



City Council Workshop & Meeting
July 16, 2018
Agenda

5:30 P.M. Workshop

- A. Executive Session - to consult with legal counsel regarding the opioids lawsuit by the City, pursuant to 1 M.R.S.A. §405(6)(E).
- B. Ag Study update – Mary Sylvester, David Haines, Eric Cousens (40 minutes)
- C. Maine Revives Civility – Mark Hews (10 minutes)
- D. Boards and Committees – Peter Crichton and Sue Clements-Dallaire (15 minutes)

If needed, workshop discussions will resume after the Council Meeting is adjourned.

7:00 P.M. City Council Meeting

Roll call votes will begin with Councilor Hayes

Pledge of Allegiance

I. Consent Items

1. Order 59-07162018

Nominating Peter Crichton, Auburn City Manager as a write-in candidate on the official ballot for Maine Municipal Association's Legislative Policy Committee for District 20 for the 2018-2020 term.

II. Minutes - July 2, 2018 Regular Council Meeting

III. Communications, Presentations and Recognitions

- NAFSC welcomes Auburn Maine - the 261st community

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

2. Ordinance 05-07162018

Amending the Parks and Recreation Advisory Board Ordinance – Public hearing and first reading.

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** – to consult with legal counsel regarding Council's legal rights and responsibilities regarding dangerous buildings and unlicensed junkyards, pursuant to 1 M.R.S.A. §405(6)(E).

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 16, 2018

Subject: Executive Session

Information: Legal consultation, pursuant to 1 M.R.S.A. Section 405(6) (E) to discuss the opioids lawsuit by the City.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 16, 2018

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

Subject: Final Report and Recommendations from the Ad-hoc Committee on Auburn's Agriculture and Natural Resource Economy

Information: The Ad-Hoc Committee was appointed in October 2017 to support the Consultant's work and consider recommendations to be made to Council. The ten residents who served on the committee, all volunteers, worked diligently, discussing complex issues and long-standing policy questions regarding the Agriculture and Resource Protection (AGRP) Zone and challenges and opportunities related to the industries. We are now ready to deliver their report to the Council.

Additional information is available at: <http://www.auburnmaine.gov/pages/government/agriculture-and-natural-resource-economy>

City Budgetary Impacts: None at this time but future policy decisions will potentially yield revenues and costs.

Staff Recommended Action: Accept Report from Committee and discussion.

Previous Meetings and History: Multiple meetings including budget meetings from 2014-2017 to consider funding the project; 10/17/16 to consider reallocation of funds for the study and 11/7/16 vote to authorize staff to draft an RFP and solicit proposals for the study.

City Manager Comments:

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

I concur with the recommendation. Signature:

Attachments: Ad-hoc Committee Report.

TRANSMITTAL LETTER—revised

To: Honorable Mayor and City Council members
From: Ad Hoc Committee
RE: Final Report and Recommendations

We wish to present the Final Report and Recommendations of the Ad Hoc Committee and Crossroads Resource Center, (the Consultant). The Ad-Hoc Committee was appointed in October 2017 to support the Consultant's work and consider recommendations to be made to Council. The ten residents who served on the committee, all volunteers, worked diligently, discussing complex issues and long-standing policy questions regarding the Agriculture and Resource Protection (AGRP) Zone. The shared understanding is that the AGRP area, comprising 45% of the city's total acreage, is an important resource that requires prudent and responsible future decisions based on sound long-term planning.

The Committee's process gathered a significant amount of data and information that will be useful for years to come. However, as an Ad Hoc committee, its charge was short-term and limited in scope and capacity. Therefore, Committee outlines in the Report several areas for further work and analysis. It also makes the following two primary recommendations, as further explained in this report:

- **Creation of a permanent committee in the City of Auburn to advise City Council on policy development and implementation of agricultural, forestry, and resource protection initiatives, similar to Agricultural Commissions formed in other communities in Maine and nationwide.**
- **Elimination of the “50% income” rule within the AGRP Zone but replacing that policy only with a fully analyzed, researched, and targeted alternative that will serve long-term goals and priorities for the AGRP Zone and economic sector.**

The members of the Ad-Hoc Committee wish to thank you for this opportunity to serve our city and will, of course, be available to answer any questions.

David Bell	Bell Farms, Riverside Drive
Karen Bolduc	310 Soper's Mill Road
Kim Finnerty	Whiting Farm/JFM, Summer Street
Joe Gray	9 Third Street
David Haines	384 Butler Hill Road
Rita Mae Morin	150 Sopers Mill Road
Mia Poliquin Pross	14 Hersey Hill Road
Dan Herrick	470 Hatch Road
Mary Sylvester	208 Maple Hill Road
William Sylvester	1128 Riverside Drive

Final Report

Study to Support and Enhance Auburn's Agricultural and Resource Sector

Auburn, Maine

July 16, 2018

**Presented by;
Ad Hoc Committee
City of Auburn, Maine**

Table of Contents

Executive Summary-----	page 3-5
Background-----	page 6-11
Committee Recommendations-----	page 11-13
Additional Questions and Issues-----	page 13
Highlights of the Consultants' Data Book-----	page 14-24
Summary of the Consultants' Recommendations-----	page 24-26
Other Committee Comments-----	page 26
Conclusions-----	page 26-27
References-----	page 28

Appendix One

Summary of Ad-Hoc Committee Meetings-----	page 28-31
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Appendix Two

Handout from Peter Moore and Terry Dailey-----	page 31
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EXECUTIVE SUMMARY

Auburn's Agriculture and Resource Protection Zone (AGRP) was adopted in 1964, with amendments in subsequent years to adopt to Comprehensive Plan changes. Additionally, some significant exemptions have been approved by City Council. Currently, 45% of the city's acreage is in the AGRP Zone: 18,931 of the City's 42,074 total acres. 13,939 acres of the AGRP are now forested.

Issues related to the AGRP Zone are complex and in October 2017, the City of Auburn retained Crossroads Resource Center, a nationally recognized consultant service, to study the District and its local context, interview community stakeholders, and make recommendations. An Ad Hoc Committee was appointed to serve in an advisory role to the Consultants during the contract term and consider recommendations to City Council, the Planning Board and city staff by way of votes of the Committee and offered to Council through a Final Report. Members of the Ad Hoc Committee are volunteers who agreed to serve upon request of the Mayor in the Fall of 2017.

City Council and the community had already identified two provisions of the AGRP as especially problematic:

- Requirement that to build a new house, 50% of one's gross household income must be earned in agriculture or natural resource extraction.
- Requirement that to build a new house, at least 10 acres must be available for a "houselot."

The Consultant's process included regular meetings with the Ad Hoc Committee, assembling substantial relevant data, summarizing approaches and best practices from around the State and Nation, conducting over 58 local stakeholder interviews and reviewing a survey of 55 residents and stakeholders completed last year.

The Consultants provided two reports:

- ***Auburn, Maine Local Economy: Agriculture, Forestry, and Housing. Data Book.***
- ***Auburn's Agriculture and Resource Protection Zoning: Consultant Recommendations***

The Committee advised the Consultants throughout the process and met nine times in public sessions. Committee members reviewed current zoning and comprehensive plan provisions related to agriculture, forestry, natural resources and rural lands, and discussed relevant questions. The Committee also requested the city staff compile data and maps related to land cover, lot size distribution, soils, current use, participation in current use tax programs, housing age and locations. The committee used all this data and their existing knowledge to discuss challenging public policy issues. This research information is now available on the City's website for future use.

Consultant's Recommendations

Please see pages 24-26 for a summary. The Consultant's full report, *Auburn's Agriculture and Resource Protection Zoning: Consultant Recommendations* is available from the City of Auburn and on the City's website.

Committee Recommendations

As discussions progressed, it became clear that careful thought and analysis is needed before any significant regulatory changes could be recommended to avoid unintended consequences. The Committee researched similar work underway in nearby communities in Maine and New Hampshire where agriculture committees or commissions have been created to support elected officials in shared goals to strengthen local agricultural economies and promote locally grown foods.

The Ad Hoc Committee unanimously voted to recommend to City Council:

The City of Auburn should form a permanent residents' body to address the ongoing needs of protecting farms, forestry businesses, farmland, woodlots, and building a stronger food, agricultural, and resource economy in Auburn. This would

be structured as an official City Agriculture, Forestry and Resource Commission (AFRC), or Committee, or Board. The forestry component might fit within the purview of an expanded Community Forest Board.

The Agriculture, Forestry and Natural Resource Commission or Committee, with defining words in any order, should be formed immediately to address critical questions and issues before any policy changes are officially made.

This strong recommendation is supported by the Consultant's recommendations and by work that is underway statewide to strengthen these critical economic sectors in New England.

Requirements for the members:

1. There should be 9 voting members and the terms should be 3-year terms that are staggered and renewable
2. The Committee should be benchmarked to and have decision making authority like the Winslow Agriculture Commission and the Auburn Planning Board to the extent necessary to achieve agricultural goals and priorities.
3. 6 out of 9 members must own land in the AGRP zone.
4. All members must meet one of the followings:
 - a: Actively involved in forestry, agriculture or natural resource-based industries; or
 - b: Have expertise in Agriculture, Forestry, Natural Resources, public policy, legal or related economics.

Values Statement

The Committee recommended that The City of Auburn adopt the following statement of values:

The City of Auburn values its agricultural heritage and the protection of the natural beauty of its land. Auburn promotes locally grown food, raising livestock, managing forests, and natural resource-based businesses.

Priorities and Strategic Goals

The Committee identified the following community priorities and strategic goals:

- Protect open space and rural landscape.
- Strengthen the agriculture and natural resource sector of the Auburn economy.
- The 50% income rule should be changed, however the alternative guidelines that could replace it are not simple.
- Infrastructure investment and incentives are needed to support the agricultural sector especially in an unpredictable environment; Need to determine the best incentives available.
- Protect farmland for agricultural uses and foster productive use of AGRP lands. Hold price of working agriculture lands low.
- Educate the community about contribution of agriculture.
- Protect natural environment with special emphasis on Lake Auburn.

These priorities must be used as filters when decisions are made. For example, if a change doesn't strengthen the agricultural sector of economy, it may not be a change worth making

Proposed Additional Activities to Considered for the AGRP District

- Agritourism/Special Events
- Processing or Slaughter facilities should be permitted uses, not special exception
- Value added processing
- Solar/Wind Farms possibly but mixed feelings and concerns with displacing agricultural uses.

- Current greenhouse codes are restrictive due to roof loading requirement. Advocate for amendments to the state building code to allow for exemptions for greenhouses.
- Incubator farming program
- Farm Plot Leases with a simple process that avoids subdivision issues
- A Voluntary Municipal Farm Support Program to allow for tax incentives and increased investments

Other Questions and Issues for Future Discussion

The Committee identified numerous complex issues that must be addressed. These include:

- Alternatives to 50%-- what is feasible to support agriculture?
- What is the differential between the tax rate in the AGRP zone and RR zoning?
- Is it possible to create exemption from new valuations that would increase taxes when new investments are made on farm buildings?
- If we are going to provide incentives for agriculture, can we also provide incentives for forestry? Additional infrastructure would be helpful. These would offer a positive ROI also.

BACKGROUND

Issues related to Auburn's AGRP Zone are complex. Currently there are 18,931 acres, constituting 45% of the City's 42,074 total. To address those issues, in the Fall of 2017, the City of Auburn retained Crossroads Resource Center, a nationally recognized consultant service, to make recommendations on issues associated with the City's Agriculture and Natural Resources Zone. An Ad Hoc Committee was appointed with a charge to serve in an advisory role to the Consultants during the length of the contract term and consider recommendations to City Council, the Planning Board and city staff.

Purposes of Committee

- 1.Understand the agricultural and natural resource economic context in which Auburn farmers and consumers lead their daily lives.
2. Consider and possibly make recommendations for refining the Agriculture and Resource Protection District adopted by the City of Auburn in 1964 and amended in later years.

In particular, the following provisions have been identified as especially problematic:

- Requirement that to build a new house, 50% of one's household income must be earned in agriculture or natural resource extraction.
- Requirement that to build a new house, at least 10 acres must be available for a "houselot."

Ad-Hoc Committee Members

David Bell	Bell Farms, Riverside Drive
Karen Bolduc	310 Soper's Mill Road
Kim Finnerty	Whiting Farm/JFM, Summer Street
Joe Gray	9 Third Street

David Haines	384 Butler Hill Road
Rita Mae Morin	150 Sopers Mill Road
Mia Poliquin Pross	14 Hersey Hill Road
Dan Herrick	470 Hatch Road
Mary Sylvester	208 Maple Hill Road
William Sylvester	1128 Riverside Drive

Staff Coordination:

Eric Cousens, Deputy Director of Economic and Community Development, City of Auburn

Crossroads Resource Center Consultants

Ken Meter, President, Crossroads Resource Center, Inc. (Minneapolis, Minnesota)

Megan Phillips Goldenberg, Principal, New Growth Associates, LLC (Saline, Michigan)

Crossroads Resource Center Process and Deliverables

Crossroads Resource Center (The Consultant) met regularly with the Ad Hoc Committee. They also assembled substantial data and best practices from Maine and other communities throughout the U.S. They conducted over 58 local stakeholder interviews and reviewed an earlier survey of 55 residents and local stakeholders.

The Consultant developed two comprehensive reports that were presented to the community during two public meetings.

- ***Auburn, Maine Local Economy: Agriculture, Forestry, and Housing. Data Book***
- ***Auburn's Agriculture and Resource Protection Zoning: Consultant Recommendations***

The Ad Hoc Committee advised the Consultant throughout the process, reviewed current zoning and comprehensive plan provisions related to agriculture, forestry, natural resources and rural lands, and discussed relevant questions.

Community Stakeholders and Professional Experts

The following 58 people made significant time and informational contributions to this study by participating in interviews with consultants and offering insights useful to their research.

First name	Last name	Organization/Association	Position	Location
Ashley	Bahlkow	Somali Bantu Community Assoc.	Advocate	Auburn, ME
Hassan	Barjin	Somali Bantu Community Assoc.	Farmer @ Whiting Farm	Auburn, ME
Nastasha	Bator	Land Owner in AGRP	Aspiring Farmer	Auburn, ME
David	Bell	Bell Farms	Owner/Farmer	Auburn, ME

Mike	Broadbent	Auburn Water District	Deputy Superintendent	Auburn, ME
Karen	Bolduc	Food Joy; Land Owner in AGRP; LA Good Food Council	Director; Farmer; Chair	Auburn, ME
Anna	Burgess	Whiting Farm	Intern	Auburn, ME
Eric	Cousens	City of Auburn	Deputy Director of Economic and Community Development	Auburn, ME
Peter	Crichton	City of Auburn	City Manager	Auburn, ME
Terry	Dailey	Brickwell Stable; in AGRP	Owner	Auburn, ME
Arlene	Dailey	Brickwell Stable; in AGRP	Owner	Auburn, ME
Bob	Dewitt	Land Owner in AGRP	Retired, lives in Lewiston	Lewiston, ME
Donna	Dewitt	Land Owner in AGRP	Retired, lives in Lewiston	Lewiston, ME
George	Field, Jr.	Field Dairy Farm	Farmer & Owner	Auburn, ME
George	Field, Sr.	Field Dairy Farm	Farmer & Owner	Auburn, ME
Kim	Finnerty	Whiting Farm	Farm Manager	Auburn, ME
Chris	Franklin	Maine Farmland Trust	Farmland Protection Manager	Androscoggin County
Stephanie	Gilbert	Maine Dept. of Ag, Conservation, and Forestry	Farm Viability & Farmland Protection	Augusta, ME
Candace	Gilpatric	Minot Planning Board	Board Member	Minot, ME
Dan	Goyette	City of Auburn	Public Services	Auburn, ME
Ellen	Griswold	Maine Farmland Trust	Policy and Research Program	Statewide
David	Haines	Land Owner in AGRP	Retired	Auburn, ME
Gary	Hammond	Hammond Tractor	Owner	Fairfield, ME
Jim	Hanna	Cumberland County Food Security Coalition	Coordinator	Portland, ME
Sid	Hazelton	Auburn Water District	Superintendent	Auburn, ME
Cathy	Hunnewell	Land Owner in AGRP		Durham, ME
David	Hunnewell	Land Owner in AGRP	Veteran	Durham, ME
Khadijo	Ibrahim	Somali Bantu Community Assoc.	Farmer @ Whiting Farm	Auburn, ME
Jerry	Ireland	United Veteran Farmers of ME; Ireland Hills Farm	Executive Director; Farmer	Belfast, ME
Kayla	Jones	Cumberland County Food Security Coalition	Intern	Portland, ME

Kristina	Kalolo	Somali Bantu Community Assoc.	Marketing Director	Auburn, ME
Maurice	Keene	Dairy farm	Owner	Auburn, ME
Barbara	Keene	Ricker Hill Tasting Room	Manager	Auburn, ME
Shelley	Kruszewski	Androscoggin Land Trust	Conservation Director	Auburn, ME
Tim	Kugel	City of Auburn	Deputy Chief of Police	Auburn, ME
Adam	Lee	City Council	Council Member; Lawyer	Auburn, ME
Chris	Lewis	Maple Row Farms	Farmer & Owner	Auburn, ME
Muhidin	Libah	Somali Bantu Community Assoc.	Executive Director	Lewiston, ME
Geoff	Low	City of Auburn	Fire Chief	Auburn, ME
Sarah	Marshall	Cultivating Communities	Farm Manager	Lisbon, ME
Mohamed A.	Mohamed	Somali Bantu Community Assoc.	Farmer @ Whiting Farm	Auburn, ME
Halima	Mohamed	Somali Bantu Community Assoc.	Farmer @ Whiting Farm	Auburn, ME
RitaMae	Morin	Family Land in AGRP; United Veteran Farmers of ME	Farmer; Member	Auburn, ME
Rosemary	Mosher	City of Auburn	GIS Manager	Auburn, ME
Zach	Mosher	City of Auburn	City Planner	Auburn, ME
Hussein	Muktar	Cultivating Communities	Outreach Director	Lewiston, ME
Ray	Nichols	OakWood Equestrian Center	Owner	Auburn, ME
Mia	Poliquin Pross	St Mary's Nutrition Center; Planning Board; LA Good Food Council	Operations Manager; Member	Auburn, ME
James	Pross	Androscoggin Land Trust, City of Auburn	Board Member; Council Member	Auburn, ME
Mac	Richardson	LA Water Pollution Control Authority	Superintendent	L-A, ME
Andrew	Shultz	Maine Forest Service	Landowner Outreach Forester	Statewide
Mary	Sylvester	Sylvester Strategies; Land Owner in AGRP; Auburn Water District Trustee	Owner; Trustee	Auburn, ME
Bill	Sylvester	Land Owner in AGRP	Forester	Auburn, ME
Dawn	Thilmany McFadden	Colorado State University & USDA ERS	Research	Nationwide

Daoud	Ummah		Veteran Farmer	Portland, ME
Kirsten	Walter	St. Mary's Nutrition Center	Director	Lewiston, ME
Suban	Weladi	Somali Bantu Community Assoc.	Farmer @ Whiting Farm	Auburn, ME
Nina	Young	Maine Farmland Trust	Designated Broker, Maine Farms Realty	Statewide

In addition, 55 Auburn residents were surveyed by City staff in 2016.

The Ad Hoc Committee's Work

The Committee met nine times between November 16, 2017 and May 3, 2018. All meetings were held in Auburn Hall. Members of the community were encouraged to attend and engage in discussions as non-voting participants.

The Consultants presented their reports at two widely-promoted and well-attended public sessions in February 2018.

In addition to the information provided by the Consultant and at the request of the Ad Hoc Committee, Auburn city staff compiled data and maps on land cover, lot size distribution, soils, current use, participation in current use tax programs, housing age and locations. The committee used all this data, information provided by the Consultant, and their existing knowledge while debating challenging public policy issues.

Local Data, Maps and Other Information

The data, maps and reports are available on the city website; the page is a repository of information for future discussions, decision making, and the dissemination of information to the public.

Selected Key Data and Relevant Information

AGRP land cover:	74%	Forested
	13%	Crop
	8%	Open, not in crops
	3%	Developed
	1%	Gravel Pit

Low Density Country Residential zone (LDCR) -- 3-acre min lot size – allows single family – not 2 family

Low Density Rural Residential zone (RR) -----1-acre min lot size – allow 1 & 2 family home

3% of AGRP developed

21% of LDCR developed

20 % of RR developed

61% of RR forested

55% of LDCR forested

Note: Definition of developed for mapping purposes is: Any roads, driveways, building footprints, concrete, gravel or asphalt areas that appeared to be impervious and mowed yards or sports fields that appeared to be maintained for uses other than agriculture. Determinations were based on aerial photos, including infrared cover mapping.

COMMITTEE RECOMMENDATIONS

After receiving the Consultants' reports with research findings and recommendations, the Committee met five times to discuss and consider its own recommendations. Two members of the community contributed specific proposals based on their own research. See Appendix Two. Although the Committee agreed that the 50% income rule must be changed, and discussed possible alternatives based on the Consultants' recommendations, none were formally endorsed. Below are listed the Ad Hoc Committee's specific recommendations.

City of Auburn Values Statement:

The Committee recommended that The City of Auburn adopt the following statement of values:

The City of Auburn values its agricultural heritage, protects the natural beauty of its land, and promotes locally grown food, raising livestock, managing forests, and natural resource-based businesses.

Community Priorities

- Protect open space and rural landscape
- Protect farmland for agricultural uses
- Protect natural environment with special emphasis on Lake Auburn
- Foster productive use of AGRP Lands
- Hold price of working agriculture lands low

Community Strategic Goals

The following strategic goals were identified:

- Strengthening the agriculture and natural resource sector of the Auburn economy is important and would yield multiple benefits to the overall community.
- Open space and rural character are valued in our community.
- Need to educate the community about contribution of agriculture.
- The 50% income rule should be changed, however the alternative guidelines to replace it are not simple.
- It's difficult to earn a living farming in an unpredictable environment and incentives are needed. Find the best incentives available.
- Increasing local food sales as share of grocery purchases can be a priority. Note: The Good Food Council is working on a complimentary initiative and strongly endorsed the importance of the Ad Hoc Committee's efforts to support local agriculture.

These priorities and goals must serve as filters when decisions are made. For example, if a change doesn't strengthen the agricultural or forestry sector of economy, it may not be a change worth making

Additional Activities to Permitted

- Agritourism/Special Events

- Processing or Slaughter facilities should be permitted uses, not special exception
- Value added processing
- Solar/Wind Farms possibly but mixed feelings and concerns with displacing agricultural uses-may have undesirable consequences
- Partnerships
- Encourage farm or support/processing infrastructure
- incubator farming program
- Farm Plot Leases with a simple process that avoids subdivision issues
- It is important to encourage infrastructure
- Create incentives for agricultural investment -Voluntary Municipal Farm Support Program should be pursued to allow for tax incentives

Additional Activities--Concerns

- Minimum house size – 700 SF is restrictive. State code recently updated tiny houses; that might provide a temporary solution to farm labor housing if allowed. This should be considered by the Planning Board
- Don't want houses every 250 feet
- Greenhouse codes are restrictive for roof loading requirements. Explore amending the state building code to allow for exemptions for greenhouses

PRIMARY RECOMMENDATION to COUNCIL

After nine meetings including extended debates on many topics the following **primary recommendation** was formed:

The City of Auburn should form a permanent residents' body to address the ongoing needs of protecting farms, forestry businesses, farmland, woodlots, and building a stronger food, agricultural, and resource economy in Auburn. This would be structured as an official City Agriculture, Forestry and Resource Commission (AFRC), or Committee, or Board. The forestry component might fit within the purview of an expanded Community Forest Board.

The Committee strongly agreed that the makeup and membership of the new committee must include a majority of members who are taxpayers with a vested interest in agriculture in Auburn. Other members would bring additional experience and/or expertise in agriculture, agricultural policy and law. Some members might not be taxpayers if they bring significant required experience or expertise. Its first task would be to propose updated policies for the AGRP Zone as outlined in our Committee's deliberations to date. The Ad Hoc Committee voted unanimously at its May 3rd, 2018 meeting to recommend the following committee structure/makeup:

1. The Commission should be Council appointed and established by ordinance or Charter
2. The members should serve 3- year terms that are staggered so there is some continuity and the terms should be renewable to retain experienced membership in good standing
3. There should be 9 voting members and at least 6 of which must own AGRP Land and be actively engaged in agriculture to ensure they have a vested interest in the work and outcomes
4. Membership should include people with expertise in agriculture, forestry and policy related issues with the allowance for up to 3 members that may not own land in Auburn but bring such expertise from the state or region.
5. The committee should have decision making authority like the Auburn Planning Board and Winslow Ag Commission (Voluntary Municipal Farm Support) to the extent necessary to achieve agricultural goals and priorities
6. All members must meet one of the following:
 - a. Actively involved in forestry, agriculture or natural resource-based industries
 - b. Expertise in agriculture, forestry, natural resources, public policy, law, or related economies.

It was agreed that the knowledge and experiences of several of the Ad-Hoc Committee members could be useful. Some members expressed an interest in continuing this work.

The Ad Hoc committee agreed that the first priorities should be:

1. Addressing alternatives to the 50% income standard;
2. Considering incentives for agricultural investment and for the creation of lacking infrastructure;
3. Reviewing the 10-acre minimum lot size requirement;
4. Looking at residential strip depth in rural areas;
5. Using the Ad Hoc Committee's and Consultant's recommendations as a workplan to move forward on other issues.

ADDITIONAL QUESTIONS and ISSUES

Alternatives to 50%-- what is feasible to support agriculture?

What is the differential between the tax rate in the AGRP Zone and RR zoning?

Is it possible to create exemption from new valuations that would increase taxes when new investment are made on farm buildings?

If we are going to provide incentives for agriculture, can we also provide incentives for forestry? Additional infrastructure could be helpful to both sectors and offer a positive ROI.

What is the current basis and process for City Council decisions when considering exemptions in the AGRP Zone? Are there other considerations that might be used?

Additionally, the Committee noted that the requirement that livestock must have access to a certain number of acres of land can cause difficulties.

How will data be kept up-to-date?

How can we sustain working farms in Auburn? Some farmers say they lease the land they currently farm and have no hopes of buying additional land since it priced too high. The City will need to develop ways of holding land at its agricultural values.

Highlights: Data Book

AUBURN'S LOCAL ECONOMY: AGRICULTURE, FORESTRY, and HOUSING

Highlights of the Data Book prepared by Crossroads Resource Center and New Growth Associates

Steady State Economy

Auburn is an excellent example of a "steady state" local economy. That is to say, the City features a stable set of industries that are not changing greatly, at least at this time. The same could be said about Androscoggin County as a whole.

The population of Auburn peaked in 1960 at 24,449, just before the Agricultural Zone Ordinance was passed. Population has fallen slowly ever since, and now stands at 22,943.

The stability of the City population is reflected in mobility patterns for Auburn residents. Most (82%) remain in their current home, while nearly one in five (18%) moves in a given year. The number of Auburn residents who choose to stay has increased slowly over the past decade, while the number that choose to move has fallen slightly.

Most of those who relocate to Auburn come from somewhere else in Androscoggin County, often moving within the City itself. The number of residents moving to Auburn from elsewhere in Maine, or from other states, have fallen steadily over the past decade, while a small number of residents move in from abroad.

Stable Employment, but Also Poverty

The employment base in the City of Auburn is stable, with 17,666 workers, 11,277 of which live in the City itself (EMSI, 2016). The unemployment rate is 4%, and the median household income is \$46,976. Nevertheless, nearly one of every three people lives in a household earning less than 185% of the Federal Poverty Level. Nine percent of the City's residents do not have health insurance. About half of these residents without insurance (1,373) are employed (Federal Census, 2012-2016).

In Androscoggin County, public sources account for 35% of all income earned. This includes transfer payments such as retirement benefits and SNAP benefits, as well as government jobs (including education).

Food Industries are Critical to the Local Economy

Three of the top 12 industries in the County involve food, with restaurants and supermarkets hiring 3,274 workers, or 6% of the County workforce. However, while Auburn residents spend about \$66 million each year purchasing food, nearly all of this is sourced outside the City, creating considerable financial loss.

Viable Farms Require Supportive Infrastructure

Although the AGRP was formed to protect agriculture in the City, external forces have conspired to squeeze Auburn farmers dramatically. Notably, the City adopted no policies in 1964 that work to promote agricultural markets in Auburn, nor has it invested in infrastructure that would support the farms operating inside the City. It will be difficult for farming to survive in Auburn without such supportive infrastructure and policies.

While we found no data that documented economic conditions for those farming in the City itself, considerable data is available for farmers in Androscoggin County. These 463 farmers lost a combined \$15 million in 2016 — Earning \$42 million less than in 1969, despite doubling productivity.

Currently the largest source of net farm income is renting out land to others who farm, not actually producing crops and livestock. There are notable exceptions with several farms thriving in the City, yet these typically are farms that purchased land or established strong businesses at a time when farming was more profitable, or could draw upon wealth earned independently of farming. Most farm families rely on someone working off the farm to collect health benefits, or to even out the cycles inherent in a seasonal industry shaped by global markets.

As the economics of farming have declined, Auburn has also seen an increase in poverty, as noted above. Tragically, more money comes into Androscoggin County through SNAP benefits (formerly known as food stamps) than from farming itself. SNAP benefits rose from \$2 million in 1969 to \$29 million in 2016 after peaking at \$44 million in 2011.

Vegetable Farming and Direct Sales are the Rising Sectors

Nonetheless, there are signs of new vitality in the farm economy. The main farm sector that is growing right now is vegetable production. This appears to be connected to heightened interest among wholesale buyers to feature "locally grown" (New England) produce across the region.

A number of farms are also selling direct to household consumers. In Androscoggin County, the number of farms selling direct rose nearly tripled from 65 in 2002 to 171 in 2012. This suggests there is strong interest from Androscoggin County consumers in purchasing food direct from nearby farms. Moreover, the City's adoption of a Food Sovereignty Ordinance in 2017 established a commitment from the City to promote community food trade.

Prime Farmlands are Scattered Throughout the City

Currently, there are 18,931 acres in AGRP Zoning, a considerable portion (45%) of the City's 42,074 acres. City maps available at the Ad Hoc Committee's web site show that prime farmlands are scattered throughout the City, and throughout the AGRP District. However, several interviewees pointed out that some of the best farmland in the City has already been taken out of agriculture for commercial and industrial development.

Most of the land in the AGRP is now forested

As earlier studies pointed out, the decline of the farm economy encouraged several land owners to let their fields go to forest. This has been the main reason for the loss of farmland since 1964. Currently 74% of the land in the AGRP is forested, with only 13% cropped, as Table 23 shows. This table also shows that the AGRP has successfully restricted development within the District, although considerable land has been removed from the District to allow development so it no longer shows up in these tallies. Data resources are available at:

<http://www.auburnmaine.gov/pages/government/agriculture-and-natural-resource-economy> . Interactive Mapping of land cover, housing development, building ages and other map based data was developed as part of the committees work is available at:

<http://auburnme.maps.arcgis.com/home/webmap/viewer.html?webmap=b9a31e60df3f45b186f2c101013b4b40> . An example of that is below and the interactive map is of a higher quality resolution.

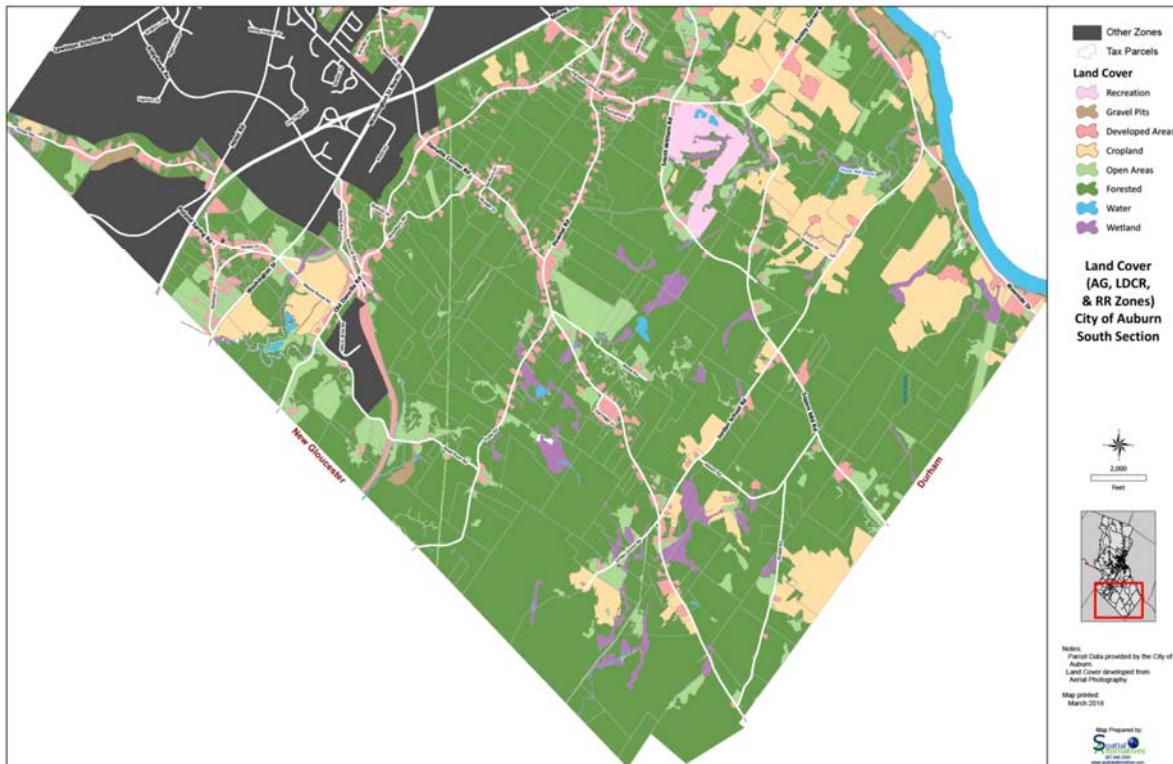


Table 1: Land Cover in Auburn's Outlying Zones¹

Zone	Land Use	Acres	% of Zone
Ag & Resource Protection	Crop	2,429	13%
	Open	1,494	8%
	Developed	657	3%
	Forested	13,939	74%
	Gravel Pit	194	1%
	Recreation	217	1%
	Total	18,931	100%
Low-Density Country Residential	Crop	206	11%
	Open	166	9%
	Developed	389	21%
	Forested	998	55%
	Gravel Pit	52	3%
	Recreation	10	1%
	Total	1,822	100%
Rural Residential	Crop	298	5%
	Open	600	10%
	Developed	1,145	20%
	Forested	3,550	61%
	Gravel Pit	1	0%
	Recreation	233	4%
	Total	5,826	100%

Total: 26,579 acres

Source: City of Auburn, 2018, based on analysis of 2006 aerial photos.

City data (Table 24) also show that average lot sizes within the AGRP Zone are quite varied. While lots of 20-50 acres make up the most prevalent parcels, there are nearly as many that are from 1-5 acres.

Table 2: Lot Sizes within Ag & Resource Protection Zone²

Lot Size (acres)	# of Lots
<1	106
1 - 5	150
5 - 10	113
10 - 20	128
20 - 50	167
50 - 100	85
> 100	34

¹ Note that Table numbers cited here are those used in the original data book.

Source: City of Auburn, 2018, based on 2017 data.

Forestry in Auburn

Employment in the forestry and fishing sector has remained steady at about 300 for 16 years.

The City of Auburn has 2,681 acres of forestland that have been enrolled in state programs, as detailed in Table 17, below. This includes 41 acres of softwood, 1,368.36 acres of mixed forest, and 173.9 acres of hardwoods on 33 properties that have been registered with the State Farmland Protection program. This land has a total value of \$652,419. Another 1,097.98 acres of Auburn land, including 310.7 acres of softwood, 441.92 acres of mixed forest, and 345.36 acres of hardwoods have been placed into the Tree Growth Program. These combined lands have a combined valuation of \$445,468. It is important to note that these acre classifications are not dictated by zoning but instead by current use, so these data do not reveal which lands are actually in the AGRP Zone.

Table 3: Auburn Properties Enrolled in State Tax Programs, 2017^{3**}

	Farmland Program	Tree Growth Program
Orchard (acres)	182.82	-
Cropland (acres)	35.00	-
Pastureland (acres)	1,547.26	-
Hort1 (acres)	10.25	-
Hort11 (acres)	21.20	-
Blueberry (acres)	1.00	-
Softwoods (acres)	41.00	310.70
Mixed Woods (acres)	1,368.36	441.92
Hardwoods (acres)	173.90	345.36
Open Space (acres)	123.60	-
Valuation of Open Space (\$)	\$155,700.00	-
Valuation of Farmland (\$)	\$615,801.00	-
Valuation of Woodland (\$)	\$652,419.24	\$445,468.20
Valuation of Classified Land (\$)	\$1,222,563.24	\$445,468.20

³ Note that Table numbers cited here are those used in the original data book.

Source: City of Auburn Assessor's Office, 2017. Note that this table covers only land in the City that is registered with the state program, and does not refer to land within the AGRP Zone itself.

The value of land enrolled in Tree Growth is fixed by the Maine Revenue Services, whereas farmland valuations are determined by a local assessor based on state recommendations.

Timber harvest information has limited availability and is likely under estimated due to privacy concerns for landowner information but the sector is significant and could be encouraged to expand or add value. It should be noted that if there were fewer than 3 harvests the data was not included to protect landowner privacy. At the current time there are approximately 30 active forest notifications in Auburn. A harvest summary is on the following page.

Summary of Timber Harvest Information for the town of: Auburn

YEAR	Selection harvest, acres	Shelterwood harvest, acres	Clearcut harvest, acres	Total Harvest, acres	Change of land use, acres	Number of active Notifications
1991	95	10	0	105	0	4
1992	351	0	0	351	0	12
1993	255	40	0	295	0	7
1994	309	65	2	376	2	12
1995	243	14	0	257	8	8
1996	235	25	57	317	67	18
1997	155	40	51	246	19	11
1998	256	90	23	369	26	20
1999	668	140	38	846	61	38
2000	204	43	0	247	15	32
2001	591	22	0	613	0	30
2002	505	0	0	505	59	26
2003	349	0	0	349	10	31
2004	777	0	0	777	30	26
2005	342	3	5	350	32	31
2006	539	90	0	629	9	31
2007	524	191	0	715	6	23
2008	587	19	0	606	0	19
2009	705	0	5	710	0	27

2010	627	30	0	657	53	31
2011	511	0	0	511	40.515	35
2012	406.5	58	0	464.5	30	23
2013	396	33	0	429	24	21
2014	105	15	0	120	18	22
2015	381	114	0	495	94	25
2016	487	55	0	542	65	23
Total	10603.5	1097	181	11881.5	668.515	586
Average	408	42	7	457	26	23

Data compiled from Confidential Year End Landowner Reports to Maine Forest Service.

Department of Agriculture, Conservation and Forestry - Maine Forest Service

** To protect confidential landowner information, data is reported only where three or more landowner reports report the same value.*

Mineral Extraction, Mining, and Gravel Pits

Mineral extraction, or mining, is largely accounted for in “gravel pit” acres. These include clay, sand, and gravel production, largely for Morin Brick and Auburn Concrete. 10 parcels classified as “Gravel Pit” have an accessed value of \$2,047,876, and generated \$47,080.67 in taxes in 2017, based on information provided by the City of Auburn in early 2018.

Recreation Uses

According to the Outdoor Industry Association, outdoor recreation generates 76,000 direct jobs, \$8.2 billion in consumer spending, \$2.2 billion in wages and salaries, and \$548 million in state and local tax revenue Maine (Outdoor Industry Association, 2018). Outdoor recreation/ tourism includes, camping, fishing, hunting, trail sports, off-roading, biking, water sports, and snow sports; there are many subcategories in all of the previously listed activities and available research deals more specific activities (Outdoor Industry Association, 2017; Rosenberger, R. et al., 2017).

In addition to direct economic impact, based on consumer spending, as well as the environmental and social benefits listed above there is also a tracked perceived value of the outdoor recreation experience of an individual or group. The economic values that people hold for specific recreation activities are recorded in the Recreation Use Value Database, updated through 2016 and is maintained by Oregon State University.⁴ These values can range from \$17 per person per day (backpacking) to over \$100 per person per day (non-motorized boating) depending on the activity (Rosenberger, R. et al., 2017), and are further described in Table 25.

The City of Auburn has already considered the importance of open space for recreation use in an earlier study regarding the Maine Army National Guard Training Facility & Mount Apatite Park from 2010 to 2013. The study was specifically conducted to identify and resolve incompatible land use of the National Guard Training Facility and the Mount Apatite Park, which is a significant outdoor recreation area for Auburn. In this study, recreational statistics were used for mountain biking at the national level, and a regional mountain bike trail system located in East Burke, Vermont, called the Kingdom Trail. This trail contributes an estimated \$5 million a year to the local economy between trail passes, lodging, food, and gear. Maine data for snowmobiling was also consulted. Snowmobiling is an estimated \$325 million dollar industry for the state of Maine. In 2013, season trail registrations topped 44,897 residents and 11,108 non-residents; 3-day non-resident passes exceeded 1,000 (Integrated Planning Solutions, 2013).

⁴ More information on the Recreation Use Value Database can be found here: <http://recvaluation.forestry.oregonstate.edu/database>

Table 4: Economic Value of Some Recreational Activities, Per Person Per Day⁵

Activity	Mean value estimate
Backpacking	\$17.04
Biking	\$98.94
Cross-country skiing	\$36.84
Developed camping	\$22.99
Downhill skiing	\$77.63
Fishing	\$72.63
Hiking	\$78.19
Hunting	\$76.72
Motorized boating	\$42.48
Nature related	\$63.46
Non-motorized boating	\$114.12
Off-highway vehicle use, snowmobiling	\$60.61
Other recreation	\$62.06
Picnicking	\$31.98

Source: Summary statistics for average recreation economic value estimates of consumer surplus per primary activity day per person from recreation demand studies, values in 2016 dollars, (Rosenberger, R. et al., 2017). Note that these data are not specific to the City of Auburn.

Tourism

It is well known that tourism and particularly outdoor recreational tourism is an important economic driver, nationally, at the state level, and locally (Rosenberger, et. al. 2017; Outdoor Industry Association, 2017). Many states funnel millions of dollars towards tourism campaigns and see substantial returns, while local chambers of commerce and tourism bureaus also support tourism for many rural and recreational rich communities. Tourism contributes approximately 21% of the gross state product, which is over \$10 billion, and generates over \$250 million in sales taxes, but these benefits are largely generated by “the 3 L’s- Lobsters, Lighthouses, and L.L. Bean.” That is to say, the ocean communities are generating these economic impacts, and the potential for interior tourism has been largely untapped (Strauss, 2010). Indeed, one evaluation of sports tourism for the Auburn Lewiston area identified a lack of tourism infrastructure and promotion services as a significant weakness of the area (HuddleUp Group, 2018).

Tax Base Considerations

Farming and forestry tend to require few municipal services, generating far more in property tax receipts than is required to service residential housing development. Table 22 shows the results of studies completed by the American Farmland Trust:

⁵ Note that Table numbers cited here are those used in the original data book.

Table 5: Median Cost of Community Services Provided Per Dollar of Tax Revenue Raised, US, 2016⁶

	Cost/Revenue
Business/Commercial/Industrial Use	\$0.30
Agriculture/Forestry/Working Lands	\$0.37
Residential	\$1.16

Source: Farmland Information Center, 2016

Crossroads Resource Center's reports state that residential developments, even in dense subdivisions, require more public service than they generate in tax revenue. As the table above demonstrates, the residential cost of community services provided per dollar of tax revenue raised is three times higher than other land uses.

Historical Perspective

Even as the Auburn population was peaking, one important planner predicted tremendous growth for the city. The 1958 Blackwell Report predicted that the city population would rise to "45,000-50,000 or more by the year 2000." To accommodate this rise in population, the report recommended allowing housing development along major roadways in rural areas, as well as in the urban center.

To protect the rural quality of life in Auburn, Blackwell recommended setting aside farm and forest areas.

"Generally, farming as a way of life has been declining," the report stated on page 16. It did not address how the City could protect farmlands in the face of this presumed decline. No specific provisions were offered for agriculture, nor did the report address whether local farms ought to increase production to meet the consumer demand from the population he felt was going to double.

The Blackwell report did specifically mention the City-owned farm, which had once served as a poor farm. The study recommended that this farm might no longer be necessary due to "the decline in farm living and because of far-reaching changes in community approaches to rehabilitating or caring for disabled, enfeebled, or abandoned older citizens." Blackwell recommended that the City retain ownership of the land so it could serve as part of a circle of public open space surrounding Lake Auburn.

The report noted that the "Turner Centre Creamery...north of Auburn, was once one of the largest in New England," and that the cannery at Skilling's Corner had closed [page 17-18].

Blackwell correctly predicted that "The Auburn future population will be mainly urban, suburban, and rural non-farm... The number of people will depend mainly on future urban employment, which we believe will be more in non-manufacturing categories than in manufacturing" [page 95].

Further, the Blackwell report stated that "More future population growth can be expected within Auburn municipal boundaries than in Lewiston, we suggest, because there was in 1957 so much more attractively developable acreage in Auburn, both for industry and for residence" [Page 96].

Section IX of the Blackwell report offers "An Urban Renewal Program for Auburn." Nothing regarding agricultural or forestry economic development is mentioned [page 110].

⁶ Note that Table numbers cited here are those used in the original data book.

Moreover, the Blackwell report set out the vision for what became rural residential districts. "The principal eight suburban and rural residential districts suggested in the Land Use and Circulation Plan (not counting strips zoned for rural residence in outlying Auburn) appear to aggregate some 3500 buildable acres and would accommodate, we estimate, some 2,250 new one-family dwellings, over and above those already existing.

The report further noted that "Auburn and Lewiston have very little employment directly related to forestry exploitation, notwithstanding the extended wooded lands in and surrounding Auburn" [page 18]. Blackwell found that 95 jobs in Lewiston-Auburn involved forestry and agriculture, compared to 13,265 jobs in manufacturing at the time. The report concluded, "Farming and forestry activities in and around Auburn may expand also because of the national need for more food and more fibre products as the regional and national populations increase, but farm and forestry employment will not expand as much as productivity by new methods and equipment" [page 19].

Summary of Consultants' Recommendations:

Drawn from the Executive Summary of Consultants' Recommendations Report

1. Establish a Clear Purpose For Ad Hoc Committee Recommendations

The Ad Hoc Committee will need to formally establish a clear set of priorities before it can select effective strategies to attain their goals.

2. Define the Outcomes Auburn Should Achieve Through Any Revisions to AGRP

The Ad Hoc Committee should establish a clear set of outcomes it hopes to achieve through any refinement of the AGRP zoning.

3. Define Clear Standards for What Constitutes a "Farm" for the Purposes of AGRP Policies

Public incentives (including receiving the benefits of AGRP zoning) must attain public outcomes that benefit the broader community, not simply strengthen one individual's or family's standing. At a minimum, the following should be considered:

3(a). Income Requirement

The current requirement that to build a new home in the AGRP, a household must earn at least 50% of its gross income by farming, is perhaps the single most important policy that has protected farmland in Auburn. At the same time, however, it has also become the most significant point of contention as agricultural conditions have changed. The City Council recommended in the 2010 Comprehensive Plan that this standard be revised, and the Committee has voted to abandon it. We recommend that this income guideline be replaced with documentation of a set of specific behaviors that advance public purposes. Meeting these standards would qualify an operation as being a farm and/or having meaningful engagement with the land.

3(b). Minimum Lot Sizes and Consolidated Housing

We believe the 10-acre limit is worth keeping, but should be made more flexible in three respects: (1) When an immediate family member of an ongoing farm operation desires to build a home so it can participate in the farm; or (2) When a Planned Unit Development can document with a formal business plan that increased density will advance the public interest without costing the City additional money to

provide services that cannot be recovered with property tax revenue; or (3) When increased housing density doesn't change the rural character of the area and 75% of a large (define) parcel is permanently protected from development and made available for future agriculture and natural resource uses.

Further, the City's presumption should be that anyone who applies to the City to take prime farmland out of agricultural use should ensure that at least the same acreage (and perhaps much more) of prime farmland in another location will be *permanently* protected for agriculture through conservation easement, land trust, or similar *permanent* protection vehicle.

4. Partner with the Maine Department of Agriculture, Food, and Rural Resources to establish a Voluntary Municipal Farm Support Program (VMFSP) that allows the City to offer special incentives for agriculture. This will require establishing a formal commission or other such body to oversee agricultural initiatives.

5. Establish an Ongoing Public Forum for Responding to Changing Conditions

The City of Auburn should formally appoint a commission that oversees AGRP policies and creates new policies in response to changing circumstances. This might be called the Agriculture and Resource Commission, or the Food Systems, Agriculture, and Resource Commission; or similar responsibilities could be given to the existing Conservation Commission.

6. Create Specific Incentives for "Meaningful and Demonstrated Engagement with the Land"

We propose that Auburn create a set of incentives that foster desired public benefits, and limit the number of regulations that set inflexible standards, where state laws allow. When state laws obscure the community's vision for agriculture, as articulated in previous steps, City staff, a newly established agricultural commission, and concerned citizens will advocate at the state level for additional flexibility and local control.

7. Enact Complimentary Policies

Revising codes and zones to allow for the changing nature of agriculture and resource utilization is not enough. These industries must also be fully incorporated into the City's community and economic development strategies and respected as an integral part of city identity.

Since this report was written, consultants have also concluded that the City may wish to separate its definition of what constitutes a "farm" from decisions about the circumstances under which new homes can be built within AGRP lands. It may wish to develop a set of specific standards that determine when, if ever, a new home may be built, including a possible requirement that for any prime agricultural lands taken out of production, similar farmland must be protected elsewhere in the City.

COMMITTEE COMMENTS

1. On page 9, an Ad Hoc Committee member has noted that Auburn has provided AGRP landowners with an existing and significant tax incentive to help support farms.
2. On page 10, an Ad-Hoc Committee member questions the Consultant's statement that the largest source of farm income is derived from renting out land.

3. Regarding the table on page 13, several Ad Hoc Committee members note that the AGRP property tax rates are so favorable that landowners have little to no incentive to enroll in the state's tax programs. Therefore little of this land is enrolled in programs that offer permanent protections.
4. Page 18, several Ad Hoc Committee members take special note of the information that residential developments, even in dense subdivisions, require more public service than they generate in tax revenue.

CONCLUSIONS

the option of forming a permanent Agricultural Commission was suggested to the Consultants by Stephanie Gilbert, the Farm Viability & Farmland Protection official with the Maine Department of Agriculture, Conservation, and Forestry. In her professional work, Gilbert has worked with communities across New England.

Her professional experience showed her that communities that had an ongoing Commission (or Committee) to address agricultural concerns were better able to:

- Protect farmland
- Respond to changing conditions over time, and
- Keep agricultural issues visible in the civic discussion.

The Committee endorsed this approach, recognizing that there are no simple answers in any effort to reconfigure agricultural protection. This is true for several reasons:

- The policies to be enacted depend on the purposes the City wishes to uphold by protecting farmland. Policies may aspire to diverse, often competing, goals:
 - To retain legacy farm families on family land we should consider an allowance for family housing
 - To protect historical rural/farming settlements
 - To enable new farmers to launch new farms
 - To create supportive infrastructure that encourages more profitable farms
 - To strengthen existing forestry enterprises
 - To foster new forestry enterprises
 - To protect water quality
 - To protect open space
 - And many more...
- Policies that promote specific goals might frustrate other goals. Tradeoffs are likely, and should be considered carefully with an eye to long-term consequences and fairness.
- Many of the most outspoken advocates for a given land protection policy are often guided primarily by immediate self-interest, while the purpose of the AGRP was to define a set of public interests in protecting farm and resource lands. An ongoing citizen's group must define this public vision and hold policy to it.
- As the AGRP history shows so vividly, regulations that were thoughtfully made at one point in time are likely to require refinement as conditions change. Having a group of residents develop expertise in protecting agriculture and farmland will make it easier to respond effectively to these changes over time. To do this in the future we must also be open to taking advantage of opportunities to access outside or regional expertise in crafting agricultural policies.

As the discussion progressed it was clear that additional careful thought and analysis is needed before significant regulatory changes could be recommended in order to avoid unintended consequences. Given the frustration many residents have felt about some of the decisions about how farmland has been protected (or not protected) in Auburn in the past, the Committee believes that it is not wise to rush into hasty decisions regarding new policies. Any new policies must be thoroughly considered, fair to all concerned, and broadly supported

REFERENCES

All agendas, minutes, maps, reports, and supportive data are posted on the City of Auburn web site:
<http://www.auburnmaine.gov/pages/government/agriculture-and-natural-resource-economy>

Consultants' Reports:

Meter, K. & Goldenberg. M.P. (2017). Auburn's Local Economy: Agriculture, Forestry, and Housing Data Book. Prepared for the Ad Hoc Committee, City of Auburn, Maine, by Crossroads Resource Center and New Growth Associates.

Meter, K. & Goldenberg. M.P. (2018). Recommendations. Prepared for the Ad Hoc Committee, City of Auburn, Maine, by Crossroads Resource Center and New Growth Associates.

APPENDIX ONE

Results of Committee Meetings:

November 16, 2017

Committee Members were introduced to each other.
Initial scoping of Committee's work.
A chairperson and vice chair were elected

December 7, 2017

Purposes of Committee was discussed.
Framework for Committee meetings was approved.
Committee voted 6 - 3 to invite one delegate from the Somali Bantu community of farmers {this person declined to participate}.

January 18, 2018

Committee narrowed list of priority purposes for reconfiguring AGRP Zoning.
Committee identified priority issues to be addressed.
Committee considered provisions of the Auburn Comprehensive Plan that would need to be addressed.

- Flexibility in Home location on Ag/Residential split zoned lots – This went to Planning Board and then Council. Planning Board drafted a proposal that was recommended to the Council but the Council decided not to act on this change until we had an Ag Study.
- Agriculturally-related businesses including retail and service activities and natural resource industries should be permitted. Consider existing and propose any new related uses.
- The reuse of existing agricultural buildings should be allowed for low-intensity non-agriculture related uses. Consider possible reuse ideas.
- (See 4.B) Residential uses should continue to be limited to accessory residential development as part of a commercial agriculture or natural resource use, not just traditional farms. The criteria for determining when an accessory residential use is permitted should be based on updated standards that take into account the economic realities of today's commercial agricultural activities, including outside sources of income and part-time and small-scale commercial operations. Reviewing individual proposals to determine accessory status could be a role of the AFRC.

- Residential development may also be part of a commercial recreational use as part of a planned development in which the recreational open space is permanently preserved.

February 1, 2018 — Public Hearing

Consultants Presented Auburn Economic Data (Available on Committee web site).

Committee members asked questions about the presentation.

Those in attendance asked questions about the presentation.

February 15, 2018 — Public Hearing

Consultants Presented Recommendations (Available on Committee web site).

Committee members asked questions about the presentation.

Those in attendance asked questions about the presentation.

March 15, 2018

Committee reviewed new maps produced by Auburn GIS staff:

- Zoning Maps
- Current Use Taxation Maps
- Building Age Maps
- Agricultural Soils Maps
- Land Cover Maps

Committee discussed how to make use of economic data and Consultant's recommendations.

Committee discussed alternatives to the 50% income rule.

Recognition that much of the AG zone and residential zones that allow commercial agriculture are forested:

AGRP land cover	74%	Forested
	13%	Crop
	8%	Open not crop
	3%	Developed
	1%	Gravel Pit

Low Density Country Residential zone (LDCR) – 3-acre min lot size – allows single family – not 2 family

Low Density Rural Residential zone (RR) - 1-acre min lot size – allow 1 & 2 family home

Other data presented at the meeting:

3% of AGRP developed

21% of LDCR developed

20 % of RR developed

61% of RR forested

55% of LDCR forested

April 5, 2018

Committee polled its members to determine which uses should be allowable/not allowed in the AGRP in the future.

Activities the committee would like to see in the AGRP:

*Agritourism/Special Events

*Processing or Slaughter facilities should be permitted uses, not special exception

- *Value added processing
- *Solar/Wind Farms possibly but mixed feelings and concerns with displacing agricultural uses-may have undesirable consequences
- *Partnerships
- *Encourage farm or support/processing infrastructure
- *incubator farming program
- *Farm Plot Leases with a simple process that avoids subdivision issues
- * It is important to encourage infrastructure
- * Create incentives for agricultural investment -Voluntary Municipal Farm Support Program should be pursued to allow for tax incentives

Activities we don't want to see in the AGRP:

- *Minimum house size – 700 SF is restrictive – state code recently updated tiny houses, might provide a temporary solution to farm labor housing if allowed but this should be considered by the Planning Board
- *don't want houses every 250 feet

Concerns: Greenhouse codes restrictive for roof loading requirements –Explore amending the state building code to allow for exemptions for greenhouses

April 19, 2018

Committee further discussed alternatives to the 50% income rule and 10-acre rule.

Committee identified key points and agreements from previous meetings:

- Any changes to the AGRP zone must recognize the overall need to strengthen the agriculture and natural resource economies in Auburn.
- Market is a necessity for any ag business.
- Open space and the rural character of the community are highly valued.
- Land Values are established by real estate market sales.⁷
- Many Maine communities are creating updated agriculture-friendly zoning and Agriculture Commissions (or standing Committees)

Accomplishments by the Committee:

- Agree that strengthening agriculture, forestry, and natural resource sectors of the local economy is important.
- Open space and rural character are important to our community.
- Need to educate community about agriculture.
- Agreement that 50% rule should be changed and voted to change it; no resolution of alternatives though.
- It's difficult to earn a living farming in an unpredictable environment and incentives are needed; must find the best incentives available.
- Data baselines established by the Consultant – How can we increase local food sales as share of grocery purchases (Good Food Council working on a complimentary initiative)

Committee voted to recommend to Council that Auburn create an Agriculture Commission.

⁷ Consultants noted, however, that the price of agricultural land has been kept low through the AGRP policies, and that since the potential development value of the land in the AGRP — if it were developed — is so much higher values.

Committee/Board to address:

1. 50% income standard replacement
2. 10 Acre minimum lot size
3. residential strip depth in rural areas
4. Then use Consultant recommendations as a workplan to move forward on other issues w/ commission

May 3, 2018

Committee discussed strategy for gathering public input on its recommendation to establish a new Agriculture Commission/Committee/ Board.

APPENDIX TWO

[Handout from Terry Dailey, Presented to the Ad Hoc Committee 5.3.18](#)

Sec. 60-146.- Dimensional regulations.

All new single family dwellings in this district shall be subject to the following minimum lot area requirements:

- The lot must be an existing lot as of December 31st, 2017 consisting of no less than ten acres.
 - The Parcel ID Number, already assigned, will identify the existing lot.
 - An existing lot may consist of acreage that is in another zone.
- Only one single family dwellings is allowed per lot.
- If an existing lot already has an existing single family dwelling on it, a new single family dwelling could be built if the existing single family dwelling was torn down.
- Minimum lot width at street: 250 feet, _____
- Minimum yard setbacks to building(s):
 - Front: 25 feet
 - Side: 15 feet
 - Rear: 25 feet
- Maximum height of single family dwelling: two and one-half stories with a maximum height of 35 feet from grade.
- Maximum height of any other structures: 65 feet from grade provided the setbacks are increased one foot for each foot above 35 feet.

- If an existing lot is broken into more than one lot the following rules apply:
 - The minimum lot size for each lot must consist of no less than ten acres.
 - The minimum lot rules must be met (such as width j).
 - All new lots will require a survey by a licensed surveyor and the deed and description will need to be registered with the county.
 - Each lot would be assigned a unique Parcel ID Number.
 - Subdivision rules may apply
- If an existing lot is broken into more than one lot, only one single family dwelling will be allowed every 5 years.
 - For example, if an existing 40 acre parcel was divided into 3 new lots each of no less than ten acres, only one of the 3 lots would be eligible to build a single family dwelling the first year. The second lot would not be eligible for 5 more years and so on.
- A non-conforming lot is a lot consisting of less than 10 acres.
- If two non-conforming lots have the same ownership and are abutting each other, they are still considered separate lots unless the owner makes them one new lot.
 - All new lots will require a survey by a licensed surveyor and the deed and description will need to be registered with the county.
 - The new lot would be assigned a single Parcel ID Number.
 - All new lots must consist of no less than ten acres.

Build-able Lots:

These are existing lots as of December 31st, 2017 consisting of no less than ten acres. All have an existing ParceiiD Number. Lots that consist of acreage that is in another zone that is already approved for a single family dwelling is not address . Note: A non-conforming lot is a lot consisting of less than 10 acres.

- Jordan Hill Road (between Riverside Drive and Sopers Mill Road): 4 lots plus 2 non- conforming.
- Jordan Hill Road (between Sopers Mill Road and Pownal Road): 3 lots plus 1 non- conforming.
- Jordan Hill Road (past Pownal Road): 4 lots plus 1 non-conforming.
- Sopers Mill Road (from Penley Corner Road to Jordan School Road): 5 lots plus 5 non- conforming.
- South Witham Road (end to end): 1 lot plus 3 non-conforming.
- Penley Corner Road (end to end) : 3 lots plus 1 non-conforming .
- Riverside Drive (end to end): 2 lots plus 3 non-conforming.
- Fickett Road (end to end): 7 lots plus 4 non-conforming.
- Pownal Road (end to end): 5 lots plus 2 non-conforming.
- North River Road (end to end): 7 lots plus 1 non-conforming .
- Deer Rips Road (end to end): 1 lot, no non-conforming .
- East Waterman Road (end to end): 2 lots plus 1 non-conforming .
- Turner Road- Route 4 (end to end): 1 lot plus 4 non-conforming.
- Deer Rips Road (end to end): 1 lot, no non-conforming.
- Lake Shore Drive (end to end): no lots, no non-conforming.
- Wilson Hill Road (end to end): 1 lot, no non-conforming .
- Holbrook Road (end to end) : 1 lot plus 3 non-conforming.
- Brighton Hill Road (end to end): 2 lots, no non-conforming .
- Hatfield Road (end to end): 1 lot plus 2 non-conforming.
- Perkins Ridge Road (end to end): 6 lots, no non-conforming.
- Jackson Hill Road (end to end) : 2 lots, no non-conforming.
- Youngs Corner Road (end to end): 1 lot plus 1 non-conforming.
- Summer Street (end to end): 5 lots plus 2 non-conforming.
- Hatch Road (end to end): 2 lots plus 4 non-conforming.
- West Auburn Road (end to end): no lots, 1 non-conforming.
- Butler Hill Road (end to end): 2 lots, 2 non-conforming.
- West Hardscrable Road (end to end): 4 lots, 1 non-conforming.
- Trap Road (end to end): 3 lots, no non-conforming.
- Royal River Road (end to end): 1 lot, 2 non-conforming.
- Old Danville Road (end to end): 3 lots, no non-conforming.
- Brown's Crossing Road (end to end): 2 lots, 3 non-conforming.
- Moose Brook Road (end to end) : 1 lot, no non-conforming.
- Washington Street- Route 4 (end to end): 2 lots, 1 non-

conforming. Total: **85 Build-able Lots** plus 50 non-conforming lots

At least 10 of the build-able lots are in Tree growth, 3 are apple orchards owned by Wallingford, 2 are owned by Morin Brick, 1 is the end of Lost Valley and 1 or more are gravel pits. **Meaning 85 minus 17 would equal 68 Build-able Lots.**

Handout from Peter Moore and David Landmann, Presented to the Ad Hoc Committee 5.3.18

Start with Economic Building Blocks:

What are Economic Building Blocks?

They are the combination of both tangible and non-tangible resources available in the community from which we can create economic activity and create economic value for ourselves and others in the community. They include physical resources, financial resources, intellectual resources, and demographic realities.

Here is an example:

- Forested land, trees, and their by-products
- Agricultural land – tillable soil, soil nutrients, organic matter in the soil
- Water resources – streams, rivers, lakes and ponds, and reliable annual rainfall
- Proximity and access to substantial population bases (City, county, state, country, international)
- The know-how of land owners, current farmers, other operators with a desire to locate in Auburn
- Existing demand for high quality locally grown and processed products. (Farm to table movement)
- Government support from local, state, and national organizations:
(USDA, Maine DECD, Extension Services, Community Colleges and Universities, and others)
- Private non-profit organizations helping to advance an agricultural and forest economy:
(Maine Woodland Owners Association, Maine Farmland Trust, other land trusts, MOFGA, Northern Forest Center, Coastal Enterprises Inc., Maine Technology Institute, educational institutions, Maine Community Foundation, various trade/producer organizations, others)
- Private for profit organizations in business to support agriculture and forestry and related enterprises. (Banks, credit unions, Farm Credit, private investors, professional service providers, and more)

How we use these resources, the Economic Building blocks, and how they are used on the land in the Ag Zone is really what this zoning ordinance discussion is all about. Some in the community don't want anything to change, while others want changes immediately. Reaching some kind of consensus about how to meet many, if not most of, the committee member's desires, as well as the goals of the City Council in convening this committee, is the work we are doing now.

AGRP Zone - Proposed Changes:

This list presumes the income or sales test is abolished. Further it presumes that Terry's model of "one house, per lot, per every 5 years, is adopted.

In addition to the existing permitted or special exception uses currently in the ordinance:

Permitted uses, not related to density:

1. All existing farming, forestry, and agricultural activities.
2. All existing approved uses, under the exceptions provisions of the ordinance.
3. Add, on farm slaughter facilities for livestock raised on the farm. (Cattle, pigs, sheep, goats, chickens, turkeys, geese, ducks, etc.)
4. Add, aquaculture ventures, especially where good water resources exist.
5. Rustic individual campsites and group campsites, year round use for short-term stays.
6. Semi-permanent individual "glamping" cabins and tent platform sites, for short term stays.
7. Put in and take out facilities for water based recreation, such as float tubes, kayaks, canoes, drift boats, etc.
8. Solar energy farms for use on site and with neighboring farms and residential or business participants – sometimes referred to as "Community Solar".
9. Add, business enterprises that use the onsite economic building blocks of the land: Such as forest related products, stone or quarry products, manufactured food products, fiber products, maple sugar products, woven fiber products, clay products, vermaculture, composting operations, smoked food products, and many others. _____.

Permitted uses, subject to special exception review:

1. Seasonal tent, RV, or "glamping" campgrounds, with accessory uses, including seasonal uses such as:
 - a. Manager's quarters and staff housing.
 - b. Maintenance and support facilities.
 - c. Utility hookups.
 - d. Store / snack bar.
 - e. Shower house.
 - f. Sauna, pool, hot-tub, etc.
 - g. Recreational waterfront, for swimming and boating.
 - h. Hiking, nature, or fitness trails.
 - i. Playgrounds and athletic facilities.
 - j. Group event facilities
 - k. Music venues
 - l. Other _____.
2. Marinas with dockage, fueling, pump-out stations, and off-season storage, including accessory uses such as: convenience stores for marine related items.
3. Waterfront restaurants and snack bars.
4. Clustered *single* family homes, provided that:
 - a. The overall underlying density is not increased, and
 - b. The undeveloped acreage, used to establish the underlying density, is permanently preserved as either open space, working agricultural land, working forest land, or another permitted use by a non-development easement held by a third party – such as Maine Farmland Trust.

5. Value added enterprises, such as: an events venue, agri-tourism, sawmills and kilns, and related products from the primary agricultural production, and forestry activities.
6. Youth oriented summer camps..



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 16, 2018

Author: Jody Durisko, Executive Assistant

Subject: Maine Revives Civility

Information: Mark Hews, State Coordinator of Maine Revives Civility and President of M E Hews and Company, LLC reached out to the City to see if he could come give a brief presentation to Council about Maine Revives Civility and what it can do for Auburn.

City Budgetary Impacts: None

Staff Recommended Action: To schedule a longer workshop format for an orientation and hands on demonstration.

Previous Meetings and History: N/A

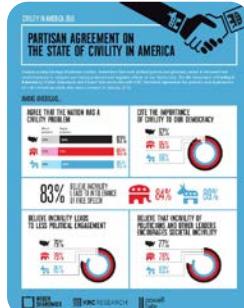
City Manager Comments:

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

Attachments: #ReviveCivility Executive Summary

Reviving Civility

Incivility in America has reached epidemic proportions. In far too many instances rudeness, disrespect and hostility sideline collaboration and compromise. Nearly three quarters of the public agree the problem has gotten worse in recent years. Weber Shandwick released their annual nationwide [Civility in America Survey](#) in March 2018. It found that a record high percentage of Americans believe that the U.S. has a major civility problem, with 83% of the public saying incivility leads to intolerance of free speech.



Maine Revives Civility



The National Institute for Civil Discourse is spearheading a grassroots initiative to revive civility and respect that gives Mainers solution-oriented actions to do so.

Citizens and policy makers are stepping forward and agreeing to promote civility and respect in their community. They are standing up to declare their commitment to civility through:

Pledge to take personal actions that model and promote respect, helping to build your civic discourse skills.
<https://www.revivecivility.org/take-revive-civility-pledge>

Engage others to lead with civility; providing positive mechanisms to help people face community issues effectively.

Organize community conversations that bring together people of diverse viewpoints on social and political issues; giving them tools to reestablish healthy, functioning civic life.

<https://www.revivecivility.org/events>

Maine Revives Civility Conversations

ReviveCivility.org has a [Citizen Toolkit](#) that provides educational information about civility and includes conversation guides and actionable steps that citizens can take to help revive civility and respect in our politics and everyday lives. Many of the community conversations will include skill-building exercises for participants to learn how to have a civil conversation across differences.



Conversation Guides Available

One on One ("Unlikely Friendship") Conversations --This 5-minute video shows a model for how individual relationships can form across deep political differences.	Small Group Dialogues --These small group (6-12 people) conversations bring together people of different views, who may not have much contact with each other, to talk about increasing civility and respect.
Larger Scale Conversation -- These are larger group sessions where communities and populations come together around a community issue or concern.	Text, Talk, Revive Civility -- NICD's innovative text messaging platform - Text, Talk, Revive Civility enables students and citizens to have a conversation on the importance of civil discourse anywhere they use a cell phone.

Additional Resources from NICD

Setting the Table for Civility - NICD has created a simple "conversation kit" that bundles some of our tools, provides a few ideas for activities and focuses on some basic questions that people can discuss with their family and friends. The goal is to get people of different points of view to talk together about how we can revive civility and work together more effectively.

<https://www.revivecivility.org/documents/setting-table-civility>



7 Day Civility Challenge - Would you like to become part of a larger network of champions of civility and respect? Then the 7 Day Civility Challenge is for you. To participate, sign up and each day for seven days you will receive an email that shares an easy activity designed to help you learn and practice civil discourse. You can learn more at the Revive Civility website. Start your journey today!

<https://www.revivecivility.org/7-day-civility-challenge>



NICD Revive Civility PSA - In an effort to increase public awareness of the Revive Civility initiative, the National Institute for Civil Discourse has developed a 30 second public service announcement. The PSA encourages people to talk to each other in order to heal the divisions in our Country. Check out the PSA and then visit the Revive Civility Website (www.revivecivility.org) to take action.

<https://www.youtube.com/watch?v=Og08Keg-jFY&feature=youtu.be>



Join Us – Promote Civility in your Community - If you are tired of incivility, join us in reviving civility and respect at <https://www.revivecivility.org/engage>

For more information or to get involved, contact: Mark Hews, Maine State Coordinator



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 16, 2018

Author: Jody Durisko, Executive Assistant

Subject: Boards & Committees

Information: At the Council Retreat there was a discussion about looking at the City's Boards and Committees. As a starting point the City Manager and City Clerk are providing a list of current Boards and Committees to begin a discussion.

City Budgetary Impacts: None.

Staff Recommended Action: Discussion and direction from Council.

Previous Meetings and History: April 9, 2018 City Council Retreat

City Manager Comments:

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

Attachments: List of Boards and Committees, Appointment Process

BOARDS AND COMMITTEES

1. 9-1-1 Committee
2. Androscoggin County Budget Committee
3. Androscoggin Transportation Resource Center (ATRC)
4. Androscoggin Valley Council of Governments (AVCOG)
5. Appointment Committee
6. Auburn Business Development Corp (ABDC)
7. Auburn Housing Authority
8. Auburn & Lewiston Municipal Airport
9. Auburn Sewer District Board of Trustees
10. Auburn Water District Board of Trustees
11. Audit Committee
12. Board of Assessment Review
13. Cable TV Advisory Board
14. Citizens Advisory Committee (CAC)
15. City Council
16. Community Development Loan Committee
17. Complete Streets Committee (formerly Bike-Ped)
18. Conservation Commission
 - a. Community Forest Subcommittee
 - b. Parks Subcommittee
19. Ethics Panel
20. Lewiston-Auburn Railroad Company (LARC)
21. L/A Transit Committee (LATC)
22. L/A Water Pollution Control Authority
23. Mid-Maine Waste Action Corp (MMWAC)
24. Parks & Recreation Advisory Board
25. Planning Board
26. Public Library Board (APL)
27. Registration Appeals Board
28. School Committee
29. Zoning Board of Appeals

AD HOC COMMITTEES

30. Age-Friendly Community Committee
31. Sesquicentennial (150th) Anniversary Committee
32. Economic Development and Marketing Committee
33. Agriculture & Natural Resource Economy (Ad Hoc Committee)
34. Bells of St. Louis Committee
35. Strategic Planning Committee

CITY OF AUBURN BOARD AND COMMITTEE APPOINTMENT PROCESS

The Mayor shall appoint a three member committee hereinafter called the “Appointment Committee”. The Appointment Committee shall review all applications to boards or committees assigned per attachment “Committees of the City of Auburn”; the Committees may interview applicants, including incumbents, for vacancies on all City boards, commissions and committees.

The Appointment Committee may review term expirations and propose appointments as frequently as necessary. The Clerk shall notify the various boards, commissions, and committees, the Mayor, the City Manager and the City Council members of the upcoming expirations and any current vacancies periodically, but not less than once per year.

Incumbents will receive a letter from the Clerk notifying them of the expiration of their term and letting them know they need to reapply. Additionally the Clerk shall post on the City website a notice of vacancy for at least 30 days. However, if a term becomes vacant due to a resignation, death, residency, disqualification, or other sudden vacancy, the committee may shorten or eliminate the 30 day posting. The Clerk will also notify all alternate members so that they may apply for full membership, if interested.

A notice shall be placed on the City’s website. The Clerk may create an email group of neighborhood group contacts, Chamber, contacts and other interested individuals to which the advertisement may be sent.

Applications shall only be accepted during the posted period and must be postmarked no later than the deadline. Emails are acceptable and must be time stamped in advance of the deadline. Incumbents must reapply each time. All applicants are required to send a completed application form and it is recommended that they also send a resume and a cover letter to apply.

The Clerk shall notify the staff person to the board, commission, or committee in question, so that he/she can also have a conversation with any incumbents to let them know their term is expiring.

All boards, commissions, and committees will be provided with a brief description of that board’s duties and the qualifications for appointment will be in the header, notebooks containing the ordinances/by-laws pertaining to each board, commission, or committee, and a list of the incumbents on all boards.

The Appointment Committee meetings are considered a Public Meeting. The date and time of the meeting will be posted on the City website at least 2 days prior to the meeting. All City Councilors will receive copies of the applications to review at least one week prior to the Appointment Committee meeting. During the Appointment Committee meetings, the Committee may enter into Executive Session to review applications.

The Appointment Committee may vote by hand or by consensus on the nominee for each vacancy. If the Appointment Committee does not agree on a nominee, a vacancy may be re-advertised or presented to the City Council.

The day after the nominations are completed, the Clerk shall notify the employees who staff the boards, commission, or committees, to let them know who is being nominated or that a position is being re-advertised. Also on that day, letters shall be sent to those applicants who are being nominated. Nominees shall be told when their appointment is going to the full Council agenda. Appointments will appear under New Business with possible Executive Session. Nominees will be asked to attend the meeting.

Except for legal retention purposes, resumes will not be kept for future vacancies, once interviews have been held. The process shall start fresh each time, ensuring that resumes are current and received from applicants qualified to fill the positions.

The Clerk shall prepare the order for the Council meeting, noting the names, board to which members are being appointed and the term expiration date. At the meeting, the Mayor shall ask the new board members to stand and introduce themselves, once the order has passed.

The next day, after the Council appointments are passed, the Clerk shall send a letter to each new member, congratulating them, advising them of the expiration date of their term, telling them who the staff person is and letting them know they must be sworn in before their first meeting. A copy of this letter shall be sent to the staff person for that committee along with the new member's resume.

The website shall provide a complete list of all the board and committee members currently serving, date of end of term, and date of original appointment.

All appointments in this policy are those subject to the approval of the City Council. Appointments of the Mayor as conferred in Charter are subject to this process or processes.

Alternate Member

An alternate member shall participate in all meetings with the same rights as a full member, except they shall not have the right to vote. The right to vote shall only be conferred by a vote of full members present to fill an absence, temporarily vacated seat, or to replace a member who has removed themselves due a conflict of interest. Alternate members shall be appointed to voting rights on a rotating basis, so as to preserve fairness. The purpose of alternate members is to sustain a full voting board and to educate new interested persons before becoming a full member. It is the intent but not mandate of the Council to promote Alternate Members to full membership before accepting new members to a board or committee.

Reports and Vacancies

A vacancy on any appointive board, commission, or committee of the city shall exist upon the occurrence of any of the following events:

- (a) Death of a member.
- (b) Resignation of a member.
- (c) Moving by a member of the member's place of residence from the City of Auburn. When a member moves from the City of Auburn, the vacancy shall occur immediately and the member shall not serve at any further meetings.
- (d) Failure of a member to attend more than three (3) consecutive meetings or absence from five (5) meetings during the preceding twelve-month period.

Reporting actions and vacancies.

The chairman of each board or commission of the city shall certify or cause the secretary of the board or commission to certify to the city council each month the actions of said board or commission, together with the record of absences of members. In such report, the chairman or secretary of each such board or commission shall notify the city council of any vacancy occurring on such board or commission. In the event that a vacancy occurs, the board or commission may, by majority vote of its membership, exclusive of the member affected, recommend to the city council that the attendance provision be waived for cause, in which case no vacancy shall exist until the city council disapproves the recommendation.

Removal from Office

An official or officials who are alleged to have caused grounds for removal from office are subject to the "Policy for Removal of Officials Appointed to Boards, Commissions and Committees" approved as part of this policy.

POLICY FOR REMOVAL OF OFFICIALS APPOINTED TO BOARDS, COMMISSIONS AND COMMITTEES

1. Purpose. The purpose of this policy is to have in place a process for the removal of officials appointed to boards, commissions and committees
2. Authority. The City Council exercises its authority to remove officials under Title 30-A, section 2601 which allows the removal for cause after notice and hearing.
3. Cause. All grounds constituting cause cannot be detailed. However, the following are examples of conduct which may result in removal for cause:
 - A. More than three consecutive absences or five absences within a calendar year, unexcused by the Board, Commission or Committee by majority vote. This subsection may not be used unless the records of the Board, Commission or Committee reflect the facts constituting grounds. Nothing in this subsection shall be interpreted to prevent an official from requesting a leave of absence from the Council for unusual circumstances. Unusual circumstances could include, but not be limited to, illness of the official or an immediate family member; temporary relocation for employment, military duty or educational reasons; and increased temporary child care responsibilities. In making the decision whether or not to grant a leave of absence, the Council shall balance the needs of the City and the Board, Commission or Committee with the needs of the official.
 - B. Inappropriate public conduct or conduct to other officials related to the office held. Examples include but are not limited to verbal abuse to other officials or members of the public, or obstruction of meetings of the Board, Commission or Committee.
 - C. Impairment by alcoholic beverages or drugs at Board, Commission or Committee functions.
 - D. Indictment or conviction (1) for a Class C or higher Crime, or (2) for a Class D or lower crime or a civil violation, directly or indirectly affecting the office held. Examples of Class D or lower crimes or civil violations affecting the office held would be shoplifting a compact disk where the office involved the handling of money; or violations of a protected resource where the Board, Commission or Committee deals with that resource. These provisions apply even when the conduct leading to the indictment or conviction has taken place outside the City of Auburn or State of Maine.
 - E. Other reasons related to the good of the Committee, the City or the office held.
 1. Removal procedure.

- A. Separation of roles. While a City Councilor sitting in a removal proceeding may be aware of the facts and circumstances leading to the proceeding, the City Council recognizes that no individual Councilor may prejudge the proceedings. Therefore, in a proceeding to remove an appointed official, the facts and circumstances shall be investigated by the City Manager or the City Manager's designee (hereinafter "the City Manager"), rather than an individual Councilor. Should allegations be brought to an individual Councilor, which the individual Councilor believes may be cause for removal, the individual Councilor shall turn the facts and circumstances over to the City Manager, and refer further inquiries to the City Manager. Inquiries to other Councilors shall be turned over to the City Manager. No Councilor shall participate in any removal hearing if that Councilor has an interest, a conflict, or is disqualified, under the Rules of Order and Procedure for Auburn City Council.
- B. Investigation. The City Manager shall investigate the allegations as soon as reasonably possible. If the City Manager determines the allegations create probable grounds for removal, the City Manager shall notify the official in writing that the City Manager is contemplating a recommendation to the City Council that the official be removed, outlining the City Manager's reasons. The City Manager shall provide the official a reasonable amount of time to provide the official's position on the allegations, before the City Manager finalizes the recommendation to the City Council.
- C. Hearing. If the City Manager recommends removal, the City Council shall schedule a hearing on the official's removal. The hearing shall be scheduled at a time which will allow the City Manager and the official an adequate opportunity to prepare their presentations to the City Council. At the hearing, the City Manager shall present the City's case with the official's case following. The presentations may include witnesses and exhibits, including documents. The City Manager and the officials shall provide each other a list of witnesses and exhibits at least seven days before the hearing date unless another time is agreed upon. Each party shall be allowed to ask questions of the other party's witnesses. Evidence will be admissible if it is evidence which would be relied upon by persons in the conduct of serious affairs. This means, for example, that hearsay evidence will not be excluded, and that the procedure will be conducted according to the principles of fair play rather than of strict rules of evidence.
- D. Confidentiality. The hearing shall be conducted in open session unless the Council determines public discussion could reasonably be expected to cause damage to the official's reputation or the official's

right to privacy would be violated. If the Council makes that determination, all related materials will be confidential until a final, non-appealable decision. Regardless of the Council's decision on public discussion, the official may request in writing that the hearing be conducted in open session, and that all related materials be public.

Even if the hearing is conducted in open session, it is not a public hearing. Stated differently, the only persons presenting testimony or evidence will be those persons selected by the City Manager or official. The general public will not be invited to testify at the hearing.

- E. Decision. After the City Council hears the evidence, it shall issue a written decision of those present and voting. The written decision shall state the facts and conclusions upon which the City Council relies in making its decision. If the written decision removes the official from office, the written decision shall become public as soon as it is a final, non-appealable, decision. The vote on the written decision shall be by majority vote.
5. Resignation. If the official elects to resign at any stage of this process, the process shall terminate, and any pending investigation or hearing under this process shall cease.

COMMITTEES & BOARDS OF THE CITY OF AUBURN

Board Name

911

ABDC

* **Airport - see notes**

ATRC

Audit and Procurement

Bike-Ped Committee

***Board of Assessment Review**

***Cable TV Advisory**

CDBG Community Advisory

***CDBG Loan**

Ethics Panel

***Auburn Housing**

L-A Community Forest Program & Board

LA Public Health

LAEGC

***LATC**

Library

MMWAC

Neighborhood Stabilization

New Auburn Master Plan Implementation

***Planning Board**

Railroad

***Recreation & Special Events Advisory**

School

***Sewerage District**

***Water District**

***Zoning Board of Appeals**

*Council appointed

The Auburn-Lewiston Airport Board, one Auburn resident seat is Council appointed



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 16, 2018

Order: 59-07162018

Author: Jody Durisko, Executive Assistant

Subject: Ballots for Election to MMA's Legislative Policy Committee (LPC)

Information: Most municipalities are asked to vote for two LPC candidates because there are two elected LPC members for most districts. Auburn only votes for one because we appoint the other LPC member.

During the nomination process for the elected seat, Auburn did not submit a nomination so the other municipalities in LPC Senate District 20 (Auburn, Minot, Poland, Mechanic Falls, and New Gloucester) could put forth a member. However, no nominations were received so the Council may vote for a write-in candidate at this time.

City Budgetary Impacts: Not Applicable

Staff Recommended Action: Motion to nominate Peter Crichton, Auburn City Manager as a write-in candidate on the official ballot for Maine Municipal Association's Legislative Policy Committee for District 20 from July 1, 2018 – June 30, 2020.

Previous Meetings and History:

City Manager Comments:

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

Attachments:



Maine Municipal Association

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

Memorandum

To: Key Municipal Officials of MMA's Member Municipalities
From: Linda C. Cohen, President, Maine Municipal Association
Date: June 14, 2018
Re: Ballots for Election to MMA'S Legislative Policy Committee



MMA's member municipalities have made their nominations for the 2018-2020 Legislative Policy Committee (LPC). It is now time to elect your representatives to serve on the Committee. The election ballot is enclosed. The ballot must be completed by the Board of Selectmen or Town or City Council of your municipality.

Number of votes

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

Candidate profiles

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

Write-in candidates

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

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

Deadline for returning ballot

Return ballot by 5:00 p.m. on **August 2, 2018** to:

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

Your participation is important - Thank You!

OFFICIAL BALLOT – District 20

Maine Municipal Association's Legislative Policy Committee
July 1, 2018 – June 30, 2020

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

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



_____ ( write in)

(name)

(position)

(municipality)

Candidate Profiles Are On Reverse Side

MUNICIPALITY: _____ DATE: _____



BY SELECTMEN/COUNCILORS:

signature

print name

Return by 5:00 p.m., August 2, 2018 to:

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

(over)

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

Auburn
Mechanic Falls

Minot
New Gloucester

Poland

Candidate Profile:

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

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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 59-07162018

ORDERED, that the City Council hereby votes to nominate Peter Crichton, Auburn City Manager as a write-in candidate on the official ballot for Maine Municipal Association's Legislative Policy Committee for District 20 for the 2018-2020 term.

IN COUNCIL REGULAR MEETING JULY 2, 2018 VOL. 35 PAGE 152

Mayor Levesque called the meeting to order at 7:13 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. Consent Items – None

II. Minutes – June 18, 2018 Regular Council Meeting

Motion was made by Councilor Fournier and seconded by Councilor Hayes to approve the minutes of the June 18, 2018 Regular Council Meeting. Passage 6-0-1 (Councilor Walker was out of the room for the vote).

III. Communications, Presentations and Recognitions

Communication – Marijuana Moratorium Update (Phil Crowell)

Proclamation - Summer Learning Day Proclamation

IV. Open Session

Larry Pelletier – 129 Second Street provided some information about the St. Louis bells. Stephen Martelli – 41 Broad Street wanted everyone to know that on Saturday and Sunday, July 7th and 8th at Big Lots, a fundraiser is going to be held for a couple of families in New Auburn. Santa and Mrs. Clause will be there between 10AM and 2PM handing out gifts to the kids.

V. Unfinished Business

1. Ordinance 04-06182018

Adopting the zone change for Niskayuna Street – second reading.

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

Public comment – no one from the public spoke. Passage 6-1 (Councilor Titus opposed). A roll call vote was taken.

VI. New Business

1. Order 55-07022018

Appointing Brian Carrier to the Planning Board as an Associate member with a term expiration of 01/01/2020.

2. Order 56-07022018

Appointing Dana Staples as full member of the Zoning Board of Appeals with a term expiration of 10/01/2019.

Motion was made by Councilor Gerry and seconded by Councilor Fournier for passage of Orders 55-07022018 and 56-07022018.

IN COUNCIL REGULAR MEETING JULY 2, 2018 VOL. 35 PAGE 153

Public comment - no one from the public spoke. Both applicants were in the audience. The Mayor introduced them and thanked them for volunteering to serve their community.

Passage 7-0.

3. **Order 57-07022018**

Renaming Little Androscoggin Park to Anniversary Park to commemorate the Sesquicentennial Anniversary of the City of Auburn.

Motion was made by Councilor Fournier and seconded by Councilor Walker for passage of Order 57-07022018 renaming Little Androscoggin Park to Auburn Anniversary Park.

Public comment – no one from the public spoke. Passage 6-0-1 (Councilor Hayes abstained).

VII. Reports

Mayor Levesque – said he was excited about the 150th Sesquicentennial kick off that was held earlier. He also reminded Auburn residents about Auburn's firework ordinance and said we should all be following the law. He reported on an upcoming trip to China, and some upcoming agenda items.

Councilor Young – reported on the most recent Appointment Committee meeting, the lack of applicants, and he encouraged his fellow Councilors to reach out to constituents to try to recruit people. He also commented on the location of the new Edward Little High School.

Councilor Lasagna – reported on the process of determining the placement of the new high school.

Councilor Hayes – reported that the Airport Board will be meeting on Thursday night, and he noted that if anyone wants to see the Constellation they should do so soon because it is being disassembled and moved.

Councilor Titus – stated that he was pleased with the location of the new high school and is looking forward to seeing what can be done there. He also reported on the Water and Sewer District Trustees meeting. He also said that he would like the Council to make a clear direction early on as to what the Council wants to do next year when it comes to the budget process.

Councilor Fournier – reported that the next Library meeting is scheduled for August, and the School Committee Task Force will not meet again until the fall.

Councilor Walker – reported on the new high school location adding that he is glad they are rebuilding in the same area. He also noted that many tax payers felt that they had been shut out and thought they should have been informed when it came down to at least the last few potential locations.

IN COUNCIL REGULAR MEETING JULY 2, 2018 VOL. 35 PAGE 154

Councilor Gerry – reported that the next LATC meeting is scheduled for July 11th at 12:30 PM at AVCOG and she invited the Mayor to attend that next meeting. She also reported that there is a Parks and Recreation Advisory meeting July 11th at 6:30 PM at Auburn Hall.

City Manager – started by responding to comments made at a recent Council meeting regarding the CIP (Capital Improvement Program) and wanted to set the record straight. For FY2017 the CIP expenditures were \$5,030,000, FY2018 was \$8,500,000, and for FY2019 it is \$8,375,000. He also commented that he appreciates the comments made by Councilor Gerry and reminded everyone of the working group that has been established and they are looking at ways to partner with other businesses of the city. He also commented on the location of the new high school and the process much of which is determined by the Department of Education. He added that he is looking forward to the next phase of the process. He announced that Police Chief Phil Crowell would be Acting City Manager the remainder of the week while he is on vacation. Last, he mentioned that there is an opportunity for an additional candidate for Auburn on the Maine Municipal Associations Legislative Policy Committee. The other municipalities (Minot, Poland, Mechanic Falls and New Gloucester) did not submit anyone for this position. We already have one voting member (Mayor Levesque) and this would be an opportunity for us to have another voting member and if there are no Councilors that are interested, he would be happy to serve as a voting member on that committee.

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

Council took a moment to reconvene the workshop item that we did not get to earlier on during the workshop on a proposed amendment to the Parks and Recreation Advisory Board.

IX. Executive Session – Discussion regarding a poverty abatement case #2018-002, pursuant to 36 M.R.S.A. §841 with possible action to follow.

Motion was made by Councilor Walker and seconded by Councilor Fournier. Passage 7-0. Time in 8:03 PM.

Council was declared out of executive session at 8:30 PM.

Motion was made by Councilor Fournier and seconded by Councilor Gerry to grant an abatement in the amount of \$2,342.68 for case Number 2018-002 in accordance to Title 36 M.R.S.A. §841 (2). This is Order # 58-07022018. Passage 5-1-1 (Councilor Titus opposed, and Councilor Hayes abstained).

X. Adjournment - Motion was made by Councilor Fournier and seconded by Councilor Walker to adjourn. Council voted unanimously in favor, and the meeting adjourned at 8:31 PM.

A TRUE COPY

ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 16, 2018

Author: Jody Durisko, Executive Assistant

Subject: AARP Age-Friendly Certificate

Information: In December of 2017, Mayor Levesque appointed Councilors Gerry and Walker to Co-Chair the Age-Friendly Committee and the City's effort to become an AARP Age-Friendly Community. The Committee has been meeting monthly working on and applying to join the AARP Network of Age-Friendly Communities.

As the first community in Androscoggin County to join the Network of Age-Friendly Communities the City is perfectly positioned to lead the region with this initiative.

The State Director of AARP Maine, Lori Parham will be welcoming the City of Auburn as the 1st community in Androscoggin County and the 55th community in Maine to the Network of Age-Friendly Communities and presenting the City's certificate.

City Budgetary Impacts: N/A

Staff Recommended Action: Accept the City's Certificate and commend the Age-Friendly Committee for this accomplishment.

Previous Meetings and History: N/A

City Manager Comments:

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

Attachments: None.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 16, 2018 **Ordinance:** 05-07162018

Author: Sabrina Best, Recreation Director

Subject: Ordinance Amendment for the Parks and Recreation Advisory Board

Information: There is a request to amend the ordinance language in Section 2-454 Established; membership section b for the Parks and Recreation Advisory Board. Current Language reads: "Of the seven appointed members, there shall be no more than two members from the same ward. A member shall forfeit his membership if he becomes a resident of a ward in which two members of the board already reside." The request is to eliminate all of section b. This request is a result from not being able to fill vacant position with eager volunteers from the community due to the ward restrictions. Vacant position(s) have not been filled several times in the last two years due to this restriction.

City Budgetary Impacts: None

Staff Recommended Action: Motion to amend the Parks and Recreation Advisory Board Ordinance, Chapter 2, Article V, Division 4, Sec. 2-454 by striking the language under section (b).

The Parks and Recreation Advisory Board is in support.

Previous Meetings and History: Presented at the 7/2/2018 City Council workshop/meeting.

City Manager Comments:

A handwritten signature in blue ink that appears to read "Peter J. Cuthbert".

I concur with the recommendation. Signature:

Attachments: Ordinance 05-07162018

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



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

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 05-07162018

ORDINANCE AMENDMENT
CHAPTER 2 - ADMINISTRATION
ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES
DIVISION 4. PARKS AND RECREATION ADVISORY BOARD

Be it ordained by the Auburn City Council, that Chapter 2, Article V, Division 4, Sec. 2-454 be amended by striking the language under section (b) as shown below.

Sec. 2-454. Established; membership.

- (a) There shall be a parks and recreation advisory board, which shall be composed of eight members. All except the ex officio member of the board shall be appointed by the city council.
- (b) ~~Of the seven appointed members, there shall be no more than two members from the same ward. A member shall forfeit his membership if he becomes a resident of a ward in which two members of the board already reside.~~
- (c) Serving as the ex officio member shall be the director of parks and recreation, who shall also serve as secretary to the board.
- (d) Nothing in this article shall preclude the creation of standing subcommittees.



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 16, 2018

Subject: Executive Session

Information: Legal consultation, pursuant to 1 M.R.S.A. Section 405(6) (E) to discuss Council's legal rights and responsibilities regarding dangerous buildings and unlicensed junkyards.

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.