lapointe Property
Lamontagne Property Taxes 16-17	\$	229.09	\$	114.55	remaining acreage of Lamontagne Property
Berwick Property Taxes 16-17	\$	920.82	\$	460.41	
	\$	148,146.25	\$	74,073.12	
REMAINING RE TAXES IN 16-17					
Lot 1 Property Taxes 16-17	\$	3,025.08	\$	3,025.08	
Lot 2 Property Taxes 16-17	\$	2,860.80	\$	2,860.80	
Lot 3 Property Taxes 16-17	\$	3,279.87	\$	3,279.87	
Lot 4 Property Taxes 16-17	\$	4,269.97	\$	4,269.97	
Lot 5 Property Taxes 16-17	\$	3,599.47	\$	3,599.47	
Lot 6 Property Taxes 16-17	\$	7,861.62	\$	7,861.62	
Lot 7 Property Taxes 16-17	\$	2,546.79	\$	2,546.79	
Lot 8 Property Taxes 16-17	\$	7,748.75	\$	7,748.75	
Lamontagne Property Taxes 16-17	\$	229.09	\$	229.09	
Berwick Property Taxes 16-17	\$	920.82	\$	920.82	
	\$	36,342.24	\$	36,342.24	
Total ABDC-AEC Expenses as of 6/2017					
	\$	827,284.97	\$	753,211.85	

Exhibit "E"



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

ORDER 97-10162017

ORDERED, that the City Council hereby authorize the City Manager to sign the Memorandum of Understanding between the City of Auburn and the Auburn Business Development Corporation.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 6, 2017

Author: Yvette Bouttenot, Community Development Manager

Subject: Public Hearing - Substantial Amendment to HOME Program Budget

Information: The Citizen Participation Plan (CPP) requires that any Substantial Amendment to the 5 Year Consolidated Plan or Annual Action Plan be authorized by the City Council. A substantial amendment is defined as any change to the budget that exceeds 10% of the Annual allocation plus program income (\$46,842). The CPP also requires a 30-day public notice followed by a public hearing before the City Council. The notice was published on October 4, 2017.

The HOME Budget for FFY2017 was adopted by the City Council On May 15, 2017 and included a line item for a CO-OP Housing Project and is funded with \$111,828. On August 7, 2017 The City Council authorized the transfer of funds from the CO-OP Budget to the Rental Development Project at 477 Minot Avenue in the amount of \$110,000.

Staff will create a line item in the HOME Budget "Support Creation of New Affordable Housing" and move the funds of \$111,828. This supports the goal of the 5-Year Consolidated Plan. This line item will allow for funding of all affordable housing projects.

City Budgetary Impacts: None

Staff Recommended Action: No action required from City Council

Previous Meetings and History: City Council Meeting of August 7, 2017 Council Order #69-08072017

City Manager Comments:

I concur with the recommendation. Signature: Peter J. Gaudin

Attachments: Substantial Amendment – FFY2017 Action Plan

ATTENTION OWNER:

2001 SUBARU LEGACY,
VIN# 4S3BH675617676077

You have 14 days to pay towing and storage cost before ownership Of the vehicle will pass to Anytime Towing, Lewiston/Auburn (207)777-1333

Town of Turner Public Hearing**October 11, 2017**

The Town of Turner Planning Board will hold a Public Hearing at 7:00 p.m. on Wednesday, October 11, at the Turner Town Office, 11 Turner Center Road, to accept public comment on a plan to create a 4-lot subdivision to be located in the area of 388 Upper Street, to be known as Sunset Ridge. A copy of the plan is available for public inspection at the Town Office during regular business hours.

CITY OF AUBURN

**NOTICE OF PLAN AVAILABILITY
SUBSTANTIAL AMENDMENT
& PUBLIC HEARING NOTICE**

The Auburn City Council will hold a public hearing on the Substantial Amendments to the FFY2017 Action Plan of the Community Development Program at their meeting on November 6, 2017. The meeting begins at 7:00 pm in the Council Chambers of the Auburn Hall, 60 Court Street, Auburn, Maine. Persons wishing to comment on the Amendments to the FFY2017 Action Plan may do so during the public hearing portion of the meeting.

The plan is available for review and public comment. The plan can be viewed at the Community Development Department, first floor of Auburn Hall. The plan is also available by email request at ybouttenot@auburnmaine.gov or by calling Yvette Bouttenot at 333-6601, ext. 1336. Persons with special needs for accessibility or communication should contact the Community Development office at the number above to make arrangements. The Community Development Program does not discriminate on the basis of race, color, sex, national origin, sexual orientation, age, religion, familial status, recipient of public assistance, or disability.

Yvette Bouttenot

Community Development Manager

Substantial Amendment

FFY2017 Action Plan – City of Auburn

The 2017 Action Plan was adopted by the City Council on May 15, 2017. A budgeted line item in the Action Plan was identified as a Co-Op Housing Project. Staff met with a developer on two occasions but was unsuccessful in engaging him to create a Co-Op Project in Auburn. Later in June, a developer approached the City to request HOME funds for a 35 unit workforce housing project. In August, a second developer approached the city and requested HOME Funds for the construction of new affordable housing units. Both projects are welcomed by the city. The developers have request TIF funding in addition to HOME funds and will apply for Low Income Tax Credits this fall. The City Council is in favor of both projects. This amendment will make available \$111,828 of HOME funds. The requested amendment is as follows:

1) Delete the HOME Activity for Co-Op Housing and move the funds of \$111,828 earmarked for the development of a Co-Operative housing to the HOME project entitled Support Construction of New Affordable Housing. This project is listed as one of eight high priority goals of the 2015-2019 Consolidated Plan. Activities that will be eligible under this project include working with developers of high quality, affordable, mixed-income housing in Auburn. The City of Auburn is experiencing very low rental vacancy rates, the existing housing stock is old and many of the buildings are pre-1978 and so are presumed to contain lead paint which if not maintained can lead to poisoning in children. The development of new housing units is needed and has been identified as a high priority. The funds can be used to support projects that will result in the creation of new housing units.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 6, 2017

Orders:104-11062017, 105-11062017, 106-11062017

Author: Sue Clements-Dallaire, City Clerk

Subject: Board and Committee Appointments

The Appointment Committee met on October 16, 2017 to review applications and make their nominations for boards and committees of the City as follows:

Amy Dietrich - Board of Assessment (full member), term expiration 10/01/2022 (new appointment).
Shelley Norton - Conservation Commission, term expiration 6/1/2020 (new appointment).
Christopher Gendron – Zoning Board of Appeals (full member), term expiration 10/1/2020 (re-appointment).
Bruce Richardson – Zoning Board of Appeals (full member), term expiration 10/1/2020 (re-appointment). Belinda
Courtney McDonough – Zoning Board of Appeals (full member), term expiration 10/1/2020 (re-appointment).

Council may enter into executive session pursuant to 1 MRSA Sec. 406(6) (A) to review applications or for further discussion before making appointments.

City Budgetary Impacts: None

Staff Recommended Action: Consider appointing members as nominated, to fill the vacancies.

Previous Meetings and History: The Appointment Committee met on October 16, 2017 to make their nominations.

City Manager Comments:

I concur with the recommendation. Signature: Peter J. Caulton

Attachments:

List of nominees
List of vacancies
Applications

Board of Assessment Review (5 vacancies - 2 full member positions. One with a term expiration of 10/01/2020, and one with a term expiration of 10/01/2022. Three alternate positions. One with a term expiration of 10/1/2020, and two with term expirations of 10/1/2022)

Cable TV Advisory Committee (1 vacancy with a term expiration of 6/1/2019)

Citizens Advisory Committee (7-10 vacancies, all with 6/30/2019 term expirations)

Conservation Commission (1 vacancy with 6/1/2020 term expiration)

Parks and Recreation Advisory Board (1 vacancy - with a term expiration of 10/01/2018)

St. Louis Bells Project Committee - Seeking 9 volunteers

Zoning Board of Appeals - 4 vacancies - 3 full member positions and 1 associate member position all with 10/01/2020 term expirations).

Board Committee Applications
October 16, 2017

Board or Committee	Ward	Last Name	First Name	Address
Board of Assessment Review	2	Dieterich	Amy	45 Gamage Ave. #2
Conservation Commission	1	Norton	Shelley	275 B Summer Street
Zoning Board of Appeals	4	Gendron	Christopher	1 Miami Ave.
	3	McDonough	Courtney	370 Stevens Mill Rd.
	5	Richardson	Bruce	143 Mill Street #324



CITY OF AUBURN BOARD & COMMITTEE APPOINTMENT APPLICATION

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

Date: 8/25

Last name: Dieterich First name: Amy Middle initial: P

Residence address: 45 Gamage Ave #2 Ward: 2

City: Auburn State: ME Zip code: 04210

Home phone: — Work phone: 241-3043 Cell phone: 577-7627

Email address: amydieterich@gmail.com

Current occupation: Lawyer

Previous occupation (if retired or no longer working): —

Educational and/or experience (or attach your resume): See resume.

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

- | | |
|--|---|
| <input type="checkbox"/> 9-1-1 Committee | <input type="checkbox"/> Airport Board |
| <input type="checkbox"/> Auburn Housing Authority | <input type="checkbox"/> Audit & Procurement Committee |
| <input checked="" type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Cable TV Advisory Board |
| <input type="checkbox"/> CDBG Loan Committee | <input type="checkbox"/> Community Forest Board |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Ethics Panel |
| <input type="checkbox"/> Finance Committee | <input type="checkbox"/> L/A Transit Committee |
| <input type="checkbox"/> Parks & Recreation Advisory Board | <input type="checkbox"/> Poland-Auburn Economic Development Committee |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Sewer District |
| <input type="checkbox"/> Water District | <input type="checkbox"/> Zoning Board of Appeals |

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

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). I think the tax assessment process is interesting and would love to understand more about that process and contribute to it.

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). I'd like to serve my community and provide help and guidance to those filing a tax appeal.

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

Dates served (if known)? _____

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

Dates served (if known)? _____

How did you learn of this vacancy? Online

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

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

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

Signature: [Signature] Date: 8/25/17

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

FOR OFFICE USE ONLY

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

Amy Dieterich
45 Gamage Ave. #2
Auburn, ME 04210
(207) 577-7627 ♦ amydieterich@gmail.com

EXPERIENCE

SKELTON, TAINTOR & ABBOTT

Auburn, ME

Associate, August 2014 to Present

- Represent a variety of commercial, nonprofit and individual clients in commercial disputes, employment and labor law matters, healthcare litigation and education law on both the plaintiff and defense side.
- Experienced in all aspects of litigation, from initial investigation to discovery, motion practice and trial.

PARK JENSEN BENNETT LLP

New York, NY

Associate, June 2011 to July 2014

- Represent individuals and corporations in a variety of criminal, white collar and securities-related governmental investigations, litigations and regulatory proceedings.

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

New York, NY

Associate, September 2008 to June 2011

- Drafted pleadings, motions, trial briefs and appellate briefs in connection with a wide variety of litigation matters, including securities, False Claims Act, ERISA, fraud, contract and general commercial claims.
- Participated in all aspects of the discovery process, including drafting and responding to discovery requests; negotiating with counsel to resolve disputes; and preparing witnesses for depositions and interviews.

UNITED STATES ATTORNEY'S OFFICE—SOUTHERN DISTRICT OF NEW YORK, CRIMINAL DIVISION

New York, NY

Intern, Summer 2006

- Performed research for the Appeals and Major Crimes Divisions on change of venue for terrorism cases and the Foreign Corrupt Practices Act.

HALT—AN ORGANIZATION OF AMERICANS FOR LEGAL REFORM

Washington, D.C.

Program Associate, June 2003 - July 2005

- Researched topics relating to access and accountability in the civil justice system. Drafted public policy white papers and *amici curiae* briefs on a variety of legal issues. Coordinated legal outreach program.

UNITED STATES PEACE CORPS

Taza, Morocco

Small Business Volunteer, August 2002 - March 2003

- Worked with local artisans to increase disposable income and formalize business practices. Completed intensive language (Arabic, French) and technical training. Granted interrupted service in 2003 due to the Iraq war.

EDUCATION

COLUMBIA UNIVERSITY SCHOOL OF LAW

New York, NY

Juris Doctorate, 2008

Honors: Harlan Fiske Stone Scholar

Activities: *Human Rights Law Review*, Managing Editor

BRYN MAWR COLLEGE

Bryn Mawr, PA

B.A. in Economics, *cum laude*, May 2002

EDWARD LITTLE HIGH SCHOOL

Auburn, ME

Diploma, June 1998

INTERESTS

Marathons, canoeing, cross country skiing and backpacking.

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

ORDER 104-1106017

ORDERED, that the City Council hereby appoints the following board and committee member as nominated by the Appointment Committee;

Board or Committee	Term Exp. Date	Name
Board of Assessment	10/01/2022	Amy Dieterich (full member, new appointment)



OCT 05 2017

CITY OF AUBURN BOARD & COMMITTEE APPOINTMENT APPLICATION

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

Date: 10/5/17

Last name: Norton First name: Shelley Middle initial: A.S.

Residence address: 275B Summer St. Ward: _____

City: Auburn State: ME Zip code: 04210

Home phone: _____ Work phone: 207-783-9186 Cell phone: 315-399-6063

Email address: SASnorton@gmail.com

Current occupation: Land Use Planner

Previous occupation (if retired or no longer working): _____

Educational and/or experience (or attach your resume): see attached

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

- | | |
|---|---|
| <input type="checkbox"/> 9-1-1 Committee | <input type="checkbox"/> Airport Board |
| <input type="checkbox"/> Auburn Housing Authority | <input type="checkbox"/> Audit & Procurement Committee |
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Cable TV Advisory Board |
| <input type="checkbox"/> CDBG Loan Committee | <input type="checkbox"/> Community Forest Board |
| <input checked="" type="checkbox"/> Conservation Commission | <input type="checkbox"/> Ethics Panel |
| <input type="checkbox"/> Finance Committee | <input type="checkbox"/> L/A Transit Committee |
| <input type="checkbox"/> Parks & Recreation Advisory Board | <input type="checkbox"/> Poland-Auburn Economic Development Committee |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Sewer District |
| <input type="checkbox"/> Water District | <input type="checkbox"/> Zoning Board of Appeals |

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

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

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

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

Dates served (if known)? _____

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

Dates served (if known)? _____

How did you learn of this vacancy? city website

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

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

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

Signature: Shelley Norton Date: 10/5/17

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

FOR OFFICE USE ONLY

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

SHELLEY NORTON

45 Broadway Apt. 2 | Rensselaer, NY 12144 | 315-399-6063 | sasnorton@gmail.com

EDUCATION AND CERTIFICATIONS

Registered Landscape Architect, New York #002152
University at Albany, Introduction to GIS, Summer 2015
Cornell University, MLA, Master's in Landscape Architecture, 2004
University of Southern Maine, BA, Bachelor of Art, 1997

SKILLS PROFILE

- Open-minded and flexible; I can tailor my work based on community values and goals.
- Energetic and driven; I am motivated to provide the best product possible.
- Consensus focused; I enjoy collaboration and maintaining strong working relationships.
- A natural teacher; I enjoy mentoring colleagues and educating the public.
- Accustomed to fast-paced work; I am used to working towards multiple deadlines.
- A skilled technical writer; I strive to explain complex concepts in a simple and concise manner.
- Proficient with Microsoft Office Suite, ArcGIS, Adobe Acrobat, Photoshop, InDesign, and AutoCAD.

EMPLOYMENT HISTORY

Land Use Planner

9/2017 – current

Androscoggin Valley Council of Governments, Auburn, ME

- Develop Comprehensive Plans and zoning ordinances for member communities.
- Provide technical assistance and interpret state laws for member communities.
- Coordinate and present continuing education program annually to member communities.

Senior Planner & Stormwater Management Officer

9/2013 – 9/2017

Building & Planning Department, Malta, NY (*Promoted from Planner to Senior Planner 12/2015*)

- Reviews subdivision, site plan, and special use permit applications for compliance with town code and guidance documents. Guides applicants through the review and approvals process. Presents staff comments at Planning Board and ZBA meetings.
- Performs non-discretionary review of Form-Based Code regulated projects. Reviews have included shopping plazas, redevelopment projects, a bank, hotel, and restaurant.
- Manages stormwater program and maintains compliance with the State's stormwater permit for MS4 communities. Trains staff, performs audits, and prepares annual reports. Educates contractors and residents on stormwater laws, inspects active construction projects and takes enforcement actions to ensure compliance. Reviews applications and issues soil disturbance permits.
- Manages town GIS zoning and stormwater data; creates maps.
- Oversees the work of three staff; manages Building & Planning Department in the absence of the Director.
- Prepares grant applications; develops code interpretations with Code Enforcement staff.
- Led code update committee, developed new lighting code and electronic sign code and overhauled existing sign code. Directed zoning review committee and produced new zoning and maps. Created and presented PowerPoint presentations for committees and at public hearings and led a public design charrette.

- Developed the “Commercial Corridor Design Standards & Guidelines” for the Town.
- Oversaw transition of stormwater program records to electronic system. Overhauled the Stormwater Management Program Plan (SWMP Plan) so that goals are achievable and program is aligned with the plan.

Disaster Assistance Representative

6/2012 – 9/2013

NYS Division of Homeland Security, Emergency Services, Albany, NY

- Developed trainings for the 300 person program, trained new hires and those deploying to Hurricane Sandy in support of FEMA’s Public Assistance program. Reviewed work of others for compliance with regulations.
- Oversaw recovery efforts for four months in Westchester County, NY supervising a three-person grant writing team and advising municipalities on their eligibility for FEMA reimbursement.
- Worked with applicants and developed appeals to FEMA on eligibility decisions.

Public Assistance Project Specialist

10/2011 – 6/2012

FEMA, Albany, NY

- Managed funding reimbursement projects for public works damaged by Hurricane Irene. Worked with municipalities, schools and emergency services organizations to prepare funding applications. Performed site visits, prepared cost estimates, facilitated meetings and advised applicants on FEMA eligibility.

Landscape Architect

7/2004 – 6/2011

EDR Companies, Syracuse, NY

- Managed projects and provided design and management support to others.
- Prepared presentations and graphics and presented at public meetings.
- Wrote proposals, reports, and project specifications.
- Coordinated with agencies, other consultants, clients and co-workers.
- Utilized problem solving skills during design and production tasks. Developed presentation and report graphics, construction drawings and specifications. Prepared cost estimates, monitored project progress and billing. Researched zoning regulations.

Project Highlight: Managed the creation of the Sustainable Landscape Master Plan for Onondaga Community College. Prepared examples for community discussion, gave presentations, and co-led community workshops to identify needs. Co-authored the plan which identified ways for the College to reduce carbon emissions, conserve resources, enhance biodiversity and market its self as a showplace for sustainable design. As a result, 35% of the mowed lawn on campus was reverted to meadow, eliminating forty hours of mowing per week.

Project Highlight: Managed a 37-lot subdivision through separate town and village approval processes. Coordinated the preparation of construction documents and cultural, environmental, traffic, and storm water reports. Presented at planning board meetings and public hearings.

Project Highlight: Prepared diagrams and graphics for design guidelines for the Town of Fayetteville, NY.

Project Highlight: Designed urban streetscape plantings for the Town of Auburn, NY.

Student Landscape Architect (Intern)

7/2002 – 7/2003

Nicholas Pearson Associates, Belfast, Northern Ireland

Developed graphics and text for visual impact assessments for a housing development and for an 80-turbine off-shore wind farm. Prepared graphics, researched zoning and special land use considerations, edited reports. Researched methodology and case studies. Designed and drafted grading and planting plans for a road by-pass and for commercial developments.

Briefly describe why you want to serve on this committee:

I want to be involved in the community in a meaningful way, and use my expertise in planning to help foster a community that appreciates and utilizes its natural resources. I want to help keep Auburn a place that people want to visit, work and live in, and ensure that this remains so for future generations.

What do you hope to accomplish:

I hope to use my experience, knowledge and insights to help inform conservation policy and decisions, so that the natural resources of the City of Auburn are preserved and utilized for the benefit of city residents, both in the present and for the future.

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

ORDER 105-11062017

ORDERED, that the City Council hereby appoints the following board and committee member as nominated by the Appointment Committee;

Board or Committee	Term Exp. Date	Name
Conservation Commission	06/01/2020	Shelley Norton (new appointment)

CITY OF AUBURN BOARD & COMMITTEE APPOINTMENT APPLICATION

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Date: 8-8-17

Last name: Gendron First name: Christopher Middle initial: M

Residence address: 1 Miami Ave Ward: 4

City: Auburn State: Maine Zip code: 04210

Home phone: 207 514 0151 Work phone: _____ Cell phone: _____

Email address: AmericanHP1@yahoo.com

Current occupation: Correctional Officer (corpora) Androscoggin Sheriff's Office (Jail)

Previous occupation (if retired or no longer working): _____

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

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

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

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

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

To continue to be involved in my community and have a hand in shaping our city.

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

Again to help shape our community in a positive way. Give residents a chance to voice their reason as to why they feel they should be able to use their property as they wish. Help bring community and gov't come together

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

Zoning board of Appeals

Dates served (if known)? Since Aug 4 2011

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

Dates served (if known)?

How did you learn of this vacancy?

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

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

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

Signature: [Signature] Date: 8-8-17

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

FOR OFFICE USE ONLY

AUG 11 2017

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



JUL 28 2017

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

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

Date: 7/27/17

Last name: McDonough First name: Courtney Middle initial: L

Residence address: 370 Stevens Mill Rd. Ward: 3

City: Auburn State: ME Zip code: 04210

Home phone: 207-891-9350 Work phone: _____ Cell phone: _____

Email address: cmcdonough107@gmail.com

Current occupation: Loss Mitigation Specialist III

Previous occupation (if retired or no longer working): _____

Educational and/or experience (or attach your resume): Bachelor's Degree Legal Studies

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

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

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

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

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

I enjoy serving my community and my legal background helps on this board.

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

TO keep serving the community and to be objective in the requests of the citizens of our community.

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

Yes, Zoning Board of Appeals

Dates served (if known)? 7/15/14 - 10/1/17

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

Dates served (if known)?

How did you learn of this vacancy? Through e-mail of my expiration of term

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

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

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

Signature: Austrey L. McDermott Date: 7/27/17

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

FOR OFFICE USE ONLY

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

CITY OF AUBURN BOARD & COMMITTEE APPOINTMENT APPLICATION

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

Date: Aug 3, 2017

Last name: Richardson First name: Bruce Middle initial: E

Residence address: 143 Mill Street Apt 324* Ward: 5

City: Auburn State: Maine Zip code: 04210

Home phone: 207-795-6377 Work phone: its private restricted and unlisted Cell phone: (207) 312-8458

Email address: brichardson200+wc.com

Current occupation: unemployed for now

Previous occupation (if retired or no longer working): JAD Franchises DBA Little Caesars

Educational and/or experience (or attach your resume): MBA, MSBE, & MSOL at Southern New Hampshire University
BS in Economics & Sociology at USM

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

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

* all mail should be mailed to my PO box which is
PO Box 137 Auburn Maine 04210137

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

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

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). to serve the community of the City of Auburn to the best of my ability with dignity and with respect

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

Dates served (if known)? currently

Have you previously served on a City or Community Board or Committee? If so, which one(s)?
yes mechanic Falls Zoning Board of appeals

Dates served (if known)? _____

How did you learn of this vacancy? was notified by Susan Clements-Dallaire

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

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

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

Signature: Brian Doherty Date: aug 3, 2017

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

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: AUG 07 2017
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

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

ORDER 106-11062017

ORDERED, that the City Council hereby appoints the following board and committee members as nominated by the Appointment Committee;

Board or Committee	Term Exp. Date	Name
Zoning Board of Appeals	10/01/2020	Christopher Gendron (full member, re-appointment)
	10/01/2020	Bruce Richardson (full member, re-appointment)
	10/01/2020	Courtney McDonough (full member, re-appointment)



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 6, 2017

Order: 107-11062017

Author: Kelsey Earle, License Specialist

Subject: Liquor License request for Hing Long Inc, DBA Tin Tin Buffet

Information: Hing Long Inc, DBA Tin Tin Buffet, an existing business with new ownership, located at 120 Center Street Suite 202, applied for a Liquor License. Police, Fire, and Code have completed the necessary inspections and have granted approval.

City Budgetary Impacts: None

Staff Recommended Action: Public hearing and recommend passage.

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", is written over a horizontal line.

Attachments:

- Application
- Public Notice
- Order

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash	Ck Mo:

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES 7/24/2018

L #: CAR-2014-14-5052

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>HING LONG INC</u>			Business Name (D/B/A) <u>TIN TIN BUFFET</u>		
APPLICANT(S) – (Sole Proprietor)			DOB:		
DOB:			Physical Location: <u>120 CENTER ST. STE 202</u>		
City/Town			State		Zip Code
<u>AUBURN</u>			<u>ME</u>		<u>04210</u>
Address <u>120 Center St. STE 202 ME 04210</u>			Mailing Address <u>(SAME)</u>		
City/Town			State		Zip Code
<u>AUBURN</u>			<u>MAINE</u>		<u>04210</u>
Telephone Number			Business Telephone Number		Fax Number
<u>207-782-7888</u>			<u>207-782-7888</u>		<u>207-782-8977</u>
Federal I.D. # <u>82-2732071</u>			Seller Certificate #: or Sales Tax #:		
Email Address: Please Print <u>tinglin12@gmail.com</u>			Website: <u>N/A</u>		

If business is NEW or under new ownership, indicate starting date: ASAP - Oct 1, 2017

Requested inspection date: _____ Business hours: 11am - 9pm

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
- State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ _____ LIQUOR \$ _____
- Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

- Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
- If manager is to be employed, give name: _____
- Business records are located at: _____
- Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
- Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

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

Name in Full (Print Clearly)	DOB	Place of Birth
YING LIN	11/10/91	CHINA
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
AUBURN, ME		

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

12. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐ ^{TIN TIN BUFFET}

13. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: DANIEL W. BOUTIN
1023 Litchfield Rd. Sabattus ME 04280

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) BUFFET RESTAURANT

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☒ NO ☐ Applied for: _____

16. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1 mile

Which of the above is nearest? SCHOOL

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

If YES, give details: _____

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

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

Dated at: Auburn, ME on Sept 21, 20 17
Town/City, State Date

Please sign in blue ink

Ying Lin
Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

YING LIN
Print Name

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)..... \$ 10.00

Class I Spirituous, Vinous and Malt \$ 900.00

CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00

CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only \$ 550.00

CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only \$ 220.00

CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only \$ 220.00

CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00

CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt – Class A Lounge \$2,200.00

CLASS X: Class A Lounge

Class XI Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00

CLASS XI: Restaurant/Lounge; and OTB.

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

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

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

This application must be completed and signed by the Town or City and mailed to:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, ME 04333-0008.
Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

STATE OF MAINE

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

On: _____
Date

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

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

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

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

Ying Lin 9/21/17
Signature of Duly Authorized Person Date

YING LIN
Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

Tin Tin
Buffet

PREMISE DIAGRAM



**CITY OF AUBURN
PUBLIC NOTICE**

A public hearing will be held by the Auburn City Council on Monday, November 6, 2017 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License application for:

**Hing Long Inc, DBA Tin Tin Buffet
120 Center Street Suite 202, Auburn, Maine**

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

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

ORDER 107-11062017

ORDERED, that the City Council hereby approves the Liquor License for Hing Long Inc, DBA Tin Tin Buffet located at 120 Center Street Suite 202, Auburn, Maine.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 6, 2017 **Order:** 108-11062017

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

Subject: History Trail Proposal

Information: As we discussed at the September 11 workshop, staff has completed the installation of the highest priority wayfinding signs and kiosks downtown. Androscoggin Land Trust has completed a Travel Stories Local Audio Story for walking and kayaking downtown. As a next step, staff has been participating in a few meetings over the last year with a working group interested in promoting awareness of history in Auburn and Lewiston and using that history to create a high quality walking tour downtown. Participants in the discussion include Grow L+A, ALT, Healthy Androscoggin, Cities of Lewiston and Auburn, Androscoggin Historical Society, Jane Costlow and Kristen Barnett (Bates Professors), Sam Boss (Bates Harward Center), and Museum LA. The group has come up with a proposal to create a memorable walking tour in the two cities and is asking if the cities are willing to fund the project. Auburn has \$25,000 in approved funding for a wayfinding sign project and this proposal could be a good component to continue that effort.

Next steps include developing an RFP for a competitive bid process and determining content and designs that complement existing signs, installation and maintenance cost estimates, choosing the best proposal and then ordering signs. We are asking the Council if they wish to fund this project with the existing funds appropriated for wayfinding signs. We would also like to allow the existing group of community member s that has been working on this project to solicit content ideas from the public and select and create the content for the signs. Attachments from the workshop are included as examples but the proposed RFP Process would determine a vendor.

The Council discussed how this project might take away from the existing wayfinding sign project at the September meeting. The Council may also be aware we had some storm damage to existing wayfinding kiosk signs. We will be working with the contractor to have them replaced/repaired and installed to the designed specifications separate from the proposed history trail project. We intend to propose additional signs to continue work on wayfinding in next year's CIP but need to work through the existing problems and plan to rebid additional signs with a competitive process if CIP funding is approved. We are hoping full that the interest in wayfinding signs does not prevent the History Trail project from moving forward.

City Budgetary Impacts: Up to \$25,000 to purchase and install the signs. The funding is already appropriated for wayfinding signs including informational kiosks.

Staff Recommended Action: Funding for wayfinding signs including informational kiosks is approved. Staff requests that the Council vote to move forward with the project as a component of the wayfinding sign initiative.

Previous Meetings and History: September 11, 2017 workshop.

City Manager Comments:

I concur with the recommendation. Signature: _____

A handwritten signature in blue ink, appearing to read "Peter J. Cousens", is written over a horizontal line.

Attachments:



Dear Auburn City Manager Peter Crichton and Mayor Jonathan LaBonte,

Attached you will find a draft budget for the history trail that several organizations have been developing over the past year. Together we believe that investing in a tangible history trail along the existing Riverwalk infrastructure only serves to enhance the value of our downtown and creates an economic driver that affords an opportunity for citizens and visitors alike to connect with our great past.

The Androscoggin Land Trust has put hundreds of hours into developing the wayfinding signage that serves as the template for the new signs coming online in both cities, including kiosks being installed in the next month. Those projects have been ongoing, and the formatting, color scheme, and design work will serve as a template for the signage along the new history trail we envision.

ALT's existing GPS oriented, walking tour smartphone application (that was created with input from the Androscoggin Historical Society, Museum LA and Bates College) serves as the foundation for this new collaborative community development effort involving: Grow L+A, Healthy Androscoggin, Museum LA, Androscoggin Historical Society, and Bates College. The working group endeavors to turn ALT's smartphone walking tour into a tangible history trail along the existing public infrastructure that is the Auburn River Walk and Simard Payne Park and also to expand its current reach with new content.

A significant portion of the historical narratives are written and the accompanying media for the signage is 85% shovel ready. The finished product will invite residents and visitors alike to engage in a cultural experience that allows them to experience the riverfront and outdoors, while simultaneously enjoying the opportunity to learn about our community's history.

Because so much community input and technical groundwork has already been done, we feel confident that the attached budget represents a wonderful opportunity for the Cities of Lewiston and Auburn. We hope you will join this working group in our efforts to promote our waterfront and the fascinating history of our community's culture. There is an opportunity at our feet and we ask that you please consider finding a way to fund half of this project. Thank you for your consideration.

Sincerely,

The Androscoggin Land Trust and Grow L+A

Board of Directors

Dana Little – *Auburn*
President

Marian (Kitsie) Claxton –
Auburn
Vice President

Wes Davis – *New Gloucester*
Treasurer

Mary Howes – *Jay*
Secretary

Melissa Bilodeau – *Auburn*

Doug Boyd – *Lewiston*

Peter Garcia – *Auburn*

Robert Kleckner – *Lewiston*

Judith Marden – *Greene*

Amanda Meader – *Winthrop*

Jon Mercier – *Auburn*

Justin Merrill – *Jay*

Camille Parrish – *Auburn*

James F. Pross – *Auburn*

Elwood (Woody) Trask
Auburn

Staff

Shelley Kruszewski
Conservation Director



Androscoggin Land Trust

PO Box 3145 Auburn, Maine 04212

www.androscogginlandtrust.org

(207) 782-2302

LA Riverwalk History Trail Budget 2017

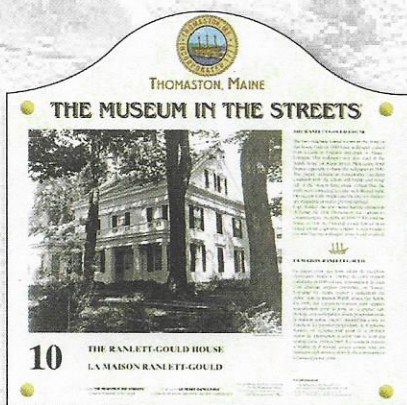
Expenses

Please note: staff work time will be provided by LA Riverwalk History Trail working group partners, volunteers who have appropriate skills, and contract consultants where necessary. For planning purposes, all work time is valued at the volunteer rate recommended by Independent Sector of \$23.56, rounded to \$24.

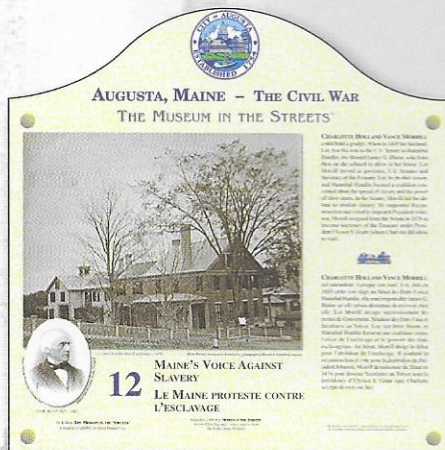
<u>Sign content creation and design work</u>		
-Work with local experts on sign content=60 hours at \$24/hr		\$1,440
<u>Sign acquisition</u>		
-30 small interpretive panels and 2 large panels (based on quote from Museum in the Streets)		\$21,100
-2 large sign posts @ \$450 ea		\$900
-30 small sign posts @ \$150 ea		\$4,500
-20 hours to supervise and coordinate above at \$24/hr		\$480
-shipping sign posts from Belfast		\$1,000
<u>Installation of signs</u>		
Cities/Public Works?		?
<u>Promotion and Kick-off Event</u>		
Expenses for kick-off event		\$1,000
Coordinate, promote and staff kick-off event-55 hours at \$24/hr		\$1,320
Promotion through individual, corporate, municipal and institutional partners, nearby schools and youth organizations and through traditional and social media-80 hours total at \$24/hr		\$1,920
Promotional materials		\$1,000
<u>Upgrades to TravelStories App to match new signs</u>		
18 additional geotags at \$500/geotag		\$9,000
Recording/updating recording/visual aspects of app 20 hours @\$24/hr		\$480
Annual maintenance cost for Travelstories \$540/year		\$540
<u>Total project cost</u>		
		\$44,680

THE MUSEUM IN THE STREETS™

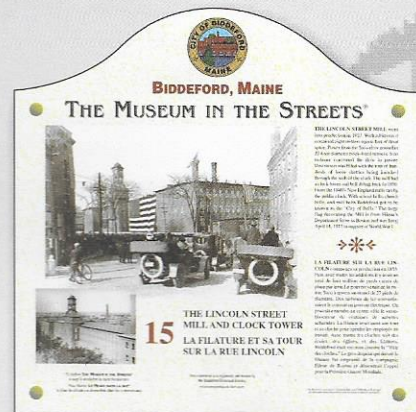
SOME OF OUR REFERENCES



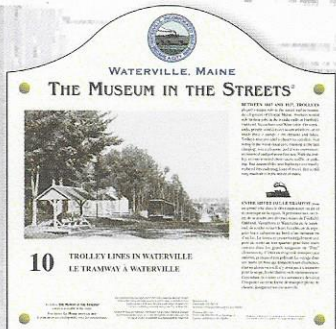
> Thomaston (Maine, U.S.A.)



> Augusta (Maine, U.S.A.)



> Biddeford (Maine, USA)



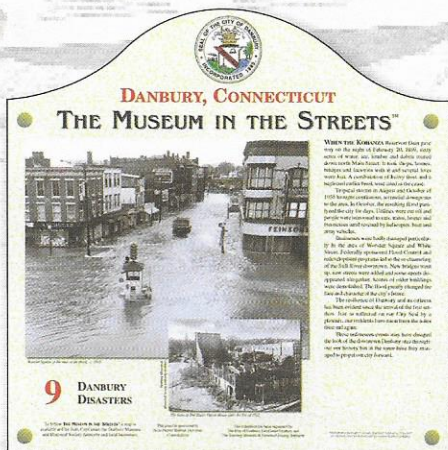
> Waterville (Maine, U.S.A.)



> Fouras (Charente Maritime, FRANCE)



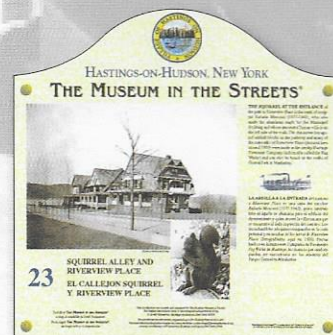
> Pontlevoy (Loir-et-Cher, FRANCE)



> Danbury (Connecticut, U.S.A.)



> Vignole Borbera (ITALY)



> Hastings-on-Hudson (New York, U.S.A.)

Your contact

Patrick CARDON

P.O. Box 11, Cushing, Maine 04563

E-mail: info@themuseuminthestreets.com

+1 207 354 0497

The Museum in the Streets™
Le musée dans la rue™
L'histoire au fil des rues™
Il Museo lungo la Strada™
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Recent Updates and potential topics

I wanted to keep you updated regarding the History Trail project and realized you did not receive the most recent email to the working group. Below is an email summarizing the Museum in the Streets program that the working group is looking into.

Here are some other recent updates:

- working group members include: Grow L+A, ALT, Healthy Androscoggin, Cities of Lewiston and Auburn, Androscoggin Historical Society, Jane Costlow and Kristen Barnett (Bates Professors), Sam Boss (Bates Harward Center), and Museum LA.

- The Cities of Lewiston and Auburn will have a few kiosks installed by June 1. Some will include directions for using the Travelstorys app. These kiosks will not interfere with the History Trail plans but instead will be a nice compliment.

- The working group is investigating enlisting the help of "Museum in the Streets"

<http://www.themuseuminthestreets.com/> They offer panel design and creation for 20 small panels and 2 large panels for \$16,200 (posts and installation not included). We are finalizing a budget to present for potential funding.

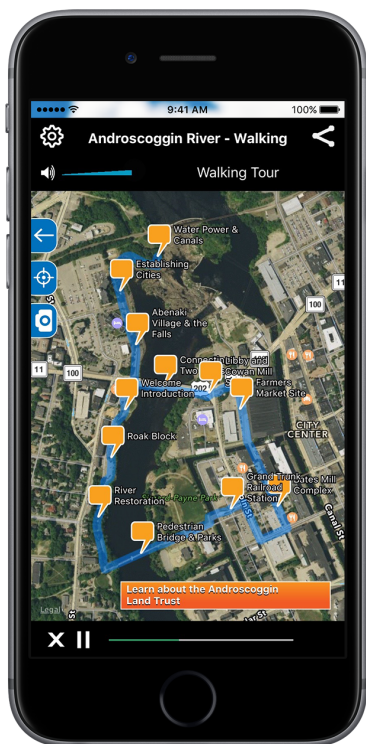
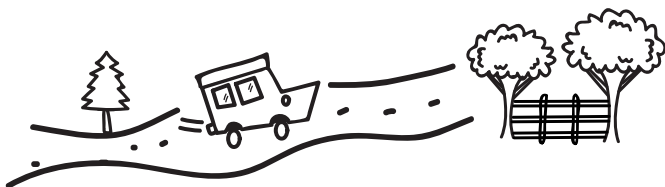
- City of Lewiston is interested in expanding the tour to include some sites on Lisbon Street

Other new content ideas for the tour include: Expand re: Indigenous people as well as a timeline of immigration (then and now), Expand re: the canals in Lewiston, Veterans Park, Incorporate health and outdoor recreation/exercise, incorporate the Knight House, include Marston Hartley, include the Edward Little House, have an interactive kid portion on the signs (treasure hunt), natural history and info re: feeding the ducks, Laurel Street ice house, Saw Mill at falls and log drives

Please let us know if you have any questions and thank you for your interest in this project!

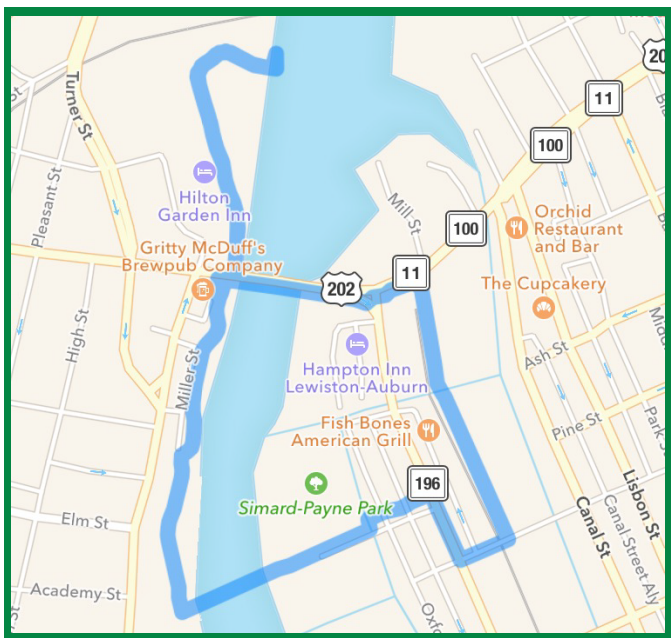
Shelley

TAP INTO YOUR SURROUNDINGS



THE APP THAT TURNS YOUR CELL PHONE INTO A TOUR GUIDE





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U.S. Patent No. 8,965,410 & U.S. Pat. No. 9,078,096

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

Order 108-11062017

ORDERED, that the City Council hereby authorize staff to request proposals for the History Trail Signage project, use the existing group of community members to solicit content ideas from the public and determine content, select a vendor to build and install the signs and to utilize up to \$25,000 of existing wayfinding funds for the project.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 6, 2017 **Ordinance:** 13-11062017

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

Subject: Text Amendment of Chapter 60 livestock related definitions.

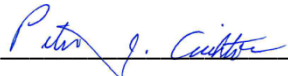
Information: The City Council requested staff and the Planning Board to amend the Zoning Ordinance to eliminate conflict regarding livestock definitions and minimum lot size for the keeping of livestock that currently exists between Chapter 8 and Chapter 60. The draft text amendment addresses: 1) how livestock is defined, and 2) the acreage required for the keeping of livestock. The change makes the two ordinances consistent but still requires the 1 acre minimum that already exists in Chapter 8.

City Budgetary Impacts: None. Makes conflicting ordinance standards consistent.

Staff Recommended Action: Staff recommends the City Council hold the required public hearing and approve 1st reading.

Previous Meetings and History: The issue of livestock has been discussed at numerous City Council meetings since March 2017. The City Council asked the Planning Board to initiate a zoning text amendment to correct the contradictions around livestock. The Planning Board discussed draft text amendments at their August and September meetings and voted to approve the draft text amendment and forward it to the City Council for a final vote. All Planning Board materials from the two meetings are included as attachments. The Council discussed this language at the October 16 meeting.

City Manager Comments:

I concur with the recommendation. Signature: 

Attachments:

1. Planning Board Report for Livestock at the September 12, 2017 meeting.
2. Planning Board Memo for Discussion at the August 8, 2017 meeting.
3. Livestock Ordinance-First Reading
4. Public Notice



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 LaBonte and Honorable Members of the Auburn City Council

From: Auburn Planning Board

Re: Text Amendment for Livestock

Date: October 2 2017

- A. **SUMMARY** - On September 12, 2017 the Auburn Planning Board held a public hearing and made a recommendation on a Zoning Ordinance Text Amendment to address contradictory definitions of Livestock and Animals pursuant to Chapter 8 Animals, Article I, Sec 8-1 and Chapter 60 Zoning, Article I, Sec. 60-2. The meeting consisted of a staff presentation and discussion by the Planning Board. After the discussion, the Planning Board voted unanimously in favor (motion by Cyr, seconded by Scoggins) to send a recommendation of APPROVAL for the Text Amendment on to the City Council for final action.

PROPOSAL - Two major discrepancies arise between Chapter 8 & 60 Definitions that the Planning Board would like to address: 1) how livestock is defined, and 2) the acreage required for the keeping of livestock. The definition of livestock from Chapter 60 Sec. 60-2 reads: "*Livestock means domestic animals kept, used or raised on a farm for the production of income.*" This definition leaves the door open, if livestock are not being raised for the production of income, to be interpreted as pets. The definition of livestock from Chapter 8 Animals reads: "*Livestock means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.*" The Chapter 8 definition simply indicates what livestock are, irrespective of purpose.

The simplest and most effective change would update the definition of livestock in Chapter 60 to read identical to the definition in Chapter 8. In addition to integrating the definition of livestock from Chapter 8 into Chapter 60, staff recommends updating the definition title of "**Farm, Animal**" to read as "**Farm, Livestock**" in Chapter 60 Definitions since the definition refers only to what the definition of livestock in Chapter 8 refers to as livestock. Staff also recommended the new definition of "**Farm, Livestock**" in Chapter 60 include the one acre minimum specified by Chapter 8, Sec. 8-264 (2) Keeping of Livestock generally.

PLANNING BOARD DELIBERATION AND RECOMMENDATION - The Staff presented a report and draft text amendment at the Planning Board's August meeting & a public hearing for the September meeting. The Planning Board discussed the proposed changes suggested by staff. In addition, to accepting the changes put forth by staff, the Planning Board also

offered some further wordsmithing to facilitate more unification in Chapter 60 definitions of livestock.

Planning Board member Philbrick made a motion, seconded by Scoggins to forward a recommendation of Approval to the City Council to amend the Auburn Code of Ordinances by updating the definitions of “Livestock” and “Farm, Animal” in Chapter 60 Zoning, Sec.

60-2 Definitions which was supported unanimously as per attachment.



City of Auburn, Maine

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The definition for Livestock and Farm, Animal definitions in Chapter 60, Sec.60-2 Definitions would now read:

Livestock means, ~~domestic animals kept, used or raised on a farm for the production of income, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.~~

Farm, ~~animal livestock~~, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, ~~donkeys, cattle cows~~, goats, sheep, ~~swine hogs~~ and similar sized animals for the ~~agricultural domestic~~ use of the residents of the lot, ~~provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and provided that~~ adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

(1)

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

(2)

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

(3)

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

(4)

Swine: Two animal units per acre of cleared land.

(5)

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

A handwritten signature in black ink, appearing to read "Dan Philbrick", written over a horizontal line.

Dan Philbrick
Planning Board Chair

Cc: Dan Philbrick, Chair Auburn Planning Board
File



PLANNING BOARD MEMORANDUM

To: Auburn Planning Board

From: Zach Mosher, City Planner

Re: Discussion of Planning Board Initiated Text Amendment for Livestock.

Date: August 8, 2017

As you may know, late last year, staff was approached by a citizen requesting to keep goats as pets in the Low Density Rural Residential District. According to Chapter 60 Zoning definitions, goats could be allowed on the .39 acre lot owned by the citizen, barring any complaints from neighbors or the creation of a nuisance. The definitions in Chapter 60 Zoning relevant to the discussion are as follows:

Livestock – Domestic animals kept, used or raised on a farm for the production of income.

Farm, Animal – Any parcel of land used for the keeping of horses, mules, cows, goats, sheep, hogs and similar sized animals for the domestic use of the residents of the lot, provided that adequate land area for each animal unit contains at least the following, excluding water bodies of one-quarter (1/4) acre surface area or larger:

1. Cattle – 1 bovine animal unit per acre of cleared hay-pasture land.
2. Horse – 1.5 animal units per acre of cleared hay/pasture land.
3. Sheep – 3 animal units per acre of cleared hay/pasture land.
4. Swine – 2 animal units per acre of cleared land.
5. Other animal farms – The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Household Pet – Any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot; but not including any animal normally raised as livestock or poultry, nor any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of (1) objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or (2) being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Staff interpreted the definitions from Chapter 60 Zoning to mean that goats, since they were not being raised for the **production of income or commercial gain**, were not considered livestock and instead were considered household pets.

Earlier this year the citizen was visited by Auburn Police who had received a complaint about the goats and was informed that goats were not allowed to be kept on lots less than 1 acre, according to Chapter 8 Animals of the Auburn Code of Ordinances. Chapter 8 Animals defines goats as livestock, irrespective of purpose, and also sets a 1 acre minimum lot size for the keeping of livestock. The definitions in Chapter 8 Animals relevant are as follows:

Livestock means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep or swine.

Sec. 8-264. - Keeping of livestock generally.

It shall be unlawful for any person to keep or permit the keeping of livestock on premises owned by him or under his control, except in compliance with the following regulations:

- (1) Livestock shall only be kept on lots or tracts of land zoned or designated for rural or agricultural purposes by the city.*
- (2) Livestock shall not be kept on lots and tracts of land less than one acre in area.*
- (3) The provisions of article III of this chapter, pertaining to animal care and control, relative to animal care in general, shall specifically apply to the keeping of livestock.*

Chapter 8 Animals defines goats as livestock and says livestock shall not be permitted on lots less than an acre. Staff is looking for feedback concerning the conflict between Chapters 8 and 60 in the Auburn Code of Ordinances concerning livestock. The simplest and most effective change would remove the “production of income” from the definition of livestock in Chapter 60 and define the animals considered livestock as Chapter 8 does. This change would maintain the existing 1 acre minimum for goats or other livestock; The Council has indicated that the 1 acre standard makes sense.

The definition and standards for animal density could also be amended to read as follows:

Farm, Animal – Any parcel of land used for the keeping of horses, mules, cows, goats, sheep, hogs and similar sized animals for the domestic use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8, Animals and adequate land area for each animal unit contains at least the following, excluding water bodies of one-quarter (1/4) acre surface area or larger:

1. Cattle – 1 bovine animal unit per acre of cleared hay-pasture land.
2. Horse – 1.5 animal units per acre of cleared hay/pasture land.
3. Sheep – 3 animal units per acre of cleared hay/pasture land.
4. Swine – 2 animal units per acre of cleared land.



City of Auburn, Maine

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5. *Other animal farms – The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.*

If the Planning Board would like to explore other changes or address other concerns between the definitions of Chapter 8 and Chapter 60, staff is open to hearing them and preparing a document that summarizes those changes/concerns at the next meeting.

CITY OF AUBURN PUBLIC NOTICE

Notice is hereby given that the City Council of the City of Auburn will hold a public hearing on Monday, November 6, 2017 at 7:00 p.m. or as soon as possible thereafter at the City Council Chambers in the Auburn Hall Building at 60 Court Street, Auburn Maine, for purposes of receiving public comments on the following:

1st Reading of a Text Amendment concerning contradictory definitions of Livestock, Animals, and Pets pursuant to Chapter 8, Article I Sec 8-1 and Chapter 60, Article I Sec. 60-2. The proposal is to amend Chapter 60, Article I Sec. 60-2.

A copy of the proposed ordinance will be on file with the City Clerk and may be reviewed at the offices of the City Clerk during normal business hours. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

To be placed in the Lewiston Sun Journal on Thursday, October 26, 2017 and Monday October 30, 2017.

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 13-11062017

Be it Ordained, that the City Council hereby approve first reading of and amendment to Chapter 60, Sec.60-2 Definitions to read as follows:

Livestock means, ~~domestic animals kept, used or raised on a farm for the production of income. but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.~~

Farm, ~~animal livestock~~, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, ~~donkeys, cattle cows~~, goats, sheep, ~~swine hogs~~ and similar sized animals for the ~~agricultural domestic~~ use of the residents of the lot, ~~provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and provided that~~ adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

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Swine: Two animal units per acre of cleared land.

(5)

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 6, 2017 **Resolve:** 04-11062017

Author: Peter Crichton, City Manager

Subject: Opiate Litigation

Information:

Attorney James Belleau, of Trafton, Matzen Belleau & Frenette, LLP (TMBF, LLP) has been working with a national firm Napoli Shkolnik PLLC (NS PLLC) representing cities, states and counties in claims against the manufacturers and distributors of opiates. This national firm first looked into pursuing claims with hopes of representing individuals and families directly impacted by this issue. During that process, they discovered several compelling reasons why a more comprehensive approach to litigation would be advantageous for all. Therefore, NS PLLC realized that the best approach was to represent governmental agencies across the country in pursuing claims against drug companies, and is now doing so. Trafton, Matzen Belleau & Frenette, LLP have now joined them and are "taking a ground up approach whereby the named parties are actual cities, counties and municipalities so if there is a recovery or settlement the cities, counties and towns get their proportionate share of the recovery if there is one".

The City of Lewiston and City of Portland have adopted resolutions, and the City of Auburn is invited to join in to "engage the services of Napoli Shkolnik, PLLC and Trafton, Matzen, Belleau & Frenette, LLP on behalf of the City of Auburn with respect to prosecution of any legal claims against manufacturers and distributors of opioids arising out of the manufacturers' and distributors' fraudulent and negligent marketing and distribution of opioids." – as stated in the draft, proposed resolution.

City Budgetary Impacts: No budgetary impacts

Staff Recommended Action: Recommend that the Auburn City Council engage the firms of Napoli Shkolnik, PLLC and Trafton, Matzen, Belleau & Frenette, LLP TMBF, LLP as noted in the draft resolution.

Previous Meetings and History: Discussed litigation issue in Executive Session on October 16, 2017

City Manager Comments:

I concur with the recommendation. Signature: _____

A handwritten signature in blue ink, appearing to read "Peter G. Crichton", is written over a horizontal line.

Attachments: Resolution Authorizing the City of Auburn to Join a Lawsuit; NSMK – Opioids-Digital; Opioids Info Book



NAPOLI SHKOLNIK PLLC NATIONWIDE OPIOID LITIGATION

The law firm of Napoli Shkolnik PLLC is uniquely positioned to take on the complex task of pursuing opioid litigation on behalf of government entities. We have been retained by municipalities nationwide to file actions against the manufacturers and distributors of opioid pain medications on their behalf. Napoli Shkolnik has a long and distinguished history of representing counties, cities, and other municipal offices across the country. State and federal courts have appointed Napoli Shkolnik to leadership positions in many of the largest pharmaceutical litigations ever filed and the firm has been involved in nearly every major pharmaceutical mass tort case over the last two decades.

Our firm has filed actions on behalf of numerous cities and counties across the country, including Dayton, Ohio, Nassau County, New York, and Manchester, New Hampshire. We have also been retained by or are investigating claims for countless other municipalities across the United States, including municipalities in West Virginia, Maine, New Jersey, New Hampshire, New Jersey, Ohio, New York, Georgia, New Mexico, and other states across the country. To date, Napoli Shkolnik represents over forty municipalities nationwide.

Below are a few points regarding the damage caused by opioids:

- Opioids claimed 175,000 American lives from 1999-2013 and this number has only continued to grow;
- From 1999 to 2010, a 4-fold increase in opioid sales paralleled a more than 4-fold increase in prescription opioid overdose deaths;
- In the United States, prescription opioid abuse costs are about **\$55.7 billion annually** (CDC, Prescription Drug Overdose data);
- Drug overdose is the leading cause of accidental death in the United States;
- 91 Americans die every day from opioids overdose;

THEORY OF LIABILITY

The claims against the manufacturers of opioid pain medications include claims of deceptive business practices, false advertising, public nuisance, violations of social services/Medicaid law, fraud, and unjust enrichment. The claims involve the deceptive practices of the manufacturer defendants in using both branded and unbranded marketing to reach prescribers and patients. Unbranded marketing through the use of front groups such as the American Pain Foundation, attempted to evade FDA regulations and consumer practices law. The overarching theme of the manufacturing defendants' deception is that opioid pain medications were not addictive and were safe for long term use. Defendants knew that opioids were effective treatments for short-term post-surgical and trauma-related



NAPOLI SHKOLNIK PLLC

ATTORNEYS AT LAW

pain, and for palliative (end-of-life) care. Yet they also knew—and had known for years—that opioids were addictive and subject to abuse, particularly when used long-term for chronic non-cancer pain (pain lasting three months or longer), and should there not be used except as a last-resort.

Defendants spent hundreds of millions of dollars: (a) developing and disseminating seemingly truthful scientific and educational materials and advertising that misrepresented the risks, benefits, and superiority of opioids long-term use to treat chronic pain (b) deploying sales representatives who visited doctors and other prescribers and delivered misleading messages about the use of opioids (c) recruiting prescribing physicians as paid speakers as a means to secure those physicians' future "brand loyalty" and extend their reach to all physicians; (d) funding, assisting, encouraging, and directing certain doctors, known as "key opinion leaders", not only to deliver scripted talks, but also to draft misleading studies, present continuing medical education programs that were deceptive and lacked balance, and serve on the boards and committees of professional societies and patient advocacy groups that delivered messages and developed guidelines supporting chronic opioid therapy; and (e) funding, assisting, directing, and encouraging seemingly neutral and credible professional societies and patient advocacy groups ("Front Groups") that developed educational materials and treatment guidelines that were then distributed by Defendants, which urged doctors to prescribe, and patients to use, opioids long-term to treat chronic pain.

We are also bringing negligence claims against wholesale distributors of these opioids. Under both federal and state law, wholesale distributors have a duty to report suspicious or alarming orders of opioid pharmaceuticals and to report these orders. The evidence shows that these defendants failed to meet this duty despite overwhelming evidence that these drugs were being abused, diverted, and misused based on the alarming size of the orders. These distributors such as McKesson, Cardinal Health, and AmerisourceBergen have paid hundred of millions of dollars in fines to date for their inaction.



THEORY OF DAMAGES

These lawsuits will seek to achieve financial recovery for each municipality for the costs associated with this epidemic, including substance abuse programs, insurance/Medicaid, lost productivity, foster care costs, narcotics training and supplying, and increased law enforcement. It is our hope that these lawsuits will help the municipalities receive funding to help in the fight against this epidemic.

The below is an initial list of recoverable costs and expenses that a municipality may recoup in a lawsuit against the manufacturers and distributors of opioids. These costs can be directly linked to departments within a country. Napoli Shkolnik would work closely with the municipality and our experts in all aspects of the collection of information needed to prove damages and assist our clients in the collection of documents and data.

- Coroner/medical examiner
 - Storage of bodies
 - Increased staffing
 - Indigent burials
 - Cemetery
- Foster care
 - Family and child services
 - Increased staffing
 - Increase in need for care
 - Child support
- Law enforcement (sheriff/police)/incarceration
 - Employee overtime
 - Narcan/Naloxone **Hydrochloride** Injection purchase and training
 - Establishment of task forces
 - Increase in investigation/crime increase
 - Specialized courts: juvenile, surrogate, drug, DUI, drug treatment, juvenile, probate
 - Public defender offices/prosecution
 - Jail/prison costs
 - Probation
 - Victim/family
 - Human trafficking
 - Adult detention
 - Neighborhood safety
 - Victim witness
- Healthcare and first responders
 - Public hospitals
 - Public health



NAPOLI SHKOLNIK PLLC

ATTORNEYS AT LAW

- Medicaid/Medicare
 - Substance abuse programs
 - Drug education programs
 - Drug prevention programs
 - Treatment centers/rehab
 - Mental health facilities
 - Veterans affairs
 - Fire
 - EMT/ambulance
 - Social services
-
- “Loss” in various forms
 - Loss of productivity
 - Travel and tourism
 - Premature death
 - Decrease in labor participation
 - Crime increase
 - Quality of life
 - Increased sick time
 - Frequent firings
 - Price gauging
 - Workers compensation
 - Government assistance
 - Census
 - Public safety



**NAPOLI
SHKOLNIK** PLLC
ATTORNEYS AT LAW



Working Together to Fight the Opioid Epidemic

[Overview](#)

[Verified Complaint](#)

[Litigation Details](#)

[Media](#)

[Facts](#)



Overview

Napoli Shkolnik PLLC Nationwide Opioid Litigation

NAPOLI SHKOLNIK PLLC is uniquely positioned to take on the complex task of pursuing opioid litigation on behalf of government entities. The firm has a long and distinguished history of representing counties, cities, and other municipalities. It also has expertise in pharmaceutical litigation. Indeed, state and federal courts across the country have appointed Napoli Shkolnik to leadership positions in many of the largest pharmaceutical cases ever filed and the firm has been involved in nearly every major pharmaceutical mass tort case over the last two decades.

Municipalities nationwide have already retained the firm to file actions against the manufacturers and distributors of opioid pain medications. Most recently, Napoli Shkolnik has filed actions on behalf of the City of Dayton, Ohio, which has been referred to as the “heroin epicenter” of the country; the City of Lorain, Ohio; and Nassau County, New York. The firm has also been retained by or is investigating claims for numerous other municipalities in West Virginia, Maine, New Hampshire, Ohio, New York, Michigan, Texas, and other states. To date, Napoli Shkolnik represents nearly twenty municipalities across the country.

Napoli Shkolnik seeks to hold the manufacturers and distributors of opioids responsible for the damage they have caused.

The claims against the manufacturers of opioid pain medications include deceptive business practices, false advertising, public nuisance, violations of social services/Medicaid law, fraud, and unjust enrichment. The claims are largely based on the deceptive practices that the manufacturer defendants used to reach prescribers and patients. The overarching theme of the manufacturer



Theory of Liability

The opioid epidemic has ravaged cities across the country.

Opioids claimed 175,000 American lives from 1999-2013 and this number continues to grow;

From 1999 to 2010, a four-fold increase in opioid sales paralleled a more than four-fold increase in prescription opioid overdose deaths;

In the United States, prescription opioid abuse costs approximately \$55.7 billion annually (CDC, Prescription Drug Overdose data);

Drug overdose is the leading cause of accidental death in the United States; and

91 Americans die each day from opioid overdose.

defendants’ deception is that opioid pain medications are not addictive and are safe for long-term use. But the manufacturers knew—and had known for years—that opioids are addictive and subject to abuse, particularly when used long-term for chronic pain, and that they should not be used except as a last-resort.

Specifically, the manufacturer defendants spent hundreds of millions of dollars to (a) develop and disseminate seemingly truthful scientific and educational materials and advertising that misrepresents the risks, benefits, and superiority of opioids for long-term use to treat chronic pain; (b) deploy sales representatives who

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Overview



Theory of Damages

These lawsuits seek to recover the costs associated with the opioid epidemic, including, for example, substance abuse programs, insurance/Medicaid, lost productivity, foster care, Narcan training, and increased law enforcement. It is our hope that these lawsuits will help municipalities receive funding to help fight this epidemic.

visited doctors and other prescribers and delivered misleading messages about the use of opioids; (c) recruit prescribing physicians as paid speakers to secure those physicians' future "brand loyalty" and extend their reach to all physicians; (d) fund, assist, encourage, and direct certain doctors, known as "key opinion leaders," to deliv-

er scripted talks, draft misleading studies, present deceptive continuing medical education programs, and serve on boards and committees of professional societies and patient advocacy groups that delivered messages and developed guidelines supporting chronic opioid therapy; and (e) fund, assist, direct, and encourage seemingly neutral and credible professional societies and patient advocacy groups ("Front Groups") that developed educational materials and treatment guidelines that urged doctors to prescribe—and patients to use—opioids long-term to treat chronic pain.

The firm is also bringing negligence claims against distributors of opioids. Under both federal and state law, distributors have a duty to report suspicious orders of opioids. These defendants failed to satisfy that duty despite overwhelming evidence that opioids were being misused. Notably, these distributors have already paid hundreds of millions of dollars in fines for their inaction.

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NYSCEF DOC. NO. 2

INDEX NO. UNASSIGNED
RECEIVED NYSCEF: 06/12/2017

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

----- X
THE COUNTY OF NASSAU,

Plaintiff,

Index No.:

- against -

VERIFIED COMPLAINT

**PLAINTIFF DEMANDS A TRIAL
BY JURY**

PURDUE PHARMA L.P.; PURDUE PHARMA
INC.; THE PURDUE FREDERICK COMPANY,
INC.; TEVA PHARMACEUTICALS USA, INC.;
CEPHALON, INC.; JOHNSON & JOHNSON;
JANSSEN PHARMACEUTICALS, INC.; ORTHO-
MCNEIL-JANSSEN PHARMACEUTICALS, INC.
N/K/A JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA, INC. N/K/A
JANSSEN PHARMACEUTICALS, INC.; ENDO
PHARMACEUTICALS, INC.; ALLERGAN PLC
F/K/A ACTAVIS PLC; ACTAVIS, INC. F/K/A
WATSON PHARMACEUTICALS, INC.;
WATSON LABORATORIES, INC.; ACTAVIS
LLC; ACTAVIS PHARMA, INC. F/K/A WATSON
PHARMA, INC.; ENDO HEALTH SOLUTIONS
INC.; MCKESSON CORPORATION; CARDINAL
HEALTH, INC.; AMERISOURCEBERGEN
CORPORATION; RUSSELL PORTENOY;
PERRY FINE; SCOTT FISHMAN; LYNN
WEBSTER, and MICHAEL BELFIORE,

Defendants.

----- X



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Litigation Summary

We combine strong trial advocacy with the unparalleled use of technology in order to give our clients the best representation available.

HUNTER J. SHKOLNIK

Defendants

Manufacturers and marketers of prescription opioids

Purdue Pharma L.P.;
Purdue Pharma Inc.;
Purdue Frederick Company, Inc.;
Teva Pharmaceuticals USA, Inc.;
Cephalon, Inc.;
Johnson & Johnson;
Janssen Pharmaceuticals, Inc.;
Janssen Pharmaceutical, Inc. n/k/a Janssen Pharmaceuticals, Inc.;
Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.;
Endo Health Solutions Inc.;
Endo Pharmaceuticals, Inc.;
Allergan plc f/k/a Actavis plc;
Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc.;
Watson Laboratories, Inc.; and
Actavis LLC; and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.

Distributors of prescription opioids

McKesson Corporation;
Cardinal Health Inc.; and
Amerisource Drug Corporation

Claims

Violations of Consumer Protection Act/Fair Business Practices
Public Nuisance
Negligence
Fraud
Unjust Enrichment

Claims as to the Manufacturers

Falsely and fraudulently marketing opioids pain medications and safe and non-addictive.
Failing to perform proper long-term studies regarding the effects of their drugs.
Generally, creating a false perception of the safety and efficacy of opioids in the medical community.

Claims as to the Distributors

Defendants' conduct in failing to report suspicious orders as required by law.
Defendants' conduct in dispensing, supplying and/or selling prescription opioids without adequate safeguards to prevent diversion.
Conduct proximately caused injury to the municipality and its citizens.

Relief Sought

Civil Penalties;
Treble damages;
Compensatory damages;
Punitive damages; and
Attorneys' fees and costs.

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In the Media



ABC
Partner Marie Napoli in an ABC 7 Eyewitness News exclusive, *The Opioid Epidemic*.



AlJazeera
Opioid Litigation attorney Salvatore Badala on AlJazeera English.



FIOS
Joseph Ciccio, an attorney in the Opioid Lawsuits, on FIOS News 1.



ABC
Salvatore Badala on suing pharmaceutical companies and doctors in opioid lawsuits.

Bloomberg News

Community budgets are stretched to the breaking point by the surge in addictions, overdoses and crime, which can be traced back to opioid abuse. "All these unexpected costs are crashing down on cities and leaving them scrambling to shift money around to keep things going," said Hunter Shkolnik.

Daily News

Salvatore Badala said, "...these pharmaceutical companies are profiting hand over fist. We're talking about a billion-dollar industry." He added, "We're in this for the long haul, and so is the county. We're going to fight hard until the end."

The Washington Post

As the epidemic spreads, more states are declaring states of emergency and filing lawsuits. In NY, 8 counties have filed suits. Salvatore Badala, who filed a suit on behalf of Nassau County, said his client needs financial help. "It's getting worse every day," he said.

Fox Business

The lawsuit accuses the opioid distributors of negligence for failing to exercise care in the distribution of the drug. On Long Island, nearly 500 people died from opioid overdoses last year, the highest number of deaths to date.

The Wall Street Journal

Attorneys for Nassau County said in the lawsuit that the Long Island county has had to invest in health care and law enforcement as a result of the opioid addiction epidemic, and pay for training seminars for the overdose antidote naloxone.

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The Facts

Opioid Addiction Affects All Ages, Races and Genders

4×

Since 1999, the amount of prescription opioids sold in the United States has nearly quadrupled.

259 Million

In 2012 health care providers wrote 259 million prescriptions for opioid painkillers—enough to medicate every adult in America around the clock for a month.

2 Million

By 2014, nearly two million Americans were either abusing or dependent on opioids.

500,000

From 2000 to 2014 nearly 500,000 people died from overdosing on opioids.

80%

Americans consume 80% of the opioids supplied around the world and 99% of the worldwide hydrocodone supply.

78 per Day

Seventy-eight Americans die every day from opioid overdoses.

1 in 6

Of the 2,900 babies born last year in Cabell County, West Virginia, 500 had to be weaned off of opioid dependence.

183,000

From 1999 to 2015, more than 183,000 people died in the U.S. from overdoses related to prescription opioids.

1 in 4

CDC: 1 in 4 people who receive opioids for non-cancer pain in primary care settings struggle with addiction.

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NAPOLI SHKOLNIK PLLC

GOVERNMENT OPIOIDS COST RECOVERY PROGRAM



The Opioid Epidemic

The Opioid Epidemic

In 2015, over 300 million prescriptions were written for opioids, which is more than enough to give every American adult their own bottle of pills.¹

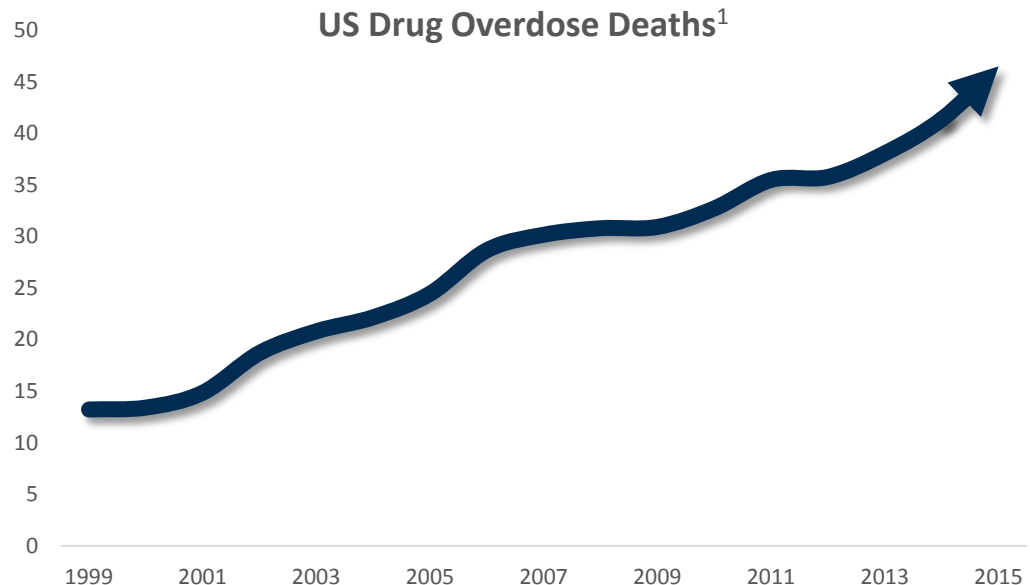
- **Hydrocodone** (e.g., Vicodin)
- **Oxycodone** (e.g., OxyContin)
- **Oxymorphone** (e.g., Opana)
- **Methadone** (especially when prescribed for pain)

(1) Ameet Sarpatwari, Michael S. Sinha, Aaron S. Kesselheim, “The Opioid Epidemic: Fixing a Broken Pharmaceutical Market”, Harvard Law & Policy Review, Volume 11, Number 2 (Summer, 2017): pp. 463-484.

The Opioid Epidemic

- Opioids have claimed 175,000 lives from 1999-2013.

- In 2013 alone, 16,235 deaths attributed to opioid overdoses.



- From 1999 to 2010, a 4-fold increase in opioid sales paralleled a more than 4-fold increase in prescription opioid overdose deaths.

(1) Centers for Disease Control and Prevention, National Center for Health Statistics. Underlying Cause of Death 1999-2015 on CDC WONDER Online Database, released December, 2016. Data are from the Multiple Cause of Death Files, 1999-2015, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at <http://wonder.cdc.gov/ucd-icd10.html> on Jul 26, 2017. ICD-10 Codes: X40-X44, X60-X64, X85, and Y10-Y14

The Opioid Epidemic

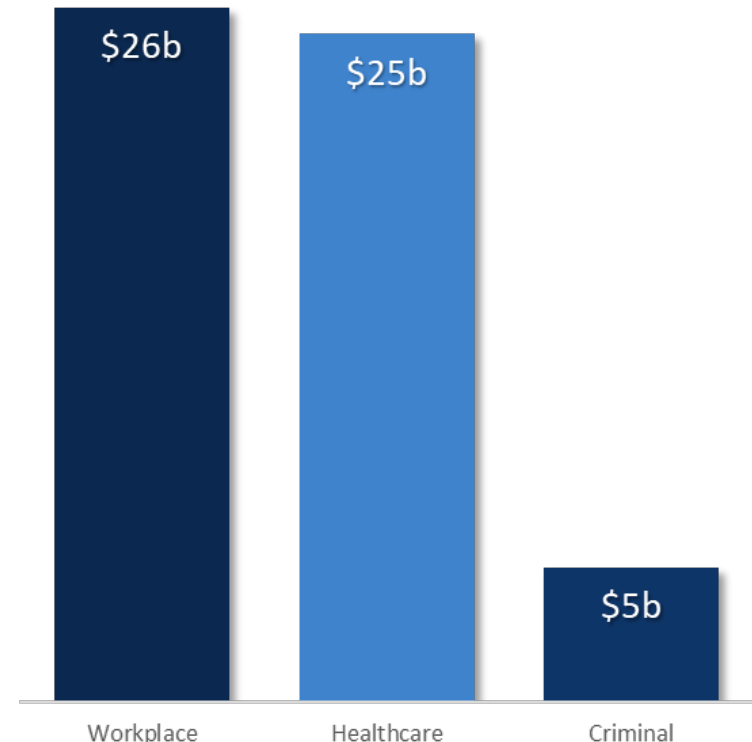
Costs of the Opioid Epidemic

- In the United States, prescription opioid abuse costs are about **\$55.7 billion annually**¹

Of this amount:

- 46% is attributable to workplace costs (e.g., lost productivity): \$26 Billion
- 45% to healthcare costs (e.g., abuse treatment): \$25 Billion
- 9% to criminal justice costs: \$5 Billion

Prescription Opioid Abuse Costs
in Billions



(1) Data Source: CDC, Prescription Drug Overdose data.

The Opioid Epidemic

1 in 12 Doctors Being Paid by Pharmaceuticals Marketing Opioids



◇ 1 in 12 Doctors Being Paid by Pharmaceuticals Marketing Opioids:¹

- ◇ From 2013 to 2015 - more than **375,000** non-research opioid-related payments were made to more than **68,000** physicians, totaling more than **\$46 million**
- ◇ **The Top 1% of Physicians Received 83% of the Payment**
- ◇ **Family and General Practice Physicians received the most payments (almost 1 in 5)**

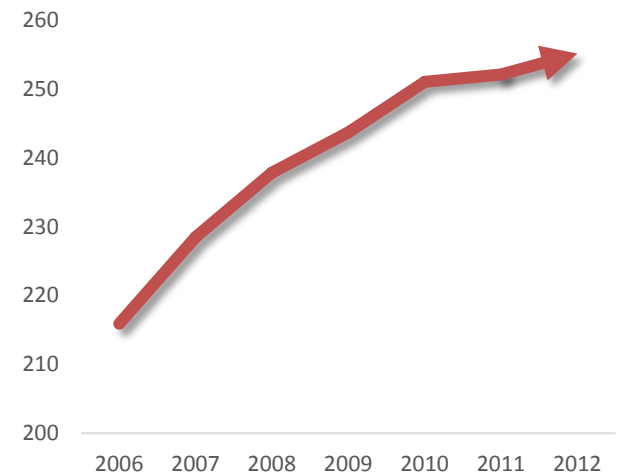
(1) Scott E. Hadland, Maxwell S. Krieger, Brandon D. L. Marshall, "Industry Payments to Physicians for Opioid Products, 2013–2015", American Journal of Public Health 107, no. 9 (September 1, 2017): pp. 1493-1495.
DOI: 10.2105/AJPH.2017.303982
PMID: 28787210

The Opioid Epidemic

Over Prescription of Opioids a 'Fundamental Cause'

- ◇ **Opioid prescriptions rose 104% from 2000 to 2010¹**
- ◇ **300 million prescriptions for opioids were written in 2015 alone**
 - ◇ More than one for every US adult
- ◇ **Surge in prescriptions may be traced back to undertreatment of chronic pain in the 1980s and 1990s**
- ◇ Many prominent physicians urged usage of opioids for pain – some stating that the risk of misuse and addiction was low
- ◇ 1995 – Purdue Pharma received FDA approval for extended release OxyContin
- ◇ Intensive marketing and limited policing of fraudulent activity leads to 'blockbuster' success for Purdue, OxyContin and other major opioids

Total Prescribed Opioids in the US²
(2006-2012 in Millions)



(1) Ameet Sarpatwari, Michael S. Sinha, Aaron S. Kesselheim, "The Opioid Epidemic: Fixing a Broken Pharmaceutical Market", Harvard Law & Policy Review, Volume 11, Number 2 (Summer, 2017): pp. 463-484.

(2) Source for all prescribing data: QuintilesIMS Transactional Data Warehouse (TDW) 2006-2016. Accessed at <https://www.cdc.gov/drugoverdose/maps/rxrate-maps.html>

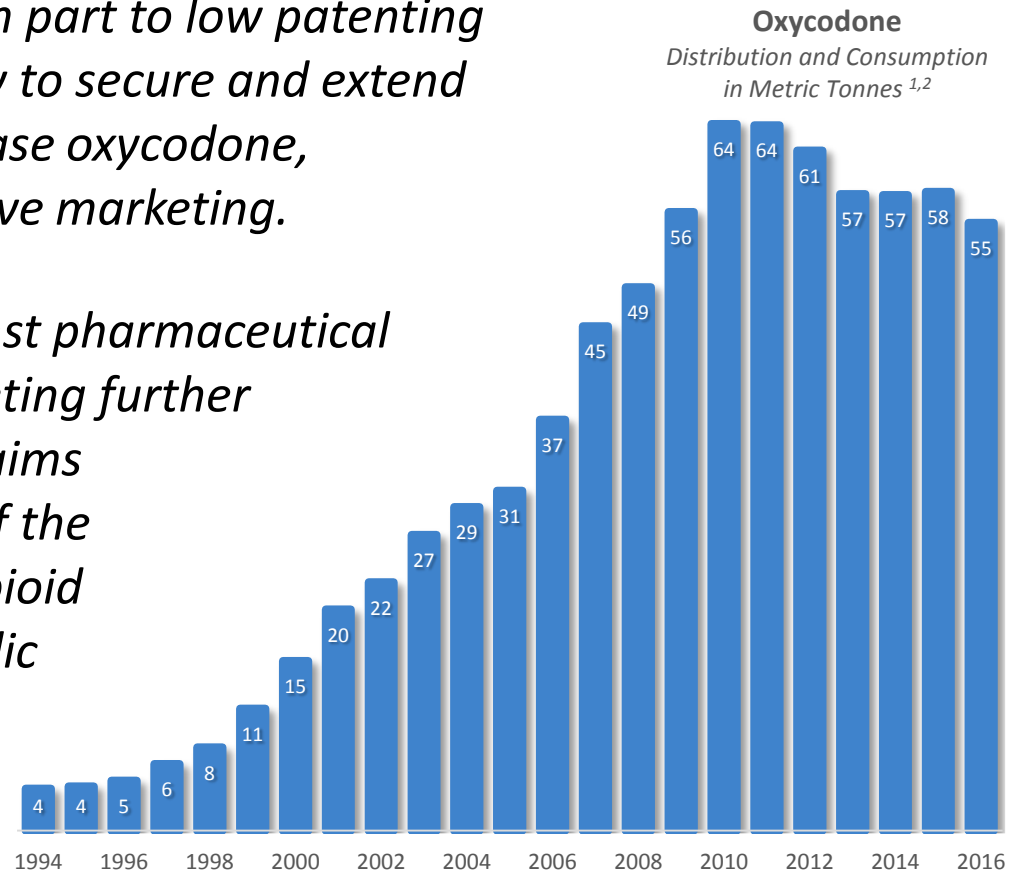
The Opioid Epidemic

The OxyContin Blockbuster

“Purdue's success was attributable in part to low patenting standards that enabled the company to secure and extend market exclusivity for extended-release oxycodone, providing motivation for its aggressive marketing.

*A history of tepid enforcement against pharmaceutical companies engaging in illegal marketing further incentivized Purdue to make false claims about the safety and effectiveness of the drug. Both practices helped drive opioid overuse and misuse, with tragic public health consequences.”**

*Ameet Sarpatwari, Michael S. Sinha, Aaron S. Kesselheim, **“The Opioid Epidemic: Fixing a Broken Pharmaceutical Market”**, Harvard Law & Policy Review, Volume 11, Number 2 (Summer, 2017): pp. 463-484.



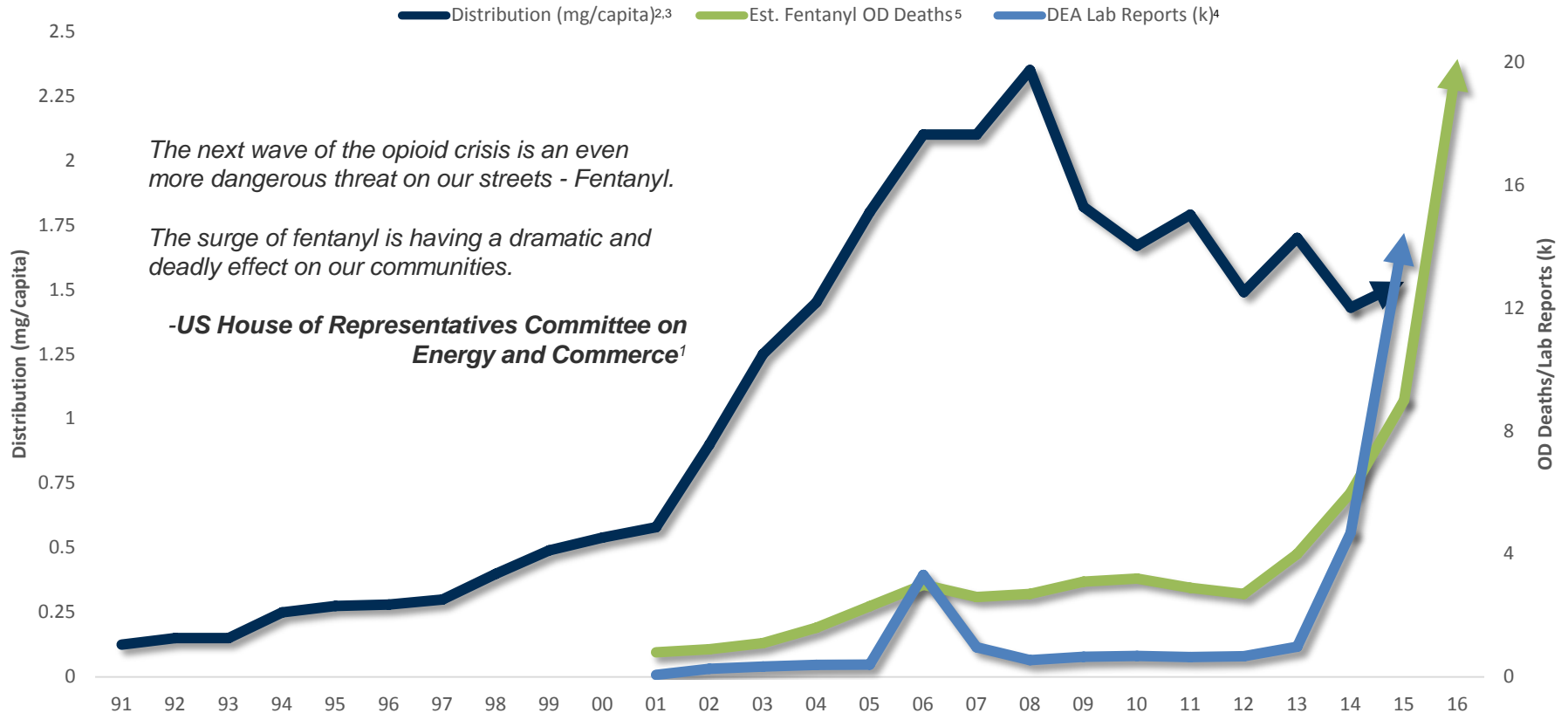
(1) US Department of Justice. Automation of Reports and Consolidated Orders System (ARCOS). Springfield, VA: US Department of Justice, Drug Enforcement Administration; 2017. Available at <http://www.deadiversion.usdoj.gov/arcos/index.html>. Accessed July 25, 2017.

(2) International Narcotics Control Board; World Health Organization population data By: Pain & Policy Studies Group, University of Wisconsin/WHO Collaborating Center, 2017

The Opioid Epidemic

Fentanyl & The Next Wave of the Opioid Epidemic

Fentanyl Distribution vs. Impact on the Street



(1) Fentanyl: The Next Wave of the Opioid Crisis, Hearing Before the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, United States House of Representatives, 115th Congress, 1st Session, 3-21-17

(2) Data Source: US Department of Justice. Automation of Reports and Consolidated Orders System (ARCOS). Springfield, VA: US Department of Justice, Drug Enforcement Administration; 2017.

(3) Data Source 2: International Narcotics Control Board; World Health Organization population data By: Pain & Policy Studies Group, University of Wisconsin/WHO Collaborating Center, 2017

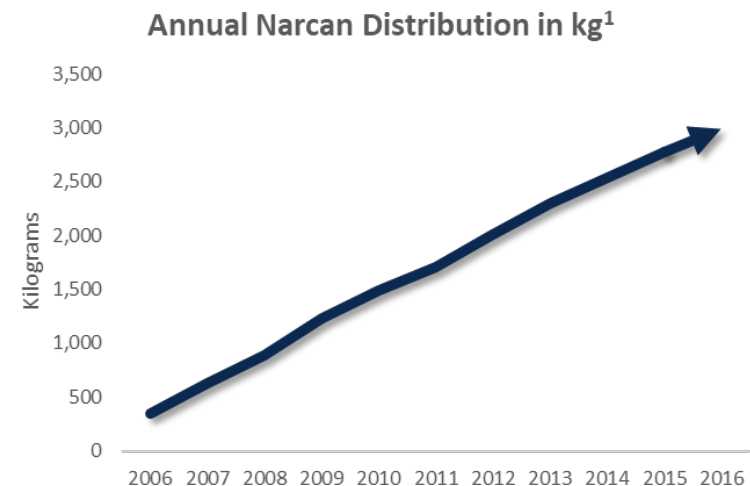
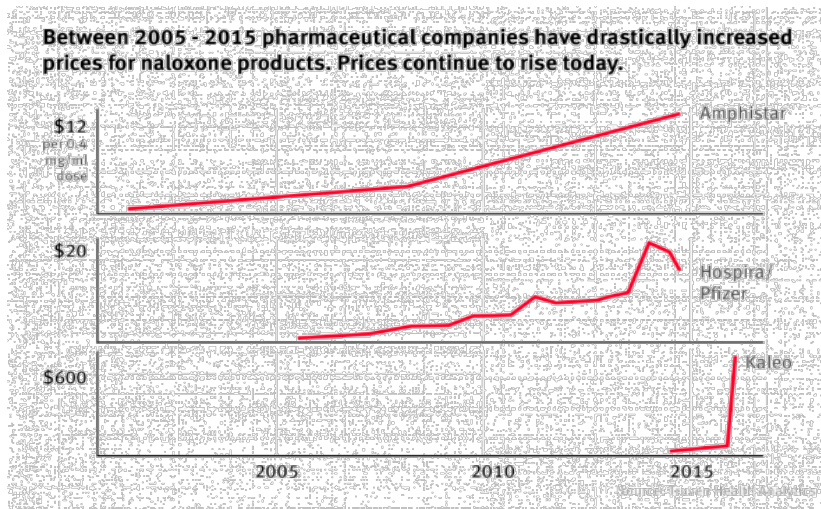
(4) U.S. Drug Enforcement Administration, Diversion Control Division. (2017). NFLIS Brief: Fentanyl, 2001–2015. Springfield, VA: U.S. Drug Enforcement Administration.

(5) Source: National Center for Health Statistics, Centers for Disease Control and Prevention

The Opioid Epidemic

Taxpayers Footing the Bill – Naloxone Costs & Distribution

- ◇ **State, County and City programs to help individuals battling opioid abuse are needed, but can also further enable the opioid epidemic**
 - ◇ First responders, law enforcement or others are being trained how to administer Buprenorphine/Naloxone (Narcan), the lifesaving antidote which is used to block the effects of opioids, especially in overdose
 - ◇ The increasing demand Narcan has led to pharmaceutical companies drastically increasing the price
 - ◇ Taxpayer funds are used to pay for Narcan, while both prices and pharmaceutical profits are sharply on the rise



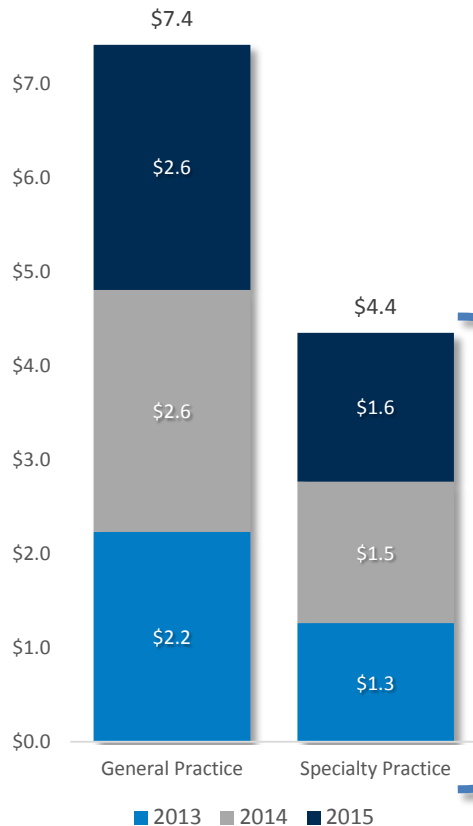
(1) US Department of Justice. Automation of Reports and Consolidated Orders System (ARCOS). Springfield, VA: US Department of Justice, Drug Enforcement Administration; 2017.

(2) Truven Health Analytics

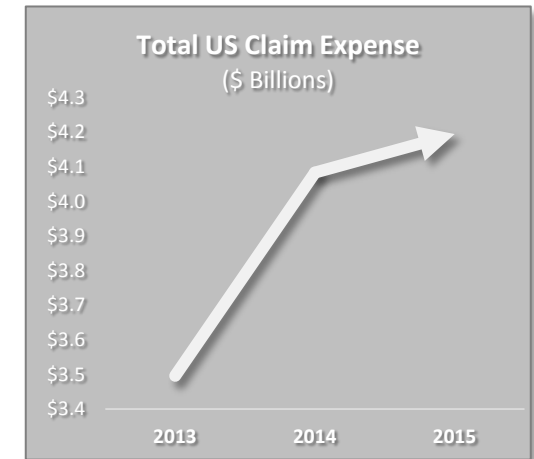
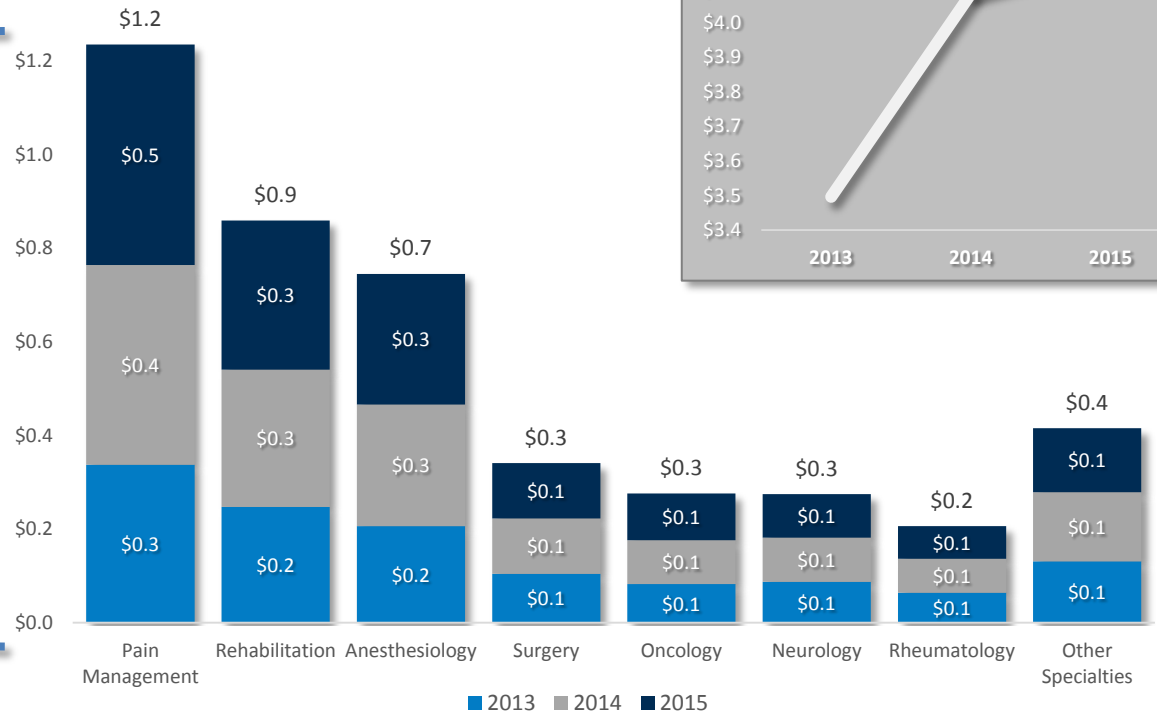
The Opioid Epidemic

Medicare Part D Prescription Claim Costs on the Rise¹

Claim Expense by Practice
(\$ Billions)



Claim Expense by Specialty Practice Area
2013-2015 in \$ Billions



(1) Medicare Provider Utilization and Payment Data: Part D Prescriber Public Use File (PUF). Centers for Medicare & Medicaid Services (CMS)
General Practice coded Specialties: Emergency Medicine, Family Practice, Family Medicine, General Practice, Internal Medicine, Pediatric Medicine, Physician Assistant

Why File a Lawsuit?

Why File a Lawsuit?

City or County Cause of Action is Preferable to Waiting for the State

- ◇ We believe that the effects of the opioid epidemic have been felt strongly at the City and County level
- ◇ Cities and Counties have experienced significant financial costs that are separate and distinct from the State
- ◇ The goal of a lawsuit on behalf of the City or County individually would be to leave the power of accepting a settlement and distribution of any recovery to the City or County, as opposed to giving control to the State

Why File a Lawsuit?

Previous Manufacturer or Distributor Fines

Previous Significant Fines

Purdue
\$635 M

For OxyContin

◇ **Purdue:**

- ◇ \$634.5 Million - Fined (2007) for claiming the drug was less addictive and less subject to abuse

◇ **McKesson**

- ◇ \$150 Million – Fined (2017) for failure to report suspicious orders of drugs

McKesson
\$150 M

◇ **Cardinal Health**

- ◇ \$44 Million – Fined (2016) for failure to report suspicious orders of drugs

**Cardinal
Health**
\$44 M

◇ **Amerisourcebergen**

- ◇ \$16 Million – Fined (2016) for failure to report suspicious orders of drugs

Amerisourcebergen
\$16 M

Why File a Lawsuit?

Previous Manufacturer or Distributor Settlements

Substantial Settlements Underway

Purdue

\$24 M

For OxyContin

Settlement with
State of Kentucky

◇ **Purdue:**

- ◇ \$24 Million – (2013) Settlement with State of Kentucky
- ◇ \$4 Million – (2013) Settlement with Pike County, KY, in both Purdue was accused of misleading the public about the addictiveness of OxyContin

Galena

\$7.5 M

- ◇ **Galena Biopharma** - \$7.5 Million – (2017) Resolved settlement paid kickbacks to doctors in exchange for prescribing fentanyl-based Abstral

Purdue

\$4 M

Settlement with
Pike County, KY

- ◇ **Teva:** - \$1.6 Million – (2017) Santa Clara and Orange County, California alleging misleading marketing practices

Teva

\$1.6 M

Settlement with
Two Counties in
California

- ◇ **Endo** - \$200,000 – (2016)

Endo

\$200k

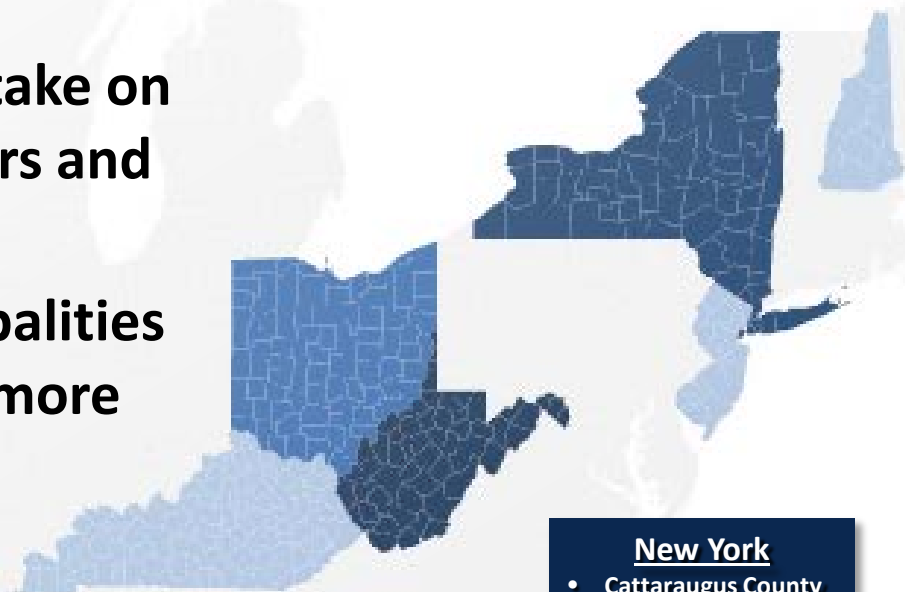
Settlement w/
State of New
York

- ◇ Settlement w/ NY State for misleading marketing around the risks associated with Opana ER

Why File a Lawsuit?

Napoli Shkolnik is Representing Municipalities Across the Country

- ◇ **Napoli Shkolnik has the means to take on large pharmaceutical manufacturers and distributors**
- ◇ **We are representing many municipalities across the country and signing up more every day**



Other Examples

- City of Manchester, NH
- County of Mora, NM
- Borough of Richland, NJ
- Saddle Brook, NJ
- Floyd County, KY
- Pike County, KY
- City of Portland, ME
- City of Lewiston, ME
- Seat Pleasant, MD

Ohio

- City of Dayton
- City of Lorain
- City of Parma
- Richland County Children's Services

West Virginia

- Hancock County
- Brooke County
- Ohio County
- Marshall County
- Wetzel County
- Tyler County
- Harrison County
- Lewis County

New York

- Cattaraugus County
- Chautauqua County
- Chemung County
- Nassau County
- Niagara County
- Rensselaer County
- Schuyler County
- Orleans County

Why File a Lawsuit?

Our Investment in the Government Opioid Costs Recovery Program



- The Napoli Shkolnik investment into the Government Opioid Costs Recovery Program is a risk we take because we care and believe that we can be successful
- Most firms cannot invest what is required to be successful in similar national litigation
- Many firms do not have the resources to properly calculate your damages, and that can be disastrous if your City or County does not get a full return on the damages rightfully owed
- Napoli Shkolnik is committed to utilizing every resource in order to achieve a win for your City or County

Cause of Action

Defendants

- **Manufacturers and marketers of prescription opioids include:**

- Purdue Pharma L.P.;
- Purdue Pharma Inc.;
- Purdue Frederick Company, Inc.;
- Teva Pharmaceuticals USA, Inc.;
- Cephalon, Inc.;
- Johnson & Johnson;
- Janssen Pharmaceuticals, Inc.;
- Janssen Pharmaceutical, Inc. n/k/a Janssen Pharmaceuticals, Inc.;
- Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.;
- Endo Health Solutions Inc.;
- Endo Pharmaceuticals, Inc.;
- Allergan plc f/k/a Actavis plc;
- Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc.;
- Watson Laboratories, Inc.; and
- Actavis LLC; and Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.

- **Distributors of prescription opioids include:**

- McKesson Corporation;
- Cardinal Health Inc.; and
- Amerisource Drug Corporation

Claims

- Violations of Consumer Protection Act/Fair Business Practices
- Violations of State Controlled Substances Act
- Public Nuisance
- Negligence
- Fraud
- Unjust Enrichment

Claims as to the Manufacturers



Government Opioid Costs Recovery Program

- Falsely and fraudulently marketing opioids pain medications and safe and non-addictive.
- Failing to perform proper long term studies regarding the effects of their drugs.
- Generally, creating a false perception of the safety and efficacy of opioids in the medical community.

Claims as to the Distributors

- Defendants' conduct in failing to report suspicious orders as required by law.
- Defendants' conduct in dispensing, supplying and/or selling prescription opioids without adequate safeguards to prevent diversion.
- Conduct proximately caused injury to the municipality and its citizens.

Relief Sought

- Civil Penalties
- Treble damages
- Compensatory damages
- Punitive damages
- Attorneys' fees and costs.

Working Together

To Fight the Opioid Epidemic

About Napoli Shkolnik

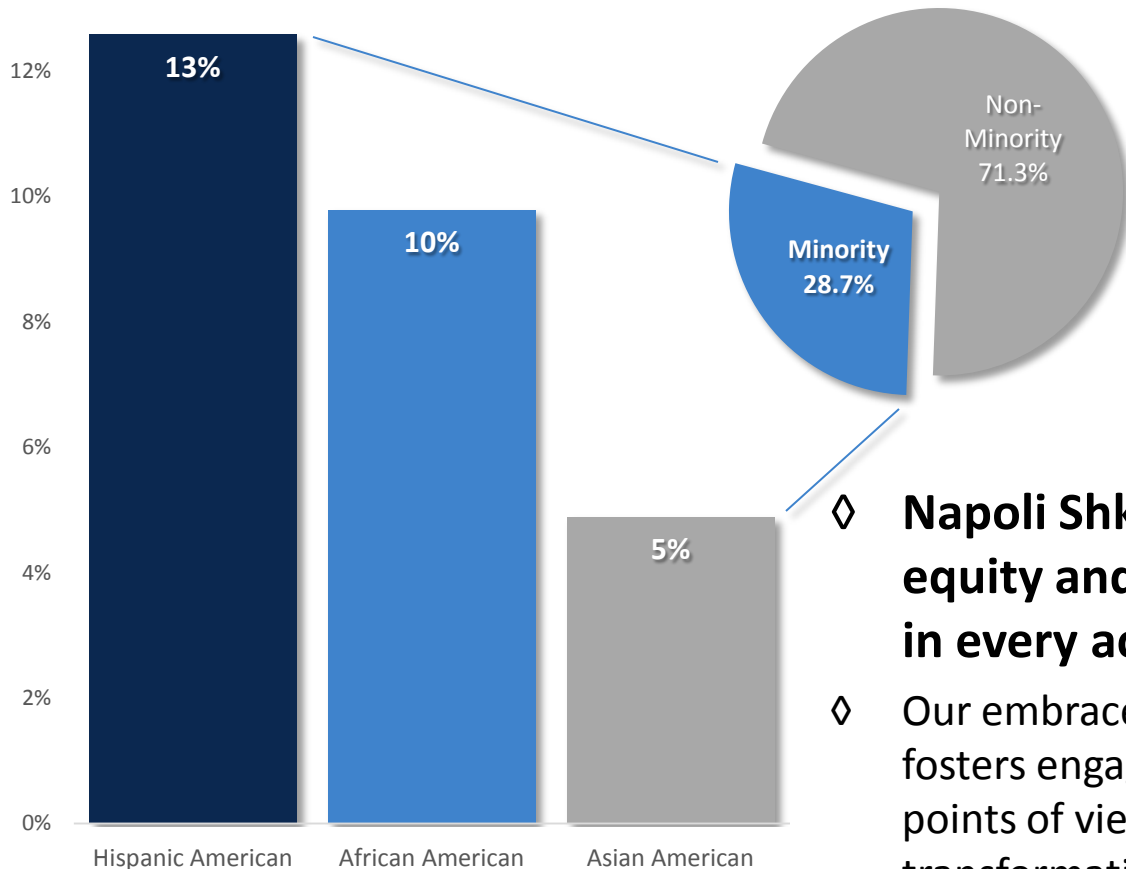
Commitment to Diversity and Inclusion



Government Opioid Costs Recovery Program

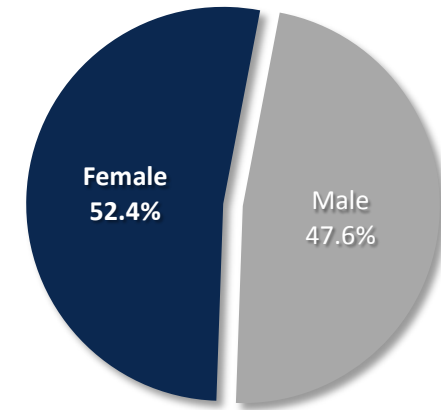
Minority Employees

As % of Total Staff



Employee Gender

As % of Total Staff



- ◇ **Napoli Shkolnik is committed to diversity, equity and inclusion at all levels and in every action**
- ◇ Our embrace of diversity, equity, and inclusion fosters engagement with expansive and varied points of view and enables true ongoing transformation of our practice

About Napoli Shkolnik

Opioid Related Media Appearances

Television



Partner Marie
Napoli in an ABC 7
Eyewitness News
Exclusive: *The Opioid
Epidemic*.



Opioid Litigation
Lead Attorney
Salvatore Badala
on Al Jazeera English.



Joseph Ciacchio, Lead
Attorney in Opioid
Lawsuits, speaks
with Fios News 1.

Print

Community budgets are stretched to the breaking point by the surge in addictions, overdoses and crime, which can be traced back to opioid abuse. “All these unexpected costs are crashing down on cities and leaving them scrambling to shift money around to keep things going,” [Hunter Shkolnik](#) told [Bloomberg News](#).

Lead attorney Salvatore Badala spoke with the [New York Daily News](#), the legal battle could take years but Badala said, “...these pharmaceutical companies are profiting hand over first. We’re talking about a billion-dollar industry.” He added, “We’re in this for the long haul, and so is the county. We’re going to fight hard until the end.”

As the [New Hampshire Union Leader](#) reported, the alderman voted unanimously to authorize the city solicitor to join the suit on behalf of the city.

About Napoli Shkolnik

Principal Office



Government Opioid Costs Recovery Program

Napoli Shkolnik PLLC

360 Lexington Avenue, 11th Floor

New York, New York 10017

(212) 397-1000

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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

RESOLVE 04-11062017

COUNCIL RESOLVE

City of Auburn

Resolve, Authorizing the City Manager to engage the services of Napoli Scholnik, PLLC and Trafton, Matzen, Belleau & Frenette, LLP on behalf of the City of Auburn with Respect to Prosecution of any Legal Claims Against Manufacturers and Distributors of Opioids Arising out of the Fraudulent and Negligent Marketing and Distribution of Opioids.

Whereas, in 2015, over 300 million prescriptions were written for opioids, which is sufficient to provide every American adult with their own bottle of pills; and

Whereas, opioids have claimed 175,000 lives from 1999 to 2013; and

Whereas, from 1999 to 2010, a four-fold increase in opioid sales paralleled a more than fourfold increase in prescription opioid overdose deaths; and

Whereas, in the United States, prescription opioid abuse costs are estimated at \$55.7 billion annually; and

Whereas, the Maine overdose death rates continue to rise and remain above the U.S. average; and

Whereas, drug deaths in Androscoggin County have increased substantially in recent years and now are similar to average rates throughout Maine; and

Whereas, the effects of the opioid epidemic have been felt strongly at the City level where we are seeing significant financial costs associated with the rise of opioid addiction; and

Whereas, the actions of companies marketing and distributing opioid drugs have contributed significantly to these issues through activities including: knowingly claiming that prescription opioids are less addictive and less subject to abuse than other opioid forms; failing to report suspicious orders of drugs; misleading marketing practices; negligence; and generally creating a false perception of the safety and efficacy of opioids in the medical community; and

Whereas, pursuing a claim against these organizations is intended to recover the City's costs relating to the opioid crisis and to change the practices of those engaged in opioid marketing and distribution; and

Whereas, should the City recover damages through these proceedings, it is the intention of the City Council that amounts recovered be used to support law enforcement, education, and treatment efforts aimed at combating this epidemic;

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

Now, therefore, be it resolved by the City Council of the City of Auburn that

The City Manager is hereby authorized to engage the services of Napoli Scholnik, PLLC and Trafton, Matzen, Belleau & Frenette, LLP on behalf of the City of Auburn on a contingent fee basis with respect to prosecution of any legal claims against manufacturers and distributors of opioids arising out of their fraudulent and negligent marketing and distribution of opioids.

Be it Further Resolved, that

It is the intention of the City Council that any proceeds received from the City as a result of these proceedings be dedicated in full to law enforcement, educational, and treatment efforts aimed at combating the opioid epidemic in our community.

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services



TO: Peter Crichton, City Manager
FROM: Jill Eastman, Finance Director
REF: September 2017 Financial Report
DATE: October 17, 2017

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

The City has completed its third month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 25.0% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through September 30th, including the school department were \$30,644,369, or 36.71%, of the budget. The municipal revenues including property taxes were \$26,497,118, or 44.37% of the budget which is less than the same period last year by 0.50%. The accounts listed below are noteworthy.

- A. September 15th the first installment for real estate taxes were due. The current year tax revenue is at 48.62% as compared to 49.76% last year.
- B. Excise tax for the month of September is at 26.66%. This is a \$12,362 decrease from FY 17. Our excise revenues for FY18 are 1.66% above projections as of September 30, 2017.
- C. State Revenue Sharing for the month of September is 24.84% or \$374,915. This is \$22,024 increase from this September to last September.

- D. Homestead Exemption is 80.97% of budget at the end of September. We received 75% of our allotted amount in September and we will receive the balance in June.
- E. Business and Non-Business Licenses and Permits are at 33.53% of budget due to business licences, non-business licenses and permits coming in higher than anticipated.

Expenditures

City expenditures through September 2017 were \$14,869,527 or 34.85%, of the budget. This is 4.64% increase from the same period last year. Noteworthy variances are:

- A. County tax was paid and posted in September this year and not until October last year. This is an increase of \$2,296,224 posted in September which is the majority of the difference from last year.

Investments

This section contains an investment schedule as of September 30th. Currently the City's funds are earning an average interest rate of .72%.

Respectfully submitted,



Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND, WC AND UNEMPLOYMENT FUND
AS of September 2017, August 2017, and June 2016

	UNAUDITED September 30 2017	UNAUDITED August 31 2017	Increase (Decrease)	AUDITED JUNE 30 2016
ASSETS				
CASH	\$ 19,615,567	\$ 12,768,632	\$ 6,846,935	\$ 11,951,131
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	1,620,036	1,648,903	(28,867)	2,429,419
TAXES RECEIVABLE-CURRENT	22,698,064	40,802,001	(18,103,937)	37,898
DELINQUENT TAXES	678,702	682,599	(3,897)	571,005
TAX LIENS	1,284,174	1,375,385	(91,211)	1,721,395
NET DUE TO/FROM OTHER FUNDS	5,318,120	2,832,645	2,485,475	266,370
TOTAL ASSETS	\$ 51,214,663	\$ 60,110,165	\$ (8,895,502)	\$ 16,977,218
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	\$ (128,876)	\$ (29,147)	\$ (99,729)	\$ (1,935,471)
PAYROLL LIABILITIES	(1,137,450)	(1,534,320)	396,870	-
ACCRUED PAYROLL	-	-	-	(2,329,832)
STATE FEES PAYABLE	(20,537)	(55,333)	34,796	-
ESCROWED AMOUNTS	(3,326)	(2,826)	(500)	(6,039)
DEFERRED REVENUE	(24,495,459)	(42,694,504)	18,199,045	(1,860,686)
TOTAL LIABILITIES	\$ (25,785,648)	\$ (44,316,130)	\$ 18,530,482	\$ (6,132,028)
FUND BALANCE - UNASSIGNED	\$ (24,338,062)	\$ (14,703,082)	\$ (9,634,980)	\$ (8,018,394)
FUND BALANCE - RESTRICTED FOR WORKERS COMP & UNEMPLOYMENT	776,017	776,017	-	
FUND BALANCE - RESTRICTED	(1,866,970)	(1,866,970)	0	(2,826,796)
TOTAL FUND BALANCE	\$ (25,429,015)	\$ (15,794,035)	\$ (9,634,980)	\$ (10,845,190)
TOTAL LIABILITIES AND FUND BALANCE	\$ (51,214,663)	\$ (60,110,165)	\$ 8,895,502	\$ (16,977,218)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH September 30, 2017 VS September 30, 2016

REVENUE SOURCE	FY 2018 BUDGET	ACTUAL REVENUES THRU SEPT 2017	% OF BUDGET	FY 2017 BUDGET	ACTUAL REVENUES THRU SEPT 2016	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	\$ 48,061,530	\$ 23,369,198	48.62%	\$ 46,032,435	\$ 22,907,842	49.76%	\$ 461,356
PRIOR YEAR TAX REVENUE	\$ -	\$ 308,904		\$ -	\$ 303,089		\$ 5,815
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 1,015,000	\$ 821,845	80.97%	\$ 750,000	\$ 569,088	75.88%	\$ 252,757
EXCISE	\$ 3,810,000	\$ 1,015,690	26.66%	\$ 3,365,000	\$ 1,028,052	30.55%	\$ (12,362)
PENALTIES & INTEREST	\$ 150,000	\$ 22,047	14.70%	\$ 150,000	\$ 24,863	16.58%	\$ (2,816)
TOTAL TAXES	\$ 53,036,530	\$ 25,537,683	48.15%	\$ 50,297,435	\$ 24,832,934	49.37%	\$ 704,749
LICENSES AND PERMITS							
BUSINESS	\$ 62,000	\$ 10,472	16.89%	\$ 48,000	\$ 11,303	23.55%	\$ (831)
NON-BUSINESS	\$ 345,000	\$ 125,993	36.52%	\$ 427,384	\$ 124,137	29.05%	\$ 1,856
TOTAL LICENSES	\$ 407,000	\$ 136,465	33.53%	\$ 475,384	\$ 135,440	28.49%	\$ 1,025
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	\$ 400,000	\$ -	0.00%	\$ 400,000	\$ -	0.00%	\$ -
STATE REVENUE SHARING	\$ 1,509,117	\$ 374,915	24.84%	\$ 1,468,313	\$ 352,891	24.03%	\$ 22,024
WELFARE REIMBURSEMENT	\$ 95,000	\$ 24,097	25.37%	\$ 59,000	\$ -	0.00%	\$ 24,097
OTHER STATE AID	\$ 32,000	\$ 472	1.48%	\$ 22,000	\$ -	0.00%	\$ 472
CITY OF LEWISTON	\$ 228,384	\$ -	0.00%	\$ 160,000	\$ -	0.00%	\$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 2,264,501	\$ 399,485	17.64%	\$ 2,109,313	\$ 352,891	16.73%	\$ 46,594
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	\$ 144,440	\$ 33,541	23.22%	\$ 132,640	\$ 20,751	15.64%	\$ 12,790
PUBLIC SAFETY	\$ 236,277	\$ 38,668	16.37%	\$ 139,077	\$ 23,419	16.84%	\$ 15,249
EMS TRANSPORT	\$ 1,250,000	\$ 233,023	18.64%	\$ 1,250,000	\$ 267,734	21.42%	\$ (34,711)
TOTAL CHARGE FOR SERVICES	\$ 1,630,717	\$ 305,231	18.72%	\$ 1,521,717	\$ 311,904	20.50%	\$ (6,673)
FINES							
PARKING TICKETS & MISC FINES	\$ 70,000	\$ 9,856	14.08%	\$ 65,000	\$ 14,827	22.81%	\$ (4,971)
MISCELLANEOUS							
INVESTMENT INCOME	\$ 32,000	\$ 9,552	29.85%	\$ 10,000	\$ 3,720	37.20%	\$ 5,832
RENTS	\$ 35,000	\$ 11,575	33.07%	\$ 18,000	\$ 9,873	54.85%	\$ 1,702
UNCLASSIFIED	\$ 10,000	\$ 13,545	135.45%	\$ 10,000	\$ 19,787	197.87%	\$ (6,242)
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 11,772		\$ -	\$ 22,017		\$ (10,245)
SALE OF PROPERTY	\$ 20,000	\$ 7,358	36.79%	\$ 20,000	\$ 10,427	52.14%	\$ (3,069)
RECREATION PROGRAMS/ARENA	\$ -	\$ -		\$ -	\$ -		\$ -
MMWAC HOST FEES	\$ 215,000	\$ 54,596	25.39%	\$ 210,000	\$ 53,443	25.45%	\$ 1,153
TRANSFER IN: TIF	\$ 1,287,818	\$ -	0.00%	\$ 1,537,818	\$ -	0.00%	\$ -
TRANSFER IN: REC SPEC REVENUE	\$ 54,718	\$ -	0.00%	\$ 54,718	\$ -	0.00%	\$ -
ENERGY EFFICIENCY	\$ -	\$ -		\$ -	\$ 1,625		\$ (1,625)
CDBG	\$ 214,430	\$ -	0.00%	\$ 254,127	\$ -	0.00%	\$ -
UTILITY REIMBURSEMENT	\$ 27,500	\$ -	0.00%	\$ 27,500	\$ -	0.00%	\$ -
CITY FUND BALANCE CONTRIBUTION	\$ 412,500	\$ -	0.00%	\$ 825,000	\$ -	0.00%	\$ -
TOTAL MISCELLANEOUS	\$ 2,308,966	\$ 108,398	4.69%	\$ 2,967,163	\$ 120,892	4.07%	\$ (12,494)
TOTAL GENERAL FUND REVENUES	\$ 59,717,714	\$ 26,497,118	44.37%	\$ 57,436,012	\$ 25,768,888	44.87%	\$ 728,230
SCHOOL REVENUES							
EDUCATION SUBSIDY	\$ 22,039,568	\$ 4,134,849	18.76%	\$ 21,373,337	\$ 3,970,412	18.58%	\$ 164,437
EDUCATION	\$ 811,744	\$ 12,403	1.53%	\$ 814,540	\$ 53,257	6.54%	\$ (40,854)
SCHOOL FUND BALANCE CONTRIBUTION	\$ 906,882	\$ -	0.00%	\$ 906,882	\$ -	0.00%	\$ -
TOTAL SCHOOL	\$ 23,758,194	\$ 4,147,251	17.46%	\$ 23,094,759	\$ 4,023,669	17.42%	\$ 123,582
GRAND TOTAL REVENUES	\$ 83,475,908	\$ 30,644,369	36.71%	\$ 80,530,771	\$ 29,792,557	37.00%	\$ 851,812

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH September 30, 2017 VS September 30, 2016

DEPARTMENT	FY 2018 BUDGET	Unaudited EXP THRU SEPT 2017	% OF BUDGET	FY 2017 BUDGET	Unaudited EXP THRU SEPT 2016	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	\$ 80,300	\$ 43,570	54.26%	\$ 78,464	\$ 12,315	15.70%	\$ 31,255
CITY MANAGER	\$ 581,170	\$ 103,535	17.81%	\$ 378,880	\$ 82,161	21.69%	\$ 21,374
CITY CLERK	\$ 181,332	\$ 37,405	20.63%	\$ 177,906	\$ 34,605	19.45%	\$ 2,800
FINANCIAL SERVICES	\$ 675,239	\$ 155,804	23.07%	\$ 637,754	\$ 154,442	24.22%	\$ 1,362
HUMAN RESOURCES	\$ 156,887	\$ 37,745	24.06%	\$ 150,435	\$ 23,200	15.42%	\$ 14,545
INFORMATION TECHNOLOGY	\$ 531,551	\$ 121,986	22.95%	\$ 479,324	\$ 122,963	25.65%	\$ (977)
LEGAL SERVICES	\$ -	\$ -		\$ 45,650	\$ 28,348	62.10%	\$ (28,348)
TOTAL ADMINISTRATION	\$ 2,206,479	\$ 500,045	22.66%	\$ 1,948,413	\$ 458,034	23.51%	\$ 42,011
COMMUNITY SERVICES							
ECONOMIC & COMMUNITY DEVELOPMENT	\$ 1,717,028	\$ 278,427	16.22%	\$ 1,938,437	\$ 277,163	14.30%	\$ 1,264
HEALTH & SOCIAL SERVICES	\$ 220,870	\$ 73,442	33.25%	\$ 171,474	\$ 46,145	26.91%	\$ 27,297
RECREATION & SPECIAL EVENTS*	\$ 388,581	\$ 75,847	19.52%	\$ 341,772	\$ 65,976	19.30%	\$ 9,871
PUBLIC LIBRARY	\$ 998,189	\$ 249,547	25.00%	\$ 979,516	\$ 161,519	16.49%	\$ 88,028
TOTAL COMMUNITY SERVICES	\$ 3,324,668	\$ 677,263	20.37%	\$ 3,431,199	\$ 550,803	16.05%	\$ 126,460
FISCAL SERVICES							
DEBT SERVICE	\$ 6,366,533	\$ 5,359,284	84.18%	\$ 6,406,845	\$ 5,416,910	84.55%	\$ (57,626)
FACILITIES	\$ 640,201	\$ 202,599	31.65%	\$ 645,756	\$ 342,913	53.10%	\$ (140,314)
WORKERS COMPENSATION	\$ 555,164	\$ -	0.00%	\$ 522,088	\$ -	0.00%	\$ -
WAGES & BENEFITS	\$ 5,960,970	\$ 1,516,102	25.43%	\$ 5,274,528	\$ 1,484,062	28.14%	\$ 32,040
EMERGENCY RESERVE (10108062-670000)	\$ 415,454	\$ -	0.00%	\$ 375,289	\$ -	0.00%	\$ -
TOTAL FISCAL SERVICES	\$ 13,938,322	\$ 7,077,985	50.78%	\$ 13,224,506	\$ 7,243,885	54.78%	\$ (165,900)
PUBLIC SAFETY							
FIRE DEPARTMENT	\$ 4,227,575	\$ 1,084,589	25.66%	\$ 4,049,396	\$ 1,040,889	25.70%	\$ 43,700
FIRE EMS	\$ 708,828	\$ 161,635	22.80%	\$ 590,997	\$ 179,134	30.31%	\$ (17,499)
POLICE DEPARTMENT	\$ 4,043,998	\$ 889,306	21.99%	\$ 3,875,113	\$ 881,199	22.74%	\$ 8,107
TOTAL PUBLIC SAFETY	\$ 8,980,401	\$ 2,135,530	23.78%	\$ 8,515,506	\$ 2,101,222	24.68%	\$ 34,308
PUBLIC WORKS							
PUBLIC SERVICES DEPARTMENT	\$ 4,611,116	\$ 881,890	19.13%	\$ 4,496,349	\$ 874,018	19.44%	\$ 7,872
SOLID WASTE DISPOSAL*	\$ 964,118	\$ 188,067	19.51%	\$ 932,689	\$ 147,819	15.85%	\$ 40,248
WATER AND SEWER	\$ 632,716	\$ 158,179	25.00%	\$ 599,013	\$ 146,627	24.48%	\$ 11,552
TOTAL PUBLIC WORKS	\$ 6,207,950	\$ 1,228,136	19.78%	\$ 6,028,051	\$ 1,168,464	19.38%	\$ 59,672
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	\$ 167,800	\$ 166,664	99.32%	\$ 106,000	\$ 29,269	27.61%	\$ 137,395
E911 COMMUNICATION CENTER	\$ 1,088,857	\$ 267,731	24.59%	\$ 1,088,857	\$ 267,281	24.55%	\$ 450
LATC-PUBLIC TRANSIT	\$ 189,949	\$ 189,949	100.00%	\$ 182,244	\$ 182,244	100.00%	\$ 7,705
LA ARTS	\$ -	\$ -		\$ -	\$ -		\$ -
TAX SHARING	\$ 270,000	\$ -	0.00%	\$ 270,000	\$ 18,015	6.67%	\$ (18,015)
TOTAL INTERGOVERNMENTAL	\$ 1,716,606	\$ 624,344	36.37%	\$ 1,647,101	\$ 496,809	30.16%	\$ 127,535
COUNTY TAX	\$ 2,296,224	\$ 2,296,224	100.00%	\$ 2,167,824	\$ -	0.00%	\$ 2,296,224
TIF (10108058-580000)	\$ 3,049,803	\$ -	0.00%	\$ 2,824,803	\$ -	0.00%	\$ -
OVERLAY	\$ -	\$ -		\$ -	\$ -	0.00%	\$ -
TOTAL CITY DEPARTMENTS	\$ 41,720,453	\$ 14,539,527	34.85%	\$ 39,787,403	\$ 12,019,217	30.21%	\$ 2,520,310
EDUCATION DEPARTMENT	\$ 41,755,455	\$ 4,114,334	9.85%	\$ 40,743,368	\$ 2,603,419	6.39%	\$ 1,510,915
TOTAL GENERAL FUND EXPENDITURES	\$ 83,475,908	\$ 18,653,861	22.35%	\$ 80,530,771	\$ 14,622,636	18.16%	\$ 4,031,225

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF September 30, 2017**

INVESTMENT		FUND	BALANCE September 30, 2017	BALANCE August 31, 2017	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	\$ 2,188,798.41	\$ 2,187,539.55	0.45%
ANDROSCOGGIN BANK	502	SR-TIF	\$ 1,010,036.16	\$ 1,009,455.25	0.45%
ANDROSCOGGIN BANK	836	GENERAL FUND	\$ 984,326.77	\$ 983,729.99	0.45%
ANDROSCOGGIN BANK	801	WORKERS COMP	\$ 50,457.95	\$ 50,428.93	0.45%
ANDROSCOGGIN BANK	748	UNEMPLOYMENT	\$ 50,457.84	\$ 50,428.82	0.45%
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	\$ 331,871.48	\$ 331,680.61	0.45%
NORTHERN CAPITAL	02155	CAPITAL PROJECTS	\$ 750,000.00	\$ 750,000.00	1.15%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	0.70%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	1.00%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	1.15%
NORTHERN CAPITAL	02155	GENERAL FUND	\$ 500,000.00	\$ 500,000.00	1.25%
GRAND TOTAL			\$ 7,365,948.61	\$ 7,363,263.15	0.72%

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2017 - June 30, 2018
Report as of September 30, 2017

	Beginning Balance 09/01/17	September 2017			Write-Offs	Ending Balance 9/30/2017
		New Charges	Payments	Adjustments		
Bluecross	\$ 3,083.37	\$ 8,771.40	\$ (4,175.58)	\$ (3,217.02)		\$ 4,462.17
Intercept	\$ -	\$ 400.00	\$ (100.00)			\$ 300.00
Medicare	\$ 90,341.59	\$ 73,260.80	\$ (31,393.13)	\$ (43,238.51)		\$ 88,970.75
Medicaid	\$ 40,383.21	\$ 27,171.80	\$ (16,635.48)	\$ (20,901.34)		\$ 30,018.19
Other/Commercial	\$ 82,496.06	\$ 28,178.40	\$ (17,506.93)	\$ (6,163.59)		\$ 87,003.94
Patient	\$ 544,926.66	\$ 11,348.00	\$ (6,911.66)	\$ (721.40)	\$ (66,167.42)	\$ 482,474.18
Worker's Comp	\$ 1,656.39	\$ -	\$ (685.00)			\$ 971.39
TOTAL	\$ 762,887.28	\$ 149,130.40	\$ (77,407.78)	\$ (74,241.86)	\$ (66,167.42)	\$ 694,200.62

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2017 - June 30, 2018
Report as of September 30, 2017

	July 2017	August 2017	Sept 2015	Adjustment	Totals	% of Total
No Insurance Information					\$ -	0.00%
Bluecross	\$ 7,616.80	\$ 5,319.60	\$ 8,771.40	\$ 873.80	\$ 22,581.60	4.21%
Intercept	\$ 200.00		\$ 400.00		\$ 600.00	0.11%
Medicare	\$ 93,981.80	\$ 121,672.00	\$ 73,260.80	\$ (15,096.60)	\$ 273,818.00	50.99%
Medicaid	\$ 29,998.80	\$ 33,361.80	\$ 27,171.80	\$ 4,174.60	\$ 94,707.00	17.64%
Other/Commercial	\$ 26,335.20	\$ 31,967.40	\$ 28,178.40	\$ 14,113.80	\$ 100,594.80	18.73%
Patient	\$ 15,784.20	\$ 20,029.80	\$ 11,348.00	\$ (4,065.60)	\$ 43,096.40	8.03%
Worker's Comp	\$ 872.40	\$ 685.00			\$ 1,557.40	0.29%
TOTAL	\$ 174,789.20	\$ 213,035.60	\$ 149,130.40	\$ -	\$ 536,955.20	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2017 - June 30, 2018
Report as of September 30, 2017

	July 2017	August 2017	Sept 2015	Adjustment	Totals	% of Total
No Insurance Information					0	0.00%
Bluecross	9	7	11		27	3.90%
Intercept	2		4		6	0.87%
Medicare	117	151	98		366	52.89%
Medicaid	39	44	36		119	17.20%
Other/Commercial	36	41	36		113	16.33%
Patient	20	25	14		59	8.53%
Worker's Comp	1	1			2	0.29%
TOTAL	224	269	199	0	692	100.00%

TOTAL REVENUE COLLECTED AS OF 09/30/17 \$233,022.73
TOTAL EXPENDITURES AS OF 09/30/17 \$161,634.50

**EMS BILLING
AGING REPORT
July 1, 2017 to June 30, 2018
Report as of September 30, 2017**

[illegible]

CITY OF AUBURN
SPECIAL REVENUE FUNDS
As of September 30, 2017

	1902	1905	1910	1913	1914	1915	1917	1922	1926	1927	1928	1929	1930	1931		
	Riverwatch	Winter Festival	Community Service	Police Fitness Equipment	Oak Hill Cemeteries	Fire Training Building	Wellness Grant	Walmart Risk/Homeless	Healthy Androscoggin	Insurance Reimbursement	Vending	Fire Prevention	211 Fairview	Donations		
Fund Balance 7/1/17	\$ 972,422.92	\$ (1,530.30)	\$ 4,380.34	\$ 5,932.53	\$ 27,343.39	\$ (1,488.84)	\$ 4,582.27	\$ 6,378.18	\$ 1,784.05	\$ 925.21	\$ (83.88)	\$ 4,791.12	\$ (566,303.71)	\$ 2,069.13		
Revenues FY18	\$ 15,003.63		\$ 134.00		\$ 200.00			\$ 960.94	\$ 900.00		\$ 354.00					
Expenditures FY18	\$ 106,052.65						\$ 415.00	\$ 60.94	\$ 2,100.00		\$ 111.29			\$ 216.50		
Fund Balance 9/30/17	\$ 881,373.90	\$ (1,530.30)	\$ 4,514.34	\$ 5,932.53	\$ 27,543.39	\$ (1,488.84)	\$ 4,167.27	\$ 7,278.18	\$ 584.05	\$ 925.21	\$ 158.83	\$ 4,791.12	\$ (566,303.71)	\$ 1,852.63		
	2003 Byrne JAG	2005 MDOT	2006 PEACE	2007 Seatbelt Grant	2008 Homeland Security	2010 State Drug Money	2013 OUI Grant	2014 Speed Grant	2019 Law Enforcement Training	2020 CDBG	2025 Community Cords	2030 Parking	2032 HEAPP	2033 Safe School/Health (COPS)		
Fund Balance 7/1/17	\$ 2,808.57	\$ (300,767.41)	\$ 4,155.42	\$ 2,197.62	\$ (73,633.75)	\$ 14,432.07	\$ 6,210.37	\$ 8,831.00	\$ (5,669.72)	\$ 4,323,336.57	\$ 29,316.61	\$ 11,690.86	\$ (4,994.50)	\$ (15,906.07)		
Revenues FY18	\$ -					\$ 25.00			\$ 2,550.00	\$ 11,614.66	\$ 612.00	\$ 28,322.00				
Expenditures FY18			\$ 107.45			\$ 3,412.58	\$ 6,615.09	\$ 6,702.00	\$ 1,285.00	\$ 382,874.03		\$ 63,975.58				
Fund Balance 9/30/17	\$ 2,808.57	\$ (300,767.41)	\$ 4,047.97	\$ 2,197.62	\$ (73,633.75)	\$ 11,044.49	\$ (404.72)	\$ 2,129.00	\$ (4,404.72)	\$ 3,952,077.20	\$ 29,928.61	\$ (23,962.72)	\$ (4,994.50)	\$ (15,906.07)		
	2037 Bulletproof Vests	2038 Community Action Team	2040 Great Falls TV	2041 Blanche Stevens	2044 Federal Drug Money	2045 Forest Management	2046 Joint Land Use Study	2048 TD Tree Days Grant	2050 Project Lifesaver	2052 Nature Conservancy	2053 St Louis Bells	2054 EMS Transport Capital Reserve	2055 Work4ME-PAL	2056 Lake Auburn Neighborhood		
Fund Balance 7/1/17	\$ 8,478.66	\$ 7,206.21	\$ 45,319.88	\$ 47,037.73	\$ 16,988.54	\$ 4,436.52	\$ 0.57	\$ -	\$ 150.00	\$ 975.05	\$ 2,357.75	\$ 331,362.88	\$ (13,692.41)	\$ 125.00		
Revenues FY18				\$ 3,940.00	\$ 9,223.62				\$ 50.00			\$ 317.73				
Expenditures FY18			\$ 10,828.00	\$ 943.28									\$ 7,223.53			
Fund Balance 9/30/17	\$ 8,478.66	\$ 7,206.21	\$ 34,491.88	\$ 50,034.45	\$ 26,212.16	\$ 4,436.52	\$ 0.57	\$ -	\$ 200.00	\$ 975.05	\$ 2,357.75	\$ 331,680.61	\$ (20,915.94)	\$ 125.00		
	2057 ASPCA Grant	2058 Barker Mills Greenway	2059 Distracted Driving	2060 My Life My Choice JJAG	2201 EDI Grant	2500 Parks & Recreation										
Fund Balance 7/1/17	\$ 800.00	\$ (2,597.43)	\$ 301.00	\$ -	\$ (1,484,407.18)	\$ 191,966.40										
Revenues FY18						\$ 53,341.68										
Expenditures FY18			\$ 9,645.00	\$ 2,000.00		\$ 134,466.23										
Fund Balance 9/30/17	\$ 800.00	\$ (2,597.43)	\$ (9,344.00)	\$ (2,000.00)	\$ (1,484,407.18)	\$ 110,841.85										
	2600 Tambrands TIF 4	2600 J Enterprises TIF 5	2600 Tambrands II TIF 6	2600 J & A Properties TIF 7	2600 Formed Fiber TIF 8	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Safe Handling TIF 11	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Bedard Pharm TIF 17	2600 Slapshot LLC TIF 18	2600 Hartt Transport TIF 19	Total Special Revenues
Fund Balance 7/1/17	\$ (8,073.02)	\$ 14,500.44	\$ (365,270.76)	\$ 2,558.27	\$ 30,486.17	\$ 149,591.94	\$ (4,529.96)	\$ 183.21	\$ (350,651.92)	\$ (37,076.39)	\$ 9,722.38	\$ 360.91	\$ 31,366.79	\$ 47,165.25	\$ (5.40)	\$ 3,140,347.13
Revenues FY18																\$ 127,549.26
Expenditures FY18	\$ 541.20					\$ 422,036.00	\$ 9,084.78		\$ 154,289.00		\$ 17,979.00			\$ 69,010.56		\$ 1,411,974.69
Fund Balance 9/30/17	\$ (8,614.22)	\$ 14,500.44	\$ (365,270.76)	\$ 2,558.27	\$ 30,486.17	\$ (272,444.06)	\$ (13,614.74)	\$ 183.21	\$ (504,940.92)	\$ (37,076.39)	\$ (8,256.62)	\$ 360.91	\$ 31,366.79	\$ (21,845.31)	\$ (5.40)	\$ 1,855,921.70

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Peter Crichton, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for September, 2017



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of September 30, 2017.

INGERSOLL TURF FACILITY

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of September 30, 2017.

Current Assets:

As of the end of September 2017 the total current assets of Ingersoll Turf Facility were \$26,675. This consisted of an interfund receivable of \$26,675.

Noncurrent Assets:

Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of September 30, 2017 was \$167,406.

Liabilities:

Ingersoll had accounts payable of \$172 as of September 30, 2017.

Statement of Activities:

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

The operating revenues for Ingersoll Turf Facility through September 2017 are \$7,339. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through September 2017 were \$29,593. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of September 2017 Ingersoll has an operating loss of \$22,254.

As of September 30, 2016 Ingersoll has a decrease in net assets of \$22,254.

The budget to actual reports for revenue and expenditures, show the revenue and expenditures for FY18 compared to the same period in FY17.

Statement of Net Assets
Ingersoll Turf Facility
September 30, 2017
Business-type Activities - Enterprise Fund

	Sept 30, 2017	August 31, 2017	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents		\$ -	\$ -
Interfund receivables/payables	\$ 26,675	\$ 27,546	(871)
Accounts receivable	-	-	-
Total current assets	26,675	27,546	(871)
Noncurrent assets:			
Capital assets:			
Buildings	672,279	672,279	-
Equipment	86,625	86,625	-
Land improvements	18,584	18,584	-
Less accumulated depreciation	(610,082)	(610,082)	-
Total noncurrent assets	167,406	167,406	-
Total assets	194,081	194,952	(871)
LIABILITIES			
Accounts payable	\$ 172	\$ -	\$ 172
Total liabilities	172	-	172
NET ASSETS			
Invested in capital assets	\$ 167,406	\$ 167,406	\$ -
Unrestricted	\$ 26,503	\$ 27,546	\$ (1,043)
Total net assets	\$ 193,909	\$ 194,952	\$ (1,043)

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
September 30, 2017

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	\$ 7,339
Operating expenses:	
Personnel	20,246
Supplies	
Utilities	2,213
Repairs and maintenance	88
Rent	-
Depreciation	-
Capital expenses	5,970
Other expenses	1,076
Total operating expenses	29,593
Operating gain (loss)	(22,254)
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	(22,254)
Transfers out	-
Change in net assets	(22,254)
Total net assets, July 1	216,163
Total net assets, September 30, 2017	\$ 193,909

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through September 30, 2017 compared to September 30, 2016

REVENUE SOURCE	FY 2018 BUDGET	ACTUAL REVENUES THRU SEPT 2017	% OF BUDGET	FY 2017 BUDGET	ACTUAL REVENUES THRU SEPT 2016	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship	\$ 17,000	\$ 2,500	14.71%	\$ 15,000	\$ 3,000	20.00%
Batting Cages	\$ 11,520	\$ 110	0.95%	\$ 9,940	\$ 1,625	16.35%
Programs	\$ 80,000	\$ 3,918	4.90%	\$ 90,000	\$ 6,978	7.75%
Rental Income	\$ 103,650	\$ 811	0.78%	\$ 100,000	\$ 1,670	1.67%
TOTAL CHARGE FOR SERVICES	\$ 212,170	\$ 7,339	3.46%	\$ 214,940	\$ 13,273	6.18%
INTEREST ON INVESTMENTS	\$ -			\$ -		
GRAND TOTAL REVENUES	\$ 212,170	\$ 7,339	3.46%	\$ 214,940	\$ 13,273	6.18%

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through September 30, 2017 compared to September 30, 2016

DESCRIPTION	ACTUAL				ACTUAL			
	FY 2018 BUDGET	EXPENDITURES THRU SEPT 2017	% OF BUDGET	FY 2017 BUDGET	EXPENDITURES THRU SEPT 2016	% OF BUDGET	Difference	
Salaries & Benefits	\$ 106,624	\$ 20,246	18.99%	\$ 101,899	\$ 19,056	18.70%	\$	1,190
Purchased Services	\$ 21,110	\$ 1,164	5.51%	\$ 20,750	\$ 3,271	15.76%	\$	(2,107)
Programs	\$ 7,000		0.00%	\$ 5,000	\$ 370	7.40%	\$	(370)
Supplies	\$ 5,000		0.00%	\$ 6,750	\$ 188	2.79%	\$	(188)
Utilities	\$ 39,720	\$ 2,213	5.57%	\$ 41,320	\$ 1,716	4.15%	\$	497
Insurance Premiums	\$ 2,431	\$ -	0.00%	\$ 2,383	\$ -	0.00%	\$	-
Capital Outlay	\$ 42,490	\$ 5,970	14.05%	\$ -	\$ -		\$	5,970
	\$ 224,375	\$ 29,593	13.19%	\$ 178,102	\$ 24,601	13.81%	\$	4,992
GRAND TOTAL EXPENDITURES	\$ 224,375	\$ 29,593	13.19%	\$ 178,102	\$ 24,601	13.81%	\$	4,992

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Peter Crichton, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for September 30, 2017

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of September 30, 2017.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, August 31, 2017.

Current Assets:

As of the end of September 2017 the total current assets of Norway Savings Bank Arena were (\$844,659). These consisted of cash and cash equivalents of \$91,181, accounts receivable of \$61,156, and an interfund payable of \$996,996.

Noncurrent Assets:

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of September 30, 2017 was \$394,783.

Liabilities:

Norway Arena had accounts payable of \$101,413 as of September 30, 2017.

Statement of Activities:

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

The operating revenues for Norway Arena through September 2017 are \$227,971. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through September 2017 were \$290,877. These expenses include personnel costs, supplies, utilities, repairs, rent, capital purchases and maintenance.

As of September 2017 Norway Arena has an operating loss of \$62,906 compared to the September 2016 operating loss of \$106,337 a decrease in the operating loss for the fiscal year of \$43,431.

As of September 30, 2017 Norway Arena has a decrease in net assets of \$62,906.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY18 is \$22,816 more than in FY17 and expenditures in FY18 are \$20,615 less than last year in September.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
September 30, 2017
Business-type Activities - Enterprise Fund

	September 30, 2017	August 31, 2017	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 91,181	\$ 91,181	\$ -
Interfund receivables	\$ (996,996)	\$ (911,156)	\$ (85,840)
Prepaid Rent		\$ -	\$ -
Accounts receivable	61,156	81,616	\$ (20,460)
Total current assets	(844,659)	(738,359)	(106,300)
Noncurrent assets:			
Capital assets:			
Buildings	58,223	35,905	22,318
Equipment	514,999	417,455	97,544
Land improvements	-	-	-
Less accumulated depreciation	(178,439)	(135,157)	(43,282)
Total noncurrent assets	394,783	318,203	76,580
Total assets	(449,876)	(420,156)	(29,720)
LIABILITIES			
Accounts payable	\$ 1,015	\$ -	\$ 1,015
Net pension liability	100,398	77,298	23,100
Total liabilities	101,413	77,298	24,115
NET ASSETS			
Invested in capital assets	\$ 394,783	\$ 318,203	\$ 76,580
Unrestricted	\$ (946,072)	\$ (815,657)	\$ (130,415)
Total net assets	\$ (551,289)	\$ (497,454)	\$ (53,835)

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
September 30, 2017

	Norway Savings Arena
Operating revenues:	
Charges for services	\$ 227,971
Operating expenses:	
Personnel	88,495
Supplies	7,328
Utilities	62,444
Repairs and maintenance	1,423
Rent	126,621
Depreciation	-
Capital expenses	-
Other expenses	4,566
Total operating expenses	290,877
Operating gain (loss)	(62,906)
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	(62,906)
Transfers out	-
Change in net assets	(62,906)
Total net assets, July 1	(488,383)
Total net assets, September 30, 2017	\$ (551,289)

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through September 30, 2017 compared to September 30, 2016

REVENUE SOURCE	FY 2018 BUDGET	ACTUAL REVENUES THRU SEPT 2017	% OF BUDGET	FY 2017 BUDGET	ACTUAL REVENUES THRU SEPT 2016	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concussions	\$ 18,000	\$ -	0.00%	\$ 18,000	\$ -	0.00%	\$ -
Sponsorships	\$ 275,000	\$ 81,868	29.77%	\$ 230,000	\$ 61,767	26.86%	\$ 20,101
Pro Shop	\$ 8,500	\$ 502	5.91%	\$ 8,500	\$ 1,628	19.15%	\$ (1,126)
Programs	\$ 31,000		0.00%	\$ 31,000		0.00%	\$ -
Rental Income	\$ 705,250	\$ 112,513	15.95%	\$ 672,250	\$ 102,865	15.30%	\$ 9,648
Camps/Clinics	\$ 50,000	\$ 27,838	55.68%	\$ 50,000	\$ 38,895	77.79%	\$ (11,057)
Tournaments	\$ 50,000	\$ 5,250	10.50%	\$ 50,000	\$ -	0.00%	\$ 5,250
TOTAL CHARGE FOR SERVICES	\$ 1,137,750	\$ 227,971	20.04%	\$ 1,059,750	\$ 205,155	19.36%	\$ 22,816
INTEREST ON INVESTMENTS	\$ -			\$ -			
GRAND TOTAL REVENUES	\$ 1,137,750	\$ 227,971	20.04%	\$ 1,059,750	\$ 205,155	19.36%	\$ 22,816

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through September 30, 2017 compared to September 30, 2016

DESCRIPTION	ACTUAL				ACTUAL			
	FY 2016 BUDGET	EXPENDITURES THRU SEPT 2017	% OF BUDGET		FY 2016 BUDGET	EXPENDITURES THRU SEPT 2016	% OF BUDGET	VARIANCE
Salaries & Benefits	\$ 344,000	\$ 88,495	25.73%	\$	311,000	\$ 96,038	30.88%	\$ (7,543)
Purchased Services	\$ 71,656	\$ 5,989	8.36%	\$	87,306	\$ 12,449	14.26%	\$ (6,460)
Supplies	\$ 37,100	\$ 7,328	19.75%	\$	37,150	\$ 6,836	18.40%	\$ 492
Utilities	\$ 225,150	\$ 62,444	27.73%	\$	199,800	\$ 58,380	29.22%	\$ 4,064
Capital Outlay	\$ 103,500	\$ -	0.00%	\$	57,000	\$ 11,168	19.59%	\$ (11,168)
Rent	\$ 507,000	\$ 126,621	24.97%	\$	507,000	\$ 126,621	24.97%	\$ -
	\$ 1,288,406	\$ 290,877	22.58%	\$	1,199,256	\$ 311,492	25.97%	\$ (20,615)
GRAND TOTAL EXPENDITURES	\$ 1,288,406	\$ 290,877	22.58%	\$	1,199,256	\$ 311,492	25.97%	\$ (20,615)



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: November 6, 2017

Subject: Executive Session

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

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

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

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

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

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

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

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

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

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

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

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