



City Council Workshop & Meeting July 11, 2016 Agenda

5:30 P.M. Workshop

- A. Woodlot Management Ordinance – Dan Goyette (30 minutes)
- B. Collection Policy for Emergency Management Services – Jill Eastman (30 minutes)
- C. Sale of Tax Acquired Property – Jill Eastman (30 minutes)

7:00 P.M. City Council Meeting

Roll call votes will begin with Councilor Gilbert

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 45-07112016***
Appointing Robert Stone as the MMA LPC (Maine Municipal Association’s Legislative Policy Committee) member for the 2016-2018 term.
 - 2. **Order 46-07112016***
Confirming Chief Crowell’s appointment of Devon A. Bohacik as a Constable with firearm for the Auburn Police Department.
- II. **Minutes**
 - June 20, 2016 Regular Council Meeting
 - July 6, 2016 Special 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 - None**
- VI. **New Business**

1. **Ordinance 05-07112016**
Adopting the Woodlot Management Ordinance. Public hearing and first reading.
2. **Order 47-07112016**
Adopting the collection policy for Emergency Management Services.
3. **Order 48-07112016**
Authorizing the Finance Director to dispose of the tax acquired property in accordance with the City of Auburn Policy regarding the acquisition and disposition of Tax Acquired Property.
4. **Order 49-07112016**
Amending Order 30-05162016 (b) which was previously adopted at the 5/16/2016 City Council meeting (Verizon wireless micro site lease agreement at 650 Center Street) to reflect a change to the proposed lease rate and annual adjustment.

VII. Executive Session

- Executive Session to discuss a real estate matter, pursuant to 1 M.R.S.A. §405(6)(C)
- Executive Session to discuss a real estate matter, pursuant to 1 M.R.S.A. §405(6)(C)
- Executive Session to discuss a personnel matter, pursuant to 1 M.R.S.A. §405(6)(A) with possible action to follow.

VIII. Reports

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

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

X. Adjournment

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

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension of expulsion
- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- 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 in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 11, 2016

Ordinance: 05-07112016

Author: Dan Goyette, Auburn Public Services Director

Subject: Public Woodlot Ordinance

Information: The Council had previously requested that a new Public Woodlot Ordinance be created. The Conservation Commission and the Forest Board have drafted, reviewed and shared their draft ordinance to all interested parties for their review. What is being presented is their recommended ordinance.

Advantages: Formalizes process for which timber will be harvested on City lands.

Disadvantages:

City Budgetary Impacts: Dependent on any revenue generated by harvesting existing timber.

Staff Recommended Action: Accept the new ordinance.

Previous Meetings and History: Transportation and Environment Council Subcommittee reviewed on March 16, 2016.

Attachments: Council Committee Meeting minutes and draft ordinance.

City of Auburn
Public Woodlot Management Ordinance
Conservation Commission draft 1.28.16

Section 1 – Preamble.

The City of Auburn hereby adopts the following public wood lot management ordinance in order to regulate the forest management on public lands within the city, including properties used by various individual departments.

Section 2 – Authority.

This ordinance is enacted pursuant to the Home Rule Authority granted to the city in accordance with the provisions of 30-A M.R.S.A. §3001.

Section 3 – Definitions.

- 3.1 **Best Management Practices (BMPs)** - voluntary outcome-based guidelines established by Maine Forest Service to maintain water quality and minimize sedimentation of water courses
- 3.2 **Community Forest-** The sum of 1. Street trees within or upon the limits of any city road, public right of way or any highway within the meaning of 30-A.M.R.S.A. §3281; 2. Public trees included as part of landscaping at public buildings or parks; 3. Public woodlots i.e. parcels which include forested acres which provide or have potential to provide wildlife habitat, forest products, recreation, educational opportunities and other amenities.
- 3.3 **Designated Representative-** individual identified as responsible for overseeing forest management activities related to a timber harvesting operation. Principal contact with the forester supervising the harvest operation.
- 3.4 **Forest Management Plan-** A site specific document written by a professional forester with input from the landowner which establishes direction and goals for the management of a forest land area. The plan will specify all silvicultural practices and activities that support the landowner objectives and minimizes adverse environmental impact. Forest management plans normally include a description of the land and forest, inventory information, and management prescriptions. Forest management plans are typically updated every ten years.
- 3.5 **Harvest Plan-** A document prepared by a professional forester describing activities involved in a timber harvest, including but not limited to: maps of access routes, cut locations, principle trails to be used to remove harvested material, water crossings, log landings; cutting prescriptions and controls; buffer zones; BMPs to be used; and special considerations sufficient to support the objectives of the Forest Management Plan, and provide direction to the qualified logging professional conducting the operation under supervision of the forester.
- 3.6 **Professional Forester-** An individual qualified and licensed to practice forestry in the State of Maine. (Forest management in Maine is limited to licensed professional foresters.)
- 3.7 **Public Trees-**All trees located upon any public property owned by the city, including public property currently used by any individual departments.
- 3.8 **Public Woodlot –** The portion of the community forest not including street trees within or upon the limits of any city road, public right of way, or any highway within the meaning of 30-A M.R.S.A. §3281 and public trees included as part of landscaping at public buildings or parks. Public woodlots are parcels which include forested acres which provide or have potential to provide wildlife habitat, forest products, recreation, educational opportunities and other amenities.
- 3.9 **Qualified Logging Professional-** a logger trained according to Sustainable Forestry Initiative (SFI) Standard by an organization recognized by Maine’s Sustainable Forestry Initiative Implementation Committee, including Maine Certified Logging Professional (CLP).

- 3.10 **Stakeholder-** stakeholders include a range of persons, including city council, school committee, staff of individual city departments, adjacent landowners (abutters), and community members.
- 3.11 Any term or word of this ordinance which is not defined in this section shall have a meaning consistent with Title 30-A, M.R.S.A., to the extent that such term is defined in that Title; any terms that are not defined in that Title shall have a meaning consistent with common usage.

Section 4 – Development of a Forest Management Plan.

The city council or its' designated administrative board or staff member shall ensure that a forest management plan is written for any public woodlot(s) that are intended to be managed. The forest management plan shall be written by a professional forester with documented input from the individual department responsible for the management of the public woodlot and other stakeholders, in order to define management objectives to be addressed in the plan. The management plan should address multiple uses, including but not limited to biodiversity, control of invasive species, education activities, forest inventory, recreation, special places, timber harvesting, water quality, wildlife habitat, and any other appropriate considerations. The management plan should be updated every ten years and conform to the current stewardship guidelines as defined by the Maine Forest Service.

Section 5- Conducting a Harvest

- A). The city council or its' designated administrative board(s) shall approve any timber harvesting.
- B). The harvest will be supervised by a professional forester who shall provide regular written progress reports to the designated representative member of the individual department responsible for the public woodlot. The designated representative shall be empowered to suspend the operation if objectives are not being met.
- C). The harvest shall be conducted by qualified logging professionals.
- D). The harvest will be conducted according to a harvest plan, written by a professional forester and approved by the designated representative, that supports the objectives of the forest management plan and provides direction to the qualified logging professional conducting the operation. The harvest plan will include BMPs to safeguard water quality.
- E). Stakeholders, at minimum abutters, elected city officials, appropriate administrative board members and appropriate staff shall be notified 30 days prior to commencement of a harvest.
- F). Within 90 days of completion of a harvest, a review will be conducted including the forester, designated representative and appropriate stakeholders, in order to evaluate the operation's outcomes. A written review shall be prepared for the city council or its' designated administrative board.

Section 6 – Harvest revenues.

Net Revenues generated from any timber harvests shall allocated as follows:

- 20% to an account to be used to improve the community forest
- 20% to the Community Cords account
- 30% to an account for the support of the department managing the harvested woodlot i.e. Conservation Commission, Parks Department, School Department, etc.
- 30% to General Revenue

Exception. When deemed necessary by the city council, this provision may be waived by a super majority vote of the city council with five affirmative council votes, on a project basis.

Section 7 – Prohibition.

No person shall prune, plant, cut down, remove, or alter a public tree. See Section 7 below.

Section 8 - Guidelines for cutting or altering of public shade trees.

After a public hearing, the city council or its' designated administrative board shall have the authority to adopt, amend, or modify this ordinance. Thereafter, the city council or it's designated administrative board shall use those guidelines in making decisions pursuant to this ordinance.

Section 9 – Violations and penalties.

- a) Any violator of any provision of this article shall be subject to a civil penalty payable to the city. Each act of violation shall constitute a separate offense.
- b) Should any public tree be destroyed, the person causing the destruction shall also make restitution to the city in an amount equal to the cost to the city of removing the destroyed tree plus its replacement value.
- c) Whenever the municipal arborist determines there are reasonable grounds to believe there has been a violation of any provisions of this article, he/she may initiate enforcement proceedings in accordance with the citation system established in article VIII of chapter 2.
- d) In addition to the remedies set forth above, the municipal arborist, on behalf of the city, may seek an abatement of the violation, or injunctive relief, including an award of penalties and reasonable attorney fees, from the district court or the superior court.
- e) The court also may order a violator of this article to reimburse the city for the cost of any action that was necessary to correct violations of the ordinance. If the city is the prevailing party in an enforcement action, it shall be awarded reasonable attorney's fees and costs.

Section10 - Severability.

The provisions of this ordinance shall be severable. If any portion of this ordinance is held to be invalid, the remainder of this ordinance and its application thereof shall not be affected.

City of Auburn
Transportation & Environment
March 16, 2016
5:30 PM
Council Chambers

- **Call to Order and Introductions:**

Councilor David Young; Councilor Leroy Walker; Councilor Ernestine Gibert, Rick Breton 1109 Summer St, Auburn Resident, Paula White, Vice Chair of Conservation Commission, Chuck Lafean, on the Conservation Commission, Scott Holland, Deputy Director of Public Services, Dan Goyette, Director of Public Services, Denis D'Auteuil, Assistant City Manager, Dave Griswald, Lewiston and Auburn Community Forestry Board, Tizz Crowley, Conservation Commission

- **Minutes:**

Motion was made by Councilor Walker seconded by Councilor Gibert, accepting the minutes of the February 17, 2016 Transportation & Environment meeting. Passage 3-0

- **Public Woodlot Management Ordinance:**

Discussion took place on the Public Woodlot Management Ordinance/Conservation Commission. Dave Griswald gave a brief history and description of the reasoning and needs of such Ordinance. Councilor Walker asked if the School Department received a copy; Dave Griswald acknowledges that a copy was sent to Jude Cyr for comments; no comments were received. Assistant City Manager, Denis D'Auteuil stated that the School Department is well aware of the past issues bringing this Ordinance forward.

Motion was made by Councilor Walker second by Councilor Gibert, accepting the Public Woodlot Management Ordinance Conservation Commission to go to full Council. Passage 3-0

- **Solid Waste and recycling Contract**

Assistant City Manager, Denis D'Auteuil gave a description of the Solid Waste and Recycling Committee's history as well as the recommendation to go to the Auto System.

Public Services Director, Dan Goyette informed the Committee the current provider agreed to extend our current contract until a decision is made. For FY 17 there will be a 1% increase for both solid waste and recycling. A decision will need to be made on what type of system to move forward with.

Comments: The different options for solid waste and recycling were discussed. The need for additional education with whichever plan is decided upon was also discussed. The Committee was reminded that prior to bringing the contract to the full Council, the committee should have a formal recommendation.

Councilor Walker would like to move forward; Councilor Gibert would like to continue reviewing the Solid Waste and Recycling Contract prior to going to the full Council.

- **MMWAC**

Councilor Walker gave a brief history of MMWAC, its' ownership status and its current transition to a new manager. The committee expressed a desire for a tour of the facility.

A number of residents then spoke about how well MMWAC operates, the need for additional education for residents on the facility and what it means to the City, and how the various options for the City with regards to the future solid waste and recycling contract would impact the facility.

- **Recreation and Special Events Committee**

Assistant City Manager Denis D'Auteuil gave a brief description of the history of the new recreation and special events committee as a result of the parks department now falling under Public Services. The new committee was never formalized by the Council and needs to either be formalized or not. If not, the existing ordinance is acceptable and the board needs to be filled. The committee then discussed the pros and cons of the new committee.

A motion was made by Councilor Ernestine Gibert to keep what is in the ordinance, Councilor Walker agreed. Passage 3-0 to keep the existing ordinance and not have a Recreation and Special Events Committee.

- **Summer Street Extension Reconstruction**

Department Director of Public Services, Dan Goyette, gave a history of the project and the public process it has gone through. A resident spoke in favor of the project.

Motion was made to have the project to go out to bid as designed. Passage 3-0 to move forward with the project.

- **Committee recommendations:**

- a. Public Woodlot Management Ordinance:
 - Move the Ordinance to full Council, and insure the School Department received a completed copy. Will make sure to get it in the queue for the next available Council meeting.
- b. Solid Waste and Recycling Contract:
 - Come back to the next meeting
- c. MMWAC:
 - Going to come back after the new Director is hired and prepares a plan
- d. Recreation and Special Events Committee:
 - Report out, stick with the current ordinance and do away with the Special Events Committee.
- e. Summer Street Extension Reconstruction:
 - Report out, the Committee approved the project and move forward.

- **Staff updates**

- a. **Route 4**
 - No meeting has been set yet, as soon as Director of Public Services hears he will notify all

- **Public Comment**

- a. None

- **Next Meeting agenda setting, April 20, 2016**

- a. Solid waste

- **Adjournment**

- a. End Session 5:30 PM

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 05-07112016

BE IT ORDAINED, that the City Council hereby adopts the Public Woodlot Management Ordinance under Chapter 56, Article II, Sec. 56-22 as attached.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 07/11/2016

Order: 47-07112016

Author: Jill M Eastman, Finance Director

Subject: City of Auburn Policy on Emergency Medical Services

Information: Attached is a policy that addresses the designation of the Auburn Fire Department as the City of Auburn's Emergency Medical Services provider and addresses all collections for said services.

Advantages: This policy clearly lays out the method(s) used to collect outstanding EMS billing, provides definitions of EMS terms and designates Auburn Fire Department as the City's primary provider.

Disadvantages: N/A

City Budgetary Impacts: N/A

Staff Recommended Action: Passage of policy.

Previous Meetings and History: Finance and Administration Committee meetings of March 10, 2016 and May 12, 2016.

Attachments:

Proposed City of Auburn Policy on Emergency Medical Services

City of Auburn Policy on Emergency Medical Services

PURPOSE

To establish a policy to bill patients for the provisions of emergency medical services and transportation provided by the City.

DEFINITIONS

- A. **ADVANCED LIFE SUPPORT, LEVEL 1 (ALS-1):** providing transportation by ground ambulance vehicle, medically necessary supplies and services and either an ALS assessment by ALS personnel or the provision of at least one ALS intervention.
- B. **ADVANCED LIFE SUPPORT, LEVEL 2 (ALS-2):** providing either transportation by ground ambulance vehicle, medically necessary supplies and services, and the administration of at least three medications by intravenous push/bolus or by continuous infusion excluding crystalloid, hypotonic, isotonic, and hypertonic solutions (Dextrose, Normal Saline, Ringer’s Lactate); or providing transportation, medically necessary supplies, and services, and the provision of at least one of the following ALS procedures:
- 1) Manual defibrillation/cardioversion; or –
 - 2) Endotracheal intubation; or –
 - 3) Central venous line; or –
 - 4) Cardiac pacing; or –
 - 5) Chest decompression; or –
 - 6) Surgical airway; or –
 - 7) Intraosseous line. 8)
- C. **BALANCE BILLING:** the practice of charging a beneficiary the difference between the provider’s actual charge and the amount provided by the insurance carrier according to any contractual agreements.
- D. **BASIC LIFE SUPPORT (BLS):** providing transportation by ground ambulance vehicle and the provision of medically necessary supplies and services, including BLS ambulance services as defined by the State.
- E. **EMERGENCY MEDICAL TECHNICIAN (“EMT”)-PARAMEDIC:** an individual having special, well-defined skills and knowledge in emergency medicine, who has training to provide pre-hospital emergency medical treatment at an advanced level and is certified as an EMT- Paramedic or Licensed Paramedic by the Texas Department of State Health Services.
- F. **EMERGENCY MEDICAL SERVICES (“EMS”):** services utilized in responding to needs of those persons in need of immediate medical care within the jurisdiction and adjacent to the City, including but not limited to the rendering of advanced life support care, provided by Auburn Fire Department.

- G. **PATIENT:** a person who receives an EMS response or a person who receives emergency medical services from the Auburn Fire Department.
- H. **REASONABLE COLLECTION EFFORTS:** the issuance of a bill to the patient or to the party responsible for the patient's personal financial obligations, and subsequent billings, collection letters and telephone calls or personal contacts which constitute a genuine, rather than token, collection effort. The City expressly incorporates herein by reference any subsequent definition of this term set forth by the Health Care Financing Administration in Section 5220 of the Medicare Carriers Manual or its successor.
- I. **THIRD PARTY PAYER:** insurance carrier or other coverage provider, having the responsibility to pay for medical services rendered to a patient as a result of that patient's accident, injury or illness.

POLICY

Designation as Primary Provider

The City hereby recognizes the Auburn Fire Department as the primary provider of pre-hospital emergency medical services within the corporate limits of the City and outside of the City limits as determined by various mutual aid agreements.

Advanced Life Support Services Required

- A. The City hereby mandates Advanced Life Support (ALS) with a minimum crew of one EMT- Paramedic or Licensed Paramedic and one EMT-Basic or EMT-Intermediate as the minimum standard of care for all 9-1-1 ambulance calls and emergency ambulance transports, and shall bill accordingly at an ALS or BLS level. The provisions of this paragraph shall apply to all services provided by the City and to mutual aid response of other ambulance providers answering emergency 9-1-1 calls within the City limits.
- B. Exceptions to the above provision of a paramedic unit may be made when all paramedic units are unavailable.

EMS Billing

- A. The City recognizes the need to bill for these services to aid in the provision of EMS.
- B. No person requiring emergency medical services and/or transportation shall be denied services due to a lack of insurance or ability to pay levied charges.
- C. The City may, either directly or through any third party billing agency with which it has contracted for billing and/or collections for emergency medical services, make arrangements with patients and/or their financially responsible party for installment payments of bills so long as the City determines that:
 - 1. The financial condition of the patient requires such an arrangement; and
 - 2. The patient and/or financially responsible party has demonstrated a willingness to make good faith efforts towards payment of the bill.

- D. The City shall bill for all EMS services provided unless the City is reimbursed for services by another agency due to disaster declaration.
- E. Any applicable charges for EMS rendered shall be billed directly to the patient or to the patient's third party payer.
- F. The City may, at its option, and shall, where required by law, bill insurers or carriers on a patient's behalf and may accept payment on an assignment basis.
- G. All patients and/or their financially responsible parties, insurers or carriers, will be billed for emergency medical services provided by the City according to the Fee Schedule established by Ordinance of the City Council.
1. All patients shall be liable for any co-payment, deductibles and patient responsibility amounts not satisfied by public or private insurance, and the City shall Balance Bill and make reasonable collection efforts for all such balances. The City may bill any applicable coinsurance carriers for such amounts.
 2. Exceptions include only those instances where the City or its agent has made a determination that the cost of billing and collecting such co-payments, deductibles and patient responsibility amounts exceeds or is disproportionate to the amounts to be collected as determined by the City's write off policy.

Account Adjustments and Write Offs

- A. The City's billing agency is authorized to consider all cases of financial hardship based on the City's financial assistance hardship guidelines.
- 1) Patients or financially responsible parties who qualify for State, Federal or other assistance programs are excluded from account adjustment to the extent that needed services are covered under those programs.
 - 2) Adjustments/waivers will be granted based on US Department of Health & Human Services Poverty Guidelines, based on documented income that does not exceed 300% of the poverty guideline for the number of persons in the household.
 - Annual Income <100% of Poverty Guideline: Reduction of Fee up to 75%
 - Annual Income 100-200% of Poverty Guideline: Reduction of Fee up to 50%
 - Annual Income 200-300% of Poverty Guideline: Payment Plan or Reduction of Fee up to 25%
- B. Uncollected balances on patients accounts that have been sent to collection and have had no activity shall be deemed uncollectible and may be written off of the City's accounts receivable balances.

Right of First Refusal

As a condition of any lease, license or permit for the use of City property for a large gathering that may require emergency medical stand-by services, Auburn Fire Department shall have the right of first refusal to provide such services.

PROCEDURES

EMS Billing & Collection

- A. Third party billing agencies must:
- 1) Have in place a compliance program conforming to standards set forth in the Office of Inspector General's Compliance Program Guidance for Third Party Medical Billing Companies, 63 Federal Register 70138, as amended.
 - 2) Deposit funds payable to the City directly into a designated City account, through a lock box or similar arrangement.
 - 3) Not be subject to exclusion from any state or federal health care program.
 - 4) Be bonded and/or insured in amounts satisfactory to the City.
- B. A detailed listing of patients who utilize EMS will be compiled by the Auburn Fire Department. This information will be transmitted to the agency responsible for billing in the form of a patient care report. The information will however be subject to the confidentiality requirements of applicable law. This information will include, at a minimum, the following:
- 1) Name, address, and telephone number of patient.
 - 2) Name, address and claim number of insurance carrier, if applicable.
 - 3) Date, time and EMS chart number.
 - 4) Point of origin and destination.
 - 5) A Center for Medicare & Medicaid Services approved method for mileage billing.
 - 6) Reason for transport/ patient's complaint/ current condition.
 - 7) Itemization and description of services provided and charges.
 - 8) Signature of the patient (when possible) or authorized decision maker.
 - 9) Name of receiving physician.
 - 10) Names, titles, and signatures of ambulance personnel, when possible.
- C. The fee schedule for EMS is established in Chapter 2 of the City's Code of Ordinances and may be amended from time to time.
- D. The Auburn Fire Department may promulgate rules and regulations pursuant to and consistent with this Policy, state and federal law.
- E. Payments on EMS invoices may be made by mail to the City's third party billing agency, or in person at Auburn City Hall located at 60 Court Street. Auburn, Maine.

Account Adjustments

- A. All patients are to be billed for transport upon receipt of billing information from the fire department.
- 1) Requests for Financial Assistance must be documented with a completed City of

Auburn EMS Financial Assistance Request Form, along with any supporting documents.

- 2) Financial Assistance will not be granted if complete and accurate information and supporting documentation is not provided. Any assistance granted will be rescinded if the information given on the application is inaccurate or untrue. The application and supporting documentation is to be retained by the billing vendor in the patients file for 3 years after eligibility determination.
 - 3) The billing agency shall provide a monthly report to the City of accounts adjusted under this policy.
- B. The City may, either directly or through any third party billing agency with which it has contracted for billing and/or collections for emergency medical services, make arrangements with patients and/or their financially responsible party for installment payments of bills so long as the City determines that:
- 1) The financial condition of the patient requires such an arrangement; and
 - 2) The patient and/or financially responsible party has demonstrated a willingness to make good faith efforts towards payment of the bill.
- C. The City shall not Balance Bill when prohibited by law.
- 1) Providers must accept the Medicare allowed charge as payment in full and may not bill or collect from the beneficiary any amount other than the unmet Part B deductible and Part B coinsurance amounts.
 - 2) For patients covered by Medicaid, the city will accept the payment from Medicaid as payment for services and will not pursue the patient for the remaining balance of the invoice.

Write Off of Uncollectible Accounts

- A. The City may contract with a private – third party billing service for the purpose of providing medical billing services. From time to time, the contractor may need direction for writing off uncollected debt. This policy is intended to provide that direction.
- B. The City authorizes the billing contractor/agent to bulk write off amounts not contractually allowed by Medicare and Medicaid and provide reports to the City of such write offs.
- C. For all commercial insurance and private pay clients; all appropriate charges shall be applied uniformly without regard to ability to pay or probability of payment.
- D. Any account that has aged more than 180 days without activity or payment history shall be referred to the City for review. The billing contractor/agent must include all account documentation that demonstrates timely and efficient billing practices. This should include but not be limited to:

- 1) Account notes
- 2) Proof of billing statements and date of mailing(s) or electronic contact
- 3) Summary of amount billed and any current amount received
- 4) Summary of outstanding balances
- 5) Evidence of payment plan if applicable

E. After 180 days without payment after the third collection attempt, the billing agency will transfer uncollected balances to a collection agency designated by the City for continued collection efforts.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 47-07112016

ORDERED, that the City Council hereby adopts the City of Auburn Policy on Emergency Medical Services.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 07/11/2016

Order: 48-07112016

Author: Jill M Eastman

Subject: Tax Acquired Property

Information: Attached is a list of Tax Acquired Property that is ready to be disposed of. Each of these properties has been reviewed by the City Attorney as well as the internal tax acquired committee. The Finance and Administration Committee has also reviewed these properties at the March 10, 2016 and the May 12, 2016 meetings and recommended that they be brought forward to the full City Council for action.

Advantages: This will allow the City to get these properties back on the tax rolls.

Disadvantages:

City Budgetary Impacts: Increase to property tax revenue.

Staff Recommended Action: Recommends Council authorize staff to proceed with selling these properties in accordance with City policy.

Previous Meetings and History: Finance and Administration Committee meetings of March 10, 2016 and May 12, 2016.

Attachments: List of properties and backup detail.

Unofficial Property Record Card - Auburn, ME

General Property Data

Parcel ID 159-014	Account Number 159014000
Prior Parcel ID --	
Property Owner AUBURN CITY OF C/O GIASSON CARMEN PARTY IN POSSESSION	Property Location HACKETT RD
Mailing Address 250 HACKETT RD	Property Use INDUS LAND
City AUBURN	Most Recent Sale Date 9/1/1956
Mailing State ME Zip 04210	Legal Reference 732-448
ParcelZoning	Grantor GIASSON, ALBERT & CARMEN
	Sale Price 0
	Land Area 6.950 acres

Current Property Assessment

Card 1 Value	Building Value 0	Xtra Features Value 0	Land Value 102,400	Total Value 102,400
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Building Description

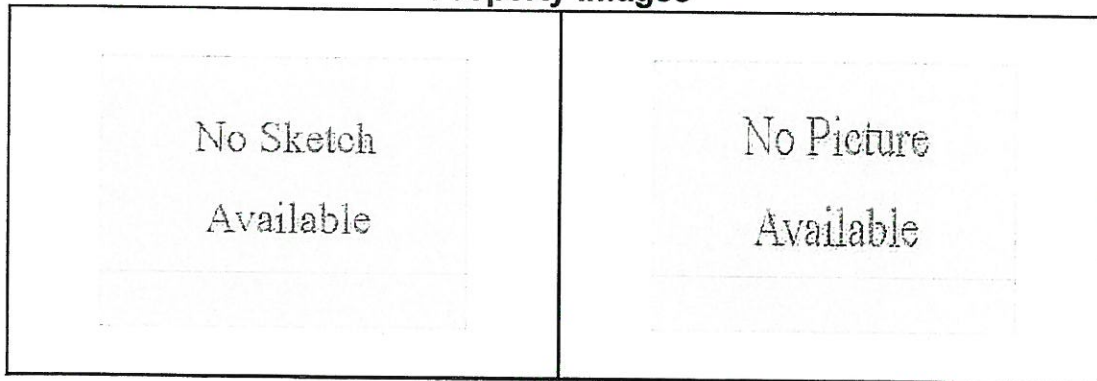
Building Style	Foundation Type	Flooring Type N/A
# of Living Units 0	Frame Type	Basement Floor N/A
Year Built N/A	Roof Structure	Heating Type N/A
Building Grade	Roof Cover	Heating Fuel N/A
Building Condition N/A	Siding	Air Conditioning 0%
Finished Area (SF) N/A	Interior Walls N/A	# of Bsmt Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

Legal Description

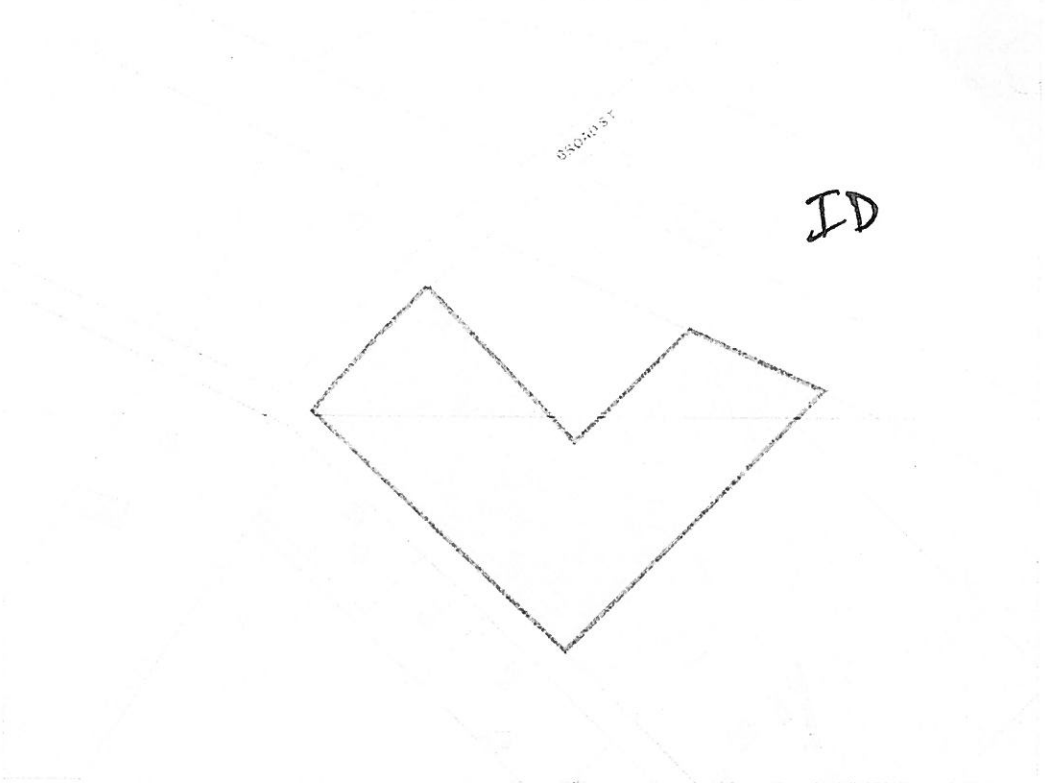
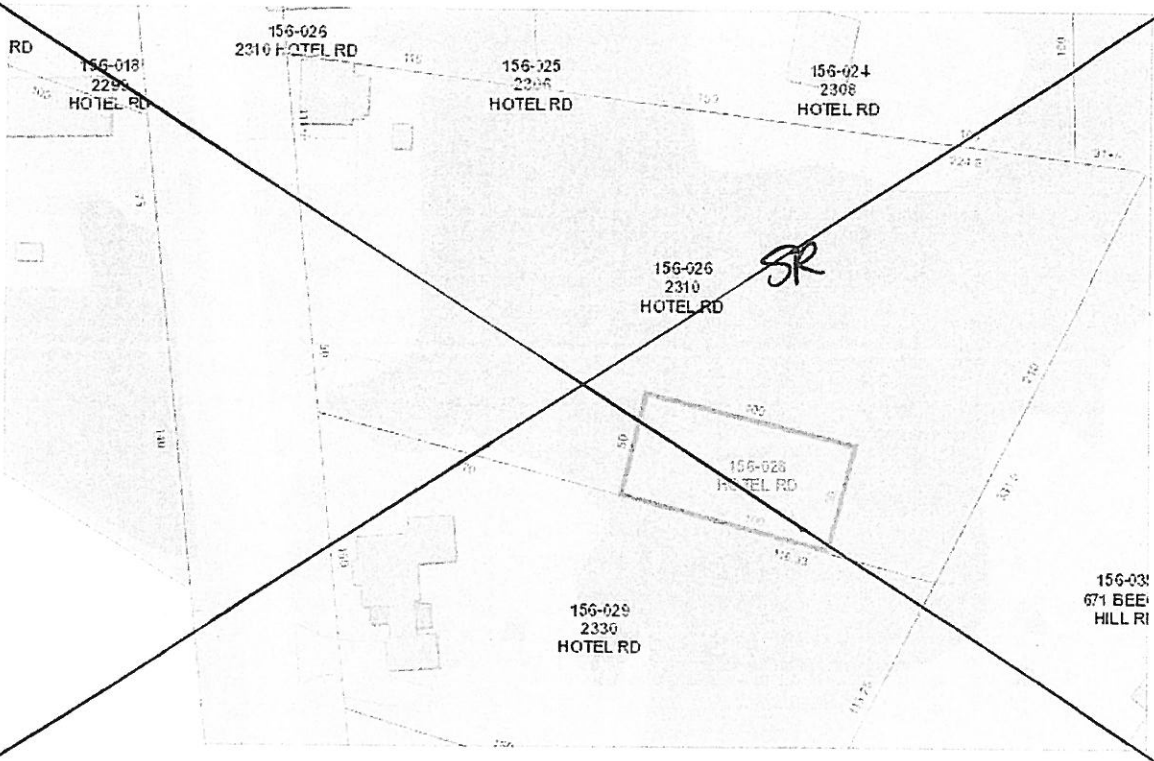
Narrative Description of Property

This property contains 6.950 acres of land mainly classified as INDUS LAND with a(n) style building, built about N/A , having exterior and roof cover, with 0 unt(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



Unofficial Property Record Card - Auburn, ME

General Property Data

Parcel ID 180-003	Account Number 180003000
Prior Parcel ID --	
Property Owner AUBURN CITY OF C/O CONSTANCE DURGIN TR PARTY IN POSSESSION	Property Location 875 WASHINGTON ST S
Mailing Address 95 FERRY RD	Property Use UNDEVELOPED
City LEWISTON	Most Recent Sale Date 12/23/1995
Mailing State ME Zip 04240	Legal Reference 3531-279
Parcel Zoning	Grantor DUMAIS, ALFRED HEIRS OF
	Sale Price 0
	Land Area 1.000 acres

Current Property Assessment

Card 1 Value	Building Value 0	Xtra Features Value 0	Land Value 4,000	Total Value 4,000
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Building Description

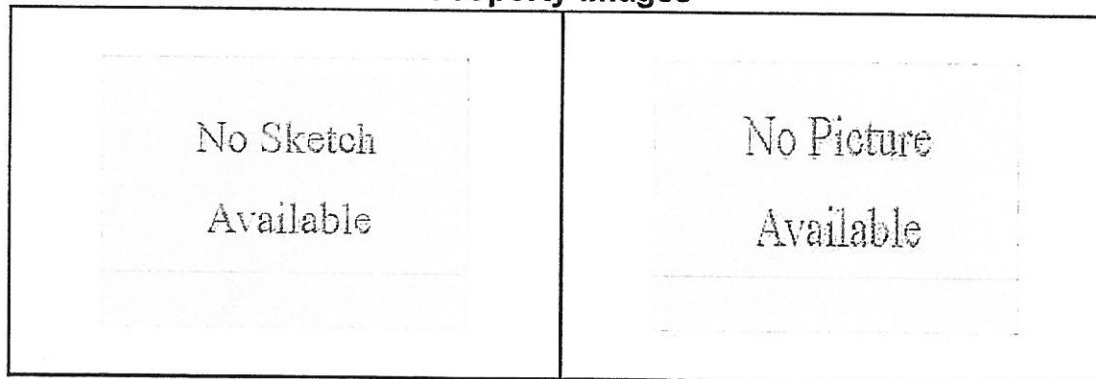
Building Style N/A	Foundation Type N/A	Flooring Type N/A
# of Living Units N/A	Frame Type N/A	Basement Floor N/A
Year Built N/A	Roof Structure N/A	Heating Type N/A
Building Grade N/A	Roof Cover N/A	Heating Fuel N/A
Building Condition N/A	Siding N/A	Air Conditioning 0%
Finished Area (SF) N/A	Interior Walls N/A	# of Bsmt Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

Legal Description

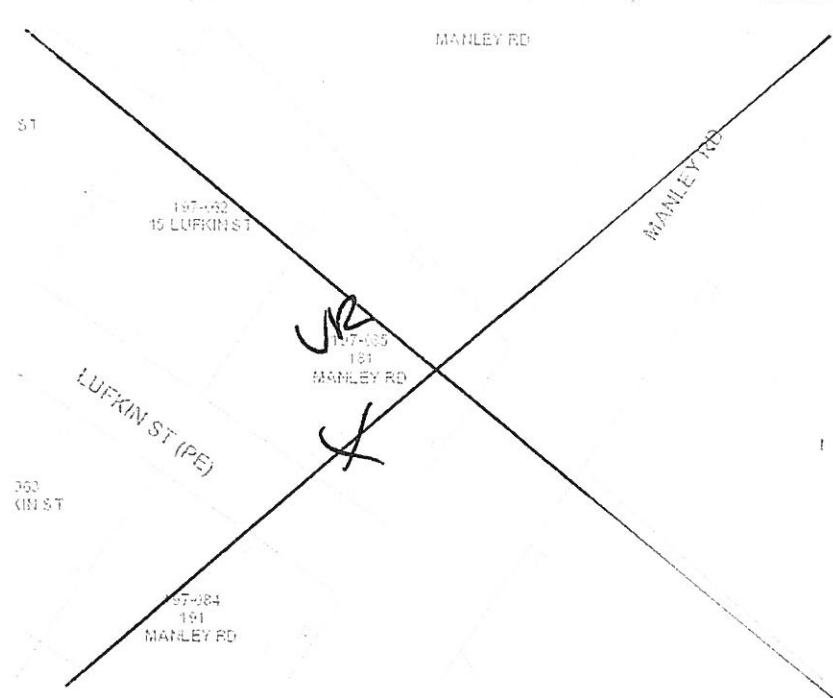
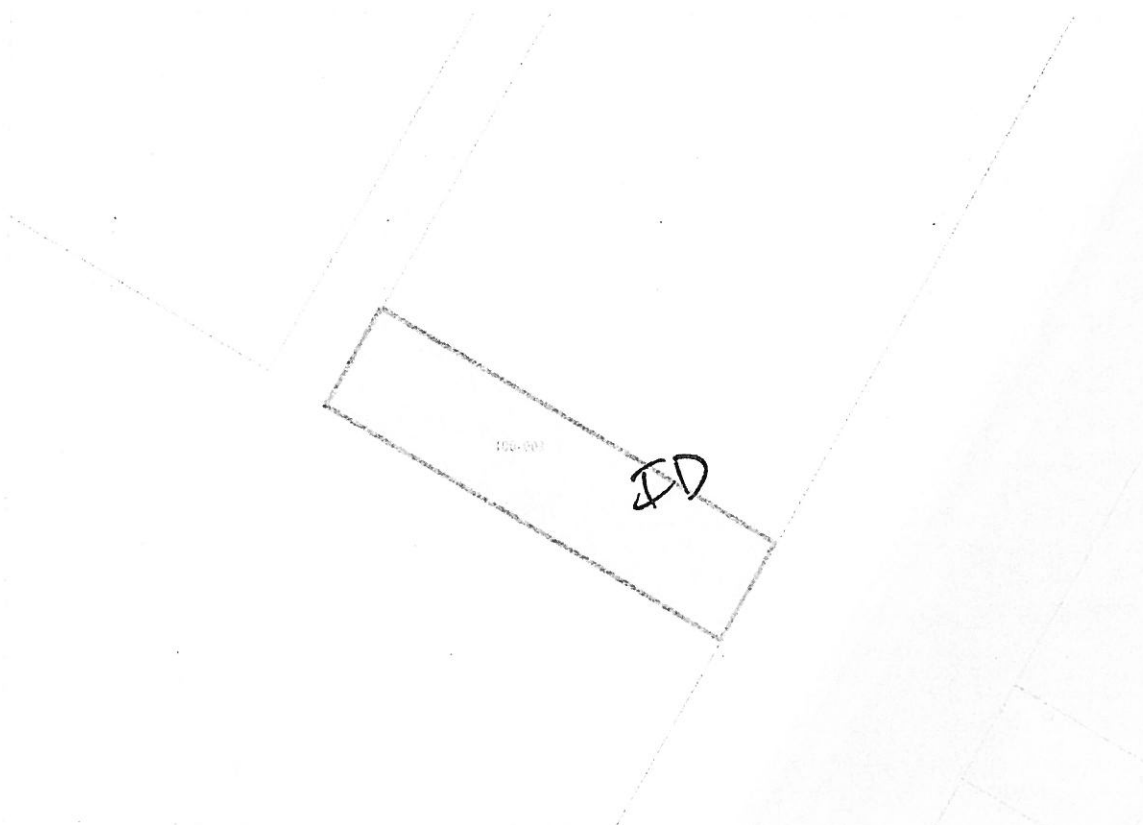
Narrative Description of Property

This property contains 1.000 acres of land mainly classified as UNDEVELOPED with a(n) N/A style building, built about N/A, having N/A exterior and N/A roof cover, with N/A unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



Unofficial Property Record Card - Auburn, ME

General Property Data

Parcel ID 197-085	Account Number 197085000
Prior Parcel ID --	
Property Owner AUBURN CITY OF C/O HAENDEL LAMOUR PARTY IN POSSESSION	Property Location 181 MANLEY RD
Mailing Address 639 WASHINGTON AVE	Property Use SINGLEFAMILY
	Most Recent Sale Date 8/31/2005
City PORTLAND	Legal Reference 6478-241
Mailing State ME Zip 04103	Grantor HAMEL ROGER E SR,
ParcelZoning	Sale Price 40,000
	Land Area 0.260 acres

Current Property Assessment

Card 1 Value	Building Value 21,800	Xtra Features Value 400	Land Value 26,000	Total Value 48,200
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Building Description

Building Style RAN	Foundation Type CONCRETE	Flooring Type LINO/VINYL
# of Living Units 1	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1920	Roof Structure HIP	Heating Type FORCED H/A
Building Grade FAIR	Roof Cover ASPHALT SH	Heating Fuel OIL
Building Condition Very Poor	Siding WOOD	Air Conditioning 0%
Finished Area (SF) 636	Interior Walls DRYWALL	# of Bsmt Garages 0
Number Rooms 4	# of Bedrooms 2	# of Full Baths 1
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 1

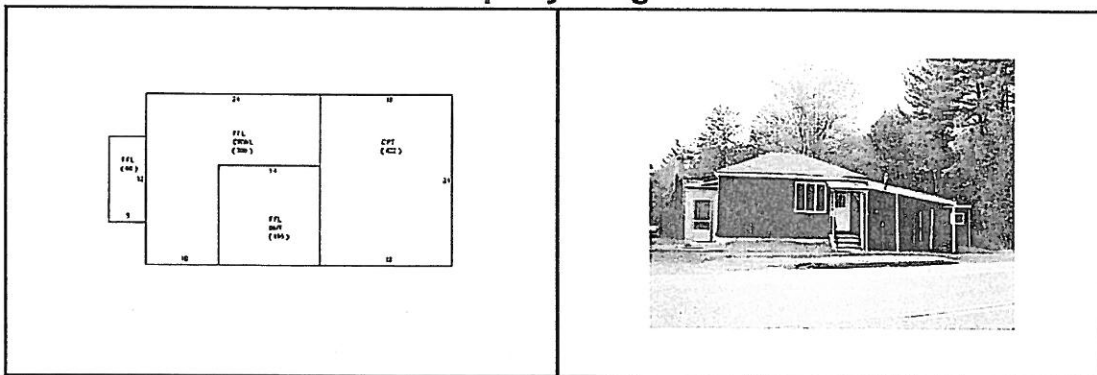
Legal Description

FORECLOSURE NOTICE 7/2010 MARCH 2013-VACANT

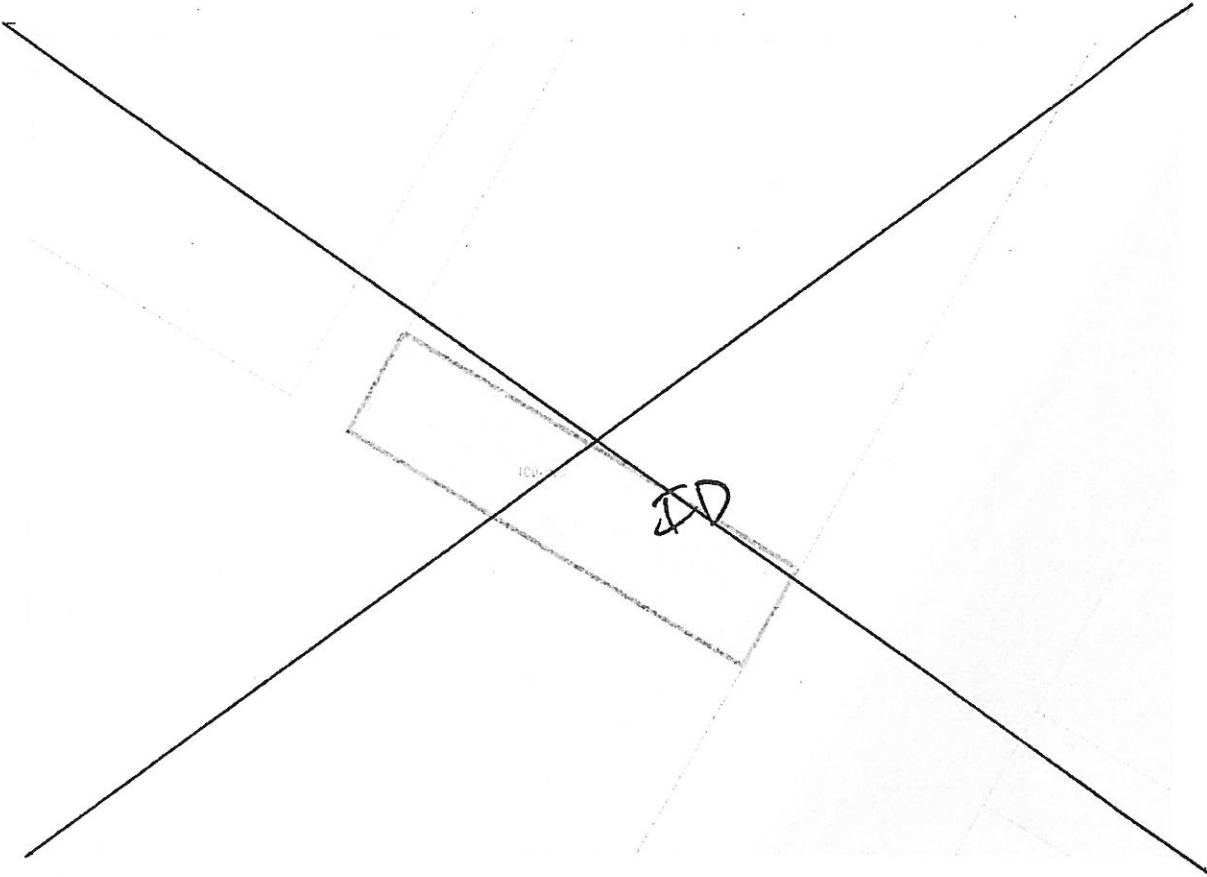
Narrative Description of Property

This property contains 0.260 acres of land mainly classified as SINGLEFAMILY with a(n) RAN style building, built about 1920 , having WOOD exterior and ASPHALT SH roof cover, with 1 unit(s), 4 room(s), 2 bedroom(s), 1 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



MANLEY RD

51

187-02
15 LUFKIN ST

MANLEY RD

VR
187-03
151
MANLEY RD
X

LUFKIN ST (PE)

260
KIN ST

187-04
151
MANLEY RD

Unofficial Property Record Card - Auburn, ME

General Property Data

Parcel ID 239-194	Account Number 239194000
Prior Parcel ID --	
Property Owner AUBURN CITY OF C/O TESSIER CHRISTOPHER PARTY IN POSSESSION	Property Location 395 COURT ST
Mailing Address 395 COURT ST	Property Use SINGLEFAMILY
	Most Recent Sale Date 4/12/2011
City AUBURN	Legal Reference 8144-96
Mailing State ME Zip 04210	Grantor SCRIBNER, DAPHNE,
ParcelZoning	Sale Price 37,500
	Land Area 0.090 acres

Current Property Assessment

Card 1 Value	Building Value 99,500	Xtra Features Value 0	Land Value 17,600	Total Value 117,100
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Building Description

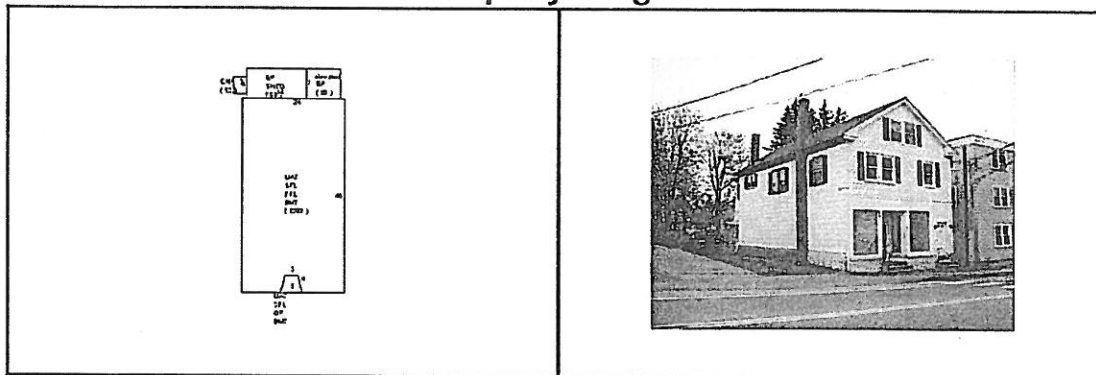
Building Style COLONIAL	Foundation Type CONC BLOCK	Flooring Type HARDWOOD
# of Living Units 1	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1900	Roof Structure GABLE	Heating Type FORCED H/W
Building Grade AVERAGE	Roof Cover ASPHALT SH	Heating Fuel OIL
Building Condition Average	Siding ASBESTOS	Air Conditioning 0%
Finished Area (SF) 2192	Interior Walls PLASTER	# of Bsmt Garages 0
Number Rooms 7	# of Bedrooms 4	# of Full Baths 1
# of 3/4 Baths 1	# of 1/2 Baths 0	# of Other Fixtures 1

Legal Description

Narrative Description of Property

This property contains 0.090 acres of land mainly classified as SINGLEFAMILY with a(n) COLONIAL style building, built about 1900 , having ASBESTOS exterior and ASPHALT SH roof cover, with 1 unit(s), 7 room(s), 4 bedroom(s), 1 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

239-108
3 JOSSLYN ST

239-150
347
COURT ST

239-194
395
COURT ST
UR

239-188
399
COURT ST

COURT ST

2-189
403
IRT ST

COURT ST

239-
383
COURT ST
239-
38
COUP

COURT ST

239-205
400
COURT ST

239-208
402
COURT ST



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Executive Asst.

To: Chief Crowell
From: Lieutenant Harrington
Date: February 11, 2016
Re: 395 Court Street

Since 2011, LA911 has logged 32 calls for service at 395 Court Street. From 2006 to 2011 there were 0 calls for service recorded for that address. Of the 32 calls for service there were 5 arrests made, 2 for domestic violence assault, 2 for outstanding warrants, and 1 for disorderly conduct, refusing to submit to arrest or detention, and violation of bail.

The police department has received multiple reports that illegal drugs are being sold from the building. While investigating various incidents, officers have observed items normally associated with drug use and sale such as digital scales, sandwich bags, hypodermic needles, and smoking devices. 1 civil citation was issued for possession of drug paraphernalia.

In 2014 the police department received information from a neighbor that a female resident at that address was engaging in prostitution, having 6 or 7 women bringing men and drugs into the building. The female resident was previously convicted of engaging in prostitution in 2012, in Lewiston.

Unofficial Property Record Card - Auburn, ME

General Property Data

Parcel ID 249-157-001	Account Number 249157001
Prior Parcel ID --	
Property Owner AUBURN CITY OF C/O WATERS CHERRI M	Property Location LINDEN ST Property Use UNDEVELOPED
Mailing Address 50 7TH AVENUE	Most Recent Sale Date 11/16/2006
	Legal Reference 6973-231
City MILFORD	Grantor MURPHY ,KEVIN
Mailing State CT Zip 06460	Sale Price 40,000
ParcelZoning	Land Area 0.250 acres

Current Property Assessment

Card 1 Value	Building Value 0	Xtra Features Value 0	Land Value 3,400	Total Value 3,400
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Building Description

Building Style	Foundation Type	Flooring Type N/A
# of Living Units 0	Frame Type	Basement Floor N/A
Year Built N/A	Roof Structure	Heating Type N/A
Building Grade	Roof Cover	Heating Fuel N/A
Building Condition N/A	Siding	Air Conditioning 0%
Finished Area (SF) N/A	Interior Walls N/A	# of Bsmt Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths 0
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

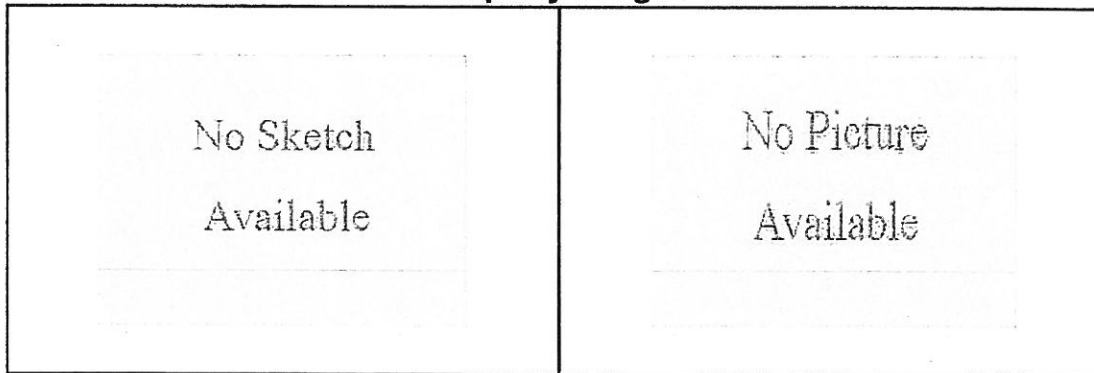
Legal Description

Non-buildable-see file for notes

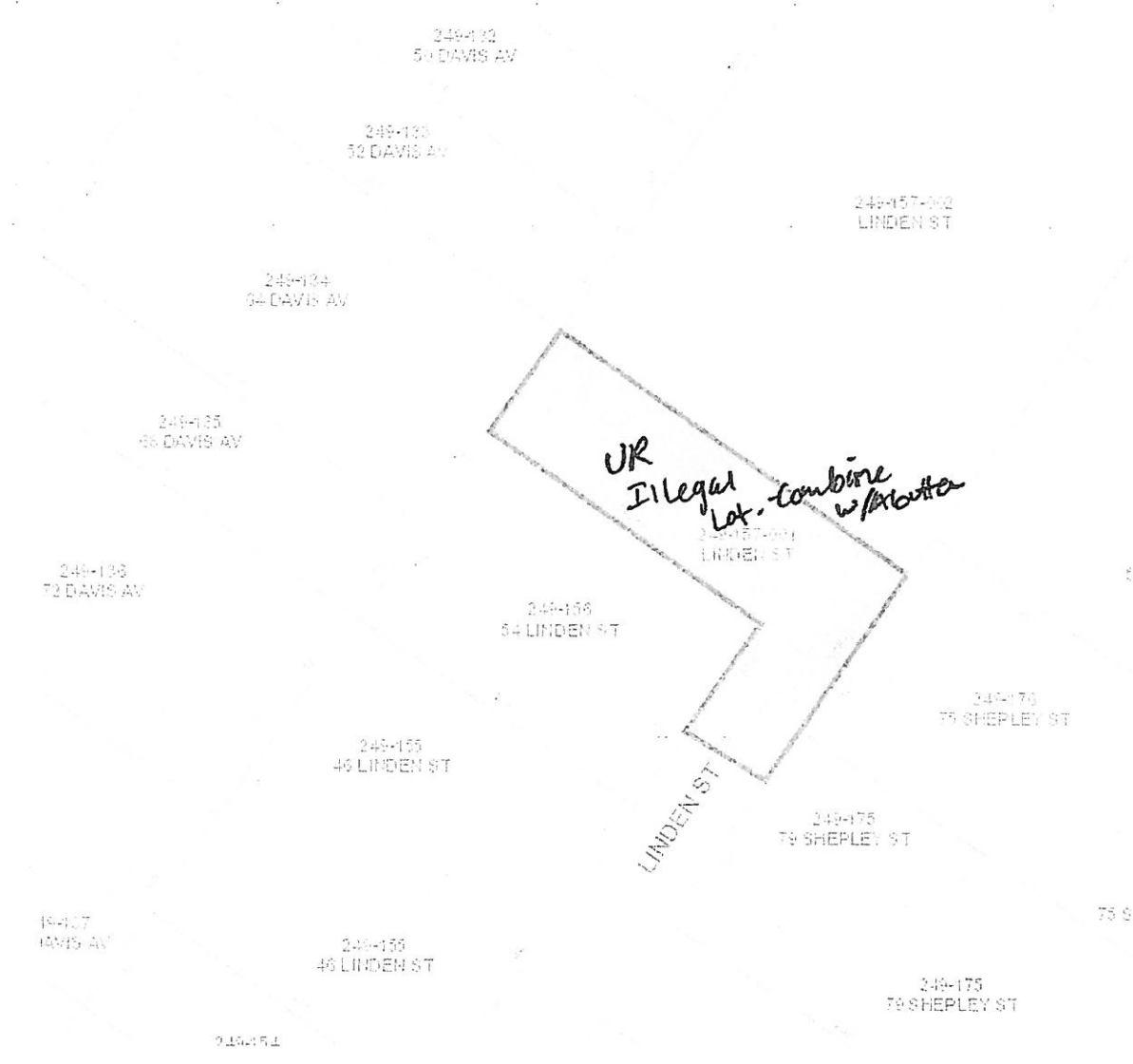
Narrative Description of Property

This property contains 0.250 acres of land mainly classified as UNDEVELOPED with a(n) style building, built about N/A , having exterior and roof cover, with 0 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



249-132
50 DAVIS AV

249-133
52 DAVIS AV

249-157-002
LINDEN ST

249-134
54 DAVIS AV

249-135
56 DAVIS AV

*UR
Illegal
Lot - combine
w/lot 11a*

249-137-001
LINDEN ST

249-136
72 DAVIS AV

249-138
54 LINDEN ST

249-176
75 SHEPLEY ST

249-139
46 LINDEN ST

LINDEN ST

249-175
79 SHEPLEY ST

249-137
DAVIS AV

249-139
46 LINDEN ST

75 S

249-175
79 SHEPLEY ST

249-135

Unofficial Property Record Card - Auburn, ME

General Property Data

Parcel ID 280-020	Account Number 280020000
Prior Parcel ID --	
Property Owner AUBURN CITY OF C/O KIDWELL ANDREW PARTY IN POSSESSION	Property Location 68 WEST DARTMOUTH ST
Mailing Address PO BOX 532	Property Use SINGLEFAMILY
	Most Recent Sale Date 1/18/2012
City CUMBERLAND	Legal Reference 8320-236
Mailing State ME Zip 04021	Grantor MAINE STATE HOUSING AUTHORITY,
ParcelZoning	Sale Price 27,500
	Land Area 0.230 acres

Current Property Assessment

Card 1 Value	Building Value 62,500	Xtra Features Value 1,400	Land Value 26,000	Total Value 89,900
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Building Description

Building Style CAPE	Foundation Type CONC BLOCK	Flooring Type HARDWOOD
# of Living Units 1	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1920	Roof Structure GABLE	Heating Type FORCED H/A
Building Grade FAIR-AV	Roof Cover ASPHALT SH	Heating Fuel GAS
Building Condition Average	Siding VINYL	Air Conditioning 0%
Finished Area (SF) 734.25	Interior Walls PANEL	# of Bsmt Garages 0
Number Rooms 4	# of Bedrooms 1	# of Full Baths 1
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 1

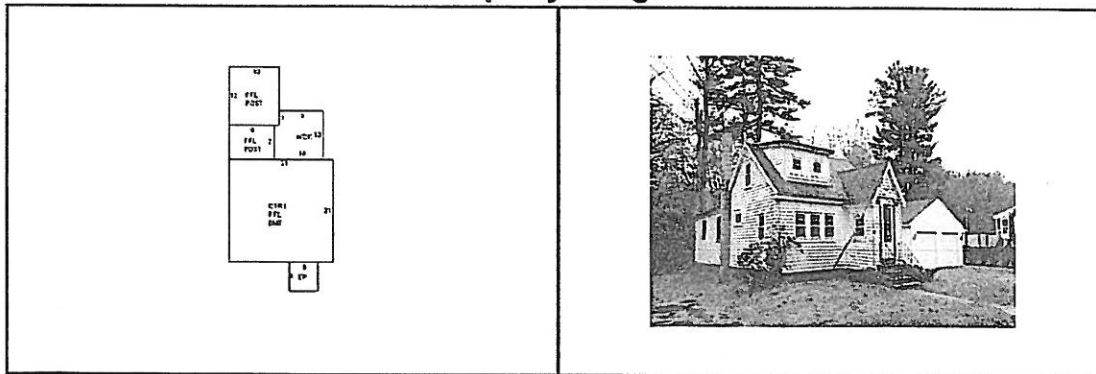
Legal Description

2013-VACANT

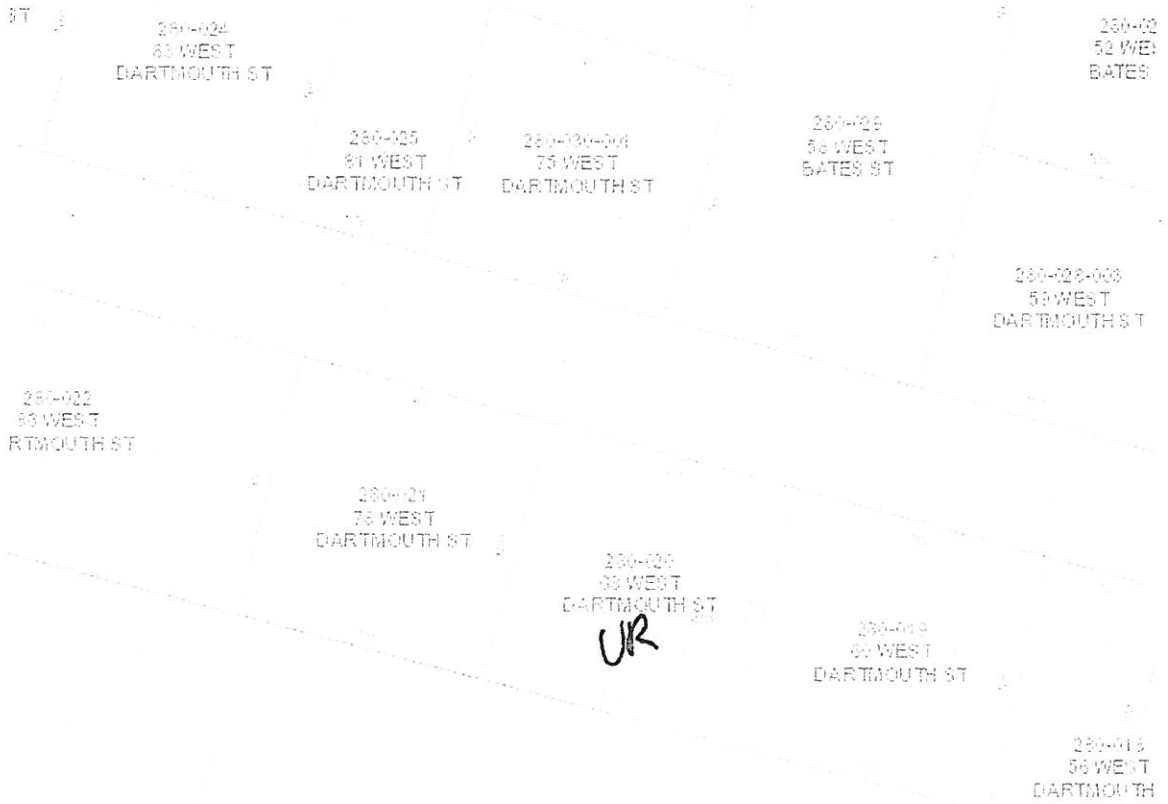
Narrative Description of Property

This property contains 0.230 acres of land mainly classified as SINGLEFAMILY with a(n) CAPE style building, built about 1920 , having VINYL exterior and ASPHALT SH roof cover, with 1 unit(s), 4 room(s), 1 bedroom(s), 1 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



City of Auburn
Tax Acquired Properties
July 11, 2016

Property Location

Map and Lot

0 Hackett Road (Giasson) 159-014-000-000

This parcel is assessed at \$102,400.00, zoned industrial, 6.95 acres. The State of Maine has informed the City of Auburn that they will be filing a lien on 2 separate parcels for cleanup costs. If they do, the City plans to fight this decision. At this time, we do not believe anyone would buy this property based on the amount owed for cleanup costs. **Committee recommends waiting until the State has made their decision.**

875 Washington Street South

180-003-000-000

This parcel is assessed at \$4,000.00, zoned industrial, 1 acre. **The committee recommends selling this property.**

181 Manley Road

197-085-000-000

This house was demolished in 2014. The land was assessed at \$26,000.00, zoned urban residential, 11,325 square feet. **The Committee recommends selling this property as a home package.**

395 Court Street

239-194-000-000

This property is land and building, assessed at \$117,100, zoned urban residential, 3,900 square foot lot. There is an illegal unit on the first floor. **The Committee recommends to either sell this property with preference given for rehab or to demolish.** This home is occupied by an upstairs tenant. Code enforcement has deemed this as a dangerous building and "Unsafe for Occupancy".

0 Linden Street

249-157-001-000

This parcel is assessed at \$3,400.00, zoned urban residential, 10,890 square foot lot. A foreclosure caused this lot to be an illegal lot because it lacks road frontage. **Committee recommends selling to an abutter.**

68 West Dartmouth

280-020-000-000

This single family dwelling is assessed at \$89,900.00, zoned urban residential, 10,018 square foot lot. **The Committee recommends reviewing the conditions of this property and selling.**

**Finance and Administration
Council Committee
Minutes
May 12, 2016**

Present: Councilor Titus, Councilor Stone and Councilor Gilbert. Councilor Titus chaired the meeting.

**I. Opening Remarks
None**

II. Approval of the Minutes

- **Minutes of 2/28/16 Meeting – Motion was made by Councilor Stone and seconded by Councilor Gilbert to approve the minutes. Motion passed 3 - 0.**
- **Minutes of 3/10/16 Meeting – Motion was made by Councilor Stone and seconded by Councilor Gilbert to approve the minutes. Motion passed 3 - 0.**

III. Review of the April 2016 Finance Report

Jill Eastman, Finance Director provided an overview of the report and answered questions.

The Committee requested the following information on the EMS billing to be included: The report will reflect the total amount billed minus the total adjustments to equal the outstanding receivables on the EMS Aging Report. Jill Eastman will revise the report accordingly effective July 1, 2016.

IV. List of Tax Acquired Properties

Motion was made by Councilor Gilbert and seconded by Councilor Stone to recommend that the City Council sell the following tax acquired properties:

**0 Hackett Road
875 Washington Street, South
181 Manley Road
395 Court Streets
0 Linden Street
68 West Dartmouth Street**

Motion passed 3 – 0.

The Committee questioned the process for bringing the properties to City Council and the process for selling the properties. The process may include:

- **Public notice**

- Public comment
- Notice to abutters
- Listing properties with a realtor
- Sealed bids with a minimum purchase price
- Capture of City expenses for unpaid taxes plus legal fees incurred
- Posting properties on line
- Etc.

The Committee will work with staff to bring a resolve before Council to authorize the Facilities Manager/Purchasing Agent to sell the properties.

V. Discussion of all Surplus City-owned Property

The Committee reviewed a list of 84 parcels. More research is needed before making a recommendation to sell any of the parcels on the list. Some questions that need to be answered include:

- Is the property ready to be sold (compliance with all legal notices, clear titles, etc.)?
- Does the City have a future use for the property?
- Does it have commercial value?
- Does it have potential for future development?

Staff has considered future uses for some of the properties and will update the list for a future meeting. Rosemary Mosher, Geospatial Database Manager, is developing a database on these properties which will include the information needed to decide to sell the properties or retain for future use by the City. This Committee suggested the list be placed on the agenda for the Planning and Economic Development Council Committee for their review for potential uses.

VI. Draft Policy on EMS Billing

Jill Eastman drafted the EMS Billing policy in consultation with Acting Fire Chief Geoff Low and the EMS Billing Company.

The Committee made one change to the policy. In “Account Adjustments and Write-offs” Section B. New language to read –Uncollected balances on patients accounts that have been sent to collections and have had no activity shall be deemed uncollectible and may be written off the City’s accounts receivable balances. Revised Policy will be reviewed at the next meeting.

Motion made by Councilor Stone and seconded by Councilor Gilbert to submit final EMS Policy to City Council for approval. Motion passed 3 – 0.

VII. Ordinance Change to Incorporate EMS Fee Structure in Ordinance Consistent with Other Fees.

This item is on the agenda because Mayor Labonte asked that the Committees to determine if fees for service are authorized in ordinance or statute. The Committee proposed to establish a fee schedule for all fees as an appendix to the

ordinance. The fee schedule would be reviewed each year and updated as necessary. This would eliminate the need to do ordinance changes in each section where there are currently fees cited every time there is a change in the fees. There is a cost to updating ordinances through the company that maintains then ordinances. The proposal of a master fee schedule will be more efficient and cost effective. The EMS Billing fee structure will be part of this master fee structure.

Staff will bring the master fee schedule back to a future meeting of this Committee.

VIII. Update Items:

The Committee requested following items to be included on every agenda for status updates:

- 1. Commuter Service to Portland -- There are preliminary discussions of expanding the Zoom Bus Service that currently runs from the Biddeford area to Portland to run from Auburn to Portland. The Zoom Service is subsidized by the Maine Turnpike Authority.**
- 2. LATC Route Study – The Transportation Center is currently under construction and is scheduled to be completed in July.**

The Committee agreed to take two items -- the Commuter Service to Portland and the LATC Study – off future agendas for this Committee and send them to the Transportation and Environment Committee.

- 3. Intermodal/Port of Auburn Lease Negotiations – No updates**
- 4. Canal Legal Matter – The City Manager is working on an update.**
- 5. Charter Commission on Lewiston/Auburn Merger – The City Council will consider a resolution at the 5/16 meeting to provide direction to City of Auburn staff when the Commission requests staff to attend meetings, and to research and/or answer questions.**

IX. Brainstorming Session

- 1. Shared Services – Staff answered Committees questions on shared services. The Committee will keep shared services on the agenda for future meetings.**
- 2. Non-Property Tax Revenues – A number of ideas were discussed including: storm water tax, Pay to Throw garbage bags, local option sales tax, local income tax, license fees on medical marijuana growers, fees for requests to do genealogy research, fees for performing simple wedding ceremonies at Auburn Hall, business license processing fees, increase in purchase price of lots in Oak Hill Cemetery.**
- 3. Recruitment of citizens to participate on Boards and Commissions – ideas included personal recruitment, announcements in newspapers, connecting to citizens who are concerned about particular issues, announcement on Great Falls TV, placement of announcements on the static screen shot while City**

Council is in Executive session. The Committee put out a challenge for each Council member to personally recruit 3 members for vacancies on boards and committees.

- X. Open Session – No one spoke during open session.**
- XI. Discussion of Items for the next meeting (Thursday June 9th @ 5:30 pm)**
 - **EMS Policy with updates**
 - **Draft list of all city fees**
 - **Surplus City Property – first attempt to categorize the list of properties**
 - **Tax Acquired Properties – review list of properties that staff have determined are ready to be sold**
 - **Report of the Challenge to recruit members to fill boards and commission vacancies.**
- XII. Meeting Adjourned**

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 48-07112016

ORDERED, that the City Council hereby authorizes the Finance Director to dispose of the Tax Acquired Property listed on the attachment, in accordance with the City of Auburn Policy regarding the acquisition and disposition of Tax Acquired Property.

City of Auburn

City Council, Auburn, Maine

Date: July 6, 2009

**TITLE: RESOLVE – AMENDMENT TO THE POLICY REGARDING THE
ACQUISITION AND DISPOSITION OF TAX ACQUIRED
PROPERTY**

Be It Resolved by the Auburn City Council, that the attached policy regarding the acquisition and disposition of tax acquired property is hereby approved as amended.

Motion for acceptance: Ronald Potvin

Seconded by: Robert Hayes

Vote: 6 Yeas with Councilor Herrick voting Nay

Action by the City Council: Passed

Date: July 6, 2009

Attest: 
City Clerk

City Council

Agenda Information Sheet

Council Meeting Date: 7/6/2009

Agenda Item No. 4

SUBJECT:

**RESOLVE – AMENDMENT TO THE POLICY REGARDING THE
ACQUISITION AND DISPOSITION OF TAX ACQUIRED
PROPERTY**

INFORMATION:

The City Council has collaborated with staff to amend the tax acquired policy to ensure that abutters receive notification of all tax-acquired property sales and that the Council be given the latitude to review a variety of concerns and issues when disposing of said property. The policy will also require a minimum bid of 50% of assessed value. This item was discussed at the June 15th City Council Workshop.

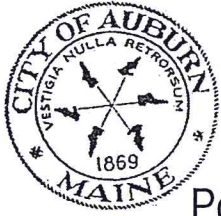
STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends passage of this resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:



City of Auburn

Policy Regarding the Acquisition and Disposition of Tax Acquired Property

Article 1. Purpose

The purpose of this policy is to establish a procedure for the management, administration and disposition of real property acquired due to non-payment of taxes in accordance with Title 36 MRSA Sections 942 and 943 as amended. It is in the City's and the residents' best interest to have a clear policy with respect to the disposal of tax acquired property and to have that property disposed of efficiently as possible in order to:

- Return properties to the tax rolls;
- Reduce the opportunity for neighborhood blight by not having buildings or lots sit vacant and untended, thus potentially becoming an eyesore and a target for vandalism;
- Preserve neighborhoods by having properties sold in a timely manner, thus reducing the likelihood of deterioration or becoming dilapidated.

Article 2. Administration – "Tax Acquired Property Management Committee"

Section 2.1 Committee Established. The City Manager will appoint a staff committee which will be called the "Tax Acquired Property Management Committee".

Section 2.2 Committee Composition. The committee will have representation from those departments as determined by the City Manager which have a direct relationship to property administration in the City of Auburn. Permanent members of the committee will be the Finance Director, Tax Collector, Purchasing Agent and a representative of the City Manager's Office. The City Manager will name the committee chairperson.

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

Article 3. Duties and Responsibilities of the City Tax Collector and the Committee

Section 3.1 Review of Properties. At least forty five (45) days prior to the foreclosure date, the City Tax Collector shall identify each property on the list and notify all members of the committee of the impending foreclosure. The identification shall include, but is not limited to, the following: property tax map and lot number, property owner name, property location by street address, current property use if improved with buildings, and any other information available that the Tax Collector feels will be helpful to the committee.

Section 3.2 Notice to Departments. The Tax Collector shall notify the following departments of the impending foreclosure, and provide the list of properties and the same information as provided to the committee: the City Manager, Community Development, Assessing Department, Economic Development, Planning and Code Enforcement, Parks and Recreation, Public Works Department, Engineering Division, Fire Department, Police Department, and City Clerk. In addition to the above named City departments, the Tax Collector will notify the Auburn Water District, the Auburn Sewer District and any other persons requesting such notification.

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

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

~~**Section 3.4 Guidelines Regarding the Sale or Disposition of Tax Acquired Property.** All tax acquired properties will automatically be eligible for disposition immediately following foreclosure by the City with the following exceptions:~~

- ~~• In cases where the City has negotiated a payment plan with the owner for back taxes prior to foreclosure, and payments are being made accordingly; and~~
- ~~• In cases where the City wishes to retain ownership for municipal purposes, such as open space, public improvements, sewers, storm drains, parks and recreation, public safety, transportation, education, right of ways, storage areas, etc., or the City wishes to convey the property for a use which serves the City's interests.~~

Section 3.4 Guidelines for reviewing

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

- the property is either unfit or unnecessary for City use;
- the City wishes to retain ownership for municipal purposes;
- the property is adjacent to publicly owned land;
- there are buildings on the property that should be demolished;
- there are environmental liabilities or hazards present on the site
- the property has investment or marketable value;
- there are uses that the property is suited for which meet the requirements of the City's zoning and land use ordinance;
- the property has value only to an abutter (provides additional set back, off

street parking, etc.).

The Committee may consider additional criteria in formulating its recommendation to the Manager and City Council regarding disposition of the property.

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

Article 4. Sale and Marketing of Tax Acquired Properties

The City of Auburn will dispose of tax acquired properties by the following method.

Section 4.1 Guidelines Regarding the Sale or Disposition of Tax Acquired Property. All tax acquired properties will automatically be eligible for disposition immediately following foreclosure by the City with the following exceptions:

- In cases where the City has negotiated a payment plan with the owner for back taxes - prior to foreclosure, and payments are being made accordingly; and
- In cases where the City wishes to retain ownership for municipal purposes, such as open space, public improvements, sewers, storm drains, parks and recreation, public safety, transportation, education, right of ways, storage areas, etc., or the City wishes to convey the property for a use which serves the City's interests.

Section 4.12 Sale to the Prior Owner. The City will first offer tax acquired property to the prior owner, it shall be offered upon the following conditions: Upon acquiring a property, the Tax Collector shall notify the prior owner that they have thirty (30) days within which to inform the City if they intend to redeem the foreclosed property. To redeem the property, the prior owner must pay all taxes assessed and unpaid, all interest on those unpaid taxes, all costs associated with the lien and foreclosure process and the estimated next fiscal year's property taxes if the redemption occurs after April 1st. If the prior owner has not entered into a payment plan or has not redeemed the property within sixty (60) days of the date of notification by the City, the City will proceed with the disposition in accordance with this policy. Nothing in this policy shall be construed to create any entitlement of reconveyance.

Section 4.23 Sale to Abutters. In the event the prior owner has declined or is unable to buy the property within the timeframe specified in Section 4.1, the property will be ~~offered~~ advertised for sale to all immediate abutters and the general public. Immediate abutters will receive notice by certified mail and notice to the public will be by generally accepted means. ~~requesting a bid for~~ All notices will require a minimum bid of 50% of the assessed value of the property. When selling any property the Council will take into consideration:

- Whether the lot is nonconforming and/or unbuildable.
- The needs of abutting properties for additional land to meet current zoning

requirements.

- The plans for neighborhood development or master planning and the potential effect on the neighborhood.
- The minimum bid price.

The Council will determine the outcome of all tax-acquired bids and reserves the right to accept or reject any proposal it receives.

~~If there is more than one acceptable proposal, and unless the City chooses to withdraw the property from the market, the highest offer will be accepted. The City will provide tax title only through a quit claim deed.~~

Section 4.3-4 Public Sales. Depending on the type of property and its value, the City may use a variety of marketing methods, as indicated below. Regardless of the method, the City reserves the right to accept or reject any proposal it receives. The Finance Department will maintain an updated list of all tax acquired properties which are available for sale and which will be provided to the public upon request.

i. Sealed Bids. The City may offer properties for sale by sealed bid in conformance with the City charter and applicable statutes. This sale will be conducted by the City's Purchasing Agent ~~within 90 days of the date of foreclosure.~~ The City retains the sole discretion to accept or reject any bid depending on whether the City determines a bid proposal meets the City's objectives.

ii. Request for Proposals. The City may solicit proposals using an RFP process.

iii. Real Estate Broker Contract. Vacant land, commercial, industrial, residential and multi-family residential properties which are determined to have investment or high sale value will be identified with a disclosure statement describing all property attributes. This disclosure statement will be obtained from the Assessing Department based on the available record and a field inspection when entry to the property can be obtained. The City may place these properties with a professional real estate broker to be marketed. If the properties are placed with a professional broker, they will be given a deadline within which to sell the property. If the property is not sold within that timeframe, thereafter if any broker produces a purchaser, which results in a sale, the broker will receive a commission.

Section 4.34. Rejection of Bid or Purchase Offer. All properties will be sold at a price acceptable to meet the City's priorities for reuse, taking into consideration the assessed value, the property's current condition, and potential use. Nothing in this policy shall limit or modify the discretion of the City Manager or the City Council to reject any bid offer to purchase, should they deem it in the best interests of the City to do so. All properties must be sold for uses in keeping with the City's zoning ordinance. The City may place criteria on the disposition of any property that meet or further the City's objectives including: the density of development, design standards, the intended use

(even when the particular use is allowed in that zone), and evidence of the buyer's financial ability to develop the property.

Article 5. Occupied Residential Properties. Prior to the conveyance by the City of a foreclosed residential property, the City will manage the property in accordance with the provisions of Title 14 MRSA Section 8104-A. The purpose for this provision is to avoid any liability, or management responsibility with regard to ownership of the property.

The City may notify the occupants that the property has been foreclosed and is in the possession of the City of Auburn. The City may choose to evict the occupants in accordance with the law. If the City allows the occupants to continue to reside in the building, the City will notify the occupants that it will perform no maintenance on the property or buildings, that the City will accept no financial obligations or responsibilities to operate the buildings and that the continued occupancy of the property is at the sole discretion and risk of the tenant or leasee.

Adopted by the Auburn City Council February 17, 1998
Amended by the Auburn City Council: January 29, 2009
Amended by the Auburn City Council: July 6, 2009



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 11, 2016

Order: 45-07112016

Author: Sue Clements-Dallaire, City Clerk

Subject: Auburn's Appointment to the Maine Municipal Association Legislative Policy Committee

Information: Maine Municipal Association (MMA) is looking for Auburn to appoint someone to serve on the Legislative Policy Committee July 1, 2016 to June 30, 2018. The deadline to submit the ballot is 5:00 P.M. on August 5, 2016. See attached.

Advantages:

Disadvantages:

City Budgetary Impacts: None

Staff Recommended Action: Recommend passage.

Previous Meetings and History:

Attachments: Memo from MMA, copy of official ballot.



60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

Memorandum

To: Key Municipal Officials of MMA's Member Municipalities
From: Stephan Bunker, President, Maine Municipal Association
Date: June 23, 2016
Re: Ballots for Election to MMA'S Legislative Policy Committee



MMA's member municipalities have made their nominations for the 2016-2018 Legislative Policy Committee (LPC). It is now time to elect your representatives to serve on the Committee. The election ballot is enclosed. The ballot must be completed by the Board of Selectmen or Town or City Council of your municipality.

Number of votes

Most municipalities are asked to vote for two candidates, because there are two elected LPC members for most districts. Some municipalities only vote for one candidate, because the other LPC member in that district is appointed. *You are instructed on the ballot (above the list of candidates) whether to vote for two candidates or just one.*

Candidate profiles

If you are not familiar with any of the candidates, please review the Candidate Profiles on the back of the ballot. Feel free, also, to contact the candidates directly.

Write-in candidates

In addition to the candidates listed on the ballot, you may vote for a candidate whose name you write in. The write-in candidate need not be from your municipality, but must be an elected or appointed official from a municipality in your Senate/LPC district. *Check to be sure the write-in candidate is willing to serve if elected!* Write-in candidates should be communicating their interest in serving among the municipal officers within their district.

If you are instructed to vote for two candidates and only one candidate is on the ballot, please use the "write-in" line for your second vote if you know of someone who is willing to serve.

Deadline for returning ballot

Return ballot by 5:00 p.m. on **August 5, 2016** to:

State and Federal Relations Dept.
Maine Municipal Association
60 Community Drive, Augusta, ME 04330
FAX: 624-0129

Your participation is important - Thank You!

OFFICIAL BALLOT – District 20

Maine Municipal Association's Legislative Policy Committee
July 1, 2016 – June 30, 2018

VOTE FOR ONE: (*Auburn appoints one member*)

(*No nomination received for this District, please use write-in option.*)

_____ (name) (position) (municipality) (write in)

Candidate Profiles Are On Reverse Side

MUNICIPALITY: _____ DATE: _____

 BY SELECTMEN/COUNCILORS:

signature

print name

signature

print name

signature

print name

signature

print name

signature

print name

Return by 5:00 p.m., August 5, 2016 to:

Laura Ellis, Maine Municipal Association
60 Community Drive, Augusta, ME 04330
Fax: 624-0129

(over)

LPC Senate District 20 *(Auburn appoints one member)*

Auburn
Mechanic Falls

Minot
New Gloucester

Poland

Candidate Profile:

(No nomination received for this District, please use write-in option.)

Copy

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 45-07112016

ORDERED, that the City Council hereby appoints Robert Stone to serve on the Maine Municipal Associations Legislative Policy Committee for the 2016-2018 term.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 11, 2016

Order: 46-07112016

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

Subject: Confirm Chief Crowell's appointment of Devon A. Bohacik as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests City Council appointment of Devon A. Bohacik as a Constable with a firearm for the City of Auburn.

Advantages:

Disadvantages:

City Budgetary Impacts: n/a

Staff Recommended Action: Motion to confirm Chief Crowell's appointment of Devon A. Bohacik as a Constable with a firearm for the Auburn Police Department.

Previous Meetings and History:

Attachments:

- Memo from the Chief.



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: June 28, 2016
To: Honorable Mayor Jonathan Labonte and Members of the City Council
From: Phillip L. Crowell, Jr., Chief of Police

RE: CONSTABLE

We request that the following named individual be named as a Constable for the Auburn Police Department:

Devon A. Bohacik with Firearm New Hire Police Officer

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 46-07112016

ORDERED, that the City Council hereby confirms Chief Crowell's appointment of Devon A. Bohacik as a Constable with firearm for the Auburn Police Department.

IN COUNCIL REGULAR MEETING JUNE 20, 2016 VOL. 34 PAGE 254

Mayor LaBonté 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 Items - None

II. Minutes

- June 6, 2016 Regular Council Meeting

Motion was made by Councilor Titus and seconded by Councilor Walker to accept the minutes of the June 6, 2016 Regular Council Meeting as presented. Passage 7-0.

III. Communications, Presentations and Recognitions - None

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*.

Mamie Ney, Director of the Auburn Public Library wanted to remind residents that the Discover Nasa exhibit will be closing on July 8, 2016.

Kathy Shaw, owner of Four Seasons Market invited everyone to attend the Farmers Market on Wednesdays. They will be located on the water below Festival Plaza.

V. Unfinished Business

1. Resolve 06-05162016

Adopting the Appropriations Resolve for Fiscal Year 2017. Second reading.

Motion was made by Councilor Titus and seconded by Councilor Walker to adopt the Appropriations Resolve for Fiscal Year 2017.

Motion was made by Councilor Pross and seconded by Councilor Stone to amend by implementing traffic calming measures to improve pedestrian safety on Mill Street in New Auburn, to be funded in the amount of \$20,000, from the Downtown TIF.

This amendment would fund the installation of traffic calming measures, including authorizing a raised crosswalk, to be installed on Mill Street, with a focus on the mid-block crossing from Third Street to the historic Pontbriand Building that is now home to Selco.

The amendment would also fund a pedestrian activated crossing signal to further raise driver awareness of pedestrians seeking to cross this street.

Public comment- no one from the public spoke.

Passage 6-1 (Councilor Titus opposed).

IN COUNCIL REGULAR MEETING JUNE 20, 2016 VOL. 34 PAGE 255

Motion was made by Councilor Burns and seconded by Councilor Gilbert to amend by adding \$52,756 from the General Fund to fund the Lewiston-Auburn Transit Committee.

Public comment – no one from the public spoke.

Motion failed 3-4 (Councilors Pross, Stone, Walker, and Titus opposed).

Motion was made by Councilor Burns and seconded by Councilor Stone to amend by restoring funding in the amount of \$233,559 from the General Fund for L-A 911.

Public comment –no one from the public spoke.

Passage 6-1 (Councilor Titus opposed).

Motion was made by Councilor Burns and seconded by Councilor Gilbert to amend by restoring \$26,000 in funding to the Androscoggin Valley Council of Governments (AVCOG) through TIF accounts.

Public comment –no one from the public spoke.

Passage 6-1 (Councilor Young opposed).

Motion was made by Councilor Burns and seconded by Councilor Walker to amend by restoring \$45,900 in funding to the Auburn Public Library through General Fund revenue.

Public Comment - Sonya Buck, President of the Board of Trustees spoke in support of the amendment; Barbara Trafton, Highland Avenue and Trustee of the Library Board also spoke in support of the amendment.

Passage 7-0.

Motion was made by Councilor Burns and seconded by Councilor Titus to amend by restoring \$120,271 to the Fire Department budget through the General Fund.

Public comment – no one from the public spoke.

Motion was made by Councilor Stone and seconded by Councilor Walker to amend the amendment by reducing the amount of the proposed increase from \$120,271 to \$60,000.

Passage of the amendment to the amendment 4-3 (Councilors Young, Gilbert, and Burns opposed).

Passage of the amendment as amended 5-2 (Councilors Young and Titus opposed).

IN COUNCIL REGULAR MEETING JUNE 20, 2016 VOL. 34 PAGE 256

Motion was made by Councilor Burns and seconded by Councilor Titus to amend by restoring \$160,610 in funding LAEGC (the Lewiston Auburn Economic Growth Council) from TIF account revenue.

Public comment – Joanne Campbell, 1 Fairview Court and Chair of LAEGC Board of Directors, and Stephanie Lewis, 65 Tournament Drive and the Vice President of LAEGC read a statement from John Holden; Larry Pelletier, 129 Second Street, had a question regarding the proposed amendment (if the Growth Council Board would be reviewing itself). Councilor Burns provided the answer to his question.

Motion failed 1-6 (Councilors Young, Pross, Stone, Titus, Gilbert, and Walker opposed).

Motion was made by Councilor Pross and seconded by Councilor Stone to amend to include funding of \$100,000 for a full time City Solicitor position to be funded by adding \$80,000 to the General Fund and taking \$20,000 from the Legal Services Budget .

Public comment – Tim Doughty, Cherry Vale Circle questioned why we needed in house legal service adding that he it sounds expensive and he did not think it would be effective. Councilor Pross addressed his concerns.

Passage 6-1 (Councilor Young opposed).

Motion was made by Councilor Walker and seconded by Councilor Titus to amend by funding \$5,000 to be funded from the Downtown TIF account to establish a New Auburn Village Outdoor Farmers' Market pilot program.

Public comment – Kathy Shaw, owner of Valley View Farm and Four Seasons Market spoke in favor of the amendment.

Passage 7-0.

Motion was made by Councilor Pross and seconded by Councilor Walker to amend by funding \$86,818 for a full time Special Projects/Grant Administration position within the Economic and Community Development Department, with a base salary of up to \$60,000 plus benefits, who shall report to and work under the supervision of the Economic and Community Development Director and be a non-union position, to be funded by TIF Funds.

Public comment- no one from the public spoke.

Passage 6-1 (Councilor Titus opposed).

Motion was made by Councilor Burns and seconded by Councilor Walker to amend to invest Recreation Special Revenue Funds into basketball court improvements at "The Gully" in the amount of \$12,000, to attract additional programming

opportunities and enhance the ability of the courts to support youth skills development.

Public comment – Larry Pelletier, 129 Second Street talked about “inadequate” lighting at this particular basketball court.

Passage 7-0.

Passage of the Appropriations Resolve for Fiscal Year 2017 as amended 7-0. A roll call vote was taken.

VI. New Business

Without opposition from Council, item 6, Order 44-06202016 was taken out of order.

Order 44-06202016

Approving the Mass Gathering Permit for the 2016 Liberty Festival. Public hearing.

Motion was made by Councilor Burns and seconded by Councilor Walker to approve the Mass Gathering Permit for the 2016 Liberty Festival.

Public hearing – no one from the public spoke. Passage 7-0.

Without opposition from Council, item 5, Order 43-06202016 was taken out of order.

Order 43-06202016

Establishing the Economic and Community Development Department which will combine the Economic Development, Planning and Permitting, and Community Development Departments into one.

Motion was made by Councilor Titus and seconded by Councilor Walker establishing the Economic and Community Development Department which will combine the Economic Development, Planning and Permitting, and Community Development Departments into one.

Public comment – no one from the public spoke. Passage 7-0.

Without opposition from Council, reports were taken out of order while waiting for the City Attorney to arrive.

Mayor – no report.

City Councilors – no report.

City Manager – commended City Staff for putting together an impressive presentation to the Krispy Kreme Company who was doing location research in Maine. The presentation went extremely well.

IN COUNCIL REGULAR MEETING JUNE 20, 2016 VOL. 34 PAGE 258

Finance Director, Jill Eastman – May 2016 Monthly Finance Report

Motion was made by Councilor Stone and seconded by Councilor Titus to accept and place on file the May 2016 monthly finance report. Passage 6-0-1 (Councilor Walker abstained).

Without opposition from Council, the second open session was taken out of order. No one from the public spoke.

The Mayor called for a 5 minute recess while waiting for the City Attorney to arrive.

The meeting was called to order at 8:35 PM.

The Mayor asked if there were any representatives present for 16-18 Newbury Street, 12 Patton Street, or 180 Station Road properties. There were not.

Order 41-06202016

Disposition of building located at 16 Newbury Street under dangerous building statute. Hearing for parties with interest in property.

Public hearing – no one from the public spoke.

Motion was made by Councilor Pross and seconded by Councilor Stone to adopt the Findings of Fact and Conclusions of Law and Order of Demolition for 16-18 Newbury Street.

Passage 7-0.

Order 40-06202016

Disposition of building located at 12 Patton Street under dangerous building statute. Hearing for parties with interest in property.

Public hearing – no one from the public spoke.

Motion was made by Councilor Titus and seconded by Councilor Pross to adopt the Findings of Fact and Conclusions of Law and Order of Demolition for 12 Patten Street.

Passage 6-0-1 (Councilor Walker abstained).

Order 42-06202016

Disposition of building located at 180 Station Road under dangerous building statute. Hearing for parties with interest in property.

Public hearing – no one from the public spoke.

IN COUNCIL REGULAR MEETING JUNE 20, 2016 VOL. 34 PAGE 259

Motion was made by Councilor Titus and seconded by Councilor Gilbert to adopt the Findings of Fact and Conclusions of Law and Order of Demolition for 180 Station Road.

Passage 5-0-2 (Councilors Walker and Pross abstained).

VII. Executive Session - None

VIII. Adjournment - Motion was made by Councilor Burns and seconded by Councilor Gilbert to adjourn. All were in favor, the meeting adjourned at 8:56 PM.

A True Copy.

ATTEST 
Susan Clements-Dallaire, City Clerk

IN COUNCIL SPECIAL MEETING MAY 31, 2016 VOL. 34 PAGE 260

Mayor LaBonté called the meeting to order at 5:38 P.M. in the Council Chambers of Auburn Hall. Councilor Burns and Stone had excused absences. All other Councilors were present.

I. Executive Session

To discuss a personnel matter pursuant to 1 M.R.S.A. Sec. 405(6)(A) with possible action to follow.


Motion was made by Councilor Pross and seconded by Councilor Walker to enter into executive session to discuss a personnel matter pursuant to 1 M.R.S.A. Sec. 405(6)(A). Passage 5-0, time 5:40 P.M.

The Mayor declared Council out of executive session at 6:12 P.M. and no action was taken.

II. Adjournment

Motion was made by Councilor Titus and seconded by Councilor Walker to adjourn. All were in favor, the meeting adjourned at 6:12 PM.

A True Copy.

ATTEST 
Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 11, 2016

Ordinance: 05-07112016

Author: Dan Goyette, Auburn Public Services Director

Subject: Public Woodlot Ordinance

Information: The Council had previously requested that a new Public Woodlot Ordinance be created. The Conservation Commission and the Forest Board have drafted, reviewed and shared their draft ordinance to all interested parties for their review. What is being presented is their recommended ordinance.

Advantages: Formalizes process for which timber will be harvested on City lands.

Disadvantages:

City Budgetary Impacts: Dependent on any revenue generated by harvesting existing timber.

Staff Recommended Action: Accept the new ordinance.

Previous Meetings and History: Transportation and Environment Council Subcommittee reviewed on March 16, 2016.

Attachments: Council Committee Meeting minutes and draft ordinance.

City of Auburn
Public Woodlot Management Ordinance
Conservation Commission draft 1.28.16

Section 1 – Preamble.

The City of Auburn hereby adopts the following public wood lot management ordinance in order to regulate the forest management on public lands within the city, including properties used by various individual departments.

Section 2 – Authority.

This ordinance is enacted pursuant to the Home Rule Authority granted to the city in accordance with the provisions of 30-A M.R.S.A. §3001.

Section 3 – Definitions.

- 3.1 **Best Management Practices (BMPs)** - voluntary outcome-based guidelines established by Maine Forest Service to maintain water quality and minimize sedimentation of water courses
- 3.2 **Community Forest**- The sum of 1. Street trees within or upon the limits of any city road, public right of way or any highway within the meaning of 30-A.M.R.S.A. §3281; 2. Public trees included as part of landscaping at public buildings or parks; 3. Public woodlots i.e. parcels which include forested acres which provide or have potential to provide wildlife habitat, forest products, recreation, educational opportunities and other amenities.
- 3.3 **Designated Representative**- individual identified as responsible for overseeing forest management activities related to a timber harvesting operation. Principal contact with the forester supervising the harvest operation.
- 3.4 **Forest Management Plan**- A site specific document written by a professional forester with input from the landowner which establishes direction and goals for the management of a forest land area. The plan will specify all silvicultural practices and activities that support the landowner objectives and minimizes adverse environmental impact. Forest management plans normally include a description of the land and forest, inventory information, and management prescriptions. Forest management plans are typically updated every ten years.
- 3.5 **Harvest Plan**- A document prepared by a professional forester describing activities involved in a timber harvest, including but not limited to: maps of access routes, cut locations, principle trails to be used to remove harvested material, water crossings, log landings; cutting prescriptions and controls; buffer zones; BMPs to be used; and special considerations sufficient to support the objectives of the Forest Management Plan, and provide direction to the qualified logging professional conducting the operation under supervision of the forester.
- 3.6 **Professional Forester**- An individual qualified and licensed to practice forestry in the State of Maine. (Forest management in Maine is limited to licensed professional foresters.)
- 3.7 **Public Trees**-All trees located upon any public property owned by the city, including public property currently used by any individual departments.
- 3.8 **Public Woodlot** – The portion of the community forest not including street trees within or upon the limits of any city road, public right of way, or any highway within the meaning of 30-A M.R.S.A. §3281 and public trees included as part of landscaping at public buildings or parks. Public woodlots are parcels which include forested acres which provide or have potential to provide wildlife habitat, forest products, recreation, educational opportunities and other amenities.
- 3.9 **Qualified Logging Professional**- a logger trained according to Sustainable Forestry Initiative (SFI) Standard by an organization recognized by Maine’s Sustainable Forestry Initiative Implementation Committee, including Maine Certified Logging Professional (CLP).

- 3.10 **Stakeholder-** stakeholders include a range of persons, including city council, school committee, staff of individual city departments, adjacent landowners (abutters), and community members.
- 3.11 Any term or word of this ordinance which is not defined in this section shall have a meaning consistent with Title 30-A, M.R.S.A., to the extent that such term is defined in that Title; any terms that are not defined in that Title shall have a meaning consistent with common usage.

Section 4 – Development of a Forest Management Plan.

The city council or its' designated administrative board or staff member shall ensure that a forest management plan is written for any public woodlot(s) that are intended to be managed. The forest management plan shall be written by a professional forester with documented input from the individual department responsible for the management of the public woodlot and other stakeholders, in order to define management objectives to be addressed in the plan. The management plan should address multiple uses, including but not limited to biodiversity, control of invasive species, education activities, forest inventory, recreation, special places, timber harvesting, water quality, wildlife habitat, and any other appropriate considerations. The management plan should be updated every ten years and conform to the current stewardship guidelines as defined by the Maine Forest Service.

Section 5- Conducting a Harvest

- A). The city council or its' designated administrative board(s) shall approve any timber harvesting.
- B). The harvest will be supervised by a professional forester who shall provide regular written progress reports to the designated representative member of the individual department responsible for the public woodlot. The designated representative shall be empowered to suspend the operation if objectives are not being met.
- C). The harvest shall be conducted by qualified logging professionals.
- D). The harvest will be conducted according to a harvest plan, written by a professional forester and approved by the designated representative, that supports the objectives of the forest management plan and provides direction to the qualified logging professional conducting the operation. The harvest plan will include BMPs to safeguard water quality.
- E). Stakeholders, at minimum abutters, elected city officials, appropriate administrative board members and appropriate staff shall be notified 30 days prior to commencement of a harvest.
- F). Within 90 days of completion of a harvest, a review will be conducted including the forester, designated representative and appropriate stakeholders, in order to evaluate the operation's outcomes. A written review shall be prepared for the city council or its' designated administrative board.

Section 6 – Harvest revenues.

Net Revenues generated from any timber harvests shall allocated as follows:

- 20% to an account to be used to improve the community forest
- 20% to the Community Cords account
- 30% to an account for the support of the department managing the harvested woodlot i.e. Conservation Commission, Parks Department, School Department, etc.
- 30% to General Revenue

Exception. When deemed necessary by the city council, this provision may be waived by a super majority vote of the city council with five affirmative council votes, on a project basis.

Section 7 – Prohibition.

No person shall prune, plant, cut down, remove, or alter a public tree. See Section 7 below.

Section 8 - Guidelines for cutting or altering of public shade trees.

After a public hearing, the city council or its' designated administrative board shall have the authority to adopt, amend, or modify this ordinance. Thereafter, the city council or it's designated administrative board shall use those guidelines in making decisions pursuant to this ordinance.

Section 9 – Violations and penalties.

- a) Any violator of any provision of this article shall be subject to a civil penalty payable to the city. Each act of violation shall constitute a separate offense.
- b) Should any public tree be destroyed, the person causing the destruction shall also make restitution to the city in an amount equal to the cost to the city of removing the destroyed tree plus its replacement value.
- c) Whenever the municipal arborist determines there are reasonable grounds to believe there has been a violation of any provisions of this article, he/she may initiate enforcement proceedings in accordance with the citation system established in article VIII of chapter 2.
- d) In addition to the remedies set forth above, the municipal arborist, on behalf of the city, may seek an abatement of the violation, or injunctive relief, including an award of penalties and reasonable attorney fees, from the district court or the superior court.
- e) The court also may order a violator of this article to reimburse the city for the cost of any action that was necessary to correct violations of the ordinance. If the city is the prevailing party in an enforcement action, it shall be awarded reasonable attorney's fees and costs.

Section10 - Severability.

The provisions of this ordinance shall be severable. If any portion of this ordinance is held to be invalid, the remainder of this ordinance and its application thereof shall not be affected.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 05-07112016

BE IT ORDAINED, that the City Council hereby adopts the Public Woodlot Management Ordinance under Chapter 56, Article II, Sec. 56-22 as attached.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 07/11/2016

Order: 47-07112016

Author: Jill M Eastman, Finance Director

Subject: City of Auburn Policy on Emergency Medical Services

Information: Attached is a policy that addresses the designation of the Auburn Fire Department as the City of Auburn's Emergency Medical Services provider and addresses all collections for said services.

Advantages: This policy clearly lays out the method(s) used to collect outstanding EMS billing, provides definitions of EMS terms and designates Auburn Fire Department as the City's primary provider.

Disadvantages: N/A

City Budgetary Impacts: N/A

Staff Recommended Action: Passage of policy.

Previous Meetings and History: Finance and Administration Committee meetings of March 10, 2016 and May 12, 2016.

Attachments:

Proposed City of Auburn Policy on Emergency Medical Services

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 47-07112016

ORDERED, that the City Council hereby adopts the City of Auburn Policy on Emergency Medical Services.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 07/11/2016

Order: 48-07112016

Author: Jill M Eastman

Subject: Tax Acquired Property

Information: Attached is a list of Tax Acquired Property that is ready to be disposed of. Each of these properties has been reviewed by the City Attorney as well as the internal tax acquired committee. The Finance and Administration Committee has also reviewed these properties at the March 10, 2016 and the May 12, 2016 meetings and recommended that they be brought forward to the full City Council for action.

Advantages: This will allow the City to get these properties back on the tax rolls.

Disadvantages:

City Budgetary Impacts: Increase to property tax revenue.

Staff Recommended Action: Recommends Council authorize staff to proceed with selling these properties in accordance with City policy.

Previous Meetings and History: Finance and Administration Committee meetings of March 10, 2016 and May 12, 2016.

Attachments: List of properties and backup detail.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 48-07112016

ORDERED, that the City Council hereby authorizes the Finance Director to dispose of the Tax Acquired Property listed on the attachment, in accordance with the City of Auburn Policy regarding the acquisition and disposition of Tax Acquired Property.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 11, 2016

Order: 49-07112016

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

Subject: Lease Agreement for Cellular Micro-site Location at 650 Center Street

Information: The City Council approved a master lease and a site lease addendum for 650 Center Street at a rate of \$250 per month with an escalator of CPIU each year at previous meetings. Verizon has decided that they will only pay \$200 per month for this site or they will locate on an adjacent, privately owned building instead. They are staying strong at \$200 or walking. They have also realized that managing 60,000 sites nationwide with different escalator numbers is too cumbersome and would like a hard 2% instead of CPIU which will fluctuate each year. The 2% escalator would actually have been better for us last year as I believe CPI for our area was less than 1%.

Staff has exhausted negotiations for the \$250 per month fee and an adjustment is needed if we want the revenue. It is staffs opinion that even at \$200 per month this is worthwhile revenue for the City with a small amount of staff time on the front end which will be covered by the electrical permit fee. They will also likely be constructing 2-3 additional sites over the next year which could bring us close to \$10k per year in new lease revenues and possibly more in the future.

Advantages: \$2400 per year in new revenues with potential for more as they add other sites.

Disadvantages: None.

City Budgetary Impacts: New revenue.

Staff Recommended Action: Approve the proposed order amending the previous order adopted by Council (order 30-05162016 (b)) to allow a \$200 per month lease rate and a 2% escalator.

Previous Meetings and History: November 16, 2015 and May 16, 2016 CC Meetings

Attachments: Previous Info Sheets from the November 16, 2015 and May 16, 2016 CC Meetings, lease supplement, approved order, plans for the 650 Center Street site and proposed order.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: November 16, 2015

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

Item

Subject: Master Lease Agreement for Cellular Micro-site Locations on City poles or Structures

Information: During the last few months, the City of Auburn Planning & Development Department has been in communications with a Verizon small cell site locator regarding site locations in the City of Auburn. Small cell sites, or micro-sites, are intended to remove cellular traffic from the larger towers also called macro-sites. As people use more data the macro-site capacity can be used up in areas with high population and usage; the goal of micro-sites is to relieve some of that pressure and not to expand service to areas that currently lack service. The process to lease micro-sites includes establishing a master lease agreement and then the site locator will confirm individual sites that would work for them and propose those to the City. There is no rental income from the master lease but individual sites determined later would generate approximately \$200-\$250 per month, per site, in revenues based on discussions with the site locator. We expect approximately 10 sites in the first year which could generate \$2500/month in revenues.

The City attorney has reviewed the master lease and it is acceptable if we are interested in the proposal.

The issue of leasing a shared pole or area to another company was raised as a potential concern with the possibility of partnering with others for wireless internet options and we asked the City attorney to specifically review that issue. We have confirmed that the City retains the right to do that. This is the applicable language in Section 13:

If LESSOR elects, during the Term of any Supplement to assign its rights under such Supplement or grant to a third party by easement or other legal instrument an interest in and to that portion of the Building and or Property occupied by LESSEE (i.e., the portion exclusively occupied by LESSEE), or a larger portion thereof, for the purpose of operating and maintaining or managing communications facilities which include the communications facility of LESSEE, LESSEE shall have the right of first refusal to meet any bona fide offer of transfer on the same terms and conditions of such offer. If LESSEE fails to meet such bona fide offer within thirty (30) days after written notice thereof from LESSOR, LESSOR may assign the Supplement and/or grant the easement or interest in the Property or portion thereof to such third person in accordance with the terms and conditions of such third party offer. LESSEE acknowledges that this paragraph does not apply to a lease or license by LESSOR to other users desiring to co-locate on the Building or Property in areas not exclusively occupied by LESSEE, and such leases and licenses for co-location shall not give rise to a right of first refusal in favor of LESSEE.

The right of first refusal ONLY applies to circumstances where the City is transferring or assigning its rights-including the lease with Verizon- to a third party. This is needed because there are aggregators that go around collecting and managing these kinds of leases. If it is another one-off assignment to a different wireless company on the same pole or the same building, there is no restriction.

Staff recommends that the Council authorize the City Manager to enter into the master lease agreement. Staff will bring individual sites back for lease addendums if the master lease is approved or the Council could

**Agenda items are not limited to these categories.*

authorize staff to approve individual sites at \$250 per month per site. Having a pre-approved rate at the high end of the potential range would offer an expedited review for maximum rent (for staff, council and the tenant) and discourage negotiations for lower lease rates on individual sites that would require individual Council actions.

Pros:
Revenue opportunity.

Cons:
Additional equipment visible on poles.

Financial: Revenue of \$200-\$250 per site.

Action Requested at this Meeting: Authorize City Manager to enter into master lease agreement and determine if the Council wants to review individual sites or authorize staff to approve them in areas where the City does not plan to place utilities underground and on poles that will remain in service after undergrounding utilities (street or light poles) in any area.

Previous Meetings and History: Executive session to make the council aware of the possibility and confirm that it was worth looking into on 11/2/15.

Attachments: Two draft resolves, draft master lease and photo example of utility pole with equipment.



City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: May 16, 2016

Order

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

Subject: Lease Agreement for Cellular Micro-site Location at 650 Center Street

Information: In November of 2015 the Council authorized a Master Lease Agreement to locate micro cellular antennas on poles throughout the City, subject to approval of individual sites. Additional background information is available on the City website and Great Falls TV for November 16, 2015. During the last few months, the City of Auburn Economic & Community Development Department has been in communications with Verizon regarding site locations in the City of Auburn. Small cell sites, or micro-sites, are intended to remove cellular traffic from the larger towers also called macro-sites. As people use more data the macro-site capacity can be used up in areas with high population and usage; the goal of micro-sites is to relieve some of that pressure and not to expand service to areas that currently lack service. There is no rental income from the master lease but individual sites were represented to generate approximately \$200-\$250 per month, per site, in revenues based on discussions with the site locator.

The first site proposed is the intersection of Center Street and the entrance to the Auburndale Shopping Center at 650 Center Street for \$200.00 per month. The City Electrician has reviewed the proposal and has the following comments:

This e-mail is a follow up to your request for review of the location /design for the placement of Verizon's equipment. I have review the plan as submitted by Chip Fredette of Verizon. The location of the equipment has no impact on the city's existing traffic signal infrastructure at the requested location. I will coordinate with their contractor prior to the installation of the equipment for final placement. The physical design meets all necessary NEC and Utility codes and standards. I suggest the contract for construction be executed by council and management.

Staff recommends that the Council authorize the City Manager to enter into the Lease supplement for 650 Center Street for not less than \$250 per month. Initially, Staff asked the Council to authorize staff to approve individual sites at \$250 per month per site but the motion was not structured to allow that. Having a pre-approved rate at the high end of the potential range would offer an expedited review for maximum rent (for staff, council and the tenant) and discourage negotiations for lower lease rates on individual sites that would require individual Council actions. We have attached a resolve to approve this site and a resolve to authorize the Manager to enter into future agreements for individual sites at the high end of the range for Council consideration. Requiring Council approval for each site adds 1-3 hours of staff time and an extra 2-4 weeks wait for Verizon to the process for each site.

Advantages: Revenue opportunity.

Disadvantages: Additional equipment on poles.

City Budgetary Impacts: Revenue of \$2400-\$3000 per year

Staff Recommended Action: Approve a resolve to authorize the Manager to enter into an agreement for this site at \$250 per month and a resolve to authorize the Manager to enter into future agreements for individual sites at the high end of the range for Council consideration.

Previous Meetings and History: November 16, 2015 and previous executive sessions.

Attachments: Info Sheet from November 16, 2015, Lease Supplement, Plans

PREVIOUS MEETING PROVIDED FOR BACKGROUND

LEASE SUPPLEMENT

This Lease Supplement (“Supplement”), is made this ____ day of _____, 2016 between City of Auburn, Maine, a body corporate and politic with its principal offices located at 60 Court St, Auburn, ME 04210 ("Lessor"), and Portland Cellular Partnership, a Maine general partnership d/b/a Verizon Wireless, whose principal place of business is One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 ("Lessee").

1. **Master Lease Agreement.** This Supplement is a Supplement as referenced in that certain Master Lease Agreement between the City of Auburn, Maine and Portland Cellular Partnership d/b/a Verizon Wireless dated February 2, 2016, (the “Agreement”). All of the terms and conditions of the Agreement are incorporated herein by reference and made a part hereof without the necessity of repeating or attaching the Agreement. In the event of a contradiction, modification or inconsistency between the terms of the Agreement and this Supplement, the terms of this Supplement shall govern. Capitalized terms used in this Supplement shall have the same meaning described for them in the Agreement unless otherwise indicated herein.

2. **Premises.** Lessor hereby leases to Lessee certain space on Lessor's Property, as follows: space for Lessee’s telecommunications equipment on Lessor’s existing light pole located near the intersection of Center Street and the entrance to the Auburndale Shopping Center at 650 Center Street, Auburn, Maine (the “Premises”). The Premises and Lessee’s equipment are as shown on Exhibit “1” attached hereto and made a part hereof.

3. **Term.** The Commencement Date of this Supplement shall be September 1, 2016, and the Term of this Supplement shall be as set forth in the Agreement.

4. **Consideration.** Rent under this Supplement for the initial five year term shall be \$2,400.00 per year, payable to Lessor at the address set forth above. The annual rental during the initial term and all extension terms will be increased annually on the anniversary of the Commencement Date to 102% of the annual rate in effect for the prior year. Lessee’s electrical service shall be separately metered and paid for by Lessee.

5. **Site Specific Terms.** Lessee shall have the right to extend electrical and telecommunications service the Premises from the adjacent pole shown on Exhibit 1.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seal the day and year first above written.

LESSOR:

CITY OF AUBURN

By: _____

Print Name: _____

Its: _____

LESSEE:

PORTLAND CELLULAR PARTNERSHIP
d/b/a Verizon Wireless

By: Cellco Partnership
Its: General Partner

By: _____
Lynn Ramsey
Its: Vice President Field Network
Date:

EXHIBIT 1
SITE PLANS OF PREMISES

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 30-05162016 (b)

ORDERED, that the City Council authorizes the City Manager to enter into a Supplemental Lease Agreements for Cellular Micro-site Locations on City poles or Structures at 650 Center Street and other locations as proposed and approved at a staff level with Portland Cellular Partnership, a Maine general partnership, d/b/a Verizon Wireless.

This resolve authorizes that proposed site locations may be reviewed, acted upon and lease addendums signed by the City Manager, with input from staff as they are proposed individually or as a group, prior to installation, authorizing individual locations. This authorization shall only apply to proposed lease rates of \$250 per location per month or greater and adjusted annually by the CPI-Urban for future years beginning in 2016. Individual proposed locations shall be compared to the City's long range plans to confirm that they are either:

- 1) Not located in areas where the City intends to eliminate overhead utilities (Currently the New Auburn Village Center, possibly the Minot Avenue corridor between High and Court Streets); or
- 2) In areas where the City intends to eliminate overhead utilities the micro site locations shall only be allowed on poles or structures such as buildings, traffic signals and street light poles that will need to remain in place after the utility work.

A TRUE COPY

ATTEST

Susan Clements-Dallaire
Susan Clements-Dallaire, City Clerk 6/6/16

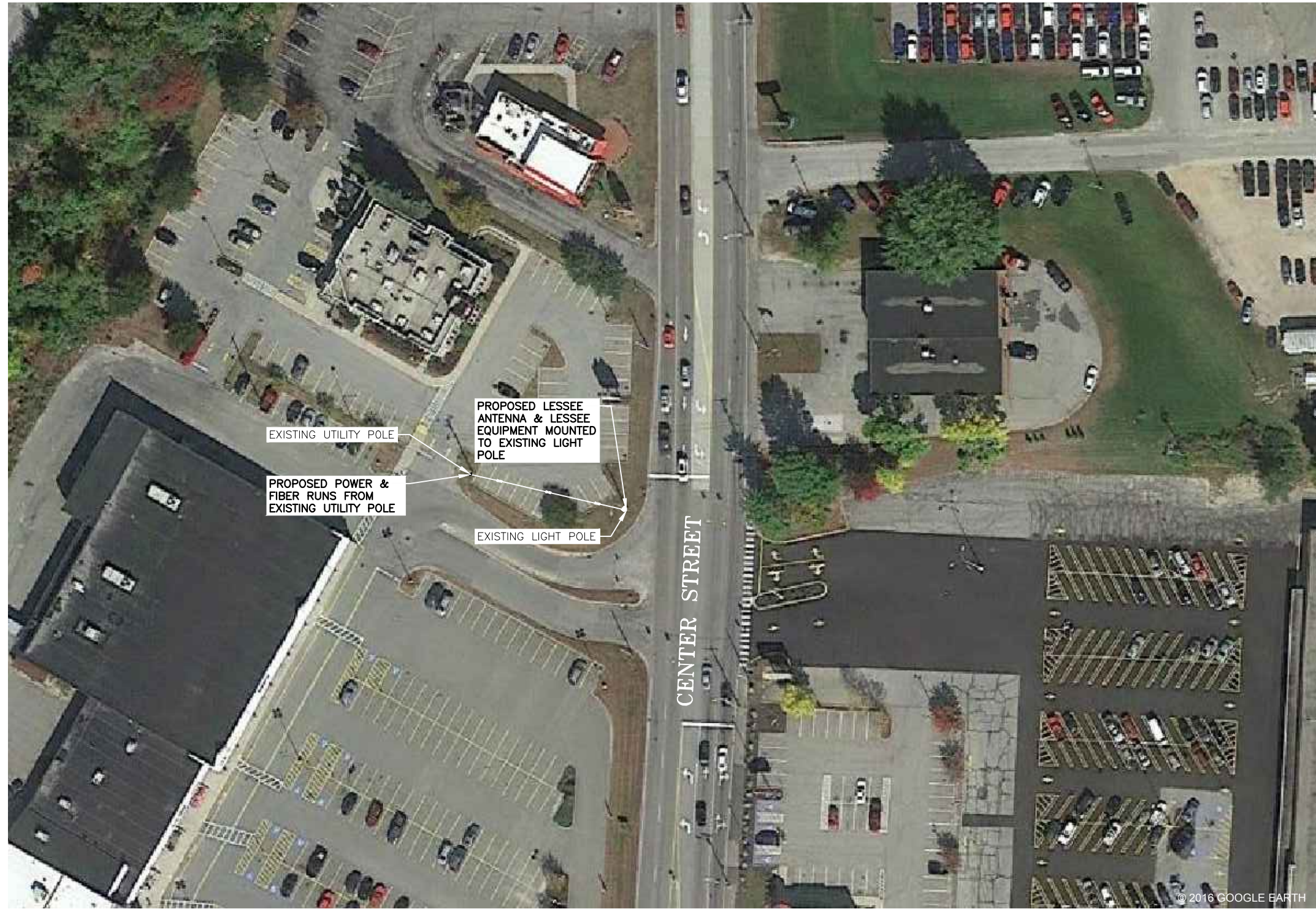


Passage on 5/16/2016 7-0.

650 CENTER STREET, AUBURN, ME 04210

AUBURN 2 ME SC04-4C

LEASE EXHIBIT



Hudson
Design Group, Inc.

1600 OSGOOD STREET
BUILDING 20 NORTH, SUITE 3090
N. ANDOVER, MA 01845

TEL: (978) 557-5553
FAX: (978) 336-5586

CHECKED BY: JX

APPROVED BY: DPH

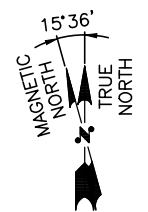
SUBMITTALS			
REV.	DATE	DESCRIPTION	BY
0	04/01/16	LEASE EXHIBIT	MC

SITE NAME:
AUBURN 2 ME
SC04-4C

SITE ADDRESS:
650 CENTER STREET
AUBURN, ME 04210

SHEET TITLE
KEY PLAN

SHEET NUMBER
L-1



KEY PLAN
SCALE: N.T.S.

FIELD INSPECTIONS DATE: 03-30-2016

APPROXIMATE COORDINATES: LAT: N44° 7' 28.97" LONG: W70° 13' 30.21"

LEASE EXHIBIT

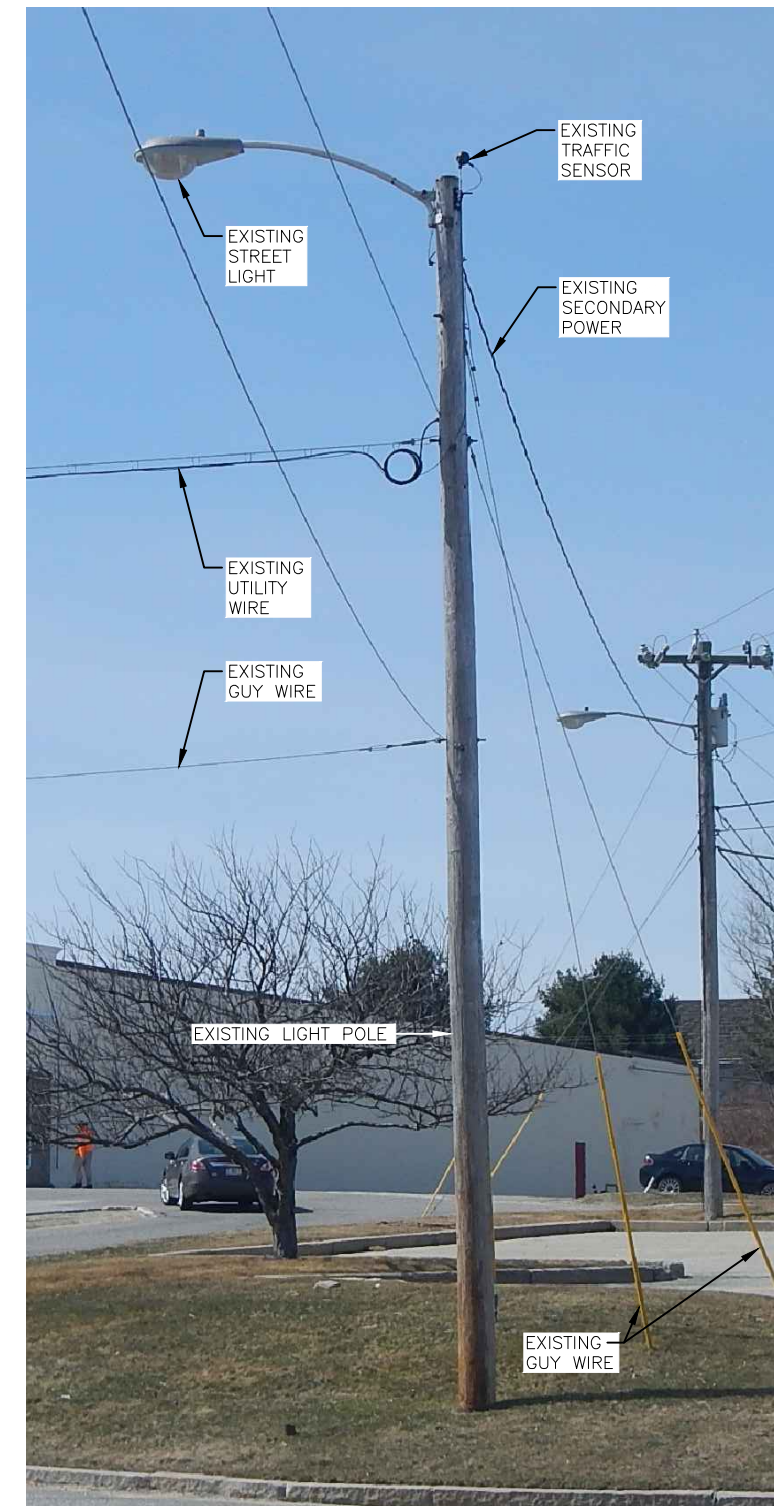
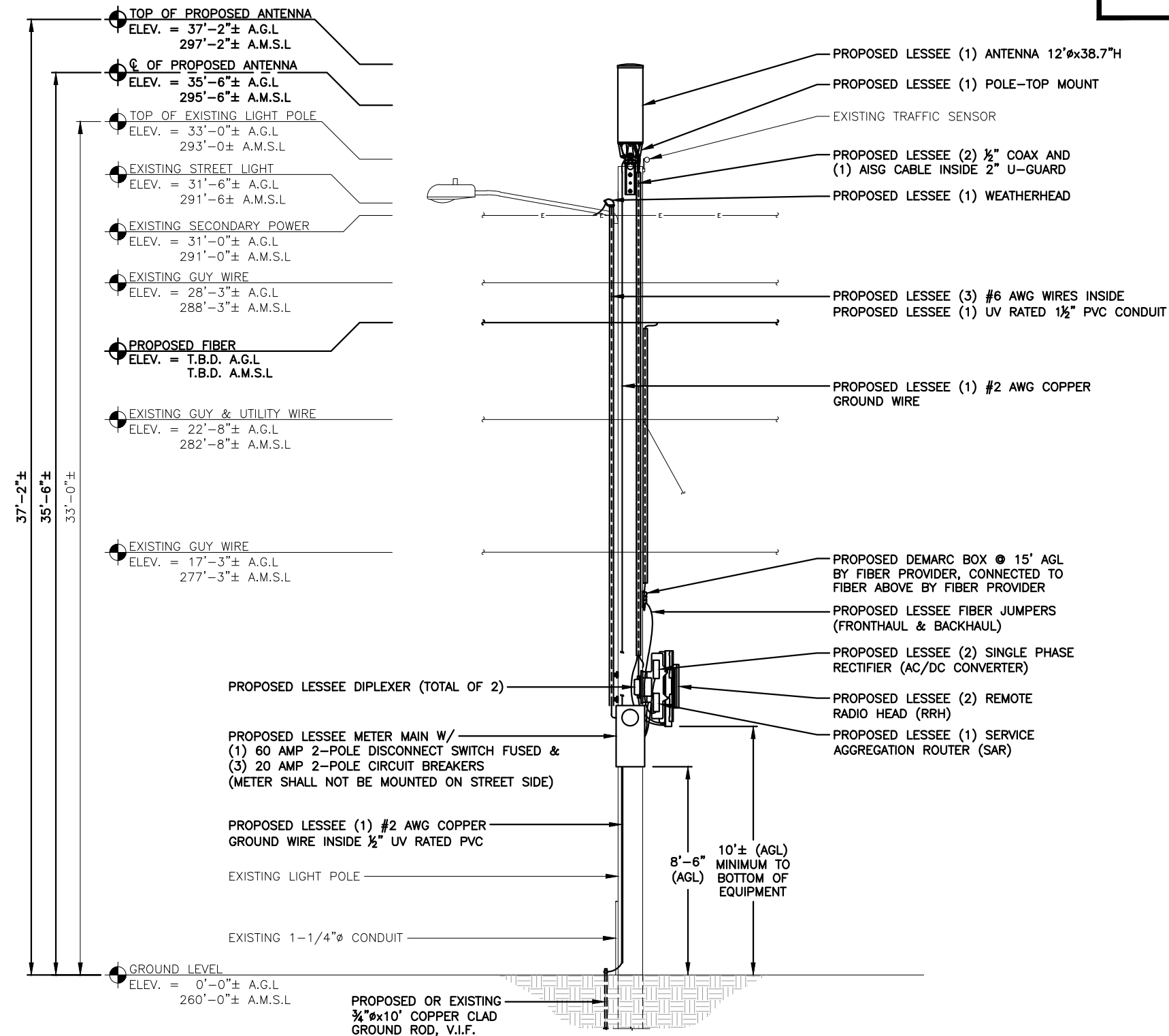
STRUCTURAL NOTE:
 1. AN ANALYSIS OF THE CAPACITY OF THE EXISTING STRUCTURE TO SUPPORT THE PROPOSED LOADING HAS NOT BEEN COMPLETED BY HUDSON DESIGN GROUP, LLC. DRAWINGS ARE SUBJECT TO CHANGE PENDING OUTCOME OF A STRUCTURAL ANALYSIS.
 2. SHOP DRAWINGS OF FINAL EXTENSION AND/OR ANTENNA MOUNT TO BE PROVIDED TO ENGINEER OF RECORD PRIOR TO CONSTRUCTION.

LEASE EXHIBIT:
 THIS LEASE PLAN IS DIAGRAMMATIC IN NATURE AND IS INTENDED TO PROVIDE GENERAL INFORMATION REGARDING THE LOCATION AND SIZE OF THE PROPOSED WIRELESS COMMUNICATION FACILITY. THE SITE LAYOUT WILL BE FINALIZED UPON COMPLETION OF SITE SURVEY AND FACILITY DESIGN.

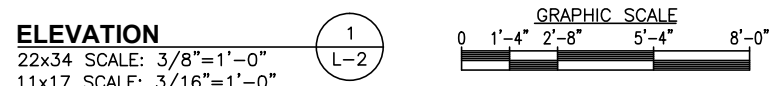
APPROXIMATE COORDINATES: LAT: N44° 7' 28.97"
 LONG: W70° 13' 30.21"



Hudson Design Group
 1600 OSGOOD STREET
 BUILDING 20 NORTH, SUITE 3090
 N. ANDOVER, MA 01845
 TEL: (978) 557-5553
 FAX: (978) 336-5586



EXISTING PHOTO DETAIL 2
 SCALE: N.T.S.



CHECKED BY: JX

APPROVED BY: DPH

SUBMITTALS

REV.	DATE	DESCRIPTION	BY
0	04/01/16	LEASE EXHIBIT	MC

SITE NAME:
**AUBURN 2 ME
 SC04-4C**

SITE ADDRESS:
 650 CENTER STREET
 AUBURN, ME 04210

SHEET TITLE
ELEVATION & PHOTO

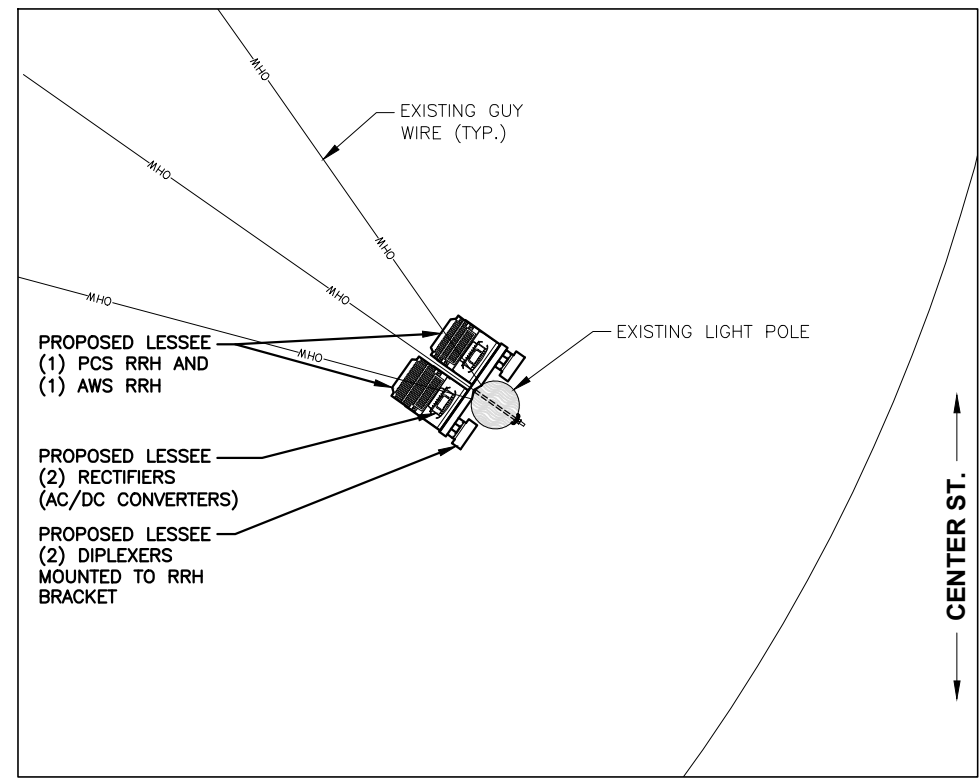
SHEET NUMBER
L-2



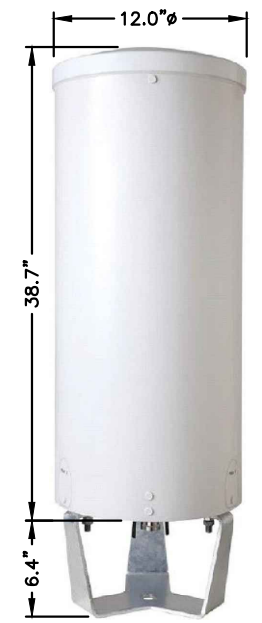
Hudson Design Group, LLC
 1600 OSGOOD STREET
 BUILDING 20 NORTH, SUITE 3090 TEL: (978) 557-5553
 N. ANDOVER, MA 01845 FAX: (978) 336-5586

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 2. SHOP DRAWINGS OF FINAL EXTENSION AND/OR ANTENNA MOUNT TO BE PROVIDED TO ENGINEER OF RECORD PRIOR TO CONSTRUCTION.

LEASE EXHIBIT:
 THIS LEASE PLAN IS DIAGRAMMATIC IN NATURE AND IS INTENDED TO PROVIDE GENERAL INFORMATION REGARDING THE LOCATION AND SIZE OF THE PROPOSED WIRELESS COMMUNICATION FACILITY. THE SITE LAYOUT WILL BE FINALIZED UPON COMPLETION OF SITE SURVEY AND FACILITY DESIGN.

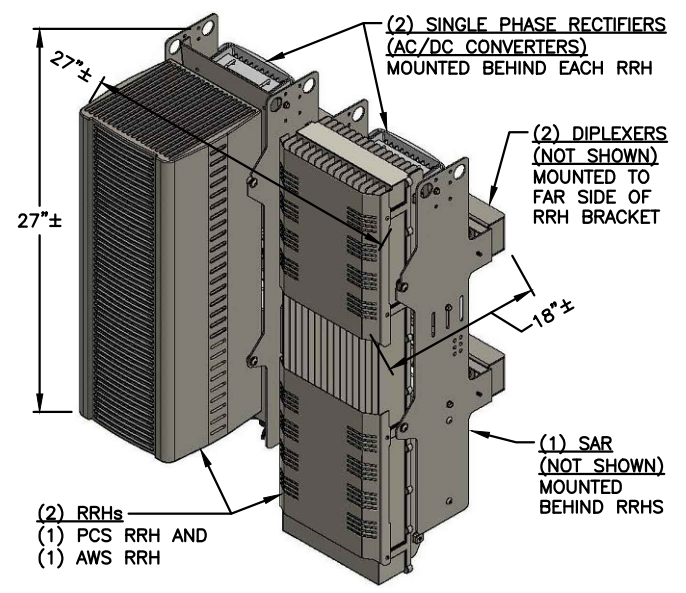


RRH PLAN
 22x34 SCALE: 1/2"=1'-0"
 11x17 SCALE: 1/4"=1'-0"



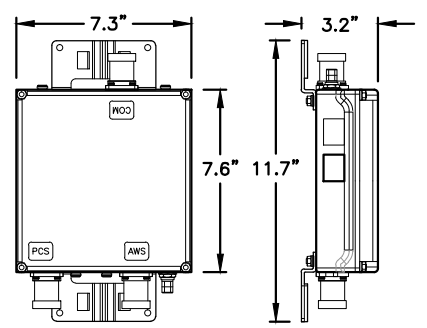
SMALL CELL ANTENNA
 33.7 LBS

ANTENNA DETAIL
 SCALE: N.T.S.



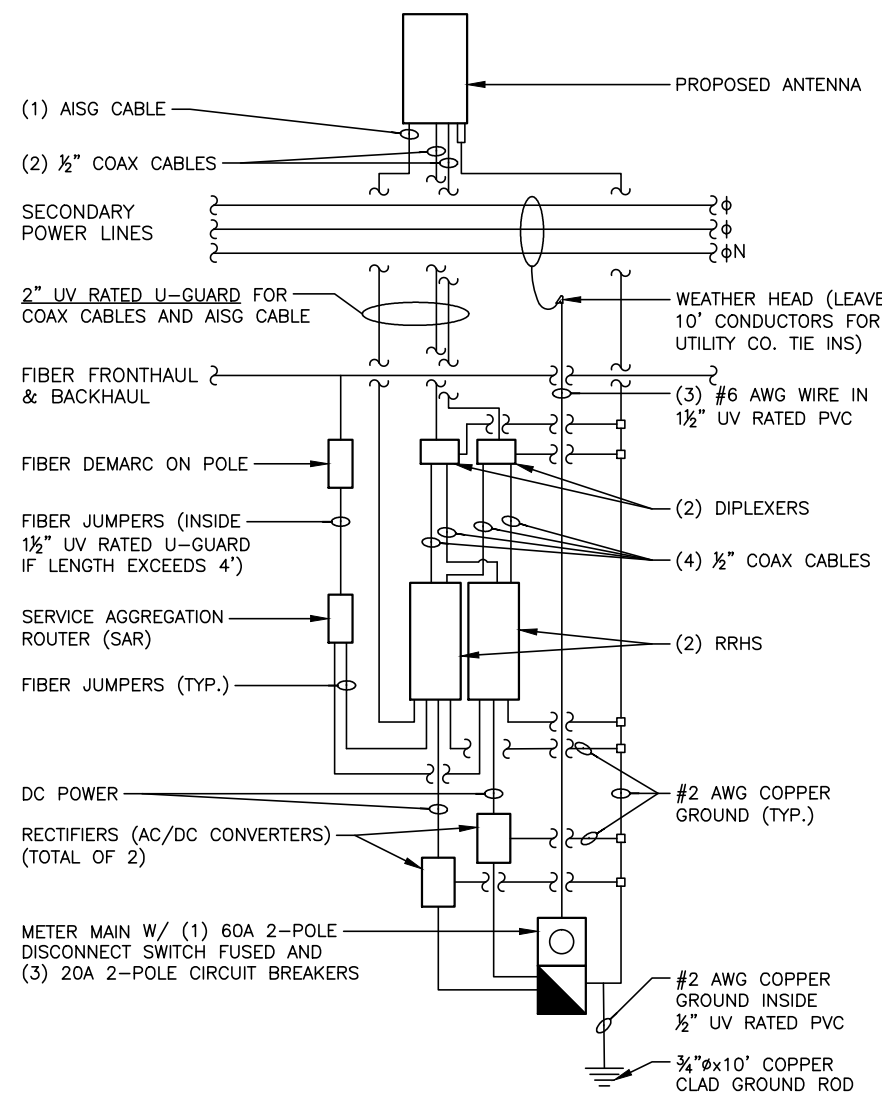
- (2) DUAL RRH BRACKET - 27"x3"x2" - 19 LBS
- (1) PCS RRH - 21.2"Hx12"Wx7.2"D - 53 LBS
- (1) AWS RRH - 25.8"Hx12"Wx7.3"D - 67 LBS
- (2) RECTIFIER - 14.1"Hx8.3"Wx3.5"D - 14.1 LBS
- (1) ROUTER - 2.6"Hx15"Wx10"D -
- (2) DIPLEXER - 7.6"Hx7.3"Wx2.6"D - 6.6 LBS

DUAL RRH MOUNTING DETAIL
 SCALE: N.T.S.



PCS/AWS DIPLEXER - 6.6 LBS

DIPLEXER DETAIL
 SCALE: N.T.S.



GENERAL WIRING DIAGRAM
 SCALE: N.T.S.

CHECKED BY: JX

APPROVED BY: DPH

SUBMITTALS			
REV.	DATE	DESCRIPTION	BY
0	04/01/16	LEASE EXHIBIT	MC

SITE NAME:
AUBURN 2 ME
SC04-4C

SITE ADDRESS:
 650 CENTER STREET
 AUBURN, ME 04210

SHEET TITLE
EQUIPMENT DETAILS

SHEET NUMBER
L-3

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

Order 49-07112016

Ordered, that the City Council hereby amends Order 30-05162016 (b) which was previously adopted at the 5/16/2016 City Council meeting as follows;

Ordered that the City Council authorizes the City Manager to enter into a Supplemental Lease Agreements for Cellular Micro-site Locations on City poles or Structures at 650 Center Street and other locations as proposed and approved at a staff level with Portland Cellular Partnership, a Maine general partnership, d/b/a Verizon Wireless.

This resolve authorizes that proposed site locations may be reviewed, acted upon and lease addendums signed by the City Manager, with input from staff as they are proposed individually or as a group, prior to installation, authorizing individual locations. This authorization shall only apply to proposed lease rates of ~~\$250~~ \$200 per location per month or greater and adjusted annually by ~~the CIP-Urban~~ 2% for future years beginning in 2016. Individual proposed locations shall be compared to the City's long range plans to confirm that they are either:

- 1) Not located in areas where the City intends to eliminate overhead utilities (Currently the New Auburn Village Center, possibly the Minot Avenue corridor between High and Court Streets); or
- 2) In areas where the City intends to eliminate overhead utilities the micro site locations shall only be allowed on poles or structures such as buildings, traffic signals and street light poles that will need to remain in place after the utility work.



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: July 11, 2016

Subject: Executive Session

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

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

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

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

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

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

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

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

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

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

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

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



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: July 11, 2016

Subject: Executive Session

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

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

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

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

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

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

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

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

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

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

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

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



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: July 11, 2016

Subject: Executive Session

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

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

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

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

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

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

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

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

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

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

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

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