



**City Council Workshop & Meeting  
August 7, 2017  
Agenda**

**5:30 P.M. Workshop**

- A. Troy Street Zone Change – Doug Greene and Michael Chamings (10 minutes)
- B. Executive Session – Economic Development discussion (Troy Street), pursuant to 1 M.R.S.A. §405(6)(C).
- C. Executive Session – Real Estate discussion, pursuant to 1 M.R.S.A. §405(6)(C).
- D. Executive Session - Acquisition of real and personal property, the premature disclosure of which would prejudice the City's bargaining position, pursuant to 1 M.R.S.A. §405(6)(C) with possible action to follow during new business.

**7:00 P.M. City Council Meeting**

**Roll call votes will begin with Councilor Titus**

**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 64-08072017\***  
Accepting the transfer of \$2,933.00 forfeiture assets in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-17-1566 Justin St. Pierre).
  - 2. **Order 65-08072017\***  
Accepting the transfer of \$912.20 forfeiture assets in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-17-141 Donna Marie Pagnani).
  - 3. **Order 66-08072017\***  
Confirming Chief Crowell's appointments of Tyler A.P. Barnies and David P. Morin as Constables with firearm for the Auburn Police Department.
- II. **Minutes**
  - July 17, 2017 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**

- **Proclamation** – Children’s Cancer Awareness Month
- **Presentation** – Auburn Student, Elliot Dowd
- **Communication** – Community Meeting – Residents of Taylor Pond and the Auburn Fire Department

**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. Order 67-08072017**

Authorizing the City Manager to execute the Collective Bargaining Agreement with Teamster Local 340 for 07/01/2017 through 06/30/2020.

**2. Order 68-08072017**

Approving the request to waive the \$50 fee for the Team McKesson Flea Market fundraiser for the Dempsey Center.

**3. Ordinance 07-08072017**

Adopting the proposed food sovereignty ordinance. First reading.

**4. Order 69-08072017**

Authorizing \$110,000 in Home funds to be reserved for the 477 Minot Avenue workforce housing project.

**5. Order 70-08072017**

Directing staff to schedule the First Reading and Public Hearing for the attached Draft Recreational Planned Unit Development Ordinance for an upcoming Council meeting, with options to address public comments.

**VII. Reports**

**a. Mayor’s Report**

**b. City Councilors’ Reports**

**c. City Manager Report**

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

**IX. Executive Session**

A. Economic Development discussion (Kassbehrer), pursuant to 1 M.R.S.A. §405(6)(C).

B. Economic Development discussion (Income Utilization), pursuant to 1 M.R.S.A. §405(6)(C).

**X. Adjournment**

**Executive Session:** On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public

discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** August 7, 2017

**Author:** Doug Greene, Urban Development Specialist

**Subject:** Troy Street Zoning Map Amendment

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**Information:** At their July 17, 2017 meeting, the City Council initiated a zoning map amendment (zone change) and instructed the Planning Board to make a recommendation to the City Council on the proposal. The staff is recommending a block of properties bounded by Union Street, Library Street, Troy Street and the Central Maine Railroad right of way. The properties are currently zoned General Business (GB) and the proposed zoning would be changed to Traditional Downtown Center (T-5.1). The zone change would make the properties easier to redevelopment and also complement the design of the Hampshire Street reconstruction project.

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**Advantages:** Rezoning the Troy Street block of properties to Traditional Downtown Center (T-5.1) would provide the property owners the benefits of Form Based Code:

- More building area is allowed with smaller set-backs.
- Reduced parking requirements.
- Greater flexibility how you can use your property.
- New construction that follows the Form Based Code creates a predictable built environment that protects investment in new development.
- Most new development that follows all the Form Based Code requirements can apply directly for a building permit.

**Disadvantages:** Form Based Code has been in place for over a year and has worked well for the 62 Spring Street project. There is a learning curve for property owners to understand the advantages.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Staff recommends the City Council schedule a public hearing and 1<sup>st</sup> reading pending the Planning Board's recommendation from their August 8, 2017 meeting.

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**Previous Meetings and History:** The Form Based Code went through a 2 year process by the Planning Board leading to adoption by the City Council in May of 2016.

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**Attachments:**

1. Draft Staff Report for the Planning Board's August 8, 2017 meeting.
2. Mapping of existing and proposed zoning.
3. Traditional Downtown Center (T-5.1) section from Auburn Zoning Ordinance.
4. Photos of the proposed zone change area.



**PLANNING BOARD STAFF REPORT**

To: Auburn Planning Board

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

Re: Zoning Map Amendment for Troy Street Properties

Date: August 8, 2017

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I. PROPOSAL –, The City Council initiated a Zoning Map Amendment (zone change) at their July 17, 2017 meeting request. The Staff is recommending the block of properties bounded by Union Street, Hampshire St., Library St. and Troy St. be rezoned at the same time. The parcels are: PID 249-211 (52 Hampshire St.), 240-210 (50 Hampshire St.), 240-213 (43 Union St.), 240-214 (39 Union St.), 240-201 (31 Library St.), 240-202 (29 Library St.), 240-212 (Troy St.) and 240-215 (35 Union St.). These properties are currently zoned General Business (GB) and the Staff feels this area would benefit from a zone change to a Form Based Code, Downtown Traditional Center (T-5.1).

BACKGROUND and STAFF COMMENTS - During the Planning Board’s deliberation in 2015 on the initial Form Based Code zone change for Downtown Auburn and New Auburn, the downtown Minot Avenue corridor, northeast of the railroad tracks was discussed and considered to be included in the overall zone change. Ultimately, the Planning Board chose to limit the boundaries of the Form Based Code to the Central Business District and not extend beyond the rail road tracks. In particular the Downtown Traditional Center (T-5.1) would allow a zero set back along Union Street, Hampshire Street and Troy Street, decrease the parking requirement and allow a greater density, building height and coverage. The Staff is supportive of this change and would also be interested in discussing future expansions of Form Based Code at a later date.

- II. DEPARTMENT REVIEW - The proposed zoned change was reviewed at the July 19, 2017 Plan Review Committee.
- a. Police - No Comments.
  - b. Auburn Water and Sewer - No Comments.
  - c. Fire Department - No Comments.
  - d. Engineering – No Comments.

- e. Public Services – No Comments.
- f. Economic and Community Development – Staff presented the zone change request to the Plan Review Committee.

III. PLANNING BOARD ACTION- The Planning Board is being asked to use Chapter 60-1445, *Amendments to the Zoning Ordinance Map*. The Planning Board should reference A.) The Comprehensive Plan Goals and Objectives and B.) The Future Land Use Map designations and descriptions when considering whether a zone change is appropriate and in compliance with the 2010 Comprehensive Plan.

A. The 2010 Comprehensive Plan has the following sections described in the Chapter 1, Goals, Policies and Strategies that support this zone change:

**Community Development Policies- H1- Neighborhood Actions and H2 Housing**

- a) “To carry out these housing policies, Auburn will maintain and enhance existing neighborhoods and housing, and provide opportunities for a wide range of new housing development in appropriate locations.” (Vision Statement pg. 56)
- b) “Promote various housing options to meet the needs of Auburn residents and support neighborhood stability.” (Goal H.2 pg. 58)
- c) “Encourage investment in higher-density downtown multi-family and mixed-use neighborhoods to develop a balance of rental and ownership options that serve a wide range of households.” (Housing Objective-H. 2. 4 pg. 61)
- d) “Assure that the City’s zoning and land use regulations allow private owners to improve property in these neighborhoods.” (Housing Strategy, H. 2. 4. a pg. 61)
- e) “Review and revise the zoning requirements, as needed, to allow for redevelopment and infill development on vacant lots that is in character with the neighborhood in terms of lot sizes and density, frontage, setbacks, and similar dimension. (Housing Strategy, H. 2. 4. a, ii pg. 61)
- f) “Create flexible zoning provisions such as variable density requirements (bedroom-based density or building envelope provisions) that allow for the coordinated reuse or rehabilitation of a series of adjacent buildings in order to create expanded housing opportunities. (Housing Strategy, H. 2. 4. a, iii pg. 61)

B. Future Land Use Map- The 2010 Comprehensive Plan’s Future Land Use Map designates this area as a Limited Business Development Area (LBD) (See attachment 1 for map)

**Limited Business Development District (LBD) (pg. 89-90)**

**Objective** – Allow for the development and redevelopment of small and moderate scale nonresidential uses in areas that have good vehicle access and are served or can be served by public water and sewerage (see Figures 2.3, 2.4, and 2.5). Since these districts are often located adjacent to existing residential neighborhoods or residentially zoned areas, the allowed uses and development standards are intended to assure that activity within these districts have minimal adverse impact on the adjacent residential areas. In addition to



non-residential activity, the Limited Business Development District should allow for both existing and new residential uses at a density of up to 10-12 units per acre.

**Allowed Uses** – The following general types of uses should be allowed in the Limited Business Development District:

- small and moderate size retail uses (<40,000 square feet)
- personal and business services
- business and professional offices
- restaurants excluding drive-thru service
- hotel, motels, inns, and bed & breakfast establishments
- residential uses (including single and two-family, townhouses, and multi-family housing)
- community services and government uses
- small and moderate size (<20,000 square feet) fully-enclosed research, light manufacturing, assembly, and wholesale uses
- contractors and similar activities
- motor vehicle service
- motor vehicle sales limited to a subordinate or accessory use where the principal use is motor vehicle service
- recreational uses and facilities

**Development Standards** – The focus of the City’s development standards for the Limited Business Development District should be on assuring that **new development or redevelopment/expansion of existing uses is done in a manner the results in well designed, attractive projects that minimize the potential for undesirable impacts.** To ensure that redevelopment/conversion of residential buildings to nonresidential uses is compatible with the design and character of the community, these projects should require site plan review. The review standards should include provisions to manage the amount and location of vehicular access to the site, minimize stormwater runoff and other potential environmental impacts, require an attractive treatment along the boundary between the lot and the street, and provide for the buffering of adjacent residential districts. **Multifamily housing and townhouse style development should be allowed at a density of up to 10-12 units per acre,** while single and two-family housing should be allowed at a density of up to 6-8 units per acre. Conversion of older single family units to duplexes is encouraged, as well as the full utilization of all established units within multi-unit buildings, provided that the building will be renovated and meet the City’s requirements for residential units, including the provision of appropriate parking and green space.

#### IV. STAFF COMMENTS-

**Context-** The proposed zone change area, while not officially part of “Downtown Auburn”, is adjacent and similar in character and visual appearance to an area rezoned to Traditional Downtown Center (T-5.1) in May of 2016 located across the railroad tracks at

Spring, Hampshire and Library Streets. Re-zoning these properties to Traditional Downtown Center (T-5.1) would provide the affected property owners the benefits of Form Based Code:

- More building area is allowed.
- Smaller set-backs.
- Reduced parking requirements.
- Greater flexibility how you can use your property.
- New construction will have to follow the Form Based Code creating a predictable built environment that protects investment.
- Additions of less than 50% to existing buildings, will be exempt from Form Based Code.
- Most new development that follows all the Form Based Code requirements can apply directly for a building permit.

The Traditional Downtown Center (T-5.1) zoning to the proposed properties will be a positive incentive for redevelopment by taking advantage of the increased density and building size that the Form Based Code allows. In addition, Hampshire Street is undergoing a complete reconstruction and re-design that will make the surrounding neighborhood more pedestrian friendly, walkable and desirable for rehabilitation and investment.

**Density-** When the Central Business District was replaced by the Form Based Code, the density limits as recommended in the 2010 Comprehensive Plan were replaced by the Form Based Code regulations of building placement, configuration and parking. For each site or property, the density of a project will be determined by how it meets the Form Based Code prescriptive requirements. A developer that abides by the Form Based Code regulations and standards typically can create more dwelling units than previously allowed in traditional zoning districts. With that in mind, the Staff is recommending that the density recommendations contained in the city's future land use designations be replaced by a finding that states *"Densities for properties zoned in a Form Base Code district will be determined by compliance with the underlying Form Based Code requirements."*

## V. STAFF RECOMMENDATION

The Staff recommends the Planning Board forward a motion of **APPROVAL** to the City Council of the Zoning Map Amendment for the properties listed as: PID 249-211 (52 Hampshire St.), 240-210 (50 Hampshire St.), 240-213 (43 Union St.), 240-214 (39 Union St.), 240-201 (31 Library St.), 240-202 (29 Library St.), 240-212 (Troy St.) and 240-215 (35 Union St.) from General Business (GB) to Traditional Downtown Center (T 5.1).

This recommendation is made with the following findings:

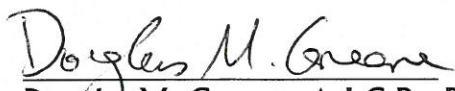
1. The zoning request is in compliance with the 2010 Comprehensive Plan's goals, policies and objectives for Housing by meeting the following:

- a) Rezoning the properties to the Traditional Downtown Center (T-5.1) district would be in agreement with the 2010 Comprehensive Plan's Housing



Objective H.2.4 to “encourage investment in higher-density downtown multi-family and mixed-use neighborhoods to develop a balance of rental and ownership options that serve a wide range of households.”

- b) Rezoning the properties to the Traditional Downtown Center (T-5.1) district would be in agreement with the 2010 Comprehensive Plan’s Housing Strategy: H.2.4.a, “Assure that the City’s zoning and land use regulations allow private owners to improve property in these neighborhoods.”
  - c) Rezoning the properties to the Traditional Downtown Center (T-5.1) district would be in agreement with the 2010 Comprehensive Plan’s Housing Strategy H.2.4.a.ii “Review and revise the zoning requirements, as needed, to allow for redevelopment and infill development on vacant lots that is in character with the neighborhood in terms of lot sizes and density, frontage, setbacks, and similar dimension.”
  - d) Rezoning the properties to the Traditional Downtown Center (T-5.1) district would be in agreement with the 2010 Comprehensive Plan’s Housing Strategy H.2.4.a.iii “Create flexible zoning provisions such as variable density requirements (bedroom-based density or building envelope provisions) that allow for the coordinated reuse or rehabilitation of a series of adjacent buildings in order to create expanded housing opportunities.”
2. Rezoning the properties to Traditional Downtown Center (T-5.1) will allow future redevelopment to be constructed in a manner consistent with the existing character and visual appearance of the immediate neighborhood.
3. Densities for the properties being rezoned to the Form Base Code Downtown Traditional Center district (T-5.1) will be determined by compliance with the underlying Form Based Code requirements.

A handwritten signature in black ink that reads "Douglas M. Greene".

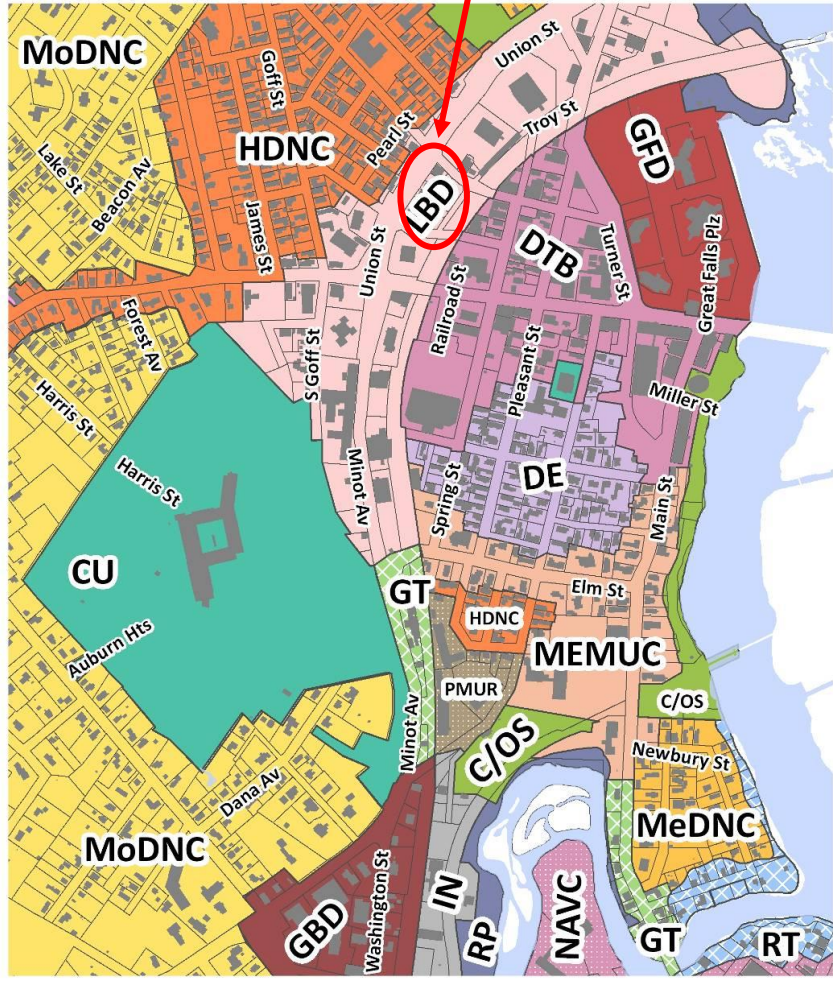
Douglas M. Greene, A.I.C.P., R.L.A.  
Urban Development Specialist

C: File  
ATTACHMENT 1 - 2010 Future Land Use Map

# ATTACHMENT 2- MAPS

## 2010 Future Land Use Map

Area Proposed for T-5.1 zoning

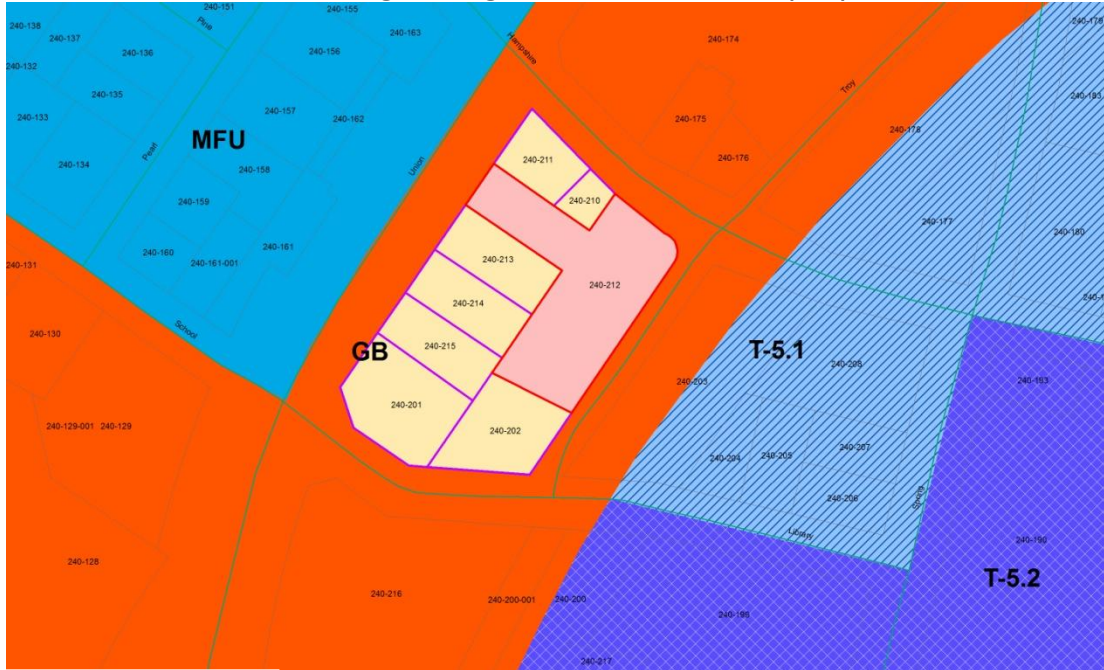


**Figure 2.4**  
**Downtown Auburn Area**

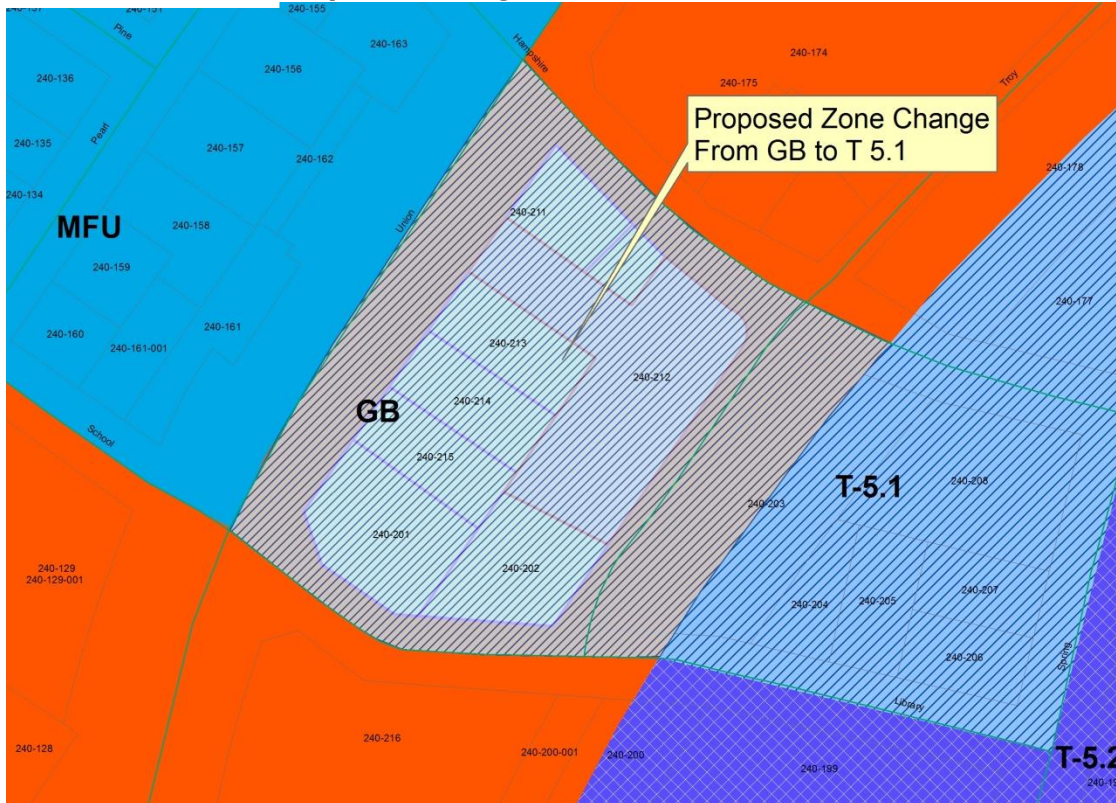
- LMoDRD-Low-Moderate Density Residential Development
- LDRPUD-Low Density Residential Planned Unit Development
- LDRD-Low Density Residential Development
- MoDNC-Moderate Density Neighborhood Conservation
- MoDRD-Moderate Density Residential Development
- MeDNC-Medium Density Neighborhood Conservation
- MeDRD-Medium Density Residential Development
- MeDPRD-Medium Density Planned Residential Development
- HDNC-High Density Neighborhood Conservation
- NB-Neighborhood Business
- DTB-Downtown Traditional Business
- NAVC-New Auburn Village Center
- DE-Downtown Enterprise
- NAE-New Auburn Enterprise
- MEMUC -Main/Elm Mixed Use Corridor
- CMU-Corridor Mixed Use Development
- PMU-Planned Mixed Use Development
- PMUR-Planned Mixed Use Redevelopment
- LBD-Limited Business Development
- PCD-Planned Commercial Development
- RBD-Regional Business Development
- LAPBD-Lake Auburn Planned Business Development
- GFD-Great Falls Development
- GBD-General Business Development
- BXT-Business Expansion Transition
- IN-Industrial
- INT-Industrial Transition
- Community Use
- Conservation/Open Space
- GT-Gateway Transition
- RT-Riverfront Transition
- AG-Agriculture/Rural
- RP-Resource Protection



### Existing Zoning of General Business (GB)



### Proposed Zoning to T-5.1 Downtown Traditional Center



## ATTACHMENT 3



**Illustrative View of T- 5.1 (Future Great Falls Plaza)**

**Intent and Purpose:**

**Downtown Traditional Center (T- 5.1)**

The Downtown Traditional Center zone is characterized by medium to larger sized buildings in a compact urban environment that generates an active street life. There is interplay between the Public Realm of the busy street and sidewalk, and the Private Realm of the residential stoops, commercial storefronts and gallery building fronts. The increased building widths form a more solid and compact street wall pattern, generating an energized traditional downtown feel.



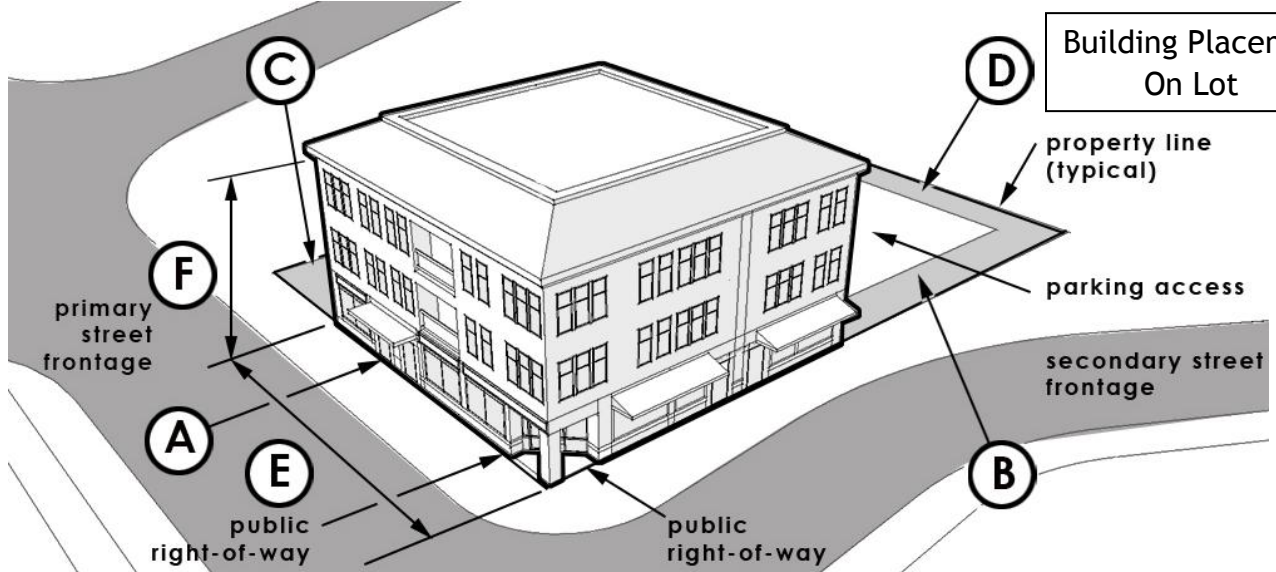
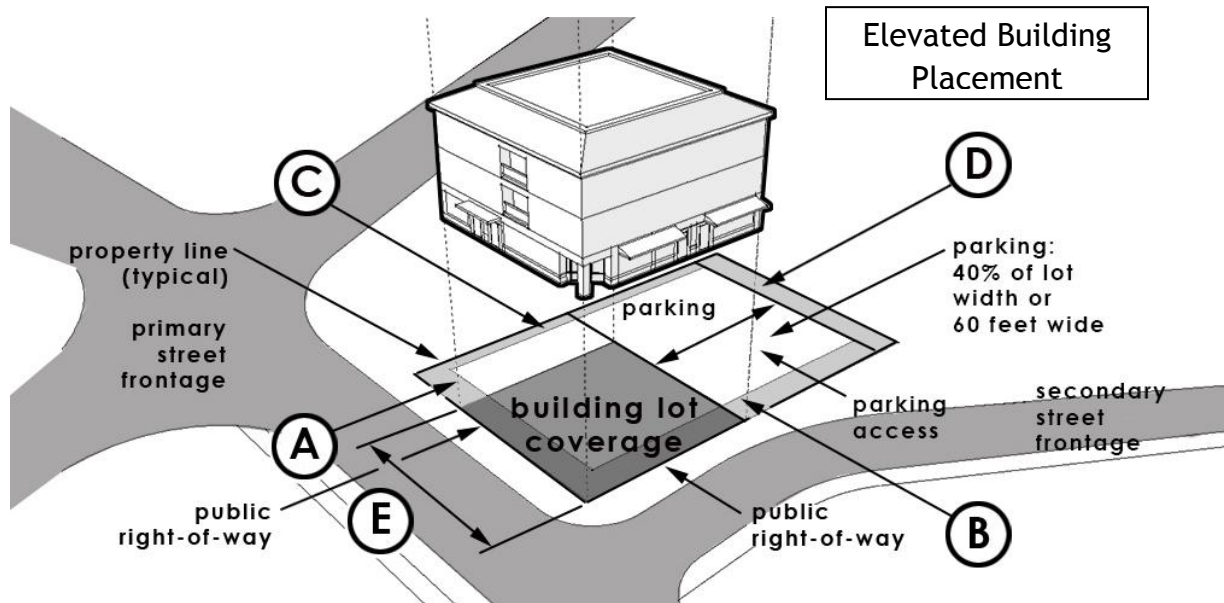
### Key Features

- Vibrant and active interaction between public and private realms
- Larger buildings
- Front facade detailing
- Bay windows
- Balconies
- Street trees
- More urban density



**Examples of Downtown Traditional Center – T- 5.1**

# Sec. 60-550.1 BUILDING PLACEMENT & CONFIGURATION T-5.1

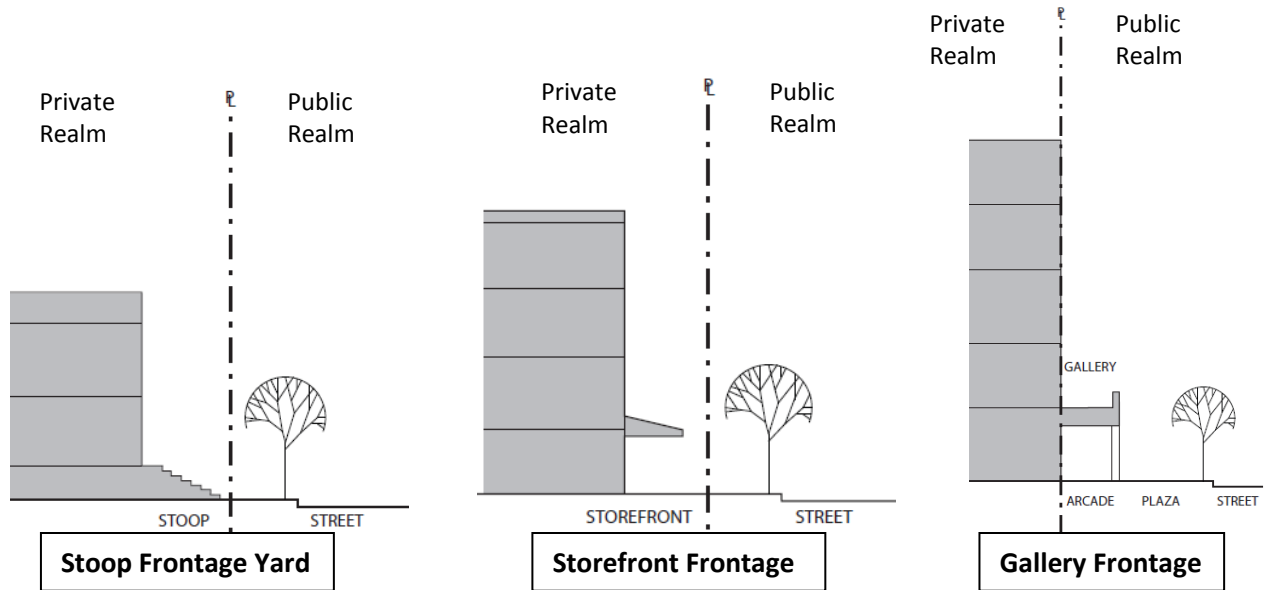


**PRINCIPAL BUILDING PLACEMENT:**

Front Setback, Principal:	0 ft Min, 10 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft Min, 10 ft Max	(B)
Side Setback:	0*-5 ft Min	(C)
	*Subject to Building Permit Approval	
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	75% Max	
Useable Open Space:	5% Min	
Frontage Build-Out:	75% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 160 ft Max	

**PRINCIPAL BUILDING CONFIGURATION:**

Building Width:	14 ft Min, 150 ft Max	(E)
Building Height Minimum:	2 Story Min	(F)
Building Height Maximum:	4 Story Max	(F)
	(excluding attic story)	



<b>BUILDING FRONTAGE TYPES:</b> .....	Stoop, Storefront and Gallery
<b>BUILDING ENTRIES:</b> .....	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum to 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Front Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

Front Yard Fence: (Residential)	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed.
Street Wall/Wall Opening:	A vehicle entry way, as part of a street wall, shall be a maximum width of 20 feet (residential) and 24 feet (commercial); a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right of way.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right of way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> -Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right of way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.



# Sec. 60-554 FORM BASED CODE USE and PARKING MATRIX

\* \* \* (2)

USE (1)	T-4.1	T-4.2	T 5.1	T-5.2	T-6	PARKING REQUIREMENTS (2)
<b>Residential Type Use</b>						
Single Family	P	P	P	P	P	1 sp/DU
Duplex	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	S	S	P	1/2 sp /employee plus 1 sp /room
Elderly/Child Care Facility	S	S	S	S	P	1/2 sp /employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	Based on Use Type (Sec. 60-673-10)
Community Based Residential Facilities	P	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/Lodginghouse	P	P	P	S	X	1 sp/guestroom plus 1 sp/employee
<b>Office/Service Type Use</b>						
Professional Offices	S	S	P	P	P	1 sp/400 sf
Medical and Dental Clinics	S	S	P	P	P	1 sp./400 sf
Personal Services	S	P	P	P	P	1 sp./400 sf
<b>Retail Type Use</b>						
General Retail	S	S	P	P	P	1 sp/400 sf
Age Restricted Retail (3)	S	S	S	S	S	1 sp/400 sf
Specialty Shops	S	P	P	P	P	1 sp/400 sf
Restaurant up to 30 seats w/16 outdoor	X	S	P	P	P	1 sp/4 seats
Restaurant over 30 seats w/16 outdoor	X	S	S	P	P	1 sp/4 seats
Halls, Private Clubs, Indoor Amusement	S	S	S	P	P	1 sp/400 sf
Artist Studios, Performing Art Center	S	S	P	P	P	1 sp/400 sf
<b>Civic</b>						
Church or Places of Worship	S	S	P	P	P	1 sp/5 seats
Government Offices	X	X	P	P	P	1 sp/400 sf
Art Galleries	S	P	P	P	P	1 sp/400 sf
Transportation Facilities	X	X	S	S	S	1 sp/400 sf

**Notes:**

- (1) Uses not listed are considered prohibited unless deemed similar by the Director of Planning or by the Planning Board through a special exception approval.
- (2) Parking requirements in T-5.1, T- 5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to Planning Board approval.
- (3) Where more than 50% of floor space is devoted to Age Restricted Goods

**S** = Special Exception  
**sp** = parking space

**P** = Permitted  
**sf** = square foot of gross floor space

**X**-Prohibited  
**DU** = Dwelling Unit

Attachment 4

Photos of the proposed Troy Street area zone change from GB to T-5.1



Looking at the block from Union Street



Looking at potential redevelopment area from Hampshire Street



View from the corner of Library Street and Troy Street



View from Union Street median looking down Library Street.



## City of Auburn City Council Information Sheet

**Council Workshop or Meeting Date:** August 7, 2017

**Subject:** Executive Session

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

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

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

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

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

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

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

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

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

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

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



## City of Auburn City Council Information Sheet

**Council Workshop or Meeting Date:** August 7, 2017

**Subject:** Executive Session

**Information:** Discussion regarding real estate, 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:** August 7, 2017

**Order:** 64-08072017

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

**Subject:** Transfer of Forfeiture Asset – Justin St. Pierre

---

**Information:** In May 2017, agents from the Maine Drug Enforcement Agency assigned to the Lewiston Task Force Office assisted the Auburn Police Department during an incident at 78 Broadview Ave. Auburn Police officers had arrested Justin St. Pierre on an outstanding warrant. Pursuant to the arrest, they located a powdery substance, which they believed to be heroin and which Mr. St. Pierre acknowledged was heroin. St. Pierre also consented to a search of his room. During the search, officers and agents located and seized several items of drug paraphernalia used for preparing and packaging drugs for sale and distribution. In addition, \$2,933.00 in US Currency was located which is believed to be proceeds from the illegal sale and distribution of drugs.

Mr. St. Pierre was arrested and charged with the following offense:

1. Unlawful Trafficking in Schedule W Drugs, Class B

The \$2,933.00 in US Currency was seized from Mr. St. Pierre for Criminal Forfeiture as suspected proceeds from the illegal sale and distribution of drugs.

---

**Advantages:** N/A

**Disadvantages:** N/A

---

**City Budgetary Impacts:** The State of Maine, Office of the Attorney General, seeks to transfer \$2,933.00 U.S. Currency to the Auburn Police Department.

---

**Staff Recommended Action:** Vote to accept the transfer of \$2,933.00.

---

**Previous Meetings and History:** None

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**Attachments:**

- Memo to City Manager



# Auburn Police Department

Phillip L. Crowell, Jr. | Chief of Police  
Jason D. Moen | Deputy Chief of Police  
[www.AuburnPD.com](http://www.AuburnPD.com) | 207.333.6650  
60 Court Street | Auburn, Maine 04210

## MEMORANDUM

Date: July 25, 2017  
To: Peter Crichton, City Manager  
From: Phillip L. Crowell, Jr., Chief of Police

---

**RE: FORFEITURE ASSET – JUSTIN ST. PIERRE**

In May 2017, agents from the Maine Drug Enforcement Agency assigned to the Lewiston Task Force Office assisted the Auburn Police Department during an incident at 78 Broadview Ave. Auburn Police officers had arrested Justin St. Pierre on an outstanding warrant. Pursuant to the arrest, they located a powdery substance, which they believed to be heroin and which Mr. St. Pierre acknowledged was heroin. St. Pierre also consented to a search of his room. During the search, officers and agents located and seized several items of drug paraphernalia used for preparing and packaging drugs for sale and distribution. In addition, \$2,933.00 in US Currency was located which is believed to be proceeds from the illegal sale and distribution of drugs.

Mr. St. Pierre was arrested and charged with the following offense:

1. Unlawful Trafficking in Schedule W Drugs, Class B

The \$2,933.00 in US Currency was seized from Mr. St. Pierre for Criminal Forfeiture as suspected proceeds from the illegal sale and distribution of drugs.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 64-08072017

Accepting the transfer of \$2,933.00 forfeiture assets in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-17-1566 Justin St. Pierre).





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** August 7, 2017

**Order:** 65-08072017

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

**Subject:** Transfer of Forfeiture Asset – Donna Marie Pagnani

---

**Information:** In January 2017, a patrol officer with the Auburn Police Department conducted a motor vehicle stop within the City of Auburn. The officer was familiar with the operator, Donna Pagnani, from previous criminal offense encounters. Ms. Pagnani's right to operate a motor vehicle was currently suspended in the State of Maine. As a result, the officer arrested Ms. Pagnani. As the officer searched Ms. Pagnani and her jacket to arrest, the officer found a small white rock like substance packaged in a plastic bag. The officer believed the substance to be cocaine base. The officer made this determination based on training and experience. Further search revealed five individual baggies containing a tan/brown powder, which the officer believed to be heroin. Both substances were field tested in which both had presumptive results for cocaine base and heroin.

Ms. Pagnani was arrested and charged with Aggravated Trafficking in Schedule W Drugs, Class A (within 1000 feet of a school), Unlawful Possession of Schedule Drugs, Class C and Operating After Suspension. Ms. Pagnani was transported to the Androscoggin County Jail where she was searched by jail staff. Jail staff located \$912.20 in her bra. The money was seized for the purpose of forfeiture as suspected proceeds from the illegal sale and distribution of drugs.

---

**Advantages:** N/A

**Disadvantages:** N/A

---

**City Budgetary Impacts:** The State of Maine, Office of the Attorney General, seeks to transfer \$912.20 U.S. Currency to the Auburn Police Department.

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**Staff Recommended Action:** Vote to accept the transfer of \$912.20.

---

**Previous Meetings and History:** None

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**Attachments:**

- Memo to City Manager



# Auburn Police Department

Phillip L. Crowell, Jr. | Chief of Police  
Jason D. Moen | Deputy Chief of Police  
[www.AuburnPD.com](http://www.AuburnPD.com) | 207.333.6650  
60 Court Street | Auburn, Maine 04210

## MEMORANDUM

Date: July 25, 2017  
To: Peter Crichton, City Manager  
From: Phillip L. Crowell, Jr., Chief of Police

---

### RE: FORFEITURE ASSET – DONNA MARIE PAGNANI

In January 2017, a patrol officer with the Auburn Police Department conducted a motor vehicle stop within the City of Auburn. The officer was familiar with the operator, Donna Pagnani, from previous criminal offense encounters. Ms. Pagnani's right to operate a motor vehicle was currently suspended in the State of Maine. As a result, the officer arrested Ms. Pagnani. As the officer searched Ms. Pagnani and her jacket to arrest, the officer found a small white rock like substance packaged in a plastic bag. The officer believed the substance to be cocaine base. The officer made this determination based on training and experience. Further search revealed five individual baggies containing a tan/brown powder, which the officer believed to be heroin. Both substances were field tested in which both had presumptive results for cocaine base and heroin.

Ms. Pagnani was arrested and charged with Aggravated Trafficking in Schedule W Drugs, Class A (within 1000 feet of a school), Unlawful Possession of Schedule Drugs, Class C and Operating After Suspension. Ms. Pagnani was transported to the Androscoggin County Jail where she was searched by jail staff. Jail staff located \$912.20 in her bra. The money was seized for the purpose of forfeiture as suspected proceeds from the illegal sale and distribution of drugs.

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



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

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 65-08072017**

Accepting the transfer of \$912.20 forfeiture assets in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-17-141 Donna Marie Pagnani).



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** August 7, 2017

**Order:** 66-08072017

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

**Subject:** Confirm Chief Crowell's appointments of Tyler A.P. Barnies and David P. Morin as Constables with firearm for the Auburn Police Department.

---

**Information:** The Auburn Police Department requests City Council appointment of Tyler A.P. Barnies and David P. Morin as Constables with a firearm for the City of Auburn.

---

**Advantages:**

**Disadvantages:**

---

**City Budgetary Impacts:** n/a

---

**Staff Recommended Action:** Motion to confirm Chief Crowell's appointments of Tyler A.P. Barnies and David P. Morin as Constables 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](http://www.AuburnPD.com) | 207.333.6650  
60 Court Street | Auburn, Maine 04210

## MEMORANDUM

Date: July 29, 2017

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

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

---

RE: CONSTABLES

We request that the following named individuals be named as Constables for the Auburn Police Department:

Tyler A.P. Barnies	with Firearm	New Hire	Police Officer
David P. Morin	with Firearm	New Hire	Police Officer

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

Order 66-08072017

ORDERED, that the City Council hereby names Tyler A.P. Barnies and David P. Morin as Constables with a firearm for the Auburn Police Department.

## **IN COUNCIL REGULAR MEETING JULY 17, 2017 VOL. 35 PAGE 53**

Motion was made by Councilor Burns and seconded by Councilor Walker to appoint Councilor Young as Mayor Pro Tempore in the absence of Mayor LaBonte. Passage 6-0-1 (Councilor Young abstained).

Mayor Pro Tempore Young called the meeting to order at 7:06 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Mayor LaBonte had an excused absence. All Councilors were present.

### **1. Order 62-07172017\***

Acknowledging the receipt of the Joint Charter Commission report.

### **2. Order 63-07172017\***

Setting the date for the Special Municipal Referendum Election for the proposed consolidation of the cities of Auburn and Lewiston for November 7, 2017.

Motion was made by Councilor Pross and seconded by Councilor Burns to remove Order 63-07172017 from the consent agenda and to take it up under new business. Motion failed 1-6 (Councilors Stone, Titus, Young, Lee, Walker, and Burns opposed).

Motion was made by Councilor Lee and seconded by Councilor Stone for passage of the consent items. Passage 7-0.

## **II. Minutes - July 10, 2017 Regular Council Meeting**

Councilor Titus pointed out that the agenda indicated that the minutes to be approved were the minutes of the June 19, 2017 meeting, however the packet correctly included the minutes of the July 10, 2017 meeting. He also noted that there was an error in the minutes. It was noted that Councilor Young had an excused absence when it was actually Councilor Titus that had the excused absence and all other Councilors were present.

Motion was made by Councilor Burns and seconded by Councilor Walker to approve the minutes of the July 10, 2017 Council meeting with corrections.

Passage 7-0.

## **III. Communications, Presentations and Recognitions - None**

## **IV. Open Session – no one from the public spoke.**

## **V. Unfinished Business - None**

## **VI. New Business - None**

## **VII. Reports**

### **City Councilors' Reports**

**Councilor Pross** – reported on last week’s School Committee meeting and the discussion that was held regarding the committee that is going to be established to discuss professional development time for the middle school and high school teachers. The goal of the Committee is to report back to the School Committee by November 1st, 2017.

**Councilor Stone** – reported on an incident that happened Friday morning as he was heading to the golf course and came upon an intense fire on Hotel Road. Traffic was backed up and cars were changing direction and as he was changing direction, he was rammed in the rear of his car by another motorist. He called 9.1.1 and he was amazed at the response time and how they were able to keep it all together. He gave kudos to the Auburn Police, and Auburn Fire Departments as well as 9.1.1 dispatch, adding that our public servants do a fantastic job.

**Councilor Titus** – reported that there is a Sewer District meeting tomorrow at 4:00 PM, at the District. The Auburn Water District is meeting on Wednesday at 4:00 PM and on 8/1/17 the Sunderland Drive Neighborhood Watch Group is meeting at Sam’s on Court Street at 6:00 PM.

**Councilor Young** – reported that on this coming Sunday he will be running in Emily’s Run. He also noted that they are down a photographer and they are trying to find a replacement.

**Councilor Lee** – reported that he had the pleasure of announcing several games of the under 13 Babe Ruth tournament where Auburn was also competing. Auburn made it to the finals but lost to Tri County adding that it was a great event and lots of fun.

**Councilor Walker** – reported that the United New Auburn Association will be meeting on Tuesday, July 25th at 6:00 PM at Rolly’s Diner. The City Manager will be the guest speaker. On July 27<sup>th</sup> at 6:30 PM the Neighborhood Watch Group will be meeting at the Sixth Street Congregational Church. He also announced that he turned in his nomination papers for Ward 5 City Council, they’ve been certified and he will be on the ballot for the Ward 5 Council seat again this year.

**Councilor Burns** – reported that this past Saturday was the Maine Shrine Lobster Bowl, where one ELHS student, Tyler Blanchard was chosen to represent Auburn and was elected to be one of the co-captains of the eastern squad. He wanted to thank Tyler and all of the players and residents who attended for their support to this great cause.

**City Manager Report** – recognized the new Assistant City Manager, Denise Clavette, whose first day with the City was today. He also wanted to recognize John Bubier again, for his involvement and for all of the work he has done. He added that he will be here a little longer during the transition. He also reported that he will be attending the School Building Committee meeting scheduled for tomorrow morning.

**VIII. Open Session** – no one from the public spoke.



**IX. Executive Session**

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

Motion was made by Councilor Stone and seconded by Councilor Walker to enter into executive session. Passage 7-0. Time 7:23 PM.

Council was declared out of executive session at 8:01 PM.

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

Motion was made by Councilor Pross and seconded by Councilor Lee to enter into executive session. Passage 6-0 (Councilor Stone was not in the room at the time of the vote). Time 8:01 PM.

Council was declared out of executive session at 8:53 PM.

**X. Adjournment**

Motion was made by Councilor Burns and seconded by Councilor Pross to adjourn. Passage 7-0. Time 8:53 PM.

A TRUE COPY

ATTEST 

Susan Clements-Dallaire, City Clerk



## PROCLAMATION

### Childhood Cancer Awareness Month – September 2017

**WHEREAS**, cancer is the leading cause of death by disease among U.S. children and is detected in more than 15,000 of our country's sons and daughters every year; and

**WHEREAS**, September is Childhood Cancer Awareness Month, a time to honor and remember the children whose young lives were taken too soon and the families facing childhood cancer today to help rally support to give kids with cancer better outcomes; and

**WHEREAS**, thanks to ongoing advances in research and treatment, the five year survival rate for all childhood cancers has climbed from less than 50 percent to 8- percent over the last several decades but help does not come soon enough for many of our sons and daughters and too many families suffer pain and devastating loss; and

**WHEREAS**, innovative studies are leading to real breakthroughs reminding us of the importance of supporting scientific and moving closer to finding cures but much work remains to be done; and

**WHEREAS**, during National Childhood Cancer Awareness Month we remember the many children who have been taken from us too soon and we extend our support to all those who continue to battle this illness with incredible strength and courage.

**NOW THEREFORE**, I, Jonathan P. LaBonté, Mayor of Auburn, do hereby proclaim September 2017 as Childhood Cancer Awareness Month in the City of Auburn

IN WITNESS WHEREOF, I have  
hereunto Set my hand and caused  
the Seal of the City of Auburn,  
Maine  
to be fixed this 7th day of August, 2017

A handwritten signature in black ink, appearing to read "Jonathan P. LaBonté".

Mayor Jonathan P. LaBonté

# **Taylor Pond** **COMMUNITY MEETING** **w/the Auburn Fire Dept.**

**DISCUSS:**

**FIRE RISK**

**FIRE PREVENTION**

**FIRE PROTECTION**

**TUES., AUG. 22nd**  
**6 PM.**

**COUNCIL CHAMBERS**  
**AUBURN CITY HALL**

- Auburn Fire Dept Representatives
- Maine Forest Service Representatives
- City Representatives

## **CONTACT US**

207-333-6633 X4

[fireprevention@auburn.maine.gov](mailto:fireprevention@auburn.maine.gov)



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** August 7, 2017

**Order:** 67-08072017

**Author:** Dan Goyette, Public Services Director

**Subject:** Authorization for the City Manager to execute the Collective Bargaining Agreement for Teamsters Local 340 Unit covering 7/1/2017 through 6/30/2020.

---

**Information:** The Collective Bargaining Agreement between the City of Auburn and Teamsters Local 340 covering the members of the Public Services Department expired on 6/30/17.

The following is a summary of the changes:

- Three year agreement effective 7/1/17 through 6/30/20;
- 2% COLA effective upon the signing of the contract (with retroactivity) for FY 18, FY 19 and FY 20.
- Elimination of the Operator 2 position, reducing operator classes from 3 to 2.

---

**Advantages:** The proposed contract is consistent with the desire of Council to hold to a 2% COLA for employees. The elimination of the Operator 2 position will over time save the City upwards of \$20,000 annually. The bargaining unit will remain on the City PPO 500 health care plan.

**Disadvantages:**

---

**City Budgetary Impacts:** The proposed contract has been accounted for in the FY18 budget.

---

**Staff Recommended Action:** Staff recommends the City Council vote for passage of this Resolve.

---

**Previous Meetings and History:** Executive session discussion on 7/17/2017

---

**Attachments:** Teamsters Local 340 Collective Bargaining Agreement

**AGREEMENT**  
**BETWEEN**  
**CITY OF AUBURN**  
**AND**  
**TEAMSTERS LOCAL UNION #340**  
  
**FOR THE**  
**AUBURN PUBLIC SERVICES DEPARTMENT**

*July 1, 2017 to June 30, 2020*



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## Collective Bargaining Agreement

5 This Collective Bargaining Agreement ("Agreement") is entered into between the CITY OF AUBURN, a Maine municipal corporation hereinafter referred to as the "City" and TEAMSTERS LOCAL UNION NO. 340, hereinafter referred to as the "Union."

### ARTICLE 1 - PREAMBLE

10 Pursuant to the provisions of the Municipal Public Employees Labor Relations Act (Title 26, M.R.S. §§ 961-974, as it may be amended) the parties hereto have entered into this Agreement in order to establish mutual rights, preserve proper Employee morale and to promote effective and efficient operations.

### ARTICLE 2 - RECOGNITION

15 The City recognizes the Union as the sole and exclusive bargaining agent for all permanent Employees of the City's Department of Public Services (the "Department") in the following classifications:

20  
25  
30  
35  
**Arborist**  
**Assistant Arborist**  
**Building/Field Maintenance Repair Technician**  
**Building Maintenance Person**  
**Equipment Operator I**  
**Equipment Operator II**  
**Inventory Technician**  
**Mechanic**  
**Mechanic Leadperson**  
**Welder**

The Public Services workers who are covered by this Agreement are collectively referred to as "Employees" and individually as an "Employee."

35 (No Municipal, State or federally subsidized work programs are included in this unit). Temporary workers in the Department are not included in this recognition.

### ARTICLE 3 - UNION SECURITY



## Section 1 – Right to Join Union

45 Membership in the Union is not compulsory. Employees have the right to  
join, not to join, maintain or drop their membership in the Union as they see fit.  
Neither party shall exert any pressure on or discriminate against an Employee in  
regards to such matters.

## Section 2 – Union Representation and Fees

50

The Union has the obligation to represent all non-probationary Employees  
within the bargaining unit. Those Employees shall have the following options:

55

A. The first option being to join as full members of the Union and be  
entitled by that status, to participate in all Union functions, activities, and  
receive all benefits awarded by such membership. All Employees who are  
Union members shall, as a condition of employment, pay to the Union and the  
Union's regular and usual initiation fee and its regular and usual dues. For  
present Employees, such payments shall commence thirty-one (31) days  
60 following the effective date or on the date of execution of this Agreement,  
whichever is the later, and for new Employees, the payment shall start thirty-  
one (31) days following the date of employment. If, however, during the term  
of this Agreement, Maine law is altered to permit an agency shop, all  
Employees shall, as a condition of employment, pay dues to the Union. The  
65 Shop Steward of the Union will issue the monthly dues receipts to the Director  
of Public Services, who will then attach the dues receipts to the paychecks of  
each Employee.

70

B. The second option being not to join as full members of the Union, but to have  
an amount equal to eighty percent (80%) of the prevailing dues, as an agency  
fee, deducted from their wages by the City and forwarded to the Union in the  
same manner as are regular dues for full members (the "Agency Fee"). Such  
Agency Fee is for services rendered by the Union on the Employees' behalf,  
75 such as, but not limited to, negotiation of wages, benefits and conditions of  
employment, resolution of disputes arising from the bargaining agreement  
and protection of job security. If an Employee initiates a proceeding seeking  
relief from, or exemption to, such Agency Fee, the City shall continue to  
deduct the Agency Fee and pay it to the Union, who shall hold the money in  
question in escrow pending resolution. Such action for relief shall not be by  
80 method of the grievance procedure within this Agreement but shall be by legal  
action which the individual Employee shall be solely responsible for initiating.  
It is understood that the implementation of such Agency Fee is not contrary to  
existing State or Federal law, nor is it the intention of the parties, signatory to  
this Agreement, to violate any Employee's legal rights. The Union agrees that  
85 an audit, having been completed, justifies the amount of the Agency Fee,



based on a percentage, contained herein, to be established as the applicable Agency Fee. Further, the Union agrees that at no time shall such fees, or any part thereof, be directed towards funds utilized in the internal political process of the Union or its affiliates.

90

Section 3 – Indemnity for Union Security

The Union agrees to indemnify and hold the City harmless against any and all claims, suits or orders or judgments brought or issued against the City, as a result of any action taken, relating to the provisions of this Article.

95

This Fair Share provision shall not apply to any current employee who is not a member of the Union on the effective date of this Agreement (July 1, 1990); provided that it shall apply to employees who are members of the Union on the effective date of this Agreement and who thereafter become non-members.

100

**ARTICLE 4 - MANAGEMENT SECURITY/NO STRIKES**

Neither the Union, its officers or agents, nor any of the Employees covered by this Agreement will engage in, encourage, sanction, support or suggest any strikes, slow downs, mass resignations, mass absenteeism, the willful absence from one's position, the stoppage of work or the abstinence in whole or in part of the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment. In the event that any Employee violates this Article, the Union shall immediately notify any such Employee to immediately return to work. Any or all Employees who violate any of the provisions of this Article may be discharged or otherwise disciplined.

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**ARTICLE 5 - CHECK-OFF**

The City agrees to cooperate with the Union in facilitating the deduction of the regular weekly Union dues for those Employees who are Union members and who request in writing (by signed authorization cards) to have their regular weekly dues checked off. The City will also cooperate with the Union in facilitating the deduction of the weekly Agency Fees in accordance with Article 3. The City will forward all such dues and Agency fees to the Union in a timely manner. The Union agrees to indemnify and hold the City harmless against any and all claims, suits, orders or judgments brought or issued against the City as a result of any action taken or not taken by the City under the provisions of this Article.

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**ARTICLE 6- MANAGEMENT RIGHTS**

130 It is recognized that, except as expressly stated herein, the City shall retain  
whatever rights and authority are necessary for it to operate and direct the affairs  
of the Department in all of its various aspects, including, but not limited to, the  
right to direct the working forces; to plan, direct and control all the operations and  
services of the Department; to determine the methods, means organization and  
number of personnel by which such operations and services are to be conducted;  
135 to assign and transfer Employees; to schedule working hours and to assign  
overtime; to determine whether goods or services should be made or purchased;  
to hire, promote, demote, suspend, discipline, discharge or relieve Employees due  
to lack of work or other legitimate reasons; to make and enforce reasonable rules  
and regulations; to establish reasonable productivity standards and expectations  
140 and to change or eliminate existing methods, equipment or facilities.

**ARTICLE 7 - UNION ACTIVITIES**

Section 1 - Time Off for Union Activities

145 The City agrees to grant the necessary time off, without discrimination or  
loss of seniority rights and without pay, to any Employee designated by the Union  
to attend a labor convention or to serve in any capacity on other official Union  
business, provided one week's written notice is given to the Director of Public  
150 Services or Deputy Director of Public Services by the Union specifying length of  
time off. The Union agrees that, the City may deny said request if it is deemed  
that said request would cause a disruption of the City's operations due to lack of  
available Employees.

155 Section 2 - No Discrimination Because of Union Activities

Any Employee member of the Union acting in any official capacity  
whatsoever shall not be discriminated against for his or her acts as such office of  
the Union so long as such acts do not interfere with the conduct of the City's  
160 business, nor shall there be any discrimination against any Employee because of  
Union membership or activities.

Section 3 - Access to Premises

165 Authorized agents of the Union shall have access to City premises during  
working hours for the purpose of adjusting disputes, investigating working  
conditions, collection of dues and ascertaining that this Agreement is being



170 adhered to; provided, however, that there shall be no interruption of the City's working schedule as determined by the Director of Public Services or his or her designee. The Director of Public Services or his or her designee shall be given prior notification of authorized agent's visits.

Section 4 - Bulletin Board

175 The City agrees to provide suitable space for and maintain a bulletin board at the Public Services facility. The Union shall limit its use of the bulletin board to official Union business such as meeting notices and Union bulletins.

Section 5 - Shop Stewards

180 The City recognizes the right of the Union to designate Shop Stewards and Alternates. The authority of Shop Stewards and Alternates so designated by the Union shall be limited to, and shall not exceed, the following duties and activities:

- 185 A. The investigation and presentation of grievances in accordance with the provisions of this Agreement;
- 190 B. The transmission of such messages and information which shall originate with and are authorized by the Union or its officers, provided such messages and information have been reduced to writing;
- 195 C. The Shop Stewards and Alternates shall be permitted to investigate, present and process grievances, on or off the property of the City, without loss of time or pay. Such time spent in handling grievances during the regular workday shall be considered working hours in computing daily and/or weekly overtime;
- 200 D. Shop Stewards and Alternates must notify their immediate supervisor of time needed for activities under this section;
- 205 E. Investigation, processing or presentation of grievances shall not interrupt city work activities without the prior approval of the Director of Public Services or his or her designee;
- F. Participation in negotiations and arbitration meetings, for which the Shop Stewards and Alternates shall be paid at their normal hourly rate (not overtime rate), without loss of pay.

For those Employees needing assistance in writing grievances, the Shop



210 Steward or Alternate and the aggrieved Employee shall be permitted to meet just  
prior to the end of the work shift (approximately fifteen (15) minutes).

**ARTICLE 8 - DISCHARGE OR SUSPENSION**

215 Section I – Progressive Discipline

The City and the Union agree with the tenets of progressive and corrective  
discipline where and when appropriate. The provisions set forth in this Article,  
unless otherwise noted, shall be used for violations of City, state and federal laws,  
220 City policies and procedures and Department policies, practices and procedures.  
Certain violations, such as but not limited to violations of law, negligence,  
repeated offenses and violation of safety policies and/or safe work practices and  
loss of license as outlined in Section 2, may warrant discipline not in accordance  
with the progressive process. In each case, it shall be the discretion of the  
225 Director of Public Services or his or her designee to determine the appropriate  
discipline. Factors such as severity, frequency, consequences of the violation and  
the Employee’s prior work and disciplinary records may be considered in  
determining the appropriate level of discipline. Determinations by the Director of  
Public Services or his or her designee may be reviewed by the Labor-  
230 Management Team and may be appealed in accordance with the grievance  
provisions of this Agreement.

The progressive discipline process is as follows;

235 Oral Warning (First Violation) – requires a written record of the oral warning  
given and the reason(s) therefore. May be given by any Department  
supervisory personnel. May also include referral to the City’s Employee  
Assistance Program (EAP), if appropriate.

240 Written Warning (Second Violation) – requires a written notice, indicating  
the violation and reason(s), to the Employee, with copies to the Union Shop  
Steward, the Employee’s personnel file, and the Director of Public Services  
or his or her designee. May include referral to EAP and/or no pay for time  
not worked.

245 Minor Suspension (Third Violation) - suspension of one (1) day without pay.  
Requires written notification, indicating the violation, reason(s) and dates of  
suspension, to the Employee with copies to the Union Shop Steward, the  
Union office, the Employee’s personnel file, and the Director of Public  
250 Services or his or her designee. May also include referral to EAP.



255 Major Suspension (Fourth Violation) - suspension without pay for no less than (3) days and no more than five (5) days. Requires written notification, indicating the violation(s), reason(s) and dates of suspension, to the Employee with copies to the Union Steward, the Union office, the Employee's personnel file, and the Director of Public Services or his or her designee. May also include referral to EAP.

260 Discharge (Fifth Violation) - termination of employment with the City. Requires written notification from the Director of Public Services indicating the reason(s) and date of termination, with copies to be sent to the Employee, the Union Steward, the Union office, and the Employee's personnel file.

265 Section 2 – Loss of License

An Employee whose job description requires a driver's license, including a particular class of license and/or a Commercial Driver's license (CDL) designation shall be subject to the following discipline:

270 A. An Employee who loses his/her license for up to 120 days will immediately be taken out of his/her regular position and will be placed in a job that will accommodate the loss of license. The Employee will receive loss of pay by stepping down one step in his/her respective range until the license is restored.

280 B. An Employee who loses his/her license for more than 120 days will be terminated. Before the Employee is terminated, the City will hold a pre-disciplinary hearing and will consider documentation from the State or from such other governing authority regarding revocation, restriction or restoration of the licenses well as any extenuating circumstances surrounding the loss of license.

285 C. An Employee who loses his/her license for a second time within a (3) three year period will be terminated immediately.

290 D. An Employee who fails to immediately notify the Deputy Director of Public Services, the Operations Manager or the Fleet Manager that his/her license has been suspended, restricted or revoked will be terminated immediately. Any Employee who knowingly fails to notify Public Services management that his/her license is under review for possible suspension or revocation will receive a 5-day suspension without pay.



295 E. The Progressive Discipline Process (steps) outlined in Section 1 of this Article does not apply to discipline or action taken under A through D of Section 2 involving loss or suspension of required drivers licenses. The Employee may appeal through the regular grievance procedure.

300 Section 3– Union Representation

For the second through fifth violations listed in Section 1, a Union steward shall be present at the time of written notification. Employees shall have the option of waiving their right to have a Union representative present.

305 Section 4– Suspension and Discharge

310 In all cases involving suspension or discharge, the City shall notify the Employee of the existence of an investigation that may be cause for suspension or discharge. Such notice shall also be given to a Union steward. Upon conclusion and final determination a notice of final action, including suspension or discharge, shall be mailed to the Employee, Union steward and Union office within one (1) working day of issuance.

315 Section 5– Wages

Any Employee discharged must be paid in full for wages owed him/her by the City, including earned vacation pay, at the pay period following the date of discharge. This provision shall not apply to the payment of other benefits not specifically covered by law or provisions of this agreement.

320 Section 6– Appeal

325 Any Employee wishing to appeal a disciplinary action shall utilize the grievance procedure set forth in this Agreement.

Section 7– File Review

330 Two years after an incident giving rise to discipline, an Employee may submit a request to the Director of Public Services or his or her designee, requesting that the incident be purged from the Employee’s personnel file. Such a request shall be reviewed by a three (3) member committee composed of the City Manager or designee, the Director of Public Services or his designee and Union Steward. In considering whether to purge an incident, the Committee may consider the Employee’s work record and violations since the date of the incident





335 in question. The Employee may also submit, in writing, reasons why the incident  
should be purged. The decision of the Committee shall be final and binding upon  
all parties.

**ARTICLE 9 - GRIEVANCE PROCEDURE**

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Section I - Definition

345 A grievance shall be defined as any dispute or disagreement raised by an  
Employee against the City involving interpretation or application of the specific  
provisions of this Agreement. All grievances shall be settled in the following  
manner:

350 Step 1 - The aggrieved employee(s) and the Union steward shall notify the  
employee(s)' immediate supervisor of a grievance within ten (10) working  
days of the event which caused the grievance. In an effort to resolve the  
grievance, a meeting shall be arranged involving the aggrieved  
employee(s), a union steward, the employee(s)' supervisor and the Public  
Services Operations Manager or Deputy Public Services Director. The  
purpose of the meeting will be to share information, to review the  
355 grievance and to attempt to resolve or settle the dispute. The meeting shall  
be held within ten (10) working days from the date of notification to the  
employee(s)' supervisor. Written documentation of the result(s) of the  
meeting will be given to the aggrieved employee and the union within five  
(5) working days.

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365 Step 2 - If the results of Step 1 are not satisfactory to the employee, the  
employee and steward may appeal to the Public Services Director or his  
designee in writing within ten (10) working days of the date of the Step 1  
meeting documentation. The Public Services Director or his designee shall  
attempt to resolve or settle the dispute promptly and shall submit a written  
report of his action to the employee within ten (10) working days of its  
presentation.

370 Step 3 - If the Public Services Director's action is not satisfactory to the  
employee, the employee and steward may appeal the case to the City  
Manager in writing within ten (10) working days of the decision of the  
Director. The Manager or his/her designee shall forthwith consider the  
appeal and may hold a meeting or hearing at his/her option. The City  
Manager shall reach a decision within ten (10) working days of receipt of  
375 the employee's appeal, and submit his/her decision in writing to the  
employee.



380 Step 4 - If the grievance is not settled in accordance with the foregoing  
steps, then the City and/or the Union may refer the grievance to mediation  
within ten (10) working days after the receipt of the City Manager's  
decision. The parties shall utilize the Maine Labor Relations Board  
mediation procedures in accomplishing the purposes of this step.

385 Step 5 - If the grievance is not settled in accordance with the foregoing  
procedure, the Union may refer the grievance to binding arbitration within  
ten (10) calendar days after the completion of the mediation process  
prescribed in Step 5. The parties shall attempt to agree upon an arbitrator  
within five (5) calendar days after receipt of notice of referral and in the  
390 event the parties are unable to agree upon an arbitrator within said five (5)  
day period, the parties shall immediately jointly request the American  
Arbitration Association to submit a panel of five (5) arbitrators. Either party  
may reject the entire panel. Both the City and the Union shall have the right  
to strike two (2) names from the panel. One party shall strike the first name,  
the other party shall then strike a second name, the first party a third name,  
395 and other party a fourth name, and the remaining person shall be the  
arbitrator. The order of striking shall be determined by a coin toss.

1 - The arbitrator shall be notified jointly by the parties of his/her selection  
and shall be requested to set a time and place for the hearing, subject to the  
400 availability of Union and City representatives. The arbitrator shall submit his/her  
decision in writing within thirty (30) calendar days following the close of the  
hearing or the submission of briefs by the parties, whichever is later. The fees  
and expenses of the arbitrator shall be divided equally between the City and the  
Union, provided, however, that each party shall be responsible for compensating  
405 its own representatives and witnesses. If the above selection procedure fails to  
produce an arbitrator, then a request for arbitration will be submitted to the Maine  
Labor Relations Board.

2 - The Union or its authorized representative shall have the right to  
410 examine time sheets and any other records pertaining to the computation of  
compensation of any individual or individuals whose pay is in dispute or records  
pertaining to a specific grievance, provided such requests are first made in writing  
to the Director of Public Services.

415 3 - The time limits for the processing of grievances may be extended by  
consent of both parties, followed by written confirmation including a defined time  
period for the extension.



420 4 - All grievances shall be initiated not later than ten (10) working days after  
the occurrence of the event giving rise to the grievance.

425 5 - Should the City feel aggrieved as the result of the interpretation or  
application by the Union of any provision in this Agreement, the City may seek  
adjustment of said grievance in the foregoing manner, except that the procedure  
may be initiated at Step 4.

**ARTICLE 10 - SENIORITY**

Section 1 - List and Purpose

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A seniority list shall be established naming all the Employees covered by  
this Agreement, with the Employee with the greatest seniority (years of service)  
listed first. Seniority shall be based upon the Employee's last date of hire.  
435 Seniority, for the purpose of this Agreement shall be interpreted to mean length  
of continuous service only, and shall be the governing factor in all matters  
affecting layoff and recall provided all other qualifications are equal. In cases of  
promotion and work shift assignment, where ability and qualifications are equal,  
Employee seniority will be recognized as the controlling factor. Work shift shall  
440 be defined as a scheduled period of work and shall not be considered in the same  
context as daily work assignment.

The City reserves the exclusive right to make day to day work assignments  
based upon the work required to serve the citizens of Auburn. In making day to  
day work assignments the City agrees to consider seniority as a factor in  
445 assigning the work available, providing such consideration does not interfere with  
the efficient conduct of the City's business. The Union agrees that this issue will  
not be processed through the grievance procedure but will be referred and  
reviewed within the Labor-Management Team process.

450 Public Services Management Staff will maintain an overtime list in the  
administrative office. Employees will be allowed to sign up for overtime shifts  
and overtime will be approved based upon seniority.

Section 2 - Layoff

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In the event it becomes necessary for the City to layoff Employees for any  
reason(s), Employees shall be laid-off in the inverse order of their seniority, by  
classification with bumping rights. All affected Employees shall receive a two (2)  
calendar week advance notice of layoff and the City shall meet with the affected  
460 Employees prior to the actual occurrence of layoff. Employees shall be recalled



from layoff according to their seniority. No new Employees shall be hired until all Employees on layoff have been afforded recall notices.

### Section 3 - Availability

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The seniority list shall be made available to the Union within thirty (30) days after the signing of this Agreement and posted on the Department bulletin board. Corrections to the seniority list shall be made within thirty (30) days of such posting. After such thirty (30) day period, the seniority list shall be deemed

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### Section 4 - Draft

A name shall stay on the seniority list if an Employee of draft age either is drafted or enlists (under the threat of draft). The name shall stay on the seniority list for four years or until the end of hostile enemy action (whichever is longer).

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## **ARTICLE 11 - HOURS OF WORK**

### Section 1 - Workweek

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The regular workweek shall be five (5) consecutive workdays, Monday through Friday, consisting of eight consecutive hours of work inclusive of lunch within the twenty-four (24) hour period. The normal work day, except in emergencies, is 7:00 a.m. to 3:00 p.m. In some instances, an Employee(s)' hours of work may be altered on a seasonal or temporary basis.

485

Overtime at the rate of one and one half (1 1/2) shall be paid for all hours worked in excess of eight (8) hours in a day or forty (40) hours in a week. Further overtime at the rate of time and one-half (1 1/2) shall be paid to Employees who work on a holiday identified in Article 13, except on Christmas and Thanksgiving which will be double time. In the case of an altered workweek or hours, overtime shall be calculated after the daily work shift or forty (40) hours, whichever is appropriate. A lunch break of twenty (20) minutes shall be granted to all Employees. The City will not relieve a person of normal duties because of overtime worked, unless requested by the Employee.

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### Section 2 – Summer Schedule

Each spring, management will review the workload and projects scheduled for the summer months and will determine if the crews will work the regular

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schedule or will work four 10 hour days. Such changes may only occur if mutually agreed upon by the Employee(s) involved and the Director of Public Services or his or her designee.

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Section 3 - Call Back

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Employees called back to work shall receive a minimum of three (3) hours pay for the work which they are called back for at time and one-half (1 1/2) the straight time hourly rate. Call back specifically pertains only to Employees who have punched out and left the premises prior to or after their regularly scheduled straight time work shift. Employees offered the opportunity to begin work early, may choose to do so and receive 1 1/2 times the regular rate for hours worked only. All other circumstances shall qualify as a "Call Back" for pay purposes. Call back minimum shall not be cumulative to hours worked, at time and one-half (1 1/2), in excess of the three (3) hour minimum. Employees shall be permitted reasonable travel time (considering the location of the Employee's home and weather conditions) for response to a call back. If an Employee is found to have taken an unreasonable period of time to report for a call back, except for unusual circumstances, then the Employee shall be compensated only for the hours actually worked. The reasonableness of the response time shall be reviewed by the supervisor and the Union prior to the withholding of minimum call back pay.

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Section 4 - Overtime

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Employees may be assigned to overtime work at the discretion of the City. Employees shall be expected to work overtime unless excused by the City from November 15th to April 15th of each year. No Employee shall be required to work, and shall be sent home if, during extended overtime situations, an Employee informs his supervisor that he is too tired to work and said supervisor concurs. No request will be unreasonably denied. Insofar as practicable, without reducing efficiency of work performance, opportunities to work overtime shall be offered as equally as practicable among the Employees in each job classification in each work area, provided the Employees are qualified to perform the specific overtime work required. Daily and weekend overtime opportunities shall be accumulated on adequate records and offered overtime not worked shall be considered as worked in maintaining these records. If an Employee established that he has not received his fair share of weekly overtime, such Employee shall have preference to future weekly overtime until reasonable balance is re-established.

For all non-emergency overtime opportunities on the third shift, the evening (second) shift person shall be offered the first opportunity for the



545 overtime and vice versa for the third shift person. All such overtime opportunities must be within the offered Employee's job classification.

550 Employees who have been called back to emergency work between the hours of 11:00 p.m. and 7:00 a.m. will be paid for a breakfast break of one-half (1/2) hour that may be taken prior to 7:00 a.m. This shall be interpreted to mean as follows:

555 (1) The City will pay the one-half hour breakfast break for Employees who work five (5) consecutive hours at some time during the third shift between 11:00 p.m. and 7:00 a.m. (for those Employees not scheduled to work the next shift) and; in the event the call-out was made prior to 5:00 a.m. and would be continuous service through the first shift then the Employees would be entitled to a paid one-half (1/2) hour breakfast break.

560 (2) Employees who have worked from 7:00 a.m. through 3:00 p.m. and are continuing work and expected to work through the night shift shall be allowed a fifteen (15) minute paid break between 3:00 p.m. and 11:00 p.m. Further, if the Employee continues to work after 11:00 p.m. and is expected to continue work he shall be entitled to a paid fifteen (15) minute break. All breaks shall be scheduled at the discretion of the Public Services Supervisors or their designee.

565 Section 5 - Rest Periods

570 Employees shall be permitted a fifteen (15) minute rest period during each one-half work shift. Rest periods shall be taken at times which are convenient and efficient to the current work assignment and with the approval of the supervisor. Employees shall also be permitted two five (5) minute clean-up periods, one prior to lunch and one prior to the end of the work shift.

575 Section 6 – Compensation Time

580 Employees who earn overtime may elect, at time of earning, to be paid at their current wage or may accrue hours equivalent to the overtime worked (actual hours worked multiplied by 1.5). A record of accrued compensation time (earned but not paid or used) shall be maintained by the Director of Public Services or his/her designee. Employees must schedule accrued compensation time within three (3) months of the date which it was earned (unless otherwise agreed to by the Director of Public Services or his or her designee).



**ARTICLE 12 - WAGES**

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Section 1 - Wages

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The permanent Employees of the Public Services Department who are members of the bargaining unit shall be paid in accordance with the attached wage and position classification schedules by respective fiscal years 2018, 2019, 2020. The wage schedule for FY 2018 shall be effective on July 1, 2017. If this Agreement is executed after July 1, 2017, all Employees will receive retroactive pay to July 1, 2017.

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Section 2 – Grandfathered Equipment Operator 2 Employees

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Equipment Operators from the most recent collective bargaining agreement will now be included within the Equipment Operator 2 pay scale, along with all Employees in the Equipment Operator 2 position as of the date of adoption of this Agreement, plus the Arborist Assistant. To ensure that no employee suffers a reduction in pay as a result of this new wage scale, the incumbent Arborist Assistant will be moved from step 3 to step 6 in the first year of this Agreement. Equipment Operator 2 Employees who are employed at the date this Agreement is executed will be grandfathered (the “Grandfathered EO2’s”), and will remain on the Grandfathered EO2 wage schedule attached as **Exhibit C**.

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Section 3 - Step Increases

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New Employees without a Commercial Drivers License (CDL) will begin on Step 1. Upon obtaining a CDL, the new Employee will be moved to Step 2. New Employees who have a valid CDL on their date of hire will begin on Step 2. In addition, eligible Employees will receive step increases in accordance with the attached wage schedule(s) on an annual basis. In order to receive an annual step increase, each Employee must receive a successful performance evaluation. After successful completion of a probationary period and upon the date of his/her first anniversary of employment, if an Employee receives a successful performance evaluation, he or she will be eligible for a step increase annually, until he or she reaches the highest step in his or her classification. All subsequent step increase eligibility will occur on the Employee's anniversary date of hire, or in the case of a promotion, on the most recent anniversary date of promotion.

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Section 4 - Acting Pay

Employees who are assigned to work in a position in a higher pay



625 classification shall be paid the starting pay of that classification or 5% above their  
regular hourly rate, whichever is greater. To be eligible for the 'acting pay'  
Employees must be assigned for at least four (4) hours in the eight (8) hour shift.  
The provisions of this section shall not apply when an Employee has not been  
assigned to the higher position or for bona-fide training, mandatory or voluntary.

630 A third shift may be established at the discretion of the Director of Public  
Services. Employees assigned to third shift will receive a 5% shift differential pay  
on to their base hourly wage rate.

### 635 Section 5 - Cafeteria Benefit Plan

Permanent Employees covered by this Agreement may participate in the  
City's Cafeteria Benefit Plan (the "Cafeteria Plan"). For Employees who elect to  
participate, the City will make an annual contribution to each participating  
640 Employee's account. The City will contribute \$800 annually to the account of each  
participating Employee who enrolls in the PPO 500 Health Insurance Plan. The City  
will contribute \$450 annually to the account of each participating Employee who  
enrolls in the POS C Plan. In addition to the City's contributions, participating  
Employees may also contribute, on an annual basis, the cash value of up to three  
645 (3) earned sick days, and up to four (4) sick leave incentive days, to their Cafeteria  
Plan account. The value of this contribution shall be calculated by multiplying the  
Employee's hourly rate then in effect, by the number of hours that Employee  
normally works in a typical workday (excluding overtime). In addition, Employees  
may also make discretionary contributions to their Cafeteria Plan account through  
650 payroll deductions, including savings from changing from the POS C to the PPO  
500 Plan, so long as the total funds in each Employee's account (e.g. the total  
value of all employer contributions, Employee contributions, and the value of  
converting sick leave and sick leave incentive days) does not exceed the  
maximum amount allowed by law. The Cafeteria Benefits Plan documents shall  
655 govern all other terms of this benefit.

### Section 6 - Performance Evaluation

660 During the term of this Agreement, the City and the Union agree to develop  
job specific criteria for use in the performance evaluation process. Use of job  
specific performance evaluations may be implemented on a position-by-position  
basis, as developed.

### Section 7 - Pay for Lead Mechanic

665 The pay for the Lead Mechanic will be increased by \$1,000 per year, upon





670 the condition that he or she obtain at least 2 new job-related ASE certificates each year and that those certifications are maintained from year to year. The Lead Mechanic is also eligible for the annual payment for obtaining ASE certificates as per Article 24 Training, Section 4 Additional Certificates, as long as he or she meets the conditions included in that section. The Lead Mechanic pay will be paid on a weekly basis as a stipend in addition to the regular base wage.

675 Section 8 – Longevity Bonus for Grandfathered Equipment Operator 2, Mechanic, and Welder Workers

680 Employees in the Grandfathered EO2, Mechanic, and Welder positions, who have reached the top step in their respective classification, will continue to receive the 2% COLA for each year of this Agreement, but will not receive further step increases. In lieu of additional step increases, these Employees will receive a \$200 longevity bonus annually, to be paid in a lump sum on the anniversary of their date of hire. Grandfathered Equipment Operator 2 Employees, Mechanics, and Welders, who have not reached the top step in their pay scale on the date this Agreement is signed, will begin receiving this longevity bonus at the first anniversary date following the year in which they receive the top step in their respective pay scale.

Section 9 – Longevity Bonus for 40 Years of Service

690 Employees who reach 40 years of continuous service to the City will receive a one-time bonus payment of \$500 on the 40<sup>th</sup> anniversary of their date of hire. Employees who have already reached their 40<sup>th</sup> anniversary of employment with the City prior to execution of this Agreement, will receive this one-time bonus payment upon execution of this Agreement.

695 **ARTICLE 13 - HOLIDAYS**

The following days shall be observed as holidays by all regular Employees in the bargaining unit:

- 700 New Year's Day
- Memorial Day
- July 4th
- Labor Day
- 705 Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- 1/2 day before Christmas
- Christmas Day

All Employees required to work during a holiday shall receive normal holiday pay plus time and one-half (1 1/2) for the hours worked, except on



Christmas and Thanksgiving when Employees will receive double time.

710

In addition, all Employees in the bargaining unit will be entitled to five (5) individual floating holidays per contract year. Floating holidays must be taken within each contract year and requested by the Employee at least 48 hours in advance, unless unusual circumstances exist. Scheduling and/or approval of floating holidays shall be the responsibility of the Director of Public Services or designee who shall ensure that the floating holidays do not significantly interfere with the work and efficiency of the Department. Provisions shall be made, however, so that no Employee forfeits any floating holiday.

715

720 **ARTICLE 14 - VACATIONS**

Permanent Employees, covered by this Agreement, shall be entitled to accrual of vacation leave in accordance with the following schedule:

725

6 months to completion of 5 years of service	1	day per month
6 to completion of 9 years of service	1.25	days per month
10 to completion of 15 years of service	1.50	days per month
16 or more years of service	1.75	days per month

730

Vacation leave shall be accrued on a monthly basis and at the end of the month. The month in which employment begins or ends will be counted as a month of service if employment begins before the 16th or ends after the 15th day of the month. (Any absence from duty for which sick leave is paid shall not constitute a break in the service record for the accumulation of vacation leave).

735

Unused vacation days may accrue from one year to the next but at no time shall exceed a total accumulation of thirty (30) days or six (6) workweeks. Accumulated vacation leave, subject to the maximum allowed, shall be paid to an Employee upon separation after six months employment or upon death, with no minimum employment, to his or her beneficiary. The payment shall be made in one lump sum. Computation of the value of each day paid shall be determined by dividing the most recent weekly salary by five.

740

Scheduling and/or approval of vacation leave shall be the responsibility of the Director of Public Services or designee, who shall ensure that vacations do not significantly interfere with the work and efficiency of the Department. Provisions shall be made, however, so that no Employee forfeits any vacation leave. Vacation leave must be requested 48 hours in advance unless unusual circumstances exist.

745

750 Vacation utilization authorized shall not exceed the balance available to the



Employee by more than one (1) day. With the permission of the Director of Public Services or designee an Employee may be allowed to "borrow" one day's leave in advance but at no time may an Employee "owe" the City more than one (1) vacation day.

755

An Employee may contribute one or more vacation days to an authorized sick bank for a Public Services co-worker. The authorized sick banks will be established according to a Public Services Department policy.

760 **ARTICLE 15 - SICK LEAVE**

Section 1 - Purpose

765 It is the expectation of the City and the Union that Employees be available for work. However, it is recognized that from time to time, Employees may be absent due to illness. Therefore, each Employee is provided with paid sick leave to accommodate periods of illness or injury. Misuse or abuse of sick leave is unfair to other Employees and the City. In accordance with this agreement, Employees confirmed of sick leave abuse will be subject to the disciplinary process.

770

Section 2 - Accrual and Use

775 Each Employee in the bargaining unit shall be entitled to paid sick leave earned at the rate of one day for each calendar month of service. Sick leave will continue to accrue while an Employee is on sick leave, with unused leave accruable to a maximum of 150 days.

780 Illness for which sick leave may be granted shall be actual personal illness or incapacity, quarantined, bodily injury or disease. Sick leave may also be granted because of illness of a member of the Employee's immediate family, defined in this instance as spouse, child or parent.

785 An Employee requesting sick leave must speak with a Supervisor, or on the answering machine (with an appropriately detailed message) if the Supervisor is unavailable, no later than one half-hour (1/2) prior to the start of the Employee's regularly scheduled work shift on the day leave will be taken, unless unusual circumstances exist. Failure to call in one half-hour prior to the start of a regularly scheduled work shift will be cause for progressive discipline as outlined in Article 8 - Discipline / Discharge.

790



795 Sick leave shall be credited and accrued at the rate of eight (8) hours a day  
and shall be charged at hourly increments. In the case of an altered work shift,  
sick leave shall be credited, accrued and charged at the number of hours of the  
altered work shift. An Employee must be on an altered work shift for a minimum  
of one (1) month for a change in the accrual and crediting of sick leave.

800 The City will post the monthly vacation and sick leave report which includes  
each member's balance for vacation, sick leave and floating holidays. Sick leave  
may not be "borrowed" in advance.

805 The Director of Public Services or designee, may as a condition of payment  
of sick leave require a certificate from a qualified physician certifying the  
following:

- a. That the Employee or his family member is in such condition as to  
justify continued absence from employment;
- b. documenting cases of single day patterned use of sick leave;
- c. high frequency of sick leave usage.

815 Except as provided in this section, an Employee absent on sick leave must  
utilize accumulated sick leave for every day absent until he or she returns to work  
or the sick leave is exhausted. Those Employees whose absence is covered by the  
MMEHT Income Protection Plan have the option of using partial sick leave for the  
first month of absence. The Employee must notify the Public Services Office Staff  
and the Human Resources Department within 24 hours of his/her intent to use  
partial sick leave. During this first month period, the Employee must use at least  
820 two sick days per week to cover all weekly deductions including health insurance  
cost share, Employee premiums for life insurance, income protection, dental  
insurance, cafeteria benefit plan, retirement, ICMA Loans, child support and  
similar deductions.

825 In the event that an Employee has met the qualifications set forth by the  
City's Catastrophic Leave Bank Policy and a bank has been established,  
Employees will be allowed to contribute both vacation and sick time to this bank.

830 When all leave, including vacation leave and floating holidays have been  
utilized by an Employee absent on sick leave, salary payments to the Employee,  
including holiday pay, shall cease immediately. Once an Employee has exhausted  
all continuous earned accrued leave benefits, the City will continue health  
insurance coverage and life insurance coverage of the Employee (and the



835 Employee's dependents if applicable), up to and including 61 days from the date  
that all such leave benefits have been exhausted as long as the Employee  
continues to pay for his share of the premiums. At the end of the 61 days he or  
she will have the option of continuing his or her health insurance as provided by  
COBRA regulations at the Employee's expense, or have his or her insurance  
coverage discontinued until such time as the Employee is able to return to work.

840  
845 The Director of Public Services or his or her designee, in the use of  
reasonable judgment, may also require an Employee to undergo a medical  
examination, if the Employee's physical and/or emotional condition is affecting  
his/her health, safety, job performance or well being. These examinations will not  
be unreasonably requested.

### Section 3 - Retirement and Separation

850 One-half (1/2) of the accumulated sick leave, to a maximum of 75 days, shall  
be paid to an Employee upon retirement with 25 years of service, or upon death,  
to his or her beneficiary. One-half of accumulated sick leave to a maximum of 45  
days will be paid to any Employee separating with ten years of service.  
Computation of the value of each day paid shall be determined by dividing the  
most recent weekly salary by five.

### 855 Section 4 – Attendance Incentive

860 Those Employees who have reached maximum sick leave accumulation  
(150 days) shall be entitled thereafter to exchange three (3) consecutive months of  
perfect attendance for one (1) vacation day to be scheduled at the discretion of the  
Director of Public Services or designee. Employees, who have not reached the  
maximum sick leave accumulation, shall be granted one (1) vacation day upon the  
completion of three (3) consecutive months without using sick leave. For the  
purposes of this section the three (3) month periods are established as follows; 1 –  
865 (July, August, September), 2- (October, November, December), 3 – (January,  
February, March), 4 – (April, May, June). Use of sick leave for any reason (except  
as noted below) during any three (3) month period will deem the Employee  
ineligible for the incentive for that period. It shall be the Employee's responsibility  
to notify the Department of his/her eligibility for this incentive. Upon earning an  
870 attendance incentive day an Employee must elect to add the day to his/her  
accumulated vacation leave or to have the current value (Employee's current  
hourly wage x current work day hours) of the day placed into the Employee's  
Cafeteria Benefit Plan for use in the next plan year which begins on 7/1. The value  
of the Cafeteria Benefit Plan may not exceed the limit noted in Article 11, Section  
875 4. Any earned vacation days shall be scheduled at the discretion of the Director of



Public Services or designee. It shall be the Employee's responsibility to notify the Department of his/her eligibility for this incentive. Any earned vacation days shall be scheduled at the discretion of the Director of Public Services or designee.

880 **ARTICLE 16 - OTHER LEAVES**

Section 1 - State and Federal Family Leave

885 The City will comply with all provisions of the State and Federal Family Medical Leave Acts which provides unpaid Employee leave for up to 10 consecutive weeks (12 weeks under the federal law) for serious, life threatening illness of the Employee or the Employee's immediate family, or for the birth or adoption of a child. Leave under the Federal or State Family Leave Acts may be taken if the Employee meets all of the requirements of the respective acts.

890 Any leave taken under the State and Federal Family Leave Acts shall be substituted for, not taken in addition to any time taken under the City's Sick Leave policy. If an Employee does not have sufficient sick leave accrual to cover leave provided by the State and Federal Family Leave Acts for which he/she is otherwise eligible, said State and Family Federal Leave shall be unpaid.

Section 2 - Leave of Absence

900 An Employee may be granted a leave of absence without pay by the City Manager on recommendation of the Department head, with such leave not-to-exceed one year in length. The granting of the leave shall protect the Employee's existing continuous service for the leave period but shall not count as service time for Maine State Retirement, nor shall vacation or sick leave accrue during the absence, nor will the Employee receive pay for municipal holidays.

905 For the purpose of this section Leave of Absence shall be defined as any leave without pay, of more than two weeks in duration, which is for personal reasons of the Employee, and which is not occasioned by illness of the Employee.

910 Section 3 - Military Leave

915 Employees who are members of the organized military reserves and who are required to perform field duty will be granted a maximum of two weeks reserve service leave, in addition to normal vacation leave, per fiscal year. For any such period of reserve service leave, the City will pay the difference (if any) between service pay, and the Employee's regular pay except as hereinafter



provided.

#### Section 4 - Jury Duty

920

An Employee will be granted special leave, as required, for jury duty or performance of other civic duty requiring appearance in court or before another public body. The Employee shall be paid the difference (if any) in compensation between the amount received from the rendering of such service and his or her regular rate of pay, if the service occurs during a work day. Any Employee who is released from active jury duty prior to 1:30 p.m. shall report to work and be available for active service.

925

#### Section 5 - Funeral Leave

930

Leave of absence without loss of pay shall be granted for five (5) consecutive calendar days for death of spouse or child and up to a maximum of three (3) consecutive calendar days (which must include the day of the funeral), plus reasonable travel time, shall be granted for the death of his or her immediate family. Immediate family here shall be defined to include parent, grandparent, brother, sister, brother-in-law, sister-in-law, father-in-law, mother-in-law, grandparents-in-law, grandchildren, and any other person living in the Employee's household. Special leave may also be granted for the funeral of a co-worker if the funeral is scheduled during the regular work day, with the time granted not-to-exceed four (4) hours. Funeral leave for a co-worker will not be granted if the funeral is scheduled on the weekend, holiday, evening or during time that the Employee is not normally scheduled to work. One day's funeral leave will be granted for all other in-laws and for aunts, uncles, nieces and nephews. For attendance at a funeral for a relative or friend not included in the category eligible for special leave, it shall be permissible to utilize sick leave.

935

940

945

#### Section 6 - Medical Leave

An Employee may be allowed up to 20 (twenty) hours per fiscal year of medical appointments when medical appointments are only available during working hours. Medical leave will be granted if the following conditions are met:

- The medical leave is available for the appointments of the Employee and is not intended to cover medical appointments for spouse or dependents.
- Medical Leave may be taken in one hour increments, but will not exceed four (4) hours per occurrence.
- The Employee must punch into work for at least 4 hours per day.

950

955



960 Medical appointments that exceed the 4 hour limit or which are in excess of  
20 hours in the fiscal year will be charged against the Employee's sick leave  
accrual, or if the sick leave is exhausted, against vacation or at no pay. It is the  
responsibility of the Director of Public Services or designee to insure that this  
benefit is not abused. Employees are required to schedule medical leave by  
965 notifying the Director of Public Services or his or her designee, at least twenty-  
four hours in advance (whenever possible). Following the appointment, a medical  
sign-off form or a physician's slip/receipt may be required to be returned to the  
Employee's supervisor and placed in the Employee's personnel file, unless  
unusual circumstances exist.

970 Section 7 - Termination

An Employee who is absent from employment for any reason, excluding  
active military duty, in excess of one (1) year, may be terminated at the discretion  
of the City Manager. Employees with more than ten (10) years of continuous  
975 employment with the city will have a period, not to exceed two (2) years for the  
purposes of this section. Employees returning to work after a period of less than  
one (1) year will be returned to their prior pay and seniority. Further, in any case,  
Employees who have reached their maximum medical improvement and who as a  
result are unable to fulfill their job duties may be terminated before the above  
980 time periods. Employees must return to regular duty for a sixty (60) consecutive  
day period in order to regain rights to a new grace period under this section.

Section 8 – Promotion Notice

985 With respect to promotion posting, Employees on leave will be notified of  
the promotional opening via written notice (1st class mail) to their last known  
address.

**ARTICLE 17 - INSURANCE**

990 Section 1 - Coverage

The City will make available to all Employees and their dependents (as  
defined by the Maine Municipal Employee Health Trust) insurance under the  
995 Maine Municipal Employees Health Trust (MMEHT). Effective with the signing of  
this Agreement, Employees opting for health insurance coverage with the City  
may participate in the PPO 500 Plan or the POS C Plan.

The City reserves the right to change or offer alternative insurance carriers,





1000 health maintenance organizations, preferred provider organizations, or benefit levels or to self-insure as it deems appropriate, so long as the new or alternative coverage and benefits are substantially similar to those which they are replacing.

Section 2 – Cost and Health Promotion Program

1005 The City and the Employee shall share in the cost of health insurance. Effective for the duration of this contract, City and Employee cost share for annual health insurance premiums will be 85% of the PPO 500 Plan for the City’s contribution and 15% of the PPO 500 Plan for the Employee contribution. The  
1010 Employee cost share of the health insurance premiums will be 30% for Employees remaining in the POS C Plan. The City cost share toward the premiums will be 70% for Employees who remain in the POS C Plan.

1015 In order to maintain the 15% Employee contribution (or 30% if in the POS C Plan), the members of the bargaining unit agree to participate in a health promotion program. The Health Promotion Program will include the following components:

- 1020 • Annual Physicals -- The members of the bargaining unit agree to have an annual physical with their primary care physician each year. The City will pay up to \$20.00 co-pay for the office visit if the insurance plan requires a co-pay for the annual exam. The Employee will verify that he/she has received an annual physical by requesting that the physician complete a specific form generated by the City.
- 1025 • Health Education – The City will provide health education for the Employees at the Employees’ worksite on paid time. The health education sessions will be designed to be of special interest to the members of the bargaining unit.
- 1030 • Physical Fitness – The members of the bargaining unit may continue to participate in the City’s Wellness Program as designed by the City Wellness Team. In addition, the City will encourage Employee involvement in physical fitness programs and develop plans, programs and incentive for  
1035 participation.

1040 This cost share shall apply regardless of the level of insurance (individual, individual with children, or family). Employees will reimburse their share on a weekly basis (48 pay periods) through payroll deduction. Employees may elect to have the weekly cost share deducted from their Cafeteria Benefit Plan. Employee cost share shall be adjusted upon notification and billing by the insurance carrier.



Employees who do not participate in the Health Promotion Program, either in part or in whole will be subject to the following cost share schedule:

1045  
FY 2018-2020                      Employee Cost Share: 25% (40% for Employees in POS C Plan)

### Section 3 - Cost Containment

1050                      The City reserves the right to institute cost containment measures relative to insurance coverage so long as the basic level of insurance benefits remains substantially similar. Such changes may include, but are not limited to, mandatory second opinions for elective surgery, pre-admission and continuing admission review, prohibition on weekend admission except in emergency situations, and mandatory out-patient elective surgery for certain designated surgical procedures.

### Section 4 - Terms of Insurance Policies to Govern

1060                      The extent of coverage under the insurance policies (including HMO and self-insured plans) referred to in this Agreement shall be governed by the terms and conditions set forth in said policies or plans. Any questions or disputes concerning said insurance policies or plans or benefits there under shall be resolved in accordance with the terms and conditions set forth in said policies or plans and shall not be subject to the grievance and arbitration procedure set forth in this Agreement. The failure of any insurance carrier(s) or plan administrator(s) to provide any benefit for which it has contracted or is obligated shall result in no liability to the City, nor shall such failure be considered a breach by the City of any obligation undertaken under this or any other Agreement.

### Section 5 - Group Term Life Insurance Plan

1075                      Effective 7/1/17, the City will pay up to \$40,000 of supplemental term life insurance as provided under the City's policy with the Maine Municipal Employees Health Trust Supplemental Life Insurance Plan for each member of the collective bargaining group as long as the following criteria are met:

- 1080                      1. The member agrees to pick up the cost of his/her supplemental life insurance for any coverage over \$40,000. If the member does not purchase the remaining life insurance coverage, the member will not be eligible for the first \$40,000.



1085 2. The City of Auburn and the participant agree to the terms and conditions of the MMEHT Supplemental Life Insurance Plan.

Section 6- Payment Program for Waiving Health Insurance Coverage with the City of Auburn

1090 Any Employee covered by this Agreement may elect to waive coverage under the City's health insurance plans. Any Employee electing to waive full coverage or partial coverage for which he/she would otherwise be eligible shall be paid according to the following conditions:

1095 a. Any Employee eligible for full family coverage, single parent coverage or single coverage, and who elects to waive all health insurance coverage under the City's plans, shall receive an annual payment equal to four (4) months of the City's portion of the health insurance premium contribution on the plan for which the Employee would otherwise be eligible. This payment shall be calculated using the insurance rates for the PPO 500 plan in effect for that calendar year.

1100 b. An Employee who is eligible for a full family plan, but who elects coverage under either a 'single parent plan' or a 'single plan,' shall receive an annual payment equal to four (4) months of the difference in the City's portion of the health insurance premium contribution applicable to the plan for which the Employee is otherwise eligible, and the (lesser) plan which the Employee elects. This payment shall be calculated using the insurance rates for the PPO 500 plan in effect for that calendar year.

1110 c. If an Employee is eligible to be covered under a City health insurance plan offered to another City worker (excluding those who work for the Auburn School Department), the Worker may elect to be covered under that other City worker's health insurance plan, in exchange for an annual payment from the City. The payment shall be equal to four (4) months of that portion of the health insurance premium that the City would otherwise be required to contribute if the Employee were to be covered as a single person. The payment shall be calculated using the insurance rates for the PPO 500 plan in effect for that calendar year.

1115 d. Any annual payment for waiver of health insurance coverage required by this section will be divided into twelve (12) equal payments and will be paid monthly.

1125 e. A new Employee who waives health insurance coverage shall not be eligible for the payment in lieu of insurance until he/she has successfully completed the probationary period.



1130 f. If the new Employee wishes to be reinstated on the City's health insurance plan, or changes his or her coverage from a single or a single parent plan (if he/she would otherwise be eligible for full coverage) he/she may do so as long as he or she follows the insurance carrier's requirements. Discontinuance of health insurance or reinstatement of coverage will be effective the first day of the month following the receipt of the written notice, provided that the Employee meets all conditions which may be imposed by the health insurance carrier.

1135 g. In order to receive payment for waiving health insurance coverage or to be reinstated on the health insurance plan, the Employee must annually notify the City's Director of Human Resources in writing, that he or she is electing to waive health insurance coverage, either in whole or in part. In addition, Employees who make such an election shall produce evidence of independent health insurance  
1140 coverage to the City's Director of Human Resources during each open enrollment period under the City's health insurance plans, as a condition of receiving the payment.

#### Section 7 – Health Reimbursement Account (HRA)

1145 The City shall continue a Health Reimbursement Account for each Employee participating in the PPO 500 Plan through MMEHT. The City will provide 100% of the plan deductibles and co-insurance for each year of this Agreement.

1150 If, in any year during the term of this Agreement, City contributions remain in the HRA after all employee requests for reimbursement have been paid in accordance with the HRA plan documents, the remaining City contributions shall be credited to the City's HRA contribution obligation for the following year (the "Rollover Contribution"), if allowed under the HRA documents and applicable law.  
1155 For the following year, the City shall contribute to the HRA the difference between the Rollover Contribution and the amount required to meet the City's obligation to fund 100% of the combined deductible and coinsurance payments for that year.

### **ARTICLE 18 - RETIREMENT**

1160 The City of Auburn is a participating district in the Maine Public Employees Retirement System for the benefit of all Employees covered by this Agreement. Under this system, Employees may participate in a plan which provides a pension at one half (1/2) pay with twenty-five (25) years of service with the attainment of  
1165 age 60 or a substantially similar plan.



1170 The City also participates in the I.C.M.A. 401(a) plan and the I.C.M.A. 457  
plan. Participation is voluntary for any of the above retirement plans. The  
Employee may join either the Maine State Retirement Plan or the I.C.M.A. 401(a)  
1175 plan, but not both. The I.C.M.A. 457 plan may offer a supplement for either of the  
other plans. The Employee contributes 5% to the 401(a) plan and the City  
contributes 6% to the 401(a). There is no employer contribution toward the  
I.C.M.A. 457 plan. The Employee and the employer must meet all IRS and I.C.M.A.  
Retirement Corporation regulations in order to participate in the 401(a) and 457  
1175 Deferred Compensation plans.

**ARTICLE 19 - WORKER'S COMPENSATION**

1180 All Employees are eligible for benefits under the Workers' Compensation  
Act for a personal injury or compensable illness arising out of or in the course of  
employment with the City.

1185 When an on-the-job accident occurs, the affected Employee shall report it  
immediately to his or her direct supervisor, who in turn, shall immediately notify  
the Director of Public Services or the Deputy Director of Public Services.

Medical bills, when received either by the Department or the Employee, are  
to be forwarded immediately to the City's Director of Human Resources.

1190 If the injured Employee is out for more than three (3) days, the Director of  
Public Services or his or her designee shall, on the 4th day, fill out an Employee  
Wage Statement using the forms provided by the Director of Human Resources,  
and forward it to the Human Resources Department. If an Employee is absent for  
more than three (3) days as a result of an injury occurring at or as a result of his or  
1195 her work for the City, an Agreement Claim Form will normally be signed by both  
the City and the Employee.

1200 Medical bills are paid without any waiting period. For Employee  
compensation there is a three (3) day waiting period. The City remains  
responsible for Employee compensation for the first three (3) days of the absence;  
between four and thirteen days the insurance carrier provides compensation;  
fourteen days and over all compensation is retroactive to day one.

1205 If the carrier denies payment or stops payment, the Personnel Office will  
contact the company, ascertain the reason, and contact the affected Employee.

The affected Employee in a situation such as above may petition for a  
hearing before the Worker's Compensation Commission and may be required by



the City to petition for such a hearing.

1210

If he or she so prefers, the Employee may receive his or her normal pay by electing to have the difference between the amount of Worker's Compensation benefits and normal pay charged to accrued sick leave. Such an election shall be confirmed by the Employee in writing.

1215

Each time the injured Employee is examined by his or her physician, the examining physician shall notify the City as to the Employee's condition and whether or not he or she may return for light duty. If an Employee is determined to have a work capacity for other than his or her regular job, such Employee shall immediately report for such work as the City may arrange which is suited to the practitioner. Any Employee who is determined by his treating physician, chiropractor, or other health practitioner to be fit to return to his or her regular job shall do so immediately.

1220

1225

The City shall have the authority to order an examination of any Employee making a claim for, or receiving benefits under this section by a physician of his choice. The City shall pay for the cost of this examination.

1230

At the end of two years' absence from work as a result of a work related accident or illness, or at such time that the Employee is determined by a physician that he/she is unable to return to work, whichever is first, said Employee will be terminated from employment with the City of Auburn, unless extended by the City Manager after review of the Employee's medical condition.

1235

An Employee who is out of work due to a work related injury will accrue sick leave, vacation leave, and floating holidays, for one year cumulative absence from work beginning with the Employee's first date of injury, as long as the Employee remains employed by the City.

1240

### **ARTICLE 20 - CLOTHING**

1245

For the duration of the contract, except as provided below the City will provide each member of the bargaining unit \$ 50 toward the purchase of a Cityapproved list of uniform short-sleeved tee shirts, long-sleeved tee shirts, hooded sweatshirts and/or jackets. The \$ 50 uniform purchase will be supplemented by a clothing allowance of \$ 520toward the purchase of other work-related clothing and footwear.

1250

Footwear shall be OSHA approved only. Allowable items include uniforms (shirts and pants), work gloves, winter jacket, insulated vest, coveralls, rain gear



(different than supplied by the City), winter gloves and hats. Items specifically excluded from reimbursement from the clothing allowances are watches, wallets, knives and similar items. Foul weather gear, including rainsuit and rubber boots, three (3) pairs of good quality work gloves annually and safety glasses will continue to be supplied by the City.

Employees are required to have with them, at all times, safety equipment and clothing required to perform the job. Such items may include, but not be limited to, hardhat, safety glasses, vests, ear protection, work gloves and safety footwear. The City will issue one pair of prescription safety glasses not to exceed \$300, when the employee has a new prescription. A second pair of tinted glasses, not to exceed \$300 will be allowed if job conditions warrant.

Employees are expected to wear clothing that is clean and in good repair to the work site. Employees will not wear clothing with any obscene, derogatory, or otherwise offensive wording, pictures or gestures on them. Clothing must meet all department safety standards.

The City shall determine the method of reimbursement to employees. Employees who are discharged, retire or otherwise terminate their employment with the City shall not be entitled to the balance of any unused clothing allowance.

**ARTICLE 21 - DEFECTIVE EQUIPMENT AND DANGEROUS CONDITIONS**

The City shall not require Employees to take out on the streets or highways any vehicle that is not in safe operating condition or equipped with the safety appliances prescribed by law.

Employees shall immediately, or at the end of their shift, report all defects of equipment. Such reports shall be made on a suitable form furnished by the Employer and shall be made in multiple copies, one copy to be retained by the Employee. The City shall not ask or require any Employee to take out equipment that has been reported by any other Employee as being in an unsafe operating condition until same has been approved as being safe by the mechanical Department foreman or his or her designee.

Whenever practicable, major repairs on defective equipment shall be made in the shop not on the highway.

Under no circumstances will an Employee be required or assigned to



engage in any activity involving dangerous conditions of work.

1295 If an Employee is injured on the job as a direct result of violent action taken  
against him by a private individual(s) he shall have the first right to take civil  
action against said individual(s). However, if the Employee does not wish to take  
civil action he shall assign that right or request to the City who then shall have the  
right to proceed with Court action. Expenses for action by the City shall be the  
burden of the City and revenues derived from such action will revert to the City.

1300

**ARTICLE 22 - MISCELLANEOUS PROVISIONS**

During the term of this Agreement, the City agrees to maintain the  
following practices and benefits:

1305

a. Employees can continue to use showers and lockers at the garage.

b. Employees can continue to use the lunch room and vending machines  
after hours or during authorized breaks.

1310

c. Employees can continue to play portable radios in their trucks, so long as  
they do not interfere with the reception of mobile radio communication.

1315

d. Supervisors will notify Employees when office/garage receives  
notification of personal emergencies relating to one of the Employees.

e. City will provide a flashlight for each truck.

1320

f. Public Services Department Employees may continue to use Public  
Services vehicles to stop for food, as long as stops are reasonably on the  
way.

1325

g. City will continue present practice of attempting to maintain a position  
for a disabled Employee for a period of up to one (1) year if it appears that  
said Employee will return to work and that maintaining the position will not  
be detrimental to the function of the Department.

1330

h. It shall be the responsibility of the Employees to make arrangements to  
get to and from work. However, in call-back situations where an Employee  
who lives in Auburn has no other method of transportation and no other  
ride can be obtained, then the City may provide a ride to the worksite. In all  
instances, the decision of the Director of Public Services or his or her  
designee shall be final.





**ARTICLE 23 - SUBCONTRACTING**

1335

If the city's subcontracting will result in a loss of a job of an Employee, the City will meet and consult with the Union over the loss of the job. In addition, the City will:

1340

A. Fill a posted vacancy within the Public Services Department, if any, with an affected Employee who is qualified for that vacancy;

1345

B. If there is no posted vacancy for which an affected Employee is qualified, the City will attempt to find a vacancy elsewhere within the City's workforce, which would provide comparable employment and offer such employment to the affected Employee;

1350

C. If there is no comparable employment available elsewhere within the City's workforce, the City will attempt to obtain an offer of employment for an affected Employee from a subcontractor.

1355

D. If there is no offer of comparable employment by the City, and if there is no offer of comparable employment by the subcontractor, an Employee will then be laid-off. A laid-off Employee shall be recalled to his former job if a vacancy occurs within one (1) year of layoff.

1360

If an affected Employee obtains a job with a subcontractor, but is laid off by the subcontractor within two (2) years after the Employee's last date of employment with the City and the following conditions exist:

1365

1. The layoff of the former City Employee by the subcontractor was due to the loss of the contract with the City of Auburn;

2. the City of Auburn resumes the performance of the work formerly performed by the contractor;

1370

3. because of the resumption of such work by the City of Auburn, a vacancy exists in the Public Services Department for which the former City Employee is qualified;

Then the City shall recall that former City Employee for employment with the City of Auburn.

1375

A laid-off Employee or former Employee may be given notice of recall by certified mail sent to the Employee's last address in the City's records. Within five



1380 (5) working days after the certified receipt date, a laid-off Employee must notify the Director of Public Services of his or her intent to return to work in writing. If delivery of the notice is unsuccessful, or if an Employee fails to respond within five (5) working days of the certified receipt date, such Employee shall be considered to have forfeited his rights to recall and shall be considered to have quit City employment. If an Employee timely notifies the Director of Public Services of his or her intention to return to work, he shall be given up to fourteen (14) consecutive days of the certified receipt date within which to report to work.

1385 It is understood that the City may subcontract for reasons of economic or performance efficiency and effectiveness as long as those reasons do not include retribution on the Union for the conduction of legal Union activities.

**ARTICLE 24 - TRAINING**

1390 Section 1 - Purpose

1395 It is the policy of the Employer to provide training for its Employees whenever reasonably consistent with the operational needs of the Department. Training may be in various forms, such as through providing opportunities to work in other job classifications, through offering special training on new equipment, through the institution of safety training programs and demonstrations, through presenting group instruction and programs.

1400 Section 2 - Educational Opportunities

City will maintain reimbursement for educational credits as outlined in the Administrative Manual, unless otherwise specified herein.

1405 To provide for increased educational opportunities for mechanics, arborist and welders the City will pay the cost of testing and certification for any Employee who attains required or authorized certifications from the State of Maine subject to the following conditions:

1410 1. each Employee may only take each test once with the City's maximum cost to be \$150 per person;

1415 2. the Employee will be responsible for providing his/her own transportation, meals and related expenses;

2. as a result of State Certification, the City shall not be required to make



any changes in the Employee's job assignments, performance standards, promotions, pay, or other related matters, unless otherwise specified by this agreement.

1420

The sole purpose of assisting Employees to obtain State Certification is to provide an incentive for them to better themselves in their functional areas of employment.

1425 Section 3 - Commercial Drivers License

The City will reimburse an Employee for the cost of the Commercial Drivers License (CDL) when the CDL is a requirement for a promotion, or when the CDL is required by the City of Auburn. If an Employee acquires the CDL which is a requirement for a promotion which he receives at a later date, the City will reimburse the Employee for the cost of the license. The Employee will provide a receipt for the cost of the license to be placed in the personnel file for future reimbursement, if entitled by the provisions of this section.

1430

1435 Section 4 – Additional Certifications

Employees may obtain additional ASE (Automotive Service Excellence) certifications (mechanics only) or State of Maine licenses/endorsements and receive an annual bonus. All such certifications must meet the following conditions;

1440

- a. The certifications and/or licenses must not be required by the Employee's current job description.
- b. The certifications and/or licenses must be reasonably beneficial to the Public Services Department and its work activities. The Director of Public Services will render the final determination.
- c. Employees must show proof of valid certification and/or license (annually) in order to receive the specified bonus.
- d. No bonus shall be paid for certificates, diplomas or other awards granted as a result of training or course completions which do not meet all of the other conditions herein.
- e. Employees must complete their probationary period before being eligible for any bonus.
- f. Each annual bonus will be paid in January.

1445

1450

1455

For each State of Maine license/endorsement (listed below), earned and maintained, the Employee shall receive a \$ 150 annual bonus.



1460 Class A License (State of Maine) – only Equipment Operator II, Equipment Operator and Maintenance Person positions.

Class B License (State of Maine) – only Maintenance Person and Traffic Technician II positions.

1465 (eligible positions may only receive either the Class A or Class B bonus not both.)

1470 Tanker Endorsement (State of Maine) - current Employees (see attached list) who possess a valid tanker endorsement will be 'grandfathered' to receive the annual bonus. Said Employees will continue to receive the bonus so long as they maintain the certification and are employed by the Department. Any new Employee who is employed by the city and possesses a valid tanker endorsement will not be eligible for the bonus.

1475 Any existing Employee who does not currently possess a valid tanker endorsement but obtains said during his/her employment will also not be eligible for the bonus. Employees whose job position does not reasonably permit the operation of a tanker will not be awarded the bonus. Employees whose current or future job description requires a tanker endorsement will not be awarded the bonus. Through attrition, retirement or loss of license

1480 the Department will reduce the number of tanker endorsement bonus' to five (5).

Emergency Medical Technician (State of Maine) – any Employee.

1485 American Welding Society (AWS) – only Welder positions and two (2) other Employees. Two other Employees eligibility to be determined by seniority.

Structural Welding Certification – equals one annual bonus.

Pipe Welding Certification – equals one annual bonus.

1490 MIG/TIG Welding Certification – equals one annual bonus.

For each three (3) ASE certifications earned and maintained each Mechanic shall receive a \$ 300 annual bonus.

1495 The City agrees to develop a Field Training Program for the Department. The Program would conceptually provide for a standardized training program for Department positions and equipment. Within the program would be the appointment of Field Trainers who would possess the skills and knowledge to appropriately train new Employees or existing Employees on new equipment.

1500



**ARTICLE 25 - SEPARABILITY AND SAVINGS CLAUSE**

1505 If any provision of the Agreement is declared by proper legislative, administrative or judicial authority to be unlawful, unenforceable or not in accordance with applicable law, all other provisions of this Agreement shall remain in full force and effect for the duration of this Agreement. The parties mutually agree to then renegotiate the terms of that particular contract provision which has been set aside.

1510 **ARTICLE 26 - ACTIVE AGREEMENT**

1515 The Union and the City agree, by mutual consent, to discuss, reopen or negotiate any matter or contract provision of interest to the parties during the term of this agreement. Any new or amended provision(s) is subject to ratification by both parties and cannot be unilaterally implemented unless mutually ratified. In particular, the parties agree to reopen and make necessary amendments resulting from the discussions and implementation of the Labor-Management Team Workplan.

1520 **ARTICLE 27 - LABOR-MANAGEMENT TEAM**

1525 The Union, its members, and the City agree to continue to participate in the Labor-Management Team. The purpose of the team is to work together in identifying and implementing improvements to the operations and productivity of the Auburn Public Services Department and service to the citizens of Auburn. The goals of the team include fostering good communications (both internal and external), improving customer service (internal and external), increasing accountability and effectiveness, increasing productivity and realization of cost savings. For this effort, the Union agrees to appoint a minimum of three (3) representatives to the team and other members as may be needed for individual issues and/or subcommittees.

1535 Annually, the team shall develop a Workplan (incorporated herein by reference) for the Department. The Workplan will be developed to identify and prioritize those areas/issues of improvement that the team will concentrate on achieving the team's goals. Each year's Workplan is hereby incorporated into this Agreement. In addition, the Union agrees to work towards the development and implementation of an Employee appraisal system.

1540 **ARTICLE 28 - DURATION**



# CITY OF AUBURN

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## Teamsters Local Union #340

1545 This Agreement shall be in full force and effect from July 1, 2017 to June 30, 2020, and shall automatically remain in effect from year to year thereafter unless either party shall notify the other in writing sixty (60) days prior to the anniversary date that it desires to modify or terminate this Agreement.

In witness thereof, the undersigned have caused this Agreement to be executed.

1550

CITY OF AUBURN

TEAMSTERS LOCAL  
UNION # 340

---

By: Peter Crichton  
Its City Manager

---

By: Walter Reynolds  
Its Shop Steward

---

By: Raymond Cote  
Its Business Agent

---

By: Brett Miller  
Its Secretary/Treasurer

Dated: \_\_\_\_\_, 2017

Dated: \_\_\_\_\_, 2017



**Attachment A**

Tanker Endorsements (as of July 1, 2017)

Rick Clark  
David Knox  
Alan Kolln  
David Lane  
Ed Nemethy  
Donald Sjostrom  
Alan Spencer

# ATTACHMENT B

## Wage Scale FY 2018-2020

2017-2020 Wage Table with 2% Increase											
Step/Range	1	2	3	4	5	6	7	8	9	10	11
<b>16-17: Baseline</b>											
<b>A.1</b>	<b>Mechanic, Welder</b>										
Annual	N/A	\$33,874.05	\$34,887.22	\$35,924.93	\$37,010.69	\$38,120.58	\$39,278.72	\$40,412.94	\$41,618.93	\$42,897.92	\$45,488.14
Weekly		\$651.42	\$670.91	\$690.86	\$711.74	\$733.09	\$755.36	\$777.17	\$800.36	\$824.96	\$874.77
Hourly		\$16.2856	\$16.7727	\$17.2716	\$17.7936	\$18.3272	\$18.8840	\$19.4293	\$20.0091	\$20.6240	\$21.8693
<b>2017-2018</b>											
Annual		\$34,551.53	\$35,584.96	\$36,643.43	\$37,750.90	\$38,882.99	\$40,064.29	\$41,221.20	\$42,451.31	\$43,755.88	\$46,397.90
Weekly		\$664.45	\$684.33	\$704.68	\$725.98	\$747.75	\$770.47	\$792.72	\$816.37	\$841.46	\$892.27
Hourly		\$16.61	\$17.11	\$17.62	\$18.15	\$18.69	\$19.26	\$19.82	\$20.41	\$21.04	\$22.31
<b>2018-2019</b>											
Annual		\$35,242.56	\$36,296.66	\$37,376.30	\$38,505.92	\$39,660.65	\$40,865.58	\$42,045.62	\$43,300.33	\$44,631.00	\$47,325.86
Weekly		\$677.74	\$698.01	\$718.77	\$740.50	\$762.70	\$785.88	\$808.57	\$832.70	\$858.29	\$910.11
Hourly		\$16.9435	\$17.45	\$17.97	\$18.51	\$19.07	\$19.65	\$20.21	\$20.82	\$21.46	\$22.75
<b>2019-2020</b>											
Annual		\$35,947.4129	\$37,022.5970	\$38,123.8231	\$39,276.0403	\$40,453.8645	\$41,682.8919	\$42,886.5352	\$44,166.3415	\$45,523.6159	\$48,272.3781
Weekly		\$691.2964	\$711.9730	\$733.1504	\$755.3085	\$777.9589	\$801.5941	\$824.7411	\$849.3527	\$875.4542	\$928.3150
Hourly		\$17.28	\$17.80	\$18.33	\$18.88	\$19.45	\$20.04	\$20.62	\$21.23	\$21.89	\$23.21
<b>16-17: Baseline</b>											
<b>A</b>	<b>Equipment Operator I, Arborist, Bldg. Maint. Tech. I, Inventory Tech., Stock Room Attendant</b>										
Step/Range	1	2	3	4	5	6	7	8	9	10	11
Annual	N/A	\$32,257.47	\$33,222.59	\$34,212.05	\$35,249.55	\$36,310.98	\$37,396.53	\$38,482.50	\$39,640.64	\$40,852.03	\$43,327.23
Weekly		\$620.34	\$638.90	\$657.92	\$677.88	\$698.29	\$719.16	\$740.05	\$762.32	\$785.62	\$833.22
Hourly		\$15.5084	\$15.9724	\$16.4481	\$16.9469	\$17.4572	\$17.9791	\$18.5012	\$19.0580	\$19.6404	\$20.8304
<b>2017-2018</b>											
Annual	1	2	3	4	5	6	7	8	9	10	11
Annual		\$32,902.62	\$33,887.04	\$34,903.65	\$35,950.76	\$37,029.29	\$38,140.16	\$39,284.37	\$40,462.90	\$41,676.79	\$44,193.77
Weekly		\$632.75	\$651.68	\$671.23	\$691.37	\$712.11	\$733.47	\$755.47	\$778.14	\$801.48	\$849.88
Hourly		\$15.82	\$16.29	\$16.78	\$17.28	\$17.80	\$18.34	\$18.89	\$19.45	\$20.04	\$21.25
<b>2018-2019</b>											
Annual		\$33,560.67	\$34,564.78	\$35,601.73	\$36,669.78	\$37,769.87	\$38,902.97	\$40,070.06	\$41,272.16	\$42,510.32	\$45,077.65
Weekly		\$645.40	\$664.71	\$684.65	\$705.19	\$726.35	\$748.14	\$770.58	\$793.70	\$817.51	\$866.88
Hourly		\$16.13	\$16.62	\$17.12	\$17.63	\$18.16	\$18.70	\$19.26	\$19.84	\$20.44	\$21.67
<b>2019-2020</b>											
Annual		\$34,231.8852	\$35,256.0783	\$36,313.76	\$37,403.17	\$38,525.27	\$39,681.03	\$40,871.46	\$42,097.60	\$43,360.53	\$45,979.20
Weekly		\$658.3098	\$678.0058	\$698.35	\$719.30	\$740.88	\$763.10	\$785.99	\$809.57	\$833.86	\$884.22
Hourly		\$16.4576	\$16.9500	\$17.46	\$17.98	\$18.52	\$19.08	\$19.65	\$20.24	\$20.85	\$22.11
<b>B</b>											
	<b>Equipment Operator II (Incl. 2nd &amp; 3rd shift), Arborist Assistant</b>										
Step	1	2	3	4	5	6	7	8	9	10	
Annual	N/A	\$27,866.3800	\$28,710.6600	\$29,579.6800	\$30,448.2900	\$31,365.1500	\$32,305.9400	\$33,271.2500	\$34,235.9700	\$36,321.1700	
Weekly	N/A	\$535.8900	\$552.1300	\$568.8400	\$585.5400	\$603.1800	\$621.2700	\$639.8300	\$658.3800	\$698.4800	
Hourly	N/A	\$13.3973	\$13.8030	\$14.2210	\$14.5386	\$14.9794	\$15.5317	\$15.9958	\$16.4596	\$17.4621	
<b>Note: Reclassification - New Baseline Based on Eliminated EO Classification</b>											
<b>2017-2018</b>											
Annual	1	2	3	4	5	6	7	8	9	10	11
Annual		\$28,423.71	\$29,276.42	\$30,154.71	\$31,059.35	\$31,991.13	\$32,950.87	\$33,939.39	\$34,957.58	\$37,047.59	\$38,159.02
Weekly		\$546.61	\$563.01	\$579.90	\$597.29	\$615.21	\$633.67	\$652.68	\$672.26	\$712.45	\$733.82
Hourly		\$13.67	\$14.08	\$14.50	\$14.93	\$15.38	\$15.84	\$16.32	\$16.81	\$17.81	\$18.90
<b>2018-2019</b>											
Annual		\$28,992.1818	\$29,861.95	\$30,757.81	\$31,680.54	\$32,630.96	\$33,609.88	\$34,618.18	\$35,656.73	\$37,788.55	\$38,922.20
Weekly		\$557.5400	\$574.27	\$591.49	\$609.24	\$627.52	\$646.34	\$665.73	\$685.70	\$726.70	\$748.50
Hourly		\$13.9386	\$14.36	\$14.79	\$15.23	\$15.69	\$16.16	\$16.64	\$17.14	\$18.17	\$18.71
<b>2019-2020</b>											
Annual		\$29,572.03	\$30,459.19	\$31,372.96	\$32,314.15	\$33,283.58	\$34,282.08	\$35,310.54	\$36,369.86	\$38,544.32	\$39,700.65
Weekly		\$568.69	\$585.75	\$603.32	\$621.42	\$640.07	\$659.27	\$679.05	\$699.42	\$741.23	\$763.47
Hourly		\$14.22	\$14.64	\$15.08	\$15.54	\$16.00	\$16.48	\$16.98	\$17.49	\$18.53	\$19.09
<b>C</b>											
	<b>(Reserved)</b>										
<b>D</b>											
	<b>Equipment Operator (Reserved)</b>										
<b>E</b>											
	<b>Building Maintenance Technician II</b>										
Step	1	2	3	4	5	6	7	8	9		
Annual	Entry	N/A	\$26,539.76	\$27,335.78	\$28,155.92	\$29,000.61	\$29,868.80	\$30,761.95	\$31,678.61	\$33,611.76	
Weekly	Step	N/A	\$510.38	\$525.69	\$541.46	\$557.70	\$574.40	\$591.58	\$609.20	\$646.38	
Hourly	Deleted	N/A	\$12.7595	\$13.1422	\$13.5365	\$13.9426	\$14.3600	\$14.7894	\$15.2301	\$16.1595	
<b>2017-2018</b>											
Annual	1	2	3	4	5	6	7	8	9	10	11
Annual		\$27,070.56	\$27,882.67	\$28,719.15	\$29,580.73	\$30,468.15	\$31,382.19	\$32,323.66	\$33,284.00	\$35,312.52	\$36,371.89
Weekly		\$520.59	\$536.21	\$552.29	\$568.86	\$585.93	\$603.50	\$621.61	\$639.31	\$679.09	\$699.46
Hourly		\$13.01	\$13.41	\$13.81	\$14.22	\$14.65	\$15.09	\$15.54	\$16.48	\$16.98	\$17.49
<b>2018-2019</b>											
Annual		\$27,611.97	\$28,440.33	\$29,293.54	\$30,172.34	\$31,077.51	\$32,009.84	\$32,970.13	\$33,969.68	\$36,018.77	\$37,099.33
Weekly		\$531.00	\$546.93	\$563.34	\$580.24	\$597.64	\$615.57	\$634.04	\$652.49	\$692.67	\$713.45
Hourly		\$13.27	\$13.67	\$14.08	\$14.51	\$14.94	\$15.39	\$15.85	\$16.81	\$17.32	\$17.84
<b>2019-2020</b>											
Annual		\$28,164.21	\$29,009.13	\$29,879.41	\$30,775.79	\$31,699.06	\$32,650.03	\$33,629.53	\$34,639.07	\$36,739.14	\$37,841.31
Weekly		\$541.62	\$557.87	\$574.60	\$591.84	\$609.60	\$627.89	\$646.72	\$666.19	\$707.52	\$727.72
Hourly		\$13.54	\$13.95	\$14.37	\$14.80	\$15.24	\$15.70	\$16.17	\$17.15	\$17.66	\$18.1929



# Attachment C

## Grandfathered EO2 Wage Scale

Grandfathered Equipment Operator II's Stay in Current 2016-2017 Classification, and Receive 2% annual COLA. Only the current Step 10 and Step 11 EOII's are grandfathered											
2016-2017											
B	Equipment Operator II (Incl. 2nd & 3rd shift), Arborist Assistant										
Step	1	2	3	4	5	6	7	8	9	10	11
Annual	N/A	\$30,713.49	\$31,630.56	\$32,571.14	\$33,560.59	\$34,573.76	\$35,611.26	\$36,672.90	\$37,782.58	\$38,916.80	\$41,264.91
Weekly	N/A	\$590.64	\$608.28	\$626.37	\$645.40	\$664.88	\$684.83	\$705.25	\$726.59	\$748.40	\$793.55
Hourly	N/A	\$14.7661	\$15.2070	\$15.6592	\$16.1349	\$16.6220	\$17.1208	\$17.6312	\$18.1647	\$18.7100	\$19.8389
Wage Scale for Grandfathered EOII's											
2017-2018											
Step	1	2	3	4	5	6	7	8	9	10	11
Annual	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$42,090.21
Weekly	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$809.42
Hourly	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$20.24
2018-2019											
Step	1	2	3	4	5	6	7	8	9	10	11
Annual	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$42,932.01
Weekly	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$825.61
Hourly	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$20.64
2019-2020											
Step	1	2	3	4	5	6	7	8	9	10	11
Annual	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$43,790.65
Weekly	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$842.12
Hourly	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$21.05

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



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

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 67-08072017**

**ORDERED**, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with Teamster Local 340 for 07/01/2017 through 06/30/2020



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** August 7, 2017

**Order:** 68-08072017

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Request by Dempsey Challenge team, "Team McKesson" to waive the Flea Market Fee

---

**Information:** The Dempsey Challenge team, "Team McKesson" is holding a Flea Market sale on August 19, 2017 to raise money for the Dempsey Center and they have asked that the \$50 Flea Market fee be waived.

---

**Advantages:** Will be donated to the Dempsey Center.

**Disadvantages:** Could potentially set a precedent for other groups to request a waiver of fees and it does take a significant amount of staff time to process the applications, get approvals, include in agenda packets to present to council.

---

**City Budgetary Impacts:** \$50.00

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**Staff Recommended Action:** Consider waiving the fee.

---

**Previous Meetings and History:** N/A

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**Attachments:**

- Letter from Co-Captain of Team McKesson
- Flea Market Application
- Order 68-08072017

INDEPENDENT  
FUNDRAISING  
EVENT

D E M P S E Y <sup>TM</sup>

C H A L L E N G E

TO BENEFIT THE  DEMPSEY CENTER

Anthea Thorpe  
117 Moody Rd  
Lisbon, ME 04250  
207-712-7150

7-31-2017

Dear Auburn City Council,

I am writing to request a permit fee waiver for our upcoming Dempsey Challenge Independent Fundraiser Event: Team McKesson Yard Sale for Dempsey, Sat. August 19<sup>th</sup> 8:00AM-3:00PM. This event will be in Shaw's parking lot on Center St.

We are a group of employees that have joined together as a fundraising team for the past several years to support the Dempsey Center. We receive no monetary support from our company, now Change Healthcare, formerly McKesson. Furthermore, all proceeds will be given to the non-profit Dempsey Center.

Thank you kindly for your consideration of our request, so that we may be better able to help the Dempsey Center continue to provide all their support services free to anyone impacted by cancer.

Sincerely,



Anthea Thorpe

2017 Team Captain, Team McKesson



**CITY OF AUBURN, MAINE  
Flea Market/Craft Fair/Swap Meet/Bazaars  
License Application  
One Day Event**

Application date 7-31-17 Date & Time of Event Saturday Aug. 19<sup>th</sup> 8:00am-3:00pm

Event and/or Location Dempsey Challenge Fundraiser  
Team McKesson yard sale for Dempsey Center  
Auburn Shaw's Parking Lot (Center St.)

- \$50.00 Up to 25 tables
- \$100.00 Over 25 tables

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

BUSINESS	APPLICANT
Business name _____	Full name <u>Anthea Thorpe</u>
Business address _____	Maiden name A/K/A _____
City _____ State _____ Zip _____	Date of birth <u>7-27-72</u>
Mailing address _____	Home address <u>117 Moody Rd</u>
City _____ State _____ Zip _____	City <u>Lisbon</u> State <u>ME</u> Zip <u>04250</u>
Business phone _____	Home phone <sup>only cell</sup> <u>712-7150</u>
Cell phone _____	Driver's Lic.# & State <u>2960263 ME</u>

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

Name _____	Date of conviction _____
Offense _____	Location _____

Disposition \_\_\_\_\_

Does applicant(s) own the premises? Yes  No  (If "No", give name and address of owner)

Name Shaws Address \_\_\_\_\_

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

*Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer. Please allow at least 3 weeks for this process.*

**CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY**  
**\*\*\*READ CAREFULLY BEFORE SIGNING\*\*\***

I hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto.

Arthur J. Thorne  
Signature of Applicant

7-31-17  
Date

**STAFF USE ONLY**  
**DO NOT COMPLETE BELOW THIS LINE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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



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

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 68-08072017**

ORDERED, that the City Council hereby approves the request from Anthea Thorpe, co-captain of The Dempsey Challenge Team "Team McKesson" to waive the \$50 flea market fee for the fundraiser for the Dempsey Center held on August 19, 2017.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** 8-7-17      **Ordinance:** 07-08072017

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

**Subject:** Act To Recognize Local Control Regarding Food Systems

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**Information:** Over the past 5-10 years a number of Maine towns have pass food sovereignty ordinances that didn't accomplish much until a recent bill titled "An Act To Recognize Local Control Regarding Food Systems" passed; The bill passed with unanimous Senate approval on May 24, 2017 and was signed into Law by Governor LePage on June 16, 2017. In a little less than 90 days the law will take effect and allow producer to consumer transactions for locally grown food without being subject to government oversight or inspections if a municipality chooses to allow that. Accessing USDA inspected slaughter or processing facilities has been a major hurdle for smaller local producers bringing their products to the local market. Wholesale transactions or transactions outside of the municipality where the food is produced would continue to require the all inspections that are currently required, even if a local ordinance is passed. There is a common model ordinance that has been used by a number of Maine towns, including Livermore, which is included in your packet. The model ordinance contains a lot of language that is unnecessary to implement the flexibility afforded by the law. Councilor Lee has provided a draft ordinance that is cleaner, shorter and more concise than the model ordinance that has been used by other communities. Staff recommends that the Council listen to the local farmers and consumers to determine if there is support for the local ordinance. Making this option available to farmers and consumers that are comfortable with purchasing from an uninspected facility could be a major boost to small local farms. Farms must also take their responsibility to slaughter, process and store foods appropriately to prevent risking to their consumers safety. At the workshop the Council asked if there was risk for the City on this issue. City Attorney Michael Malloy is reviewing the proposal and his initial thought was that we were not taking on legal risk if we adopt an ordinance that allows people to follow the new State Law; Mr. Malloy will provide a final opinion by Monday night.

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**Advantages:** Opens a new local option for sales between producers and consumers within our municipal boundaries and may help build relationships with producers. Allows people to make their own decisions about buying uninspected products from their neighbors or local farms as an option while continuing to allow for traditional markets to sell inspected products.

**Disadvantages:** If producers do not process products safely there could be a higher risk of food related illness.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Consider this as an option for promoting agriculture on small farms in Auburn and determine if the community supports it. Vote to pass first reading and schedule for public hearing.

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**Previous Meetings and History:** None

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**Attachments:** Council Agenda Request, Copy of An Act To Recognize Local Control Regarding Food Systems , Livermore ordinance example, Draft concise ordinance prepared by Councilor Lee, Portland Press Herald Article.





# THE MALLOY FIRM

Attorney. Advisor. Advocate.

## MEMORANDUM

To: Eric Cousens  
CC: Peter Crichton, Denise Clavette  
From: Michael Malloy  
Date: August 3, 2017  
Re: Food Sovereignty – Draft Ordinance

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We have reviewed the proposed “Food Sovereignty Ordinance” as requested by the City Council on July 10, 2017, for the limited purpose of determining whether adoption of this ordinance as proposed, is likely to create liability risk to the City. Based upon our review of the City’s current ordinances, as well as the new and existing sections of Title 7-A of the Maine Revised Statutes and other relevant sections of state and federal law, we are of the opinion that adoption of the proposed ordinance will not create additional public liability risk to the City.

### **When it Takes Effect**

The new statute was not enacted as emergency legislation, which means that it will take effect 90 days from the date of adjournment. The Legislature adjourned yesterday, which means it will take effect the first week of November.

### **The Maine Tort Claims Act**

In general, the City enjoys protection from personal injury lawsuits under the Maine Tort Claims Act:

*1. Immunity. Except as otherwise expressly provided by statute, all governmental entities shall be immune from suit on any and all tort claims seeking recovery of damages.*

14 M.R.S. § 8103. The Maine Tort Claims Act waives this immunity with respect to property damage or personal injury involving machinery and equipment (including vehicles), negligent construction, operation, or maintenance of public buildings, the municipality’s own environmental contamination, and limited acts and omissions pertaining to road construction, street cleaning and repair. 14 M.R.S. § 8104. It does not waive immunity with respect to personal injury arising out of the consumption or purchase of locally grown food.

Accordingly, we are of the opinion that, should a member of the public suffer a personal injury or sickness due to consumption or other interaction with food that was grown, produced, or processed within the City of Auburn, the City would be immune from suit under the Maine Tort Claims Act.



# City Council Workshop Agenda Item Request Form

## City of Auburn

Requesting Councilor's Name: Adam R. Lee

Second Councilor Name: Grady Burns

Policy: Enactment of Food Sovereignty Ordinance

Summary of Issue: LD 725, An Act to Recognize Local Control Regarding Food Systems, was recently enacted by the legislature and signed by the Governor. It recognizes that municipalities, through their home rule authority, have regulatory control over local food systems. This Ordinance establishes that those foods grown, produced, or processed in Auburn sold or provided directly to consumers are exempt from local licensing and inspection obligations, and ensures that access to local food for residents is as unimpeded as the limits of home rule authority and the statute allow.

Recommended Action for Consideration: Passage of Ordinance

Existing Policy References (Comp. Plan, etc):

Committees of Jurisdiction (if applicable):

*In order for a workshop item to be considered for an upcoming Auburn City Council Workshop agenda, please complete the above and present it at any time to the Mayor and City Manager. Our goal is to have items requested on a workshop agenda within 90 days of the date received.*

DO NOT WRITE BELOW THIS LINE

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_  
(City Manager)

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_  
(Mayor)

90 Day Date: \_\_\_\_\_

Staff Assigned: \_\_\_\_\_

## STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVENTEEN

—  
S.P. 242 - L.D. 725

**An Act To Recognize Local Control Regarding Food Systems**

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 7-A MRSA §101, sub-§2-B** is enacted to read:

**2-B. Local food system.** "Local food system" means a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of the municipality and its residents.

**Sec. 2. 7-A MRSA §201-B** is enacted to read:

**§201-B. Local authority to regulate food systems**

Pursuant to the home rule authority granted to municipalities by Title 30-A, section 3001 and by the Constitution of Maine, Article VIII, Part Second, and pursuant to section 201-A, and notwithstanding any other provision of law to the contrary, a municipal government may regulate by ordinance local food systems, and the State shall recognize such ordinances.

An ordinance adopted by a municipality pursuant to this section must apply only to food or food products that are grown, produced or processed by individuals within that municipality who sell directly to consumers.

Any food or food products grown, produced or processed in the municipality intended for wholesale or retail distribution outside of the municipality must be grown, produced or processed in compliance with all applicable state and federal laws, rules and regulations.

## **Local Food and Community Self-Governance Ordinance of 2012**

**An Ordinance to Protect the Health and Integrity of the Local Food System In the Town of Livermore, Androscoggin County, Maine.**

**Section 1. Name.** This ordinance shall be known and may be cited as the “Local Food and Community Self-Governance Ordinance.”

### **Section 2. Definitions.**

As used in this ordinance:

- (a) “Patron” means an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation.
- (b) “Home consumption” means consumed within a private home.
- (c) “Local Foods” means any food or food product that is grown, produced, or processed by individuals who sell directly to their patrons through farm-based sales or buying clubs, at farmers markets, roadside stands, fundraisers or at community social events.
- (d) “Processor” means any individual who processes or prepares products of the soil or animals for food or drink.
- (e) “Producer” means any farmer or gardener who grows any plant or animal for food or drink.
- (f) “Community social event” means an event where people gather as part of a community for the benefit of those gathering, or for the community, including but not limited to a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers market and other public events.

**Section 3. Preamble and Purpose.** We the people of the Town of Livermore, Androscoggin County, Maine have the right to produce, process, sell, purchase and consume local foods thus promoting self-reliance, the preservation of family farms, and local food traditions. We recognize that family farms, sustainable agricultural practices, and food processing by individuals, families and non-corporate entities offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the Town of Livermore.

We have faith in our citizens’ ability to educate themselves and make informed decisions. We hold that federal and state regulations impede local food production and constitute a usurpation of our citizens’ right to foods of their choice. We support food that fundamentally respects human dignity and health, nourishes individuals and the community, and sustains producers, processors and the environment. We are therefore duty bound under the Constitution of the State of Maine to protect and promote unimpeded access to the local foods.

## **Local Food and Community Self-Governance Ordinance of 2012**

The purpose of the Local Food and Community Self-Governance Ordinance is to:

- (i) Provide citizens with unimpeded access to local food;
- (ii) Enhance the local economy by promoting the production and purchase of local agricultural products;
- (iii) Protect access to farmers' markets, roadside stands, farm based sales and direct producer to patron sales;
- (iv) Support the economic viability of local food producers and processors;
- (v) Preserve community social events where local foods are served or sold;
- (vi) Preserve local knowledge and traditional food ways.

**Section 4. Authority.** This Ordinance is adopted and enacted pursuant to the inherent inalienable, and fundamental right of the citizens of the Town of Livermore to self-government, and under the authority recognized as belonging to the people of the Town by all relevant state and federal laws including, but not limited to the following:

The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples' rights, and that government derives its just powers from the consent of the governed.

Article I § 2 of the Maine Constitution, which declares: "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and indefensible right to institute government and to alter, reform, or totally change the same when their safety and happiness require it"

§3001 of Title 30-A of the Maine Revised Statutes, which grants municipalities all powers necessary to protect the health, safety, and welfare of the residents of the Town of Livermore.

§211 of Title 7 of the Maine Revised Statutes which states: "it is the policy of the State to encourage food self-sufficiency for the State"

## **Section 5. Statements of Law.**

**Section 5.1 Licensure/Inspection Exemption.** Producers or processors of local foods in the Town of Livermore are exempt from licensure and inspection provided that the transaction is only between the producer or processor and a patron when the food is sold for home consumption. This includes a producer or processor who sells his or her products at farmers' markets or roadside stands; sells his or her products through farm-based sales directly to a patron; or delivers his or her products directly to patrons.

## **Local Food and Community Self-Governance Ordinance of 2012**

**Section 5.1a Licensure/Inspection Exemption.** Producers or processors of local foods in the Town of Livermore are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a community social event.

**Section 5.2 Right to Access and Produce Food.** Livermore citizens possess the right to produce, process, sell purchase, and consume local foods of their choosing.

**Section 5.3 Right to Self-Governance.** All citizens of Livermore possess the right to a form of governance which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent.

**Section 5.4 Right to Enforce.** Livermore citizens possess the right to adopt measures which prevent the violation of the rights enumerated in the Ordinance.

**Section 6. Statement of Law. Implementation.** The following restrictions and provisions serve to implement the preceding statements of the law.

**Section 6.1 State and Federal Law** It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful for any corporation to interfere with the rights recognized by this Ordinance. The term "corporation" shall mean any business entity organized under the laws of any state or country.

**Section 6.2 Patron Liability Protection.** Patrons purchasing food for home consumption may enter into private agreements with those producers or processors of local foods to waive any liability for the consumption of that food. Producers or processors of local foods shall be exempt from the licensure and inspection requirements for that food as long as those agreements are in effect.

**Section 7. Civil Enforcement.** The Town of Livermore may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the Town of Livermore shall have standing to vindicate any rights secured by this ordinance which have been violated or which are threatened with violations, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

## **Local Food and Community Self-Governance Ordinance of 2012**

**Section 8. Town Action against Pre-emption.** The foundation for making and adoption of this law is the peoples' fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt, amend, alter or overturn this Ordinance or parts of this Ordinance shall require the Town to hold public meetings that explore the adoption of other measures that expand local control and the ability of citizens to protect their fundamental and inalienable right to self-government. It is declared that those other measures may legitimately include the partial or complete separation of the Town from the other units and levels of government that attempt to preempt, amend, alter, or overturn this Ordinance.

**Section 9. Effect.** This Ordinance shall be effective immediately upon its enactment.

**Section 10. Severability Clause.** To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed from the Ordinance, and the balance of the Ordinance shall remain valid.

**Section 11. Repealer.** All inconsistent provisions of prior Ordinance adopted by the Town of Livermore are hereby repealed, but only to the extent necessary to remedy the inconsistency.

## Auburn Recommended Ordinance

### Division \_\_\_\_ -- FOOD SOVEREIGNTY ORDINANCE

#### Sec. \_\_\_\_ - Intent and Purpose

The intent and purpose of Auburn's Food Sovereignty Ordinance is to ensure that residents are provided unimpeded access to local food and to reduce governmental regulation of the local food system to the fullest extent permitted by home rule authority under Title 30-A M.R.S. § 3001, the Constitution of Maine, Article VIII, Part Second, and pursuant to 7-A M.R.S. §201, et. Seq.

#### Sec. \_\_\_\_ - Definitions

As used in this Ordinance, the following words and phrases shall have the meanings indicated:

“Consumer” means any individual who purchases or otherwise receives local food or food products from a producer, grower or processor.

“Grower” means any individual who grows local food or food products.

“Local food system” means a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of Auburn and its residents.

“Local food or food products” means food, food products or drink grown, produced and processed by individuals within Auburn who sell or provide directly to consumers.

“Processor” means any individual who processes or prepares local food or food products.

“Producer” means any individual who produces local food or food products.

#### Sec. \_\_\_\_ - Exemption

Producers, growers, and processors of local food or food products in the City of Auburn are exempt from licensure and inspection with respect to their provision or sale of local food and food products to consumers within the local food system of the City of Auburn. To the extent this Section conflicts with any portion of the Code of Ordinances of the City of Auburn, this Section shall prevail and, as it pertains to this Section, that portion of Code shall be inapplicable.



# Fresh from the farm: Maine takes lead in ‘food sovereignty’ movement

A new law allows cities and towns to regulate local food production regardless of state and federal regulations that would otherwise apply.



BY MARY POLS STAFF WRITER



Ken Robbins finishes up work Tuesday evening at River Valley Farm in Canton, which he owns with Carole Robbins, his wife. Carole Robbins said she has heard about the new food sovereignty law, but they plan to keep selling their beef the way they have been, after inspection. *Staff photo by Brianna Soukup*

Gov. Paul LePage has signed a bill into law that affirms the rights of cities and towns to regulate local food production, making Maine the second state in the nation to allow consumers to buy directly from farmers and food producers regardless of the state and federal licensing and inspections that would otherwise apply.

With the passage of the law last week, Maine becomes a leader in the so-called food sovereignty movement that promotes freedom of food choice for consumers who are willing to forgo some food safety regulations.



The River Valley Farm in Canton is a 300-acre operation that co-owner Carole Robbins' parents bought in 1944. Canton is one of the Maine communities that have food sovereignty ordinances allowing the sale of farm products unencumbered by state and federal licensing and inspection regulations. Staff photo by Brianna Soukup



Search photos available for purchase: [Photo Store](#) →

Food sovereignty revolves around a sort of “handshake integrity,” said Heather Retberg, a Blue Hill farmer who has been a leader in the movement. It means that a neighbor can pop by Quills End, the farm that Retberg runs with her husband, Phil, and pick up raw milk even if the Retbergs do not have that milk inspected and licensed by the state. If that neighbor trusts the Retbergs, the neighbor can buy directly from them.

If the Retbergs have veal calves and want to sell the meat directly to a consumer, they can do that too as long as the neighbor knows the story behind that milk or veal, and understands the risks involved in buying products that have not been vetted by state inspectors.

Blue Hill in Hancock County, where the movement first gained steam, is among the 20 towns across Maine that already have approved local food sovereignty ordinances. The bill that passed last week, L.D. 725, will essentially recognize the right of those towns to enforce their own food regulations, and the decisions of any other municipalities to do the same.

In 2015, Wyoming passed the Wyoming Food Freedom Act, which allows transactions among producers of what the state calls “homemade food” – produced in a kitchen that is not licensed, inspected or regulated – and “the informed end consumer.” The Maine and Wyoming laws are far from identical, but they speak to a desire for a more old-fashioned – some would say libertarian – approach to buying food.

LePage’s signature on the law proposed by Senate Minority Leader Troy Jackson, D-Allagash, came as a welcome surprise to advocates for food sovereignty.

“I ran for office because of food sovereignty,” said Rep. Craig Hickman, D-Winthrop. “Food sovereignty means that the state of Maine will recognize, at last, the right of municipalities to regulate local food systems as they see fit.”

Hickman, who also is a farmer and owner of a small bed-and-breakfast, had proposed similar legislation four times before handing the baton over to Jackson.

“Timing is everything,” Hickman said. “It seems that everything was aligned for this to happen.”

The Department of Conservation, Agriculture and Forestry, which oversees many of the inspection programs, including those for meat and dairy, said it is reviewing the legislation to determine the implementation issues that need to be addressed.

Things are unlikely to change, or change much, at farmers markets throughout the state because farmers markets are heavily insured and licensed independently from the municipalities where they are held.

“Most markets will be unaffected,” said Leigh Hallett, executive director of the Maine Federation of Farmers’ Markets.

But the Maine communities that have approved local food sovereignty ordinances can function almost as islands where a farmer can drop off a gallon of raw milk and a consumer can ask for a chunk of that delicious cheese made in an unlicensed facility.

Since 2011, when Sedgewick, population 1,200, declared itself food sovereign, the number of Maine towns passing local ordinances to take back regulatory control over locally produced food has steadily increased. And with it, so has the interest in getting affirmation from the state that there would be no interference with newly established local laws. The bill signed by the governor had the support of the Maine Municipal Association.

“Let the local people decide,” said Garrett Corbin, legislative advocate for the Maine Municipal Association. “That is kind of our mantra.”

That perturbs some in the Maine food community, who see this as a dangerous path that could put consumers at risk. The Maine Cheese Guild opposed the bill, and former president Eric Rector was one of the people who testified against it. He called the signing of the law a “big win for the deregulation crowd.”

It’s too early to say what the actual impact will be, Rector said. But he sees increased risk to both consumers and to the Maine cheese industry as a result of dairy products being “produced and sold to the public without any testing whatsoever.” That increases the risk that someone will get sick from “Maine cheese” and that this thriving food industry will be tainted by something that happens outside the regulated sector, he said.

Rector believes it will be hard for consumers to grasp the concept that there is state-regulated cheese and also municipally approved cheese.

The movement is not about dodging food safety issues, advocates say. It’s more about keeping small farms alive. Retberg was disheartened by a visit from a state inspector in 2009. He told her that although the Retbergs were using a licensed facility to butcher meat birds, since it was licensed to a friend and not them, their birds weren’t legal for sale. The Retbers were deflated; they’d recently made the transition to full-time farming and no longer had a supplemental income that might have helped them pay for their own licensed facility.

“The department just moved the goalposts,” Retberg said. “And when that happens, you either stop or the rules have to change.”

Rather than stop, she began working on changing the rules. And she found that quickly, she had support in the community, starting with a neighbor who very much wanted to be able to buy those meat birds, regardless of where they were slaughtered.

Retberg also had a powerful advocate in Hickman, whom she called “a champion for our cause.”

He says he ran on this cause, prompted by his own experience with state regulators, who told him, starting in 2009, that the business practices he’d been engaged in at his B&B, including making cheese and yogurt for his bed-and-breakfast customers, and letting customers at the farmstand know they could buy it from the house, were no longer acceptable unless he added a specific facility for those products, separate from the area where he prepared, say, breakfast.

“The department came around and said, ‘You can no longer serve your own yogurt.’ ” Hickman said. “If all of this sounds surreal, it is all true.”

The other towns that have declared themselves in control of their local food systems include Alexander, Appleton, Bingham, Brooklin, Brooksville, Canton, Freedom, Greenwood, Hope, Isle Au Haut, Liberty, Livermore, Madison, Moscow, Penobscot, Plymouth, Solon and Trenton. The city council in Rockland considered a food sovereignty ordinance this winter and opted instead for a resolution endorsing growth, sale and consumption of local foods.

One place that hasn't declared food sovereignty? Winthrop. Which means Hickman still has to keep that yogurt to himself.

*Kennebec Journal Staff Writer Charles Eichacker contributed to this report.*

*Mary Pols can be contacted at 791-6456 or at:*

*mpols@pressherald.com*

*Twitter: MaryPols*

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*Correction: This story was revised at 7:20 a.m., June 21, 2017, to correct the spelling of Heather Retberg's name.*

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE 07-08072017

Be it Ordained, that the City Council hereby adopt First Reading of the following ordinance:

#### Sec. 14-50 -- FOOD SOVEREIGNTY LICENSE EXEMPTION

##### a. Intent and Purpose

The intent and purpose of Auburn's Food Sovereignty Ordinance is to ensure that residents are provided unimpeded access to local food and to reduce governmental regulation of the local food system to the fullest extent permitted by home rule authority under Title 30-A M.R.S. § 3001, the Constitution of Maine, Article VIII, Part Second, and pursuant to 7-A M.R.S. §201, et. Seq.

##### b. Definitions

As used in this Ordinance, the following words and phrases shall have the meanings indicated:

“Consumer” means any individual who purchases or otherwise receives local food or food products from a producer, grower or processor.

“Grower” means any individual who grows local food or food products.

“Local food system” means a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of Auburn and its residents.

“Local food or food products” means food, food products or drink grown, produced and processed by individuals within Auburn who sell or provide directly to consumers.

“Processor” means any individual who processes or prepares local food or food products.

“Producer” means any individual who produces local food or food products.

##### c. Exemption

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



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

Jonathan P. LaBonte, Mayor

Producers, growers, and processors of local food or food products in the City of Auburn are exempt from licensure and inspection with respect to their provision or sale of local food and food products to consumers within the local food system of the City of Auburn. To the extent this Section conflicts with any portion of the Code of Ordinances of the City of Auburn, this Section shall prevail and, as it pertains to this Section, that portion of Code shall be inapplicable.



**City of Auburn  
City Council Information Sheet**

**Council Meeting Date:** August 7<sup>th</sup>, 2017

**Order:** 69-08072017

**Author:** Michael Chammings, Director of Economic and Community Development

**Subject:** 477 Minot Avenue Home Funds Request

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**Information:** The developers anticipate approximately 35 workforce housing units in a townhouse style configuration.

The developers are requesting a 50% credit enhancement for 30 years and \$110,000 in HOME funds.

The Credit Enhancement Agreement was approved by the council after a public hearing, the \$110,000 in HOME funds still need to be voted on.

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**Advantages:** The project would create approximately 35 workforce housing units and according to the developer's projected assessed values, even after this TIF reimbursement, the City would net a significant increase in real estate taxes than are currently received from the property.

**Disadvantages:** The Council approved a budget that included a component for co-op housing, this would push any co-op housing project funding into fiscal year 2019.

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**City Budgetary Impacts:** Minimal, Federal funds are already approved for moderate or low income housing assistance and the tax shift/general fund loss would be minimal.

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**Staff Recommended Action:** The staff recommends passage.

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**Previous Meetings and History:** Council Executive Session, May 15<sup>th</sup>, 2017  
Council Workshop, June 5<sup>th</sup>, 2017  
Council Meeting, June 19<sup>th</sup>, 2017

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**Attachments:** 477 Minot Avenue TIF and Home Funds Request letter dated April 28<sup>th</sup>, 2017.

April 28, 2017

Michael Chammings, Economic & Community Development Director  
City of Auburn  
60 Court St  
Auburn, ME 04210

**Re: 477 Minot Ave. TIF and HOME funds request**

Dear Michael:

I am writing this letter in documentation and support of our recent TIF request to the City of Auburn for property located at 477 Minot Avenue in Auburn. As you are aware, Developers Collaborative, in partnership with Joe Hogan and Continuum Health Care LLC has the property under agreement and is pursuing an affordable housing tax credit project this fall/winter with MaineHousing. We anticipate approximately 35 workforce housing units in a townhouse style configuration. We have designed the project to be responsive to the current scoring system contained with MSHA's QAP and are confident that it will be successful. To ensure the project scores the maximum available number of points, we are requesting a 50% credit enhancement for 30 years and \$110,000 in HOME funds.

Given current and projected assessed values, we are projecting that even after this TIF reimbursement, the City will net significantly more in real estate taxes than are currently received from the property. To achieve this, we would suggest that the City shelter 100% of the increment and dedicate 50% to the project and 50% to offset costs to local schools, which is permissible under the statute governing the Affordable Housing TIF program. According to our projections, 47% of all new unsheltered tax revenue in Auburn is lost to fiscal impacts of the county and state, so the credit enhancement we are requesting is essentially dollars which would be lost to the City regardless.

However, this project will not occur without a TIF – there would be no additional tax dollars to split. It is critical for two reasons – scoring and financial underwriting.

First, scoring. As you know the QAP is highly competitive and the program is typically 3x oversubscribed. It is possible for very worthwhile projects to sit on the waitlist for several years or even not get funded at all. Nearly all successful projects in recent years have had the benefit of a municipality working alongside the developer by contributing such a TIF. The TIF we propose will score 5 points, one less than the maximum of 6. We are not asking for a 6 point TIF because that would be a 75% CEA - and we would no longer be able to say that essentially the City is not losing any money even if you made the (false) assumption that the project could move forward without a TIF. Again, a 50% TIF is reasonable as it is essentially asking the municipality to assign money to the project that would have otherwise gone to the county and state. 5 points is still a very good number and will give us an advantage over many applications and hold us even with most or all others. Typically the difference between the winners and losers is only a point or two.

Second, financial underwriting. As we have discussed, Auburn assesses its tax credit projects at a very high ratio relative to many other communities around the state. This is perfectly defensible, and we take no issue with it whatsoever, but it creates a hardship for the project operating budget since rents can never be raised past 50% and 60% AMI regardless of the assessment. That, coupled with the basic fact of high taxes which affects all service centers statewide, means that the credit enhancement is actually pretty critical to the basic underwriting of the project. Today the market for sale of credits is very competitive, but it is still unclear that the project could meet basic underwriting standards of both investor and MSHA if a TIF is absent.

For these reasons, we will likely not proceed with the project if we are not able to negotiate a mutually beneficial TIF arrangement. The TIF would need to be approved and sent to the state by the first council meeting in September.



Finally, we are also requesting \$110,000 in HOME funds that will allow us to score 1 more point in our application, which seems to be a relatively low amount of commitment for adding at least 35 new units to Auburn's workforce housing stock.

While we intend to pursue a Planning Board application as soon as this year's scoring system is published, we do still have some time as we are informed it may be a month or two later than usual when the applications are due to MaineHousing.

I hope this letter has provided some baseline information as you evaluate this request and I will be happy to provide any other information you may require. I am hopeful that we will be able to appear before your Council on May 15 for workshop on our requests with a public hearing and final vote on the first meeting in June or July. This schedule will allow for all materials to be submitted to MaineHousing in time for the fall/winter application.

Thank you,

A handwritten signature in black ink, appearing to read 'KB', with a stylized flourish at the end.

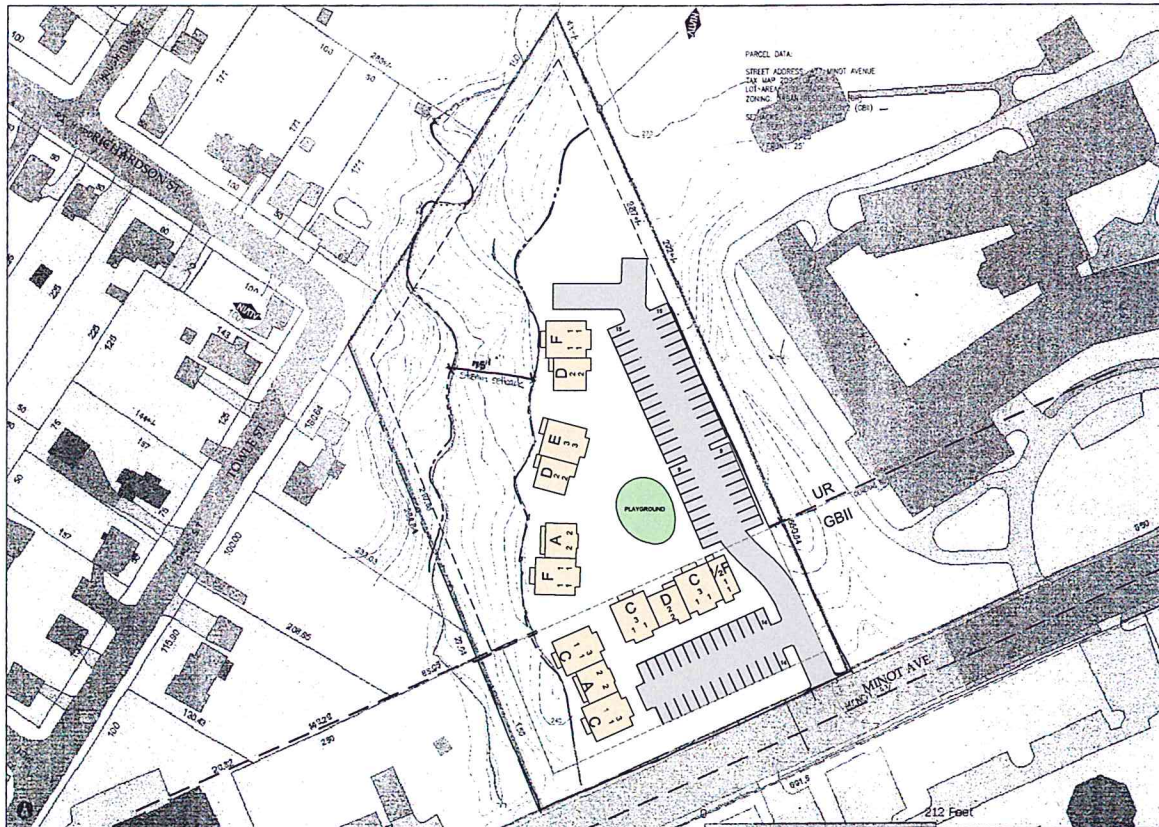
Kevin Bunker

DC Predevelopment LLC

**DENSITY CALC**

**GBII**  
ACRES: 1.06  
17 UNIT / ACRE  
18 UNITS MAX  
18 ACTUAL

**UR**  
ACRES: 2.85  
6 UNIT / ACRE  
(TWO FAMILY)  
17 MAX  
16 ACTUAL



PARCEL DATA  
STREET ADDRESS: 477 MINOT AVENUE  
DAX MAP 22  
LOT AREA: 60,000  
ZONING: UR-28  
SECTION: 22  
TAX MAP: 22



- A 2 2
- B 1 3
- C 1 1
- D 2 2
- E 3 3
- F 1 1
- 1/2 F 1 1

**UNIT TOTALS**

1 BD: 18 53%  
2 BD: 10 29%  
3 BD: 6 18%

**TOTAL: 34**

**PARKING**

76 SPACES



1 | SITE PLAN - B  
1" = 40'-0"

**477 MINOT AVE**

477 MINOT AVE. AUBURN, ME

FEB 15 2017

A1.00B



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



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

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 69-08072017**

ORDERED, that the City Council hereby authorizes that \$110,000 in Home funds be reserved for the 477 Minot Avenue workforce housing project.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** 8-7-17      **Order:** 70-08072017

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

**Subject:** Recreational Planned Unit Development Ordinance Reconsideration

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**Information:** Councilors Walker and Stone have agreed to bring forward a proposal that was postponed at a meeting of a prior Council because there is a strong need to promote the viability of recreational uses if we are serious about sports tourism. The concept of allowing commercial or residential development around major recreational uses as a way to generate additional income, attract new visitors and residents and to help maintain the recreational assets by making them financially stable has been discussed for years. The 2010 Comprehensive recommended that we consider options to allow this nationally common flexibility within the City of Auburn. In 2011-2012 a lengthy public review of a proposal to allow this was conducted and the proposal was recommended for adoption by the Planning Board. At the time, the motivation for the discussion was for the success of existing recreational facilities and the users of those assets, advancement of the existing Comp Plan recommendations and for the advancement of a specific project opportunity at Martindale Country Club. A resident of the Martindale neighborhood promoted and organized neighborhood opposition to the proposal and the Council eventually postponed the item indefinitely. We now have a new opportunity for investment at another major recreational asset, Prospect Hill Golf Course, that the City should consider. The proposal provides a framework for the Planning Board to consider all benefits and impacts of individual proposals for customary commercial or residential uses that are not otherwise permitted in the zone to be considered adjacent to major recreational uses. Existing "Major Recreational Uses" as defined in the draft ordinance include and are limited to Lost Valley, Prospect Hill, Fox Ridge and Martindale. Staff recommends that the Council reopen the discussion and schedule a public hearing on the ordinance. Historic information, the latest draft ordinance and a memo summarizing comments from recreational business owners since the workshop are attached.

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**Advantages:** May encourage new recreational investment consistent with the Council priority to increase sports and recreational tourism, improve quality of life and increase valuation.

**Disadvantages:** Any known disadvantages (traffic was the main concern in the last review) can be addressed and mitigated through the Planning Board review process in the proposed ordinance.

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**City Budgetary Impacts:** Increased investment and valuation.

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**Staff Recommended Action:** Schedule for a new first reading and public hearing and that would be followed by second and final reading if all goes well.

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**Previous Meetings and History:** Planning Board Workshop on October 25, 2011, Planning Board Public Hearings on September 13, October 11, and November 15, 2011, a meeting organized by the Beech Hill Road



Neighborhood on October 4, 2011, City Council Workshop on April 30, 2012, Council Public Hearing on May 21, 2012, Council workshop July 17, 2017.

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**Attachments:** Planning Board Staff reports 1-4, 5.21.12 CC Minutes, Council Q&A Memo, RR PUD Ordinance Draft recommended by Planning Board.



# City of Auburn, Maine

Economic & Community Development

Michael Chammings, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

Date: August 3, 2017

To: Mayor LaBonte and Auburn City Council

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

Re: Recreational Planned Unit Development (RPUD) Ordinance Feedback from Businesses

Since the workshop on this topic we have spoken with the owners of the four Major Recreational Uses as defined by the ordinance and received feedback that they support the ordinance but it could be modified to allow additional flexibility. The owners asked for a meeting with Councilors Stone and Walker to discuss challenges faced by their facilities. The Councilors expressed support for bringing the ordinance and the businesses ideas/concerns to the full Council during the public process. There have been two concerns raised that we are asking Council to consider addressing as part of the adoption of the proposed ordinance: 1) Residential Density; and 2) Public Sewer vs. Onsite Wastewater Disposal.

## Residential Density

Based on the current draft ordinance the residential density allowed is equal to the density required by the zoning district. Two of the existing Major Recreational Uses are located in the Low Density Rural Residence (LDRR) District and the other two are split between the Agriculture and Resource Protection (AG/RP) and the LDRR or Low Density Country Residence. The number of residences that could be reviewed as part of the draft RPUD ordinance varies widely based on the lot size of the district. One way to address this inequity between recreational uses to provide a more even opportunity for each of them would be to allow the density of the district in which it is located as written, but to also allow the split zoned facilities to use the density of either zoning district that the parcel is partly located in. A chart showing what that modification would do as a simple function of dividing the lot by minimum required lot size is below.

<u>Facility Name</u>	<u>Lot Size (Acres)</u>	<u>Zoning District(s)</u>	<u>Maximum Possible Units Currently</u>	<u>Possible Units w/RPUD as Drafted</u>	<u>Possible Units w/ modified RPUD</u>
Lost Valley	194	AG/RP and LDCR	20 (17 AG use restricted)	20	65
Prospect Hill	110	LDRR	110	110	110
Martindale	215	LDRR	215	215	215
Fox Ridge	195	AG/RP and LDRR	20 (19 AG use	20	195

			restricted)		
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The chart is a simple calculation and likely estimates substantially more units than could actually fit around the perimeter of most of the facilities to still meet the ordinance requirements of preserving the recreational use. Any RPUD Proposal would still need to meet the requirements of the ordinance and would be reviewed through a public process with the Planning Board carefully considering each proposal. It is staff's opinion that the Council could make the above modification to the draft ordinance to allow a more even opportunity for density across all four of the recreational uses and still have a good ordinance to review proposals and mitigate impacts.

**Wastewater Disposal**

Flexibility for recreational uses is recommended by the Comprehensive Plan. The proposed ordinance urgency during the last review was motivated by a potential project in an area that had access to public sewer. We have now heard concerns that the requirement for public sewer will make it cost prohibitive for Lost Valley or Prospect Hill to ever take advantage of the RPUD Ordinance. The owners of both facilities are supportive of the direction in the proposed ordinance and would not want any possible controversy over sewer to delay the adoption of the ordinance and prevent the City and Prospect Hill from taking advantage of current investment opportunities. That said they have asked us to consider amending the proposal to follow State Plumbing Code, environmental and industry standards for wastewater disposal instead of simply requiring connection to public sewer.

Sewer was discussed by the Planning Board and the requirement remained in the ordinance as part of their unanimous recommendation. As with any public process there are compromises made, but there was not unanimous agreement on whether connection to public sewer should be required. Attached is a wastewater disposal survey of recreational uses provided by a Planning Board Member during the discussion in 2012. As you might expect, many rural recreational resources like ski areas and rural golf courses rely on private wastewater disposal systems designed to meet State Plumbing Codes, not public sewer.

As part of the Councils consideration of the ordinance adoption the above input from the owners of recreational facilities should be considered. At the August 7th Council meeting we ask that the Council schedule this item for a new First Reading and Public Hearing at the next possible meeting and that the Council direct staff to draft amendments for the Council to consider at the hearing that would address the concerns raised by the businesses. The Council will then be able to get feedback from the public and move forward with a version that makes sense for the City. If the density and sewer discussions may delay the adoption of the current draft substantially the Council could adopt the version recommended by the Planning Board (after 2 readings and a public hearing) to allow a current opportunity to proceed and ask the Planning Board to consider an amendment to address the input from facility owners.

Town/City	contact info	major recreational attraction	zoning	acres	water/sewer
Auburn	GIS	Lost Valley	LDCR/AG&RP	194	private/private
Auburn	GIS	Martindale Country Club	RR	214	public/public
Auburn	GIS	Prospect Hill	RR	110	private/private
Auburn	GIS	Fox Ridge Golf Club	RR/AG&RP	195	private/private
Auburn	GIS	Pine Acres Golf Course/Roy's	LDCR/AG&RP	54	private/private
Auburn	GIS	Dragon Field Disc Golf	LDCR	45	private/private
Minot	Arlin Saunders (TM)	Hemonds Moto-X Park	Village District	35	private/private
Minot	345-3305	2.7 miles hiking trails	Residential District	n/a	n/a
Poland	Sue Therriault (Ass)	Poland Spring Resort-hotel/golf/driving/disc	Village	186	private/private
Poland	998-4601	Poland Preservation Park	Historical	5	n/a
Poland	Niki Pratt (CIO)	Summit Springs Golf-cottages	Residential	78	private/private
Poland	Scott Segal (Rec)	Fairlawn Golf	Farm & Forest	398	private/private
Poland	998-4650	Poland Spring Driving Range	Historical	180	n/a
Mc. Falls	Nick Richard (CIO)	Harvest Hill Farms	highway commercial	200	private/private
Mc. Falls	345-2871	Wolf Run Racing/Disc Golf	Downtown Business 3	17	public/public
Lewiston	Susan Ricker (Ass)	Casino (proposed) Bates Mill # 5	Mill	5	pubic/public



Lewiston	513-3122	Apple Valley Golf Course	Rural	50	private/private
Oxford	Rodney Smith (CIO)	Oxford Plains Speedway	Mixed use	30	public/private
Oxford	539-4431	4 Seasons Resort Casino (April 2012)	Mixed use	100	public/private
Oxford		Oxford County Fairgrounds	Mixed use	55	public/private
Leeds	Jennifer 524-5171	Spring Brook Golf Club	Commercial	183	private/private
Saco	Kendi (Ass)	Saco Bay Trails(charitable)	Resource Protection	11	public/public
Saco		Funtown Splashtown USA	Amusement	34	public/public
Saco		Deep Brook Golf Course	Resource Protection	83	private/private
Saco		Aquaboggan Waterpark	Amusement	40	public/public
Saco		Monkey Trunks (zipline/disc golf/climbing)	Resource Protection	15	public/public
Old Orchard Bch	Bill DiDonato (Ass)	Palace Playland	Downtown D#1	4	public/public
Old Orchard Bch	934-5714 ext 212	Dune Grass Country Club (condo subdiv)	Planned mixed use	166	public/public
Old Orchard Bch		Old Orchard Beach	Beach	3.7 miles	public/public
Old Orchard Bch		Ocean Park (Baptist private community)	Res 3/Neighbrhd	250 (est)	public/public
Old Orchard Bch		Salvation Army (camp meeting house)	Res 2	6 (est)	public/public
York Beach	Rick Mace (Ass)	York's Wild Kingdom	Rt 1 #1	59	public/public
York Beach	363-1005	York Beach	Beach	2 miles	public/public
York Beach		Ledges Golf Course	Residential	257	private/private

York Beach			York Golf and Tennis	Residential	185	public/private
York Beach			Cape Nedick Golf	Residential	247	private/private
Rumford	Rachel (Ass)	364.4576	Black Mountain of Maine	none	595	private/private
Greenwood	Kim	875-2773	Mount Abrams	none	500	private/private
Denmark	Bill	452-2356	Shawnee Peak (also in Bridgton)	unknown	??	private/private
Bridgton	Dawn Taft (Ass)		Shawnee Peak (also in Denmark) PUD	none	882	private/private
Bridgton		647-8786	Bridgton Highlands Country Club (subdv)	none	99	private/private
Jay		897-6785	Spruce Mountain	none		private/private
W. Farmington	Mark Caldwell (Ass)		Titcomb Mountain	Farm & Forest	197	private/private
Farmington		778-6538	Frankland County Fair Grounds	Village Residential	59	public/public
Farmington			Bonney Woods (community trails)	Village Residential	65	available
Camden	Beth	236-3353	Camden Snow Bowl	Rural Recreational	73	private/private
Skowhegan	Lisa (Ass)	474-6903	Eaton Mountain	none	99	private/private
Skowhegan			Loon Cove Golf	none	29	private/private
Skowhegan			Lake George Regional Park	none	133	private/private
Skowhegan			Run of the River (Kennebec Rvr) proposed			n/a

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD).

Date: November 15, 2011 Planning Board Meeting

This proposal has been modified based input from the Planning Board, the public, the applicant and staff. Input has been collected at two public hearings, a workshop and a neighborhood organized meeting that staff was invited to in the Beech Hill Road neighborhood.

Staff has attempted to include direction from the Board on all issues in the current draft (attached) with the exception of one significant issue: public vs. private wastewater disposal. Board member Bilodeau has provided a list of substantial recreational facilities in Maine and whether they are connected to public or private water and sewer systems for the Boards consideration. A copy of that list is included in the Board's information.

Staff recommends that the Board consider two issues when deciding on the wastewater requirement. One is wastewater disposal and the other is sprawl and controlling the location of PUD-RR proposals. The latter, sprawl, and continuing Auburns effort to grow in concentric circles rather than randomly is the more important of the two. There is no question that wastewater treatment systems can built privately to dispose of large volumes of wastewater safely and effectively. Limiting PUDs to areas with public sewerage will help guide growth to areas where utilities are available or can be made available and will continue a policy that has helped guide PUDs to growth areas since PUDs have been an available option.

Staff recommends that the Board support the PUD-RR proposal and require public sewerage as part of a recommendation to the City Council. Below are the previous staff reports.

### **Planning Board Report**

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new

type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD).

Date: October 11, 2011 Planning Board Meeting

This proposal has changed substantially, based on input from the September Planning Board meeting. Staff has worked with the petition organizer to address the concerns raised by the Board and to incorporate the ordinance change into our existing PUD ordinance. The concerns raised were not unique to the proposed PUD-RR but are common to other types of PUDs and site plan/special exception proposals. Mitigation of impacts can be addressed as part of the existing process if it is applied to the proposed PUD-RR and the new draft incorporates the standards of subdivision, site plan and special exception reviews to give the Board a legal framework for considering any future proposals.

Staff was invited to a neighborhood meeting to explain the proposed ordinance to residents of the Beech Hill Road area that are concerned with the proposal. The meeting was on October 5<sup>th</sup> and was well attended. It seems that there has been some misinformation about the proposal claiming that the zoning in that area is being changed in some way to be commercial. The proposal does create a review method and specific controls and review criteria for considering a future proposal around a major recreational use, but does not change the zoning designation in any specific area of the City.

The latest proposal recognizes that major recreational uses are an asset to the City and that maintaining those uses requires that they are economically viable. The current proposal is a continuation of years of discussion about this concept. Lost Valley, Prospect golf course and reuse as a horse racing track and now Martindale and the economic challenges faced by these facilities. The comprehensive plan identifies this issue and suggests that we should consider something like this proposal as a solution.

At the September Planning Board Meeting, in phone calls from the public and at the October 5<sup>th</sup> neighborhood meeting, the main concern expressed is regarding traffic. If this ordinance or some other solution is to pass, it will be essential that the Board has the tools to address traffic concerns as part of the review. Traffic impacts may be the controlling factor on the size of any hotel or motel adjacent to a major recreational use. The following tables can be used to look at the impacts of this type of use, both by occupying large land areas with a recreational asset and by creating new trips with a hotel or motel or by conversion to housing if the recreational use fails economically.

<b>Permitted Residential Density</b>				
Recreation Area	Acreage	Allowed Residential Density	ITE Manual Per Unit Traffic	Total Estimated traffic (Vehicle trips per Day)
Lost Valley	194	19.4*	10	194
Martindale	215	215	10	2150
Prospect	110	110	10	1100
* Density permitted only if PUD-RR is passed-residential uses currently prohibited				

<b>Daily Trips per Occupied room (As a general rule peak hour is about 10% of Daily Trips)</b>					
Use Type	Trips per Occupied Room	20 room Traffic	50 Room Traffic	80 Room Traffic	150 Room Traffic
Business Hotel	2	40	100	160	300
Resort Hotel	6	120	300	480	900
General Hotel	8	160	400	640	1200
All Suites Hotel	5	100	250	400	750
Motel	6	120	300	480	900
Average	5.4	108	270	432	810

With the standards as proposed, the Board could evaluate any future proposal to determine if it is appropriate for a particular area. If a proposal was determined not to be appropriate then the Board could deny the application or limit or reduce the scale of a proposal to make it appropriate for a particular area.

It is staff's opinion that the proposed ordinance could provide an opportunity for an alternative income for major recreational assets in Auburn. That income could mean the difference between maintaining a recreational asset or losing it to other development pressures such as housing. The current review and ordinance must give the Board the legal tools to review any future proposal and justify denial or limitations to ensure the rural character and surrounding neighborhoods are protected from unreasonable impacts of any proposed use. It is staff's opinion that the current proposal provides for the necessary tools for a responsible review of any future proposals.

Staff recommends that the Board discuss this proposal, hold a public hearing on the proposed draft and make any changes necessary to forward a favorable recommendation to the City Council.

## **Planning Board Report**

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD).

Date: September 13, 2011 Planning Board Meeting

### **I. PROPOSAL**

The City of Auburn received a petition from at least twenty-five (25) registered voters to amend Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD).

The proposed purpose of this PUD Type is as follows: The purpose of the Recreation/Residential Planned Unit Development (RRPUD) is to recognize that there are customary and complementary residential and commercial uses that are appropriate to be developed on land adjacent to major recreation uses located in Auburn. These major recreation uses of land are designed for outdoor use of large acres of land, have indoor facilities to accommodate groups of people and while they may open year round, they primarily operate seasonally. Homes, condominiums, and hotels will help support the economics of a seasonal business and bring more people to Auburn by becoming a recreation destination point.

There are a number of sections of the Comprehensive Plan that support consideration of the economic development opportunities that a RRPUD could create. The first question is does the City of Auburn want this flexibility as part of the ordinance? It is staff's opinion that the answer is yes, but that any allowance must be balanced by designing standards that allow the Planning Board to address any impacts of individual proposals and locations. Some of the sections of the comprehensive plan are copied below. Please refer to the full plan at <http://auburnmaine.org/> for more information.

#### **Strategy H.2.5.a:**

Revise zoning and other land use requirements to allow for the development of a wide range on housing outside of the built up area of the City to meet the housing needs of various segments of the population. (See Chapter 2. Future Land Use Plan)

- i. Create both rental and homeownership opportunities for singles and young families by allowing relatively high density multifamily housing, including apartments and townhouse style developments, at densities up to 12-18 units per acre in areas served by public sewerage and water.
- ii. Create senior and empty nester housing opportunities by allowing medium density

housing such as townhouses (condominiums and rental), “housominiums”, and small homes to be constructed at densities up to 10-12 units per acre, with house lots as small as 5,000 square feet, in areas that can be served by public sewerage and water.

***Goal I.2: Maintain Auburn’s role as a regional economic center with a diverse economic base, and support continued opportunities for appropriate business growth and development.***

**Objective I.2.3:**

**Ensure availability of land for appropriate business/industrial development in designated areas.**

**Agricultural/Rural District (AG) Comprehensive Plan Page 109-110**

Residential development that is proposed as part of a master planned commercial recreational development should be limited to the same density standard (one unit per 10 acres) as other accessory residential uses. A recreational master plan should be required outlining the scope, scale, and location of residential units and ensuring a cluster development pattern in which the majority of the land is retained as recreation/open space. A conservation easement, or other legally binding preservation measure, should be required to permanently conserve the recreation/open space areas.

Where a parcel that is located in the Agriculture/Rural District land also includes residentially zoned land, a residential unit should be allowed to be transferred from the residentially zoned portion of the parcel to the Agriculture/Rural portion as long as the relocation does not negatively impact natural resources or the agricultural potential of the land. As with other residential development in the Agriculture/Rural District, the development standards should encourage flexibility in the location and size of the lot, allow for a waiver of road frontage requirements, and allow access from a private driveway. When a transfer occurs, the land in the residential zone from which a residential unit is transferred must be permanently protected from development through a legally binding preservation measure, such as a conservation easement.

A copy of the Future Land Use section of the Comprehensive Plan is attached. The plan identifies growth, limited growth and restricted growth areas. The Board may want to use those categories to measure whether or not commercial development is appropriate within any proposed RRPUD. Residential development as part of a RRPUD could rely on the densities outlined on the Future Land Use Designations Map, Figure 2.3.

Staff recommends that the Board discuss this proposal and identify any concerns or questions and help staff finalize a version for consideration by the City Council or future consideration by the Board with any required additional information.

## IN COUNCIL REGULAR MEETING MAY 21, 2012 VOL. 33 PAGE 32

Mayor LaBonte called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

### I. Consent Items

None

### II. Minutes of May 7, 2012 City Council Meeting.

Motion was made by Councilor Crowley and seconded by Councilor Hayes to approve the May 7, 2012 Council Meeting Minutes. Passage 7-0.

### III. Reports

**Mayor's Report** - reported

#### Committee Reports

- Transportation
  - Androscoggin Transportation Resource Center – Mayor LaBonte, no report
  - Lewiston Auburn Transit – Councilor Gerry reported
  - Airport, Railroad – Councilor Hayes, no report
- Housing
  - Community Development Block Grant, Neighborhood Stabilization Program, Auburn Housing Authority – Councilor Gerry reported
- Economic Development
  - L-A Economic Growth Council, Auburn Business Development Corp. – Councilor Shea reported
- Education
  - Auburn School Committee – Councilor Young reported
  - Auburn Public Library – Councilor LaFontaine reported
  - Great Falls TV – Councilor Young and Councilor Shea, no report.
- Environmental Services
  - Auburn Water District, Auburn Sewerage District – Councilor Crowley reported
  - Mid-Maine Waste Action Corp. – Councilor Walker, no report
- Recreation
  - Recreation Advisory Board – Councilor Walker, no report.
- Public Safety
  - LA 911 – Councilor Walker, no report. Chief Crowell gave an update on the 911 dispatch

#### Councilor Reports

- Belinda Gerry reported
- Tizz Crowley reported
- Mary LaFontaine reported



**Interim City Manager, Don Gerrish** - reported

**Finance Director, Jill Eastman**

Motion was made by Councilor LaFontaine and seconded by Councilor Crowley to accept the April 2012 Finance Report. Passage 7-0.

**IV. Communications, Presentations and Recognitions**

Proclamation - The National Highway Traffic Safety Administration (NHTSA)'s 2012 "Buckle Up – No Excuses" Seatbelt Enforcement Campaign.

**V. Open Session**

Larry Pelletier, 129 Second Street  
Tim Doughty, 75 Cherry Vale Circle

**VI. Unfinished Business**

**VII. New Business**

1. Order 29-05212012 – Appointing Clinton Deschene as City Manager, effective June 18, 2012.

Motion was made by Councilor Shea and seconded by Councilor Crowley for passage. Passage 6-1 (Councilor Gerry).

2. Ordinance 03-05212012 – Amending the Code of Ordinances of the City of Auburn, Chapter 60 – Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD). First Reading.

Public Comment

Jim Day, President of Martindale Country Club  
Jim McPhee, Auburn, Maine  
Robert Baskett, 564 Beech Hill Road  
Calvin Coney, 24 Fairway Drive  
Russ Radcliff, 307 Beech Hill Road  
Marj Patrick, 65 Beech Hill Road  
Tracy Newman, 15 Brandywine Circle  
Whitney, Perkins Hill Road  
Don Colban, 730 Beech Hill Road  
Nilda, 455 Beech Hill Road  
Michelle Vazquez, Beech Hill Road

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine to postpone this item indefinitely. Passage 5-2 (Councilors Hayes and Walker).

**IN COUNCIL REGULAR MEETING MAY 7, 2012 VOL. 33 PAGE 34**

3. Order 30-05212012 – Setting the time for opening the polls for the June 21, 2012 Primary Election.  
Motion was made by Councilor LaFontaine and seconded by Councilor Young for passage. Passage 7-0.
4. Order 31-05212012 – Accepting the transfer of \$5,000 forfeiture assets in U.S. Currency (Dixon).  
Motion was made by Councilor LaFontaine and seconded by Councilor Shea for passage. Passage 7-0.
5. Order 32-05212012 – Accepting the transfer of \$1,250 forfeiture assets in U.S. Currency (Weekes).  
Motion was made by Councilor Shea and seconded by Councilor Crowley for passage. Passage 7-0.
6. Order 33-05212012 – Accepting the transfer of .45mm Springfield automatic pistol forfeiture assets (Tardif).  
Motion was made by Councilor Shea and seconded by Councilor Walker for passage. Passage 7-0.
7. Order 34-05212012 – Accepting the transfer of \$1,425 forfeiture assets in U.S. Currency (Tidswell).  
Motion was made by Councilor LaFontaine and seconded by Councilor Crowley for passage. Passage 7-0.
8. Order 35-05212012 – Accepting the transfer of \$86,764 forfeiture assets in U.S. Currency (Morrissette).  
Motion was made by Councilor Shea and seconded by Councilor Walker for passage. Passage 7-0.
9. Order 36-05212012 – Accepting the offer of \$17,101 from Westfield, Inc., for the sale of a tax acquired parcel on Minot Avenue. This item was added to the agenda.  
Motion was made by Councilor Shea and seconded by Councilor Crowley for passage. Passage 7-0.
10. Order 38-05212012 – Accepting the settlement agreement and consent order between Michael Farrell (145 Eastman Lane) and the City of Auburn. This item was added to the agenda.  
Motion was made by Councilor LaFontaine and seconded by Councilor Walker for passage. Passage 7-0.
11. Order 37-05212012 – Authorizing the City Manager to execute a Second Addendum to the City of Auburn’s Option Agreement with Building Solutions, dated February 21, 2012 (Order 10-02212012). This item was added to the agenda.  
Motion was made by Councilor LaFontaine and seconded by Councilor Walker for passage. Passage 6-0, (Councilor Hayes abstained).

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**VIII. Open Session** – The Mayor invited the public to speak during Open Session prior to entering into Executive Session. No public comment.

Joe Gray, Sopers Mill Road

**IX. Executive Session**

Motion was made by Councilor Lafontaine and seconded by Councilor Crowley to go into Executive Session, pursuant to 1 M.R.S.A. §405(6)(C), for discussion of a real estate matter. Passage 7-0, 9:44 P.M.

The Mayor declared Executive Session over at 9:50 P.M.

Motion was made by Councilor Gerry and seconded by Councilor LaFontaine to go into Executive Session, pursuant to 1 M.R.S.A. §405(6)(C), for discussion of a real estate matter. Passage 7-0, 9:54 P.M.

The Mayor declared Executive Session over at 10:40 P.M.

**X. Adjournment**

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to adjourn. Passage 6-0 (Councilor Young was absent for the vote), 10:40 P.M.

A TRUE COPY.

ATTEST   
Susan Clements-Dallaire, Acting City Clerk

# City of Auburn, Maine

"Maine's City of Opportunity"

## Office of Planning & Permitting

To: Auburn City Council

From: Eric J. Cousens, City Planner / Director of Planning and Permitting

Re: Additional information for the Planned Unit Development Discussion on May 21, 2012

Date: May 16, 2012

The City Council asked for additional information at the last workshop on this item. This memo and the attachments are intended to provide that information and continue the discussion.

### **Maine PUD Ordinance Examples:**

Gardiner Maine :

[http://www.gardinermaine.com/Public\\_Documents/GardinerME\\_Code/t31c7s3203P](http://www.gardinermaine.com/Public_Documents/GardinerME_Code/t31c7s3203P)

This ordinance allows for increased residential density in exchange for recreational or open space, but does not allow for commercial uses in residential areas.

Bangor Maine :

<http://ecode360.com/6891784?highlight=planned#6891784>

See 165-69. Allows for Planned Group Development but not the commercial and residential mix currently proposed in Auburn.

Portland Maine :

<http://www.portlandmaine.gov/citycode/chapter014.pdf>

See Section 14-145.13. Purpose. Allows for mixed residential, commercial and recreation /open space development. Inns are limited to not more than 50 rooms in Residential Island Zone.

**Tax Value of recreational asset:** Would closing of a golf course or ski area result in lost valuation for assessment purposes? Yes. The portions of the parcels used for a commercial recreational purpose are valued differently than vacant residential or agriculturally zoned land and the result is a higher valuation for the commercially used land.

**Recreational Use Definitions:** The Recreational use definition exists in the ordinance. Major Recreational use is intended to distinguish a major recreational use from the existing recreational uses and limit the RR PUD from being used in relation to recreational uses that do not require a substantial investments to prevent misuse of the proposed RR PUD option. Below are the two definitions:

Major Recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least 2 lifts and public and private golf courses with a minimum of 18 holes.

*Recreational uses of land* means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, motorhome or recreational vehicle parks or commercial campgrounds and facilities for mass gatherings when used for two or more events during a calendar year.

**Density around Martindale Vs. Lost Valley:** The density of residences around Lost Valley is noticeably lower than that around Martindale. We will discuss this as we review the maps at the May 21 workshop and meeting. If it is still necessary, I will be trying to get some actual numbers in time for a future hearing.

**Road Classification:**

**HIGHWAYS AND ROADS**

**Classification**

The largest and most important component of Auburn's transportation system is its road network. Based on data obtained from the Maine Department of Transportation (MDOT), the City has 228.69 miles of roads which fall into the following categories:

1. **Controlled Access Highways** - These are high speed highways which serve through traffic and have very few access points. Access to abutting land is generally prohibited. The Maine Turnpike is the only controlled access highway in Auburn. Total mileage: 5.35 miles.
2. **Arterials** - These are high speed highways which serve long distance, through traffic and attract a significant amount of Federal funding. Examples include Route 202, Route 4/Center Street, Route 136, Route 121/Minot Avenue, Turner Street, Hotel Road and Riverside Drive. Total mileage: 39.43 miles.
3. **Collectors** - These are roads which connect local streets with arterials. Examples include Lake Shore Drive, Lewiston Junction Road, Mount Auburn Avenue, North Auburn Road, North River Road, Park Avenue, Rodman Road, and South Main Street. Total mileage: 27.12 miles.
4. **Local Streets** - These are roads which directly serve local properties, but generally do not serve through traffic. Total mileage: 156.69 miles.

**Examples of where the RR PUD Ordinance could be used.** Please note that many of the 100 acre parcels would require sewer extensions and there are certainly other parcels that are smaller than 100 acres that could be combined to create additional opportunities for development. We will have a map for discussion at the meeting.

Existing Building/Public Sewer	ParcelID	Loc	TotalAcres	LUC
No Building; No Sewer Service	019-008	1640 JORDAN SCHOOL RD	246.10001	58

No Building; No Sewer Service	021-015	449 FICKETT RD	149	58
No Building; No Sewer Service	037-005	BROWNS CROSSING RD	106	58
No Building; No Sewer Service	059-001-001	STEELE RD	107	58
No Building; No Sewer Service	041-005	SOPERS MILL RD	104	58
No Building; No Sewer Service	059-002	JORDAN SCHOOL RD	208	58
No Building; No Sewer Service	039-012	SOPERS MILL RD	125	58
No Building; No Sewer Service	011-002	POWNAL RD	222.47	58
No Building; No Sewer Service	391-001	2872 TURNER RD	196.02	59
No Building; No Sewer Service	413-005	JOHNSON RD	119.15	61
No Building; No Sewer Service	387-001	125 BRIGHTON HILL RD	147.89999	58
No Building; No Sewer Service	411-019	SKILLINGS CORNER RD WEST HARDCRABBLE RD	133.16	61
No Building; No Sewer Service	167-002	RD	117.64	58
No Building; No Sewer Service	085-001	SOPERS MILL RD	178.55	53
No Building; No Sewer Service	087-014	358 JORDAN SCHOOL RD	162.7	58
No Building; No Sewer Service	087-002	JORDAN SCHOOL RD	106.65	53
No Building; Sewer Service	247-050	HOTEL RD	121.11	52
Non Residential; No Sewer Service	113-027	550 PENLEY CORNER RD	183.5	27
Non Residential; No Sewer Service	055-005	130 MORIN BRICK RD	120.91	55
Non Residential; No Sewer Service	019-002	JORDAN SCHOOL RD	272.60001	45
Non Residential; No Sewer Service	213-014	106 SMALL RD	344.32999	61
Non Residential; No Sewer Service	365-016	LAKE SHORE DR	144.63	61
Non Residential; No Sewer Service	389-032	393 MAPLE HILL RD	139.84	61
Non Residential; No Sewer Service	347-010	ANDREW DR	173.89999	53
Non Residential; No Sewer Service	295-008	150 LOST VALLEY RD	194.04001	27
Non Residential; No Sewer Service	268-003	560 PARK AV	101.67999	67
Non Residential; Sewer Service	169-003	527 BEECH HILL RD	116.37	27
Non Residential; Sewer Service	188-013	1 PIONITE RD	139.17999	55
Non Residential; Sewer Service	299-003	1250 TURNER ST	124.77	64
Non Residential; Sewer Service	255-010	PERKINS RIDGE RD	109	50
Non Residential; Sewer Service	143-007	80 AIRPORT DR	347.20001	61
Non Residential; Sewer Service	229-006	COURT ST	112.4	51
Residential; No Sewer Service	089-004	2209 RIVERSIDE DR	101.9	1
Residential; No Sewer Service	139-002	1553 RIVERSIDE DR	106.24001	1
Residential; No Sewer Service	039-019	145 HOBART RD	174.33	1
Residential; No Sewer Service	011-001	2207 POWNAL RD	105	1
Residential; No Sewer Service	137-031	276 PENLEY CORNER RD	105.31	1
Residential; No Sewer Service	089-005	2175 RIVERSIDE DR	299.89999	1
Residential; No Sewer Service	085-003	857 SOUTH WITHAM RD	105.35	1
Residential; No Sewer Service	174-001	963 RIVERSIDE DR	163.85001	3
Residential; No Sewer Service	137-026	371 PENLEY CORNER RD	111.63	1
Residential; No Sewer Service	295-010	205 YOUNGS CORNER	123.19	1

		RD		
		224 EAST WATERMAN		
Residential; No Sewer Service	393-010	RD	177.39999	1
Residential; No Sewer Service	213-002	384 BUTLER HILL RD	126.95	1
Residential; Sewer Service	202-004	453 RIVERSIDE DR	164	1

Additional Attachments:

1. Attachment Parcels Greater than 100 acres Map
2. Attachment Prospect Hill Fox Ridge Map
3. Attachment LostValley Martindale Map
4. REC SURVEY from Dan Bilodeau
5. Neighbors of Martindale proposed additions and edits 11 2 11

DRAFT PLANNING BOARD RECOMMENDATION ACCEPTED AS PART OF MINUTES AT 1/10/12  
PLANNING BOARD MEETING

**DIVISION 10. - PLANNED UNIT DEVELOPMENTS**

Subdivision I. - In General  
Subdivision II. - Types  
Subdivision III. - Application Procedure

**Subdivision I. - In General**

[Sec. 60-359. - Purpose.](#)  
[Sec. 60-360. - Scope.](#)  
[Sec. 60-361. - General standards.](#)  
[Secs. 60-362—60-380. - Reserved.](#)

**Sec. 60-359. - Purpose.**

The purpose of this section is to provide for a greater variety and choice of design for urban and suburban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies for ~~urban~~ land development and to ~~gain flexibilities over offer a flexible alternative to~~ conventional land control regulations. This section should not be used as a device for circumventing the city's development regulations and may be employed in instances where there is truly some benefit to be derived from its use for the community and for the developer. The type and amount of development permitted shall be based on the Planning Board's evaluation of the development proposal and the purposes standards and provisions set forth in this Division.

(Ord. of 3-16-2009, § 3.51(A); Ord. of 9-21-2009, § 3.51A)

**Sec. 60-360. - Scope.**

- (a) Application for a planned unit development may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued. ~~in all zoning districts except agriculture and resource protection districts.~~
- (b) ~~The requirements for setback, lot width, lot depth, lot area, street frontage and percentage of lot coverage stated in individual zoning classifications shall be subject to negotiation as they apply to planned unit developments, except the front yard setback from all dedicated rights of way shall not be reduced. In specific cases, the requirements for off street parking stated in article V of this chapter and minimum area as stated in individual zoning classifications may be reduced. These requirements shall be controlled by the criteria and standards of this division and as shown on the approved planned unit development plan.~~

The dimensional requirements stated in individual zoning districts and signs as stated in Article V of this Chapter may be increased or decreased by the Planning Board as they apply to planned unit developments.



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except the front yard setback from all public streets shall not be reduced. The dimensional requirements and provision of signs shall be controlled by the standards sets forth in Sec. 60-359 Purpose and Sec 60-361 General Standards.

(c) Coordination with subdivision regulations.

- (1) ~~It is the intent of this division that if~~ a plan review is required under division 4 of article XVI Subdivision of this chapter, ~~that it shall~~ be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.
- (2) The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI Subdivision of this chapter relative to final plans where applicable.
- (3) Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.

(Ord. of 3-16-2009, § 3.51(B); Ord. of 9-21-2009, § 3.51B)

**Sec. 60-361. - General standards.**

The following provisions apply to all planned unit development districts:

- (1) The ~~setback, lot width and lot coverage~~dimensional requirements as stated in individual zoning ~~classification districts~~ shall apply within the PUD but may be ~~reduced-increased or decreased~~ due to individual site ~~limitations-characteristics~~ as determined by the ~~planning board~~Planning Board to promote the purposes set forth in section 60-359 of this chapter.
- (2) ~~The number of off-street parking spaces in each planned unit development may not be less than the requirements as stated in article V of this chapter except that the~~The planning boardPlanning Board may increase or decrease the required number of off-street parking spaces as stated in Article V of this chapter in consideration of the following factors:
  - a. ~~Probably~~The probable number of cars owned by occupants of dwellings in the planned unit development;
  - b. ~~The~~Parking needs of any ~~non~~dwellling-nonresidential uses;
  - c. Varying time periods of use, and whatever joint use of common parking areas is proposed.
- (3) Whenever the number of off-street parking spaces are-is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.
- (4) ~~In any~~A PUD involving residential uses ~~that receives a density bonus and has lot sizes that are reduced below the minimum required within the residential district,~~ shall reserve an amount of land equal to that ~~created through the reduction in required lot sizes,~~required by section 60-1367 to be held as open space for the mutual use of the residents of the PUD. ~~This shall be accomplished by either~~Land reserved to satisfy the open space requirement shall be:
  - a. ~~The land shall be a~~Administered through a homeowner's association; or
  - b. ~~The land shall be d~~Dedicated to and accepted by the city for public ~~use-use; or~~

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- c. Land occupied by a major recreational use adjacent to a PUD-RR; or
  - d. Managed by a non-profit organization or land trust deemed capable of management by the Planning Board; or
  - e. A combination of a, b, c and/or d above.
- (5) All of the requirements of the city code of ordinances applicable to the zoning district not addressed in this division, shall apply.
- (6) Before granting approval of the final development plans, the city-Planning Board must ~~be satisfied~~find that said ~~plan-plan-incorporates-addresses~~ each of the following criteria or that one or more of the criteria are not applicable to the proposed development and/or that a practical substitute to one or more of the criteria has been achieved:-or can demonstrate that:
- a. ~~One or more of the criteria are not applicable; or~~
  - b. ~~A practical substitute has been achieved for each of these elements consistent with the public interest:~~
    - 1. ~~There~~ The proposed development has is an appropriate relationship to the surrounding area;
    - 2. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and control of noise and exhaust~~control~~. Proper circulation in parking areas is designed for safety, convenience, separation and screening;
    - 3. ~~Functional-Adequate~~ open space has been provided in terms of with consideration given optimum preservation to preservation of natural features including trees and drainage areas, topographic features, recreation, and views, ~~density relief and convenience of functions;-~~
    - 4. Privacy in terms of needs of individuals, families and neighbors;
    - 5. Pedestrian and bicycle traffic in terms of safety, separation, convenience and; access points ~~of destination and attractiveness;~~
    - 6. Building types in terms of appropriateness to density, site relationship and bulk;
    - 7. Building design in terms of orientation, spacing, ~~materials, color and texture~~character, storage, signs and lighting;
    - 8. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;
    - 9. ~~Maintenance, suitability and effect on the neighborhood;~~ Preservation of historically or architecturally significant buildings or places, if any;
    - 10. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued.

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11. That the proposal meets the requirements of Sec.60-1335, Special Exception of this Ordinance.

(Ord. of 3-16-2009, § 3.51(D); Ord. of 9-21-2009, § 3.51D)

**Secs. 60-362—60-380. - Reserved.**

**Subdivision II. - Types**

[Sec. 60-381. - Definitions.](#)

[Sec. 60-382. - PUDs established.](#)

[Sec. 60-383. - Zoning map indication.](#)

[Sec. 60-384. - Permitting.](#)

[Sec. 60-385. - Planned Unit Development-Residential \(PUD-R\).](#)

[Sec. 60-386. - ~~Planned Unit Development-Commercial \(PUD-C\)~~; \*\*Planned Unit Development: Recreation/Residential \(PUD-RR\)\*\*](#)

[Sec. 60-387. - ~~Planned Unit Development-Commercial \(PUD-IC\)~~.](#)

[Sec. 60-388. - ~~Planned Unit Development-Industrial \(PUD-I\)~~.](#)

[Secs. 60-389—60-417. - Reserved.](#)

**Sec. 60-381. - Definitions.**

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Planned* includes plans, plats or any combination thereof.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

**Sec. 60-382. - PUDs established.**

The following types of planned unit development may be established by special use approval in any existing zoning district as noted in this section. The options for use are as follows:

(1) PUD-R Planned Unit Development: Residential in LDCR, RR, SR, UR, MFS, MFU, GB and CB.

~~(2) PUD-C Planned Unit Development: Commercial in GB and CB.~~

~~(3) PUD-I Planned Unit Development: Industrial in ID.~~

(2) PUD-RR Planned Unit Development: Recreation/Residential in AG/RP, LDCR, RR, SR, UR, and GB.

(3) PUD-C Planned Unit Development: Commercial in GB and CB.

(4) PUD-I Planned Unit Development: Industrial in ID.

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(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

**Sec. 60-383. - Zoning map indication.**

The area included in each approved planned unit development shall be indicated on the zoning map as PUD-R or ~~C~~, PUD-RR or PUD-C or PUD -I.

(Ord. of 3-16-2009, § (3.51)(C); Ord. of 9-21-2009, § 3.51C)

**Sec. 60-384. - Permitting.**

Phased planned unit developments shall be permitted where any type of PUD is otherwise allowed by this chapter with an additional review by the director of planning and permitting prior to recording at the Androscoggin County Registry of Deeds. It is the intent of this phasing to allow coordinated long term planning of a large scale development without the disincentives of taxation and financing for phases that will not be constructed in the short term. The final development plan shall be kept on file in the planning and permitting office and the developer shall meet the requirements of section 60-420(c) prior to declaration and recording of a phase. The developer shall declare and record the approved phase plan within 30 days after a written approval is issued by the director. The recorded plan shall contain a note referencing this chapter. This division may be applied to existing PUDs if said plan was approved by the ~~planning board~~Planning Board as a phased development.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

**Sec. 60-385. - Planned Unit Development-Residential (PUD-R).**

It is the intent of this section that any residential property which is under single ownership and contains three acres or more area may be developed as PUD-R planned unit development: residential. Within the PUD-R the following uses and densities may be permitted subject to the approval of the ~~planning board~~Planning Board.

- (1) Uses permitted by right or permitted by special exception in the residential districts noted in ~~this section~~this section and the underlying zoning district.
- (2) Commercial uses may be permitted in the PUD-R district if the planned unit development contains 20 or more dwelling units. Such commercial ~~eenters-uses~~ shall be subject to the following requirements:
  - a. Such ~~eenters-uses~~ including parking shall be included as an integral part of the PUD and shall not occupy more than five percent of the total area of the PUD. Commercial uses in any development shall not be open to use prior to issuance of the certificates of occupancy for 50 percent of the dwelling units.
  - b. Except as stated in division 10 of article IV of this chapter all restrictions applicable to the NB district are applicable to the commercial center in the PUD-R district.
  - c. Such establishments shall be located, designed and operated primarily to serve the needs of the persons within the planned development. These buildings shall be architecturally compatible with the dwellings they serve using similar materials, geometry, topographic relationships, color and lighting to minimize its effect on the environment of existing or future residential uses adjacent to

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~~them~~.

- d. Sign.
1. Any part of the sign for a commercial use shall not project above the eaves or protrude from the face of the building more than 12 inches. A ~~premise-commercial use~~ shall have not more than one sign for every street frontage. ~~All~~ Any free standing signs may not exceed 20 feet in height and must have a minimum setback of 25 feet. Portable flashing and moving signs are not permitted. All emblems, shields or logos are considered part of the total allowable sign area.
  2. A Residential subdivision may have one sign for each newly created entry to the subdivision, not to exceed 40 square feet in size.
- (3) The total number of dwellings units permitted in the PUD-R district shall be determined by dividing the total project acreage (not including public rights-of-way) by the area required per unit in ~~that the~~ underlying zoning district or as approved by the city-Planning Board pursuant to ~~section 60-361(3):the standards in the underlying zoning district.~~
- (4) If common open space remaining is offered to the city and is acceptable to the city, such dedication ~~shall may not~~ be considered as partial or total fulfillment of park and open space dedication.
- (5) Upon review of a PUD-R proposal, ~~if special circumstances exist in regard to land usability, topographical characteristics, or natural assets of the site to be preserved,~~ the city-Planning Board may authorize up to a 20 percent increase in density over ~~the~~ that otherwise allowed in the underlying district ~~requirement~~ if the following criteria are met:
- a. *Architecture.* Utilization of existing topography, recognition of the character of the area reflected in materials and layout.
  - b. *Siting.* Preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.
  - c. *Design.* A unified cohesive development, focal points ~~(cluster of seating, art forms, water feature)~~ for orientation and interaction, variety of scale.
  - d. *Landscaping.* The compatibility with natural landscape, the separation of individual units for privacy.
  - e. *Convenient.* A convenient well-defined access.
  - f. *Compatibility.* ~~The~~ Compatibility with ~~ultimate~~ the adopted comprehensive plan and/or plans approved by City boards and departments for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.
- (6) All planned unit developments containing residential units shall comply with all city zoning and subdivision regulations.

(Ord. of 3-16-2009, § 3.51(C)(2); Ord. of 9-21-2009, § 3.51C)

**Sec. 60-386- Planned Unit Development: Recreation/Residential (PUD-RR)**

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The PUD-RR district is created to provide for the development of residential and commercial uses that are customary, complementary, and appropriate to major recreational uses on land located adjacent to them. Major recreation uses of land are designed for outdoor use of large land areas and have indoor facilities to accommodate groups of people. Major Recreation uses may be open year round or may operate seasonally and their economic viability and continued operation are recognized as assets to Auburn. Flexibility for the siting of homes, condominiums, hotels or motels and accessory uses that are of a scale that is compatible with the surrounding area will help support the economics of a major recreation use.

Any major recreation use containing one hundred (100) acres or more area may be developed as a Planned Unit Development: Recreation/Residential- PUD-RR. Within a PUD-RR the following uses and densities may be permitted subject to the approval of the Planning Board.

(1) Uses permitted by right or permitted by special exception in the underlying zoning district.

(2) Attached single-family dwellings with direct access to the outside at ground level may be permitted, provided that they are approved as part of a Planned Unit Development and as a Subdivision under Sec.60-359 and Sec. 60-1359 of this chapter.

(3) Hotels or motels adjacent to an existing major recreation use or a major recreation use if construction of the major recreational use is complete and open for use, provided that they are approved by the Planning Board as a Site Plan and as a Special Exception under Sec.60-1276 and Sec.60-1335 of this chapter. The size and scale of a hotel, motel, or accessory commercial uses shall be determined by the Planning Board at the time of PUD and/or Special Exception review. In making their determination, the Planning Board shall consider the appropriate relationship of the hotel, motel or accessory buildings and structures to the major recreation use and the surrounding neighborhood in terms of bulk, location or operation of proposed buildings and structures, traffic impact, access management, parking requirements, internal circulation, vehicular and pedestrian connections to adjacent property, external lighting, landscaping, signage using the standards of Sec.60-385(2)d as a guide, provisions for water and public sewer, and the preservation of scenic and natural beauty to the extent possible.

(4) Accessory commercial uses provided that they are approved as a Site Plan and as a Special Exception under Sec. 60-1276 and Sec. 60-1335. Building and structures shall be architecturally compatible using similar materials, topographic relationships, color and lighting, landscaping, and signage to minimize its effect on the environment of existing or future recreation and residential uses adjacent to it.

(5) The total number of dwelling units permitted in the PUD-RR district shall be determined by dividing the total project acreage including the major recreational use (not including public rights-of-way) by the area required per unit in that zoning district or as approved by the Planning Board pursuant to section 60-361(4).

(6) The requirements of a Planned Unit Development, Sec. 60-361(4) and as a Subdivision, Sec.60-1367 to provide recreation and/or open space may be satisfied by the principal recreation, entertainment, and social uses of the adjacent major recreation use.

(7) Access to the property shall be located on an arterial or collector street to minimize congestion or unsafe conditions and unreasonable deterioration of the local road system. Access to individual house lots shall be from an internal street system to retain the character of the area.

(8) The requirements of this chapter applicable to the underlying district or districts, not addressed in this section, shall apply.

**Sec. 60-3876. - Planned Unit Development-Commercial (PUD-C).**

The PUD-C district is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional offices and retail commercial uses and to provide areas of sufficient size to establish harmonious relationships between structures, people and vehicles through the use of well planned parking access, pedestrian walkways, courtyards, walls and other open spaces. This district should offer a wide variety of goods and services. Any commercially zoned area three acres or more in size may be developed as a PUD-C district. Uses permitted in the ~~commercial zoning~~underlying zoning districts are permitted in the PUD-C district.

(Ord. of 3-16-2009, § 3.51(C)(3); Ord. of 9-21-2009, § 3.51C)

**Sec. 60-3878. - Planned Unit Development-Industrial (PUD-I).**

The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well planned parking and access, landscaped open areas and harmonious relationships between structures. Any industrial area over five acres may be developed as a PUD-I district. Uses permitted in the ~~industrial~~underlying zoning district are permitted in the PUD-I district.

**Secs. 60-3898—60-417. - Reserved.**

**Subdivision III. - Application Procedure**

[Sec. 60-418. - Compliance.](#)

[Sec. 60-419. - Submission and review.](#)

[Sec. 60-420. - Final development plan.](#)

[Secs. 60-421—60-438. - Reserved.](#)

**Sec. 60-418. - Compliance.**

All applicants for planned unit development shall comply with procedures set forth in this subdivision and in accordance with division 2 of article XVI of this chapter site plan review.

(Ord. of 3-16-2009, § 3.51(E)(intro. ¶)); Ord. of 9-21-2009, § 3.51E)

**Sec. 60-419. - Submission and review.**

- (a) An applicant shall make application for the approval of the planned unit development to the planning department. The applicant shall present his completed application and fee, in the amount provided in the city fee schedule, along with the development plan outline as specified in this division.
- (b) The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.

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- (c) The site plan must contain the following information:
  - (1) All site plans shall conform to the provisions as contained in division 2 of article XVI of this chapter;
  - (2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;
  - (3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.
- (d) The written statement to accompany the development plan outline map must contain the following information:
  - (1) A brief description of unique project design needs that make the planned unit approach advantageous to the city and developer;
  - (2) An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development;
  - (3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.
- (e) The number of copies of the written statement must be consistent with the provisions of section 60-1300
- (f) The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

(Ord. of 3-16-2009, § 3.51(E)(1); Ord. of 9-21-2009, § 3.51E)

**Sec. 60-420. - Final development plan.**

- (a) The final development plan shall be submitted in accordance with section 60-419 of the municipal code relative to final plans.
- (b) The ~~planning board~~Planning Board shall approve the final development plan if it is in substantial compliance with the approved preliminary development plan. The final development plan shall be recorded as if it were a final subdivision plan except in the case of a phased development which shall follow the standards of subsection (c) of this section.
- (c) For phased developments the final development plan shall be kept on file in the planning and permitting office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval by the director of planning and permitting prior to recording at the registry of deeds. The director shall consider the following standards before approving a phased plan for recording:
  - (1) The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.
  - (2) Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the director determines that the work is necessary or beneficial to an open phase of the development or to the city.



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- (3) The phased plan must be determined by the director of planning and permitting to be consistent with and progress towards completion of the long term final development plan.
- (d) From time to time the ~~planning board~~Planning Board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner of property in the PUD has failed to meet the approved development schedule without cause, the ~~planning board~~Planning Board may initiate proceedings. The ~~planning board~~Planning Board, for good cause shown by the property owner, may extend the limits of the development schedule.
- (e) The ~~planning board~~Planning Board may require adequate assurance in a form consistent in a form acceptable to the ~~planning board~~Planning Board, that the common open space shown in the final development plan shall be provided and developed.
- (f) Final development plan contents:
- (1) The final development plan shall contain the information ~~provided on the preliminary development plan or any logical part thereof and any additional information requested by the Planning Board; and~~ must be submitted within one year following the approval of the preliminary development plan unless written request is made for an extension of ~~up to~~ one year and approved by the ~~planning board~~Planning Board.
  - (2) The final development plan, with supplemental information in report form, shall be prepared in conformity with the provisions of section 60-419
  - (3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit development and any of its common area must accompany the final development plan.
  - (4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.
- (g) Control of planned unit development following completion.
- (1) The ~~planning board~~Planning Board shall review and take action on the competed final plan.
  - (2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this zoning chapter.
  - (3) After final approval, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:
    - a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the ~~planning board~~Planning Board if they are consistent with the purposes and intent of the final plan. No change authorized by this division may decrease or increase the dimension of any building or structure by more than ten percent.
    - b. Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted principle, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the planning director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.

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- c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under subsection (g)(3)a and b of this section.
- d. Changes in use of common open spaces may be authorized by an amendment to the final development plan under subsection (g)(3)a and b of this section.
- e. All other changes in the final development plan must be made by the ~~planning board~~Planning Board under the procedures authorized by this chapter. No changes may be made in the final development plan unless found to be required for:
  - 1. Continued successful functioning of the planned unit development;
  - 2. By changes in conditions that have occurred since the final plan was approved; or
  - 3. By changes in the development of the community.

No changes in the final development plan which are approved under this division are to be considered as a waiver of the provisions limiting the land use, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these provisions against any changes permitted in this division are expressly reserved.

(Ord. of 3-16-2009, § 3.51(E)(2); Ord. of 9-21-2009, § 3.51E)

**Secs. 60-421—60-438. - Reserved.**

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DIVISION 10. - PLANNED UNIT DEVELOPMENTS

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE I. – IN GENERAL

**Sec. 60-2. - Definitions.**

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

*Dwelling* ~~or *dwelling unit*~~ means a building or portion thereof arranged or designed to provide living facilities for one or more families.

*Dwelling, multifamily*, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

*Dwelling, one-family detached*, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

*Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.*

*Dwelling, seasonal*, means a dwelling occupied for not more than six months of any year.

*Dwelling, two-family*, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

*Dwelling unit* means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

*Major Recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least 2 lifts and public and private golf courses with a minimum of 18 holes.*

*Open space, common* means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

*Recreational uses of land* means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, motorhome or recreational vehicle parks or commercial campgrounds and facilities for mass gatherings when used for two or more events during a calendar year.

(Ord. of 9-21-2009, § 2.2)

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



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

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 70-08072017

ORDERED, that the City Council hereby direct staff to schedule the First Reading and Public Hearing for the attached Draft Recreational Planned Unit Development Ordinance for an upcoming Council meeting. In addition, the Council directs staff to provide draft changes to the ordinance as options for the Council to address the ideas raised by recreational facility owners regarding residential density and on-site wastewater disposal.



## City of Auburn City Council Information Sheet

**Council Workshop or Meeting Date:** August 7, 2017

**Subject:** Executive Session

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

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

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

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

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

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

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

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

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

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

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

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



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## City of Auburn City Council Information Sheet

**Council Workshop or Meeting Date:** August 7, 2017

**Subject:** Executive Session

**Information:** Discussion regarding the acquisition of real and personal property, the premature disclosure of which would prejudice the City's bargaining position, pursuant to 1 M.R.S.A. Section 405(6) (C).

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

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

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

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

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

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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.