



# City Council Meeting and Workshop

## June 3, 2013

### Agenda

#### 5:30 P.M. Workshop

- A. Floodplain ordinance and maps – Eric Cousens (15 minutes)
- B. Post Issuance Compliance and Monitoring Policy for Tax Exempt Obligations – Jill Eastman (5-10 minutes)
- C. Unallocated Bond Proceeds – Jill Eastman (15 minutes)
- D. Emergency Ordinance on Alcoholic Beverages at a Mass Gathering – Clint Deschene (10-15 minutes)
- E. Lewiston-Auburn Canoe and Kayaks – Clint Deschene (10 minutes)

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

##### Pledge of Allegiance

- I. Consent Items** – All items listed with an asterisk (\*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.

**1. Order 43-06032013\***

Approving the Special Event and Charitable funding requests for the 2013 Liberty Festival.

**II. Minutes**

- May 20, 2013 Regular Council Meeting

**III. Reports**

**Mayor's Report**

##### Committee Reports

- **Transportation**
  - Androscoggin Transportation Resource Center – Mayor LaBonte
  - Lewiston Auburn Transit – Councilor Gerry
  - Airport, Railroad – Councilor Hayes
  - Bike-Ped Committee – Councilor Shea
- **Housing**
  - Community Development Block Grant, Neighborhood Stabilization Program, Auburn Housing Authority – Councilor Gerry
- **Economic Development**
  - L-A Economic Growth Council, Auburn Business Development Corporation
- **Education**
  - Auburn School Committee – Councilor Young
  - Auburn Public Library – Councilor LaFontaine
  - Great Falls TV – Councilor Young and Councilor Shea
- **Environmental Services**
  - Auburn Water District, Auburn Sewerage District – Councilor Crowley

# Auburn City Council Meeting & Workshop

June 3, 2013

---

- Mid-Maine Waste Action Corp. – Councilor Walker
- **Recreation**
  - Recreation Advisory Board – Councilor Walker
- **Public Safety**
  - LA 911 – Councilor Walker

## City Councilors' Reports

## City Manager's Report

## IV. Communications, Presentations and Recognitions

- V. **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*. Time limit for open sessions, by ordinance, is 45 minutes.

## VI. Unfinished Business

1. **Order 35-05132013**  
Adopting the 2013-2014 Capital Improvement Program (CIP) Bond Projects.
2. **Order 36-05132013**  
Adopting the 2013-2014 Capital Improvement Program (CIP2) Other Funding Projects.
3. **Resolve 03-05202013**  
Adopting the City Budget for Fiscal Year 2014 (first reading).

## VII. New Business

4. Hearing regarding a Dangerous Building at 9 Gamage Avenue, Auburn Maine, pursuant to Title 17 M.R.S.A § 2851, et seq.
5. **Order 44-06032013**  
Adopting the findings of fact, conclusions of law, and order of demolition for 9 Gamage Avenue.
6. **Ordinance 05-06032013**  
Approving the newly proposed Flea Market license fee schedule (first reading).
7. **Ordinance 06-06032013**  
Approving the newly proposed Peddlers license fee schedule (first reading).
8. **Resolve 04-06032013**  
Supporting the Emergency Medical Services.
9. **Ordinance 07-06032013**

# Auburn City Council Meeting & Workshop

June 3, 2013

---

Approving the proposed ordinance amendment on alcoholic beverages at Mass Gatherings (first, second, and final readings).

**10. Ordinance 08-06032013**

Approving the proposed Forestry Board Ordinance (first reading).

**VIII. Executive Session**

- Discussion on Labor Negotiations (proposed MSEA contract) , pursuant to 1 M.R.S.A. §405(6)(D)

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

**X. Future Agenda/Workshop Items**

**XI. Adjournment**

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

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



## City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: June 3, 2013 Item A  
Author: Eric J. Cousens, Director of Planning and Permitting

Item(s) checked below represent the subject matter related to this workshop item.

**Comprehensive Plan**    **Work Plan**    **Budget**    **Ordinance/Charter**    **Other Business\***    **Council Goals\*\***

\*\*If Council Goals please specify type:    **Safety**    **Economic Development**    **Citizen Engagement**

Subject: Flood Ordinance and Map Updates for 2013 NFIP Requirements

Information: The Federal Emergency Management Agency (FEMA) published revised floodplain maps for Androscoggin County in June of 2012. As a result, proposed floodplain designations for some properties in Auburn were reclassified on the draft maps. Some properties now fall within a more stringent floodplain zone, while others may have been removed from previously identified floodplain areas. One substantial change is an approximately 1 foot lower flood elevation around Taylor Pond. Last summer a notice was sent to property owners and was followed by a number of public meetings to provide local comments and information for FEMA to consider in revising the Flood Insurance Rate Maps (FIRMs). Those maps have been finalized by FEMA and will become effective on July 8, 2013. The next phase of this process is for local adoption of the flood maps by the City. If we wish to continue to participate in the National Flood Insurance Program (NFIP), the local adoption of the maps is mandatory. The attached letter was sent to over 1400 property owners and the City has undergone an extensive 12 month public information and engagement process on these maps in partnership with Lewiston Staff. Staff from Auburn was very pleased to be called a "poster child" for public outreach by both State Floodplain Management Program Staff and Carlene Tremblay of Senator Collins Office.

The two major changes include the updated maps and a reformatting of the ordinance to match the new State Model. The reformatting makes this review more difficult to follow, however, it will make future State mandated edits easier to follow and implement.

Financial: Some property owners will be required to have flood insurance and others will not. The adoption will allow access to the National Flood Insurance Program for public and private property owners.

Action Requested at this Meeting: None. Provide any questions or concerns so they can be addressed for the public hearings on this item.

Previous Meetings and History: July 7, 2012 and May 2, 2013 Public Outreach Meetings and May 14, 2013 Planning Board Meeting and Public Hearing.

Attachments: May 14, 2013 Planning Board Report and Draft Minutes, Draft ordinance and Map links in PB Staff Report, State Notice for Map and Ordinance Adoption.

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

# Auburn Planning Board Meeting Minutes

## May 14, 2013

### Roll Call

**Full Members present:** Robert Gagnon, Evan Cyr, Dan Bilodeau, Emily Mottram, Robert Bowyer Presiding, Marc Tardif and Dan Philbrick.

**Associate Members present:** Kenneth Bellefleur.

**Associate Members absent:** Mia Poliquin Pross

**Also present:** Director / City Planner Eric Cousens who represented City staff.

### Minutes

A request to approve the April 9, 2013 meeting minutes was made by staff.

A motion was made by Robert Gagnon and seconded by Marc Tardif to approve the April 9, 2013 meeting minutes as presented. After a vote of 7-0-0, the motion carried.

### Public Hearings:

Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance Chapter 60, Article XII, Division 2. Floodplain Overlay District, including the referenced Flood Map. The changes are mandated by FEMA if the City wishes to continue participating in the National Flood Insurance Program to allow property owners to access flood insurance.

Chairperson Bowyer explained the procedure that is used for Public Hearings.

Eric Cousens read the staff report.

Board members commented on the proposed draft stating it was a generic document because it referenced a tidal community and ship building in the language. There was additional conversation between the Planning Board members and Eric regarding the draft.

### Open Public Hearing

A motion was made by Dan Bilodeau and seconded by Evan Cyr to close the public hearing. After a vote of 7-0-0, the motion carried.

A motion was made by Dan Bilodeau and seconded by Robert Gagnon to forward a positive recommendation to the City Council to adopt the standards and referenced maps and continue participating in the NFIP and that the effective date of the adopted ordinance coincide with the FEMA date of July 8, 2013.

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

Chairperson Bowyer suggested that Eric append to the recommendation a reminder to the City Council of the extensive notification process and the effort that was made by the City to contact the property owners.

**OLD BUSINESS:** None at this time.

## **MISCELLANEOUS**

### **Discussion about the Hickory Drive Zoning Change**

Eric placed a map of the area in discussion on the projector screen for the Planning Board members to see. He explained the situation before them and said they did not have to take action at this time. A discussion ensued and it was decided that the Hickory Drive zoning change proposal was worthy of consideration.

### **Discussion about the Joint Land Use Study**

Eric gave the Board members a status of the Joint Land Use Study. He spoke about the Open House that is scheduled for May 29, 2013 and mentioned that the committee would like to come before the Board and Council on June 25, 2013 to present their findings.

### **Status on Hiring New City Planner & Next Month's Meeting**

Eric gave a brief update on the prospect of hiring a City Planner and informed the Board members about next month's Public Hearing.

## **ADJOURNMENT**

A motion was made by Robert Gagnon and seconded by Emily Mottram to adjourn. After a vote of 7-0-0, the motion carried.

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

***DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT***

- ~~Sec. 60-892. - Definitions.~~Purpose and Establishment.
- ~~Sec. 60-893. - Enforcement and penalties.~~ Permit required.
- ~~Sec. 60-894. - Establishment.~~ Application for permit.
- ~~Sec. 60-895. - Permit required.~~Application Fee and Expert's Fee.
- ~~Sec. 60-896. - Application for permit.~~Review Standards for Flood Hazard Development Permit Applications.
- ~~Sec. 60-897. - Review of flood hazard development permit applications.~~Development Standards.
- ~~Sec. 60-898. - Development standards.~~Certificate of Compliance.
- ~~Sec. 60-899. - Certificate of compliance.~~Review of Subdivisions and Development Proposals.
- ~~Sec. 60-900. - Review of subdivision and development proposals.~~Appeals and Variances.
- ~~Sec. 60-901. - Appeals and variances.~~Enforcement and Penalties.
- ~~Sec. 60-902. -~~ Validity and Severability.
- ~~Sec. 60-903. -~~ Conflict With Other Ordinances.
- ~~Sec. 60-904. -~~ Definitions.
- ~~Sec. 60-905. -~~ Abrogation.
- ~~Secs. 60-9026—60-920. -~~ Reserved.

**Sec. 60-892. -- DefinitionsPurpose and Establishment.**

~~Unless specifically defined in this section, words and phrases used in this division shall have the same meaning as they have at common law and to give this division its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The term "may" is permissive; the term "shall" is mandatory and not discretionary.~~

~~100-year flood. See Base flood.~~

~~Adjacent grade means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.~~

~~Area of shallow flooding means a designated AO and AH zone on a community's flood insurance rate map (FRIM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

~~Area of special flood hazard means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the flood insurance study cited in section 60-894.~~

~~Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.~~

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

~~*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.~~

~~*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.~~

~~*Building*. See *Structure*.~~

~~*Certificate of compliance* means a document signed by the code enforcement officer stating that a structure is in compliance with all of the provisions of this division.~~

~~*Code enforcement officer* means any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.~~

~~*Development* means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.~~

~~*Elevated building* means a nonbasement building:~~

~~(1) Built, in the case of a building in zones A1-30, AE, A, A99, AO or AH, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, posts, piers, or stilts; and~~

~~(2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.~~

~~In the case of zones A1-30, AE, A, A99, AO or AH, the term "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of floodwaters.~~

~~*Elevation certificate* means an official form (FEMA form 81-31, 05/93, as amended) that:~~

~~(1) Is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and~~

~~(2) Is required for repurchasing flood insurance.~~

~~*Flood or flooding* means:~~

~~(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:~~

~~a. The overflow of inland or tidal waters.~~

~~b. The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1) of this definition.~~

~~*Flood elevation study* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.~~

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

~~*Flood insurance rate map (FIRM)* means an official map of a community, on which the administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.~~

~~*Flood insurance study.* See *Flood elevation study.*~~

~~*Floodplain or floodprone area* means any land area susceptible to being inundated by water from any source. (See *Flooding*.)~~

~~*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.~~

~~*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term "floodplain management regulations" describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.~~

~~*Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.~~

~~*Floodway.* See *Regulatory floodway.*~~

~~*Floodway encroachment lines* means the lines marking the limits of floodways on federal, state, and local floodplain maps.~~

~~*Freeboard* means a factor of safety, usually expressed in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected size flood and flood conditions.~~

~~*Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.~~

~~*Historic structure* means any structure that is:~~

- ~~(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~
- ~~(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;~~
- ~~(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or~~
- ~~(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - ~~a. By an approved state program as determined by the Secretary of the Interior; or~~
  - ~~b. Directly by the Secretary of the Interior in states without approved programs.~~~~

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

~~Locally established datum means an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.~~

~~Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements described in section 60-898.~~

~~Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.~~

~~Manufactured home park or subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.~~

~~Mean sea level means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.~~

~~Minor development means all development that is not new construction or a substantial improvement, such as repairs, maintenance, or renovations, whose value is less than 50 percent of the market value of the structure. The term "minor development" includes but is not limited to: mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or structures.~~

~~New construction means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.~~

~~Recreational vehicle means a vehicle which is:~~

- ~~(1) Built on a single chassis;~~
- ~~(2) 400 square feet or less when measured at the largest horizontal projection;~~
- ~~(3) Designed to be self-propelled or permanently towable by a light duty truck; and~~
- ~~(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

~~Regulatory floodway means:~~

- ~~(1) The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulative increasing the water surface elevation more than one foot; and~~
- ~~(2) In riverine areas is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high-water mark to the upland limit of the floodplain.~~

~~Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.~~

~~Special flood hazard area. See Area of special flood hazard.~~

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

~~Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of pipes, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.~~

~~Structure, for floodplain management purposes, means a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.~~

~~Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.~~

~~Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term "substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, induce either:~~

- ~~(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or~~
- ~~(2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.~~

~~Variance means a grant of relief by a community from the terms of a floodplain management regulation.~~

~~Violation means the failure of a structure or development to comply with a community's floodplain management regulations.~~

~~(Ord. of 9-21-2009, § 5.1J)~~

Certain areas of the City of Auburn, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the City of Auburn, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the City of Auburn, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

The City of Auburn has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the City of Auburn having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the City of Auburn, Maine.

The areas of special flood hazard, Zones A and AE for the City of Auburn, Androscoggin County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Androscoggin County, Maine" dated July 8, 2013 with accompanying "Flood Insurance Rate Map" dated July 8, 2013 with panels: 183, 184, 191, 192, 193, 194, 203, 211, 212, 213, 214, 302, 304, 306, 307, 308, 309, 312, 316, 317, 320, 326, 327, 328, 329, 336, 337, 338, 339, 341, 343, 430, derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Androscoggin County," are hereby adopted by reference and declared to be a part of this Ordinance.

**Sec. 60-893. -~~Enforcement and penalties~~Permit Required.**

- ~~(a) It shall be the duty of the code enforcement officer to enforce the provisions of this division pursuant to 30-A M.R.S.A. § 4452.~~
- ~~(b) The penalties contained in section 1-15 shall apply to any violation of this division.~~
- ~~(c) In addition to any other actions, the code enforcement officer, upon determination that a violation exists, shall submit a declaration to the administrator of the federal insurance administration requesting a denial of flood insurance. The valid declaration shall consist of:~~
- ~~(1) The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;~~
  - ~~(2) A clear and unequivocal declaration that the property is in violation of a cited state or local law or ordinance;~~
  - ~~(3) A statement that the public body making the declaration has authority to do so and a citation to that authority;~~
  - ~~(4) Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and~~
  - ~~(5) A clear statement that the declaration is being submitted pursuant to section 1316, as amended, of the National Flood Insurance Act of 1968, 42 USC 4001 et seq.~~
- ~~(Ord. of 9-21-2009, § 5.11)~~

Before any construction or other development (as defined in Section 60-904), including the placement of manufactured homes, begins within any areas of special flood hazard established in Section 60-892, a Flood Hazard Development Permit shall be obtained from the Planning and Development Department. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the City of Auburn, Maine.

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

**Sec. 60-894. ~~Establishment~~Application for Permit.**

- ~~(a) Certain areas of the city are subject to periodic flooding, causing serious damage to properties within these areas. Relief is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968.~~
- ~~(b) The city has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968, 42 USC 4001 et seq., as delineated in this article.~~
- ~~(c) It is the intent of the city to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards. This body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to 30-A M.R.S.A. §§ 3001—3007, 4352 and 4401—4407.~~
- ~~(d) The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the community having a special flood hazard be identified by the Federal Emergency Management Agency (FEMA) and that floodplain management measures be applied in such flood hazard areas. This division establishes a flood hazard development permit system and review procedure for development activities in the designated flood hazard areas.~~
- ~~(e) The areas of special flood hazard, zones A and AE, identified by FEMA in a report entitled "Flood Insurance Study—City of Auburn, Maine, Androscoggin County," dated October 18, 1995 with accompanying Flood Insurance Rate Map dated October 18, 1995, is hereby adopted by reference and declared to be a part of this division.~~

~~(Ord. of 9-21-2009, § 5.1A)~~

The application for a Flood Hazard Development Permit shall be submitted to the Planning and Development Department and shall include:

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;
- [Items H-K.2 apply only to new construction and substantial improvements.]
- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:

- 1. base flood at the proposed site of all new or substantially improved structures, which is determined;

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

- a. in Zones AE, from data contained in the “Flood Insurance Study – Androscoggin County, Maine” as described in Section 60-892; or,
- b. in Zone A:
  - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA’s Quick-2 model, FEMA 265), including information obtained pursuant to Section 60-897.K. and 60-899.D.;
  - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
  - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
- 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
- 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
- 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Section 60-897;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- K. The following certifications as required in Section 60-897 by a registered professional engineer or architect:
  - 1. a Floodproofing Certificate (FEMA Form 81-65), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Section 60-894.H.4.; Section 60-897.G.; and other applicable standards in Section 60-897;
  - 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Section 60-897.L.2.a.;
  - 3. a certified statement that bridges will meet the standards of Section 60-897.M.;
  - 4. a certified statement that containment walls will meet the standards of Section 60-897.N.;

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Section 60-897 will be met.

**Sec. 60-895. - Permit required Application Fee and Expert's Fee.**

~~Before any construction or other development as defined in section 60-898, including the placement of manufactured homes, begins within any areas of special flood hazard established in section 60-894, a flood hazard development permit shall be obtained from the community development office. This permit shall be in addition to any other building permits which may be required pursuant to the codes and ordinances.~~

~~(Ord. of 9-21-2009, § 5.1B)~~

A non-refundable application fee of \$50 for all minor development and \$100 for all new construction or substantial improvements shall be paid to the City.

An additional fee may be charged if the Planning and Development Department and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

**Sec. 60-896. - Application for permit Review Standards for Flood Hazard Development Permit.**

~~The application for a flood hazard development permit shall be submitted to the community development office Planning and Development Department and shall include:~~

- ~~(1) The name and address of the applicant;~~
- ~~(2) An address and a map indicating the location of the construction site;~~
- ~~(3) A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;~~
- ~~(4) A statement of the intended use of the structure;~~
- ~~(5) A statement as to the type of sewage system proposed;~~
- ~~(6) Specification of dimensions of the proposed structure;~~
- ~~(7) The elevation in relation to the National Geodetic Vertical Datum (NGVD) or to a locally established datum in zone A only, of the:~~

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

- ~~a. Base flood at the proposed site of all new or substantially improved structures, which is determined:
    - ~~1. In zones A1-30, AE, AO and AH from data contained in the Flood Insurance Study— City of Auburn, Maine, as described in section 60-894; or~~
    - ~~2. In zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;~~~~
  - ~~b. Highest and lowest grades at the site adjacent to the walls of the proposed building;~~
  - ~~c. Lowest floor, including basement; and whether or not such structures contain a basement; and~~
  - ~~d. Level, in the case of nonresidential structures only, to which the structures will be floodproofed;~~
  - ~~(8) A description of a base flood elevation reference point established on the site of all new or substantially improved structures;~~
  - ~~(9) A written certification by a registered land surveyor that the elevations shown on the application are accurate;~~
  - ~~(10) Certification by a registered professional engineer or architect that floodproofing methods for any nonresidential structures will meet the floodproofing criteria of subsection (7)d of this section, section 60-898(7) and other applicable standards in section 60-898~~
  - ~~(11) A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;~~
  - ~~(12) A statement of construction plans describing in detail how each applicable development standards in section 60-898 will be met; and~~
  - ~~(13) A fee in the amount provided in the city fee schedule.~~
- ~~(Ord. of 9-21-2009, § 5.1C)~~

The Planning and Development Department shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Section 60-897 (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
  - 1. the base flood and floodway data contained in the “Flood Insurance Study – Androscoggin County, Maine” as described in Section 60-892;
  - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Section 60-894.H.1.b.; Section 60-897.K.; and Section 60-899.D., in order to administer Section 60-897 of this Ordinance; and,

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

3. when the community establishes a base flood elevation in a Zone A by methods outlined in Section 60-894.H.1.b., the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 60-892 of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Section 60-897, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
  2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Section 60-897.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
  3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Section 60-897.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 60-900 of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

Compliance and certifications of design standards required under the provisions of Section 60-894, 60-897 and 60-898 of this Ordinance.

**Sec. 60-897. - Review of flood hazard development permit applications**  
**Development Standards.**

~~The community development office shall:~~

- ~~(1) Review all applications for the flood hazard development permit to ensure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of section 60-898 have, or will be met;~~
- ~~(2) Utilize, in the review of all flood hazard development permit applications, the base flood data contained in the Flood Insurance Study—City of Auburn, Maine, as described in section 60-894. In special flood hazard areas where base flood elevation data are not provided, the CEO shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to sections 60-896(7)a2, 60-898(1)a, and 60-900(4) in order to administer section 60-898~~
- ~~(3) Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in section 60-894~~
- ~~(4) In the review of flood hazard development permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334;~~
- ~~(5) Notify adjacent municipalities, the department of environmental protection, the state planning office (floodplain management program), and FEMA prior to any alteration or relocation of a watercourse;~~
- ~~(6) Issue a two part flood hazard development permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the community development office Planning and Development Department with an application for part II of the flood hazard development permit and shall include an elevation certificate completed by a registered state surveyor for compliance with the elevation requirements of section 60-898(6), (7), (8) and (10). Following review of the application, which review shall take place within 72 hours of receipt of the application, the community development office Planning and Development Department shall issue part II of the flood hazard development permit. Part II shall authorize the applicant to complete the construction project; and~~
- ~~(7) Maintain, as a permanent record, copies of all flood hazard development permits issued and data relevant thereto, including reports of the board of appeals on variances granted under the provisions of section 60-901, and copies of elevation certificates and certificates of compliance required under section 60-899~~

~~(Ord. of 9-21-2009, § 5.1D)~~

All developments in areas of special flood hazard shall meet the following applicable standards:

**A. All Development - All development shall:**

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  2. use construction materials that are resistant to flood damage;
  3. use construction methods and practices that will minimize flood damage; and,
  4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. Residential** - New construction or substantial improvement of any residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
  2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Section 60-894.H.1.b.; Section 60-896.B; or Section 60-899.D.
- G. Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
    - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Section 60-894.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Section 60-894.H.1.b.; Section 60-896.B; or Section 60-899.D., or

a. together with attendant utility and sanitary facilities meet the floodproofing standards of Section 60-897.G.1.

H. **Manufactured Homes** - New or substantially improved manufactured homes located within:

1. Zones AE shall:

a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;

b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

(2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

(3) all components of the anchoring system described in Section 60-897.H.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

a. be elevated on a permanent foundation, as described in Section 60-897.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Section 60-894.H.1.b.; Section 60-896.B; or Section 60-899.D.; and

b. meet the anchoring requirements of Section 60-897.H.1.c.

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

**I. Recreational Vehicles** - Recreational Vehicles located within:

1. Zones A and AE shall either:

- a. be on the site for fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Section 60-897.H.1.

**J. Accessory Structures** - Accessory Structures, as defined in Section 60-904, located within Zones A and AE, shall be exempt from the elevation criteria required in Section 60-897.F. & G. above, if all other requirements of Section 60-897 and all the following requirements are met. Accessory Structures shall:

- 1. be 500 square feet or less and have a value less than \$3000;
- 2. have unfinished interiors and not be used for human habitation;
- 3. have hydraulic openings, as specified in Section 60-897.L.2., in at least two different walls of the accessory structure;
- 4. be located outside the floodway;
- 5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
- 6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

**K. Floodways** -

- 1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 2. In Zones A and AE riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Section 60-

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

897.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37).

3. In Zones A and AE riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

**L. Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones A and AE that meets the development standards of Section 60-897, including the elevation requirements of Section 60-897, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Section 60-904;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

a. be engineered and certified by a registered professional engineer or architect; or,

b. meet or exceed the following minimum criteria:

(1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

(2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

(3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

M. **Bridges** - New construction or substantial improvement of any bridge in Zones A and AE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
2. a registered professional engineer shall certify that:
  - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Section 60-897.K.; and
  - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones A and AE shall:
  - a. have the containment wall elevated to at least one foot above the base flood elevation;
  - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
  - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Section 60-894.K.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and AE, in and over water and seaward of mean high tide, if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

**Sec. 60-898. - ~~Development standards~~Certificate of Compliance.**

~~All development in areas of special flood hazard shall meet the following applicable standards:~~

- ~~(1) New construction or substantial improvement of any structure shall:~~

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

- ~~a. Be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;~~
- ~~b. Use construction materials that are resistant to flood damage;~~
- ~~c. Use construction methods and practices that will minimize flood damage; and~~
- ~~d. Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.~~
- ~~(2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.~~
- ~~(3) All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwaters.~~
- ~~(4) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.~~
- ~~(5) All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.~~
- ~~(6) New construction or substantial improvement of any residential structure located within:
  - ~~a. Zones A1-30, AE and AH shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.~~
  - ~~b. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.~~
  - ~~c. Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade:
    - ~~1. At least one foot higher than the depth specified in feet on the community's flood insurance rate map; or~~
    - ~~2. At least three feet if no depth number is specified.~~~~
  - ~~d. Zone A shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to sections 60-896(7)a2, 60-897(2), or 60-900(4).~~~~
- ~~(7) New construction or substantial improvement of any nonresidential structure located within:
  - ~~a. Zones A1-30, AE and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
    - ~~1. Be floodproofed to at least one foot above the base flood level so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;~~
    - ~~2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and~~
    - ~~3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for~~~~~~

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

~~meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by section 60-896(10) and shall include a record of the elevation above mean sea level to which the structure is floodproofed.~~

- ~~b. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.~~
  - ~~c. Zone AO shall have the lowest floor, including basement, elevated above adjacent grade:
    - ~~1. At least one foot higher than the depth specified in feet on the community's flood insurance rate map;~~
    - ~~2. At least three feet if no depth number is specified; or~~
    - ~~3. Together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of section 60-898(7)a.~~~~
  - ~~d. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to sections 60-896(7)a2, 60-897(2), or 60-900(4).~~
- ~~(8) New or substantially improved manufactured homes located within:~~
- ~~a. Zones A1-30, AE or AH shall:
    - ~~1. Be elevated on a permanent foundation so that the lowest floor is at least one foot above the base flood elevation; and~~
    - ~~2. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
      - ~~(i) Over the top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (homes less than 50 feet long require one additional tie per side);~~
      - ~~(ii) Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (homes less than 50 feet long require four additional ties per side); or~~
      - ~~(iii) All components of the anchoring system described in section 60-898(8)a shall be capable of carrying a force of 4,800 pounds.~~~~~~
  - ~~b. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.~~
  - ~~c. Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade:
    - ~~1. At least one foot higher than the depth specified in feet on the community's flood insurance rate map; or~~
    - ~~2. At least three feet if no depth number is specified; and~~
    - ~~3. Meet the requirements of section 60-898(8)a1 and 2.~~~~

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

- ~~d. Zone A shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to sections 60-896(7)a2, 60-897(2), or 60-900(4).~~
- ~~e. Recreational vehicles located within zone AE shall either:
  - ~~1. Be on the site for fewer than 180 consecutive days;~~
  - ~~2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~
  - ~~3. Meet the permit requirements of elevation and anchoring requirements for "manufactured home" in division 6 of article XII of this chapter.~~~~

~~(9) Floodways.~~

- ~~a. In zones A1-30 and AE encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community's flood boundary and floodway map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge;~~
- ~~b. In zones A1-30 and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community; and~~
- ~~c. In zone A riverine areas, in which the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of section 60-898(9)b.~~

~~(10) New construction or substantial improvement of any structure in zones A1-30, AE, AO, AH and A that meets the development standards of section 60-898, including the elevation requirements of section 60-898(6), (7) or (8) and is elevated on posts, columns, piers, piles, stilts, or crawl spaces less than three feet in height and may be enclosed below the elevation requirements provided all the following criteria are met or exceeded:~~

- ~~a. Walls, with the exception of crawl spaces less than three feet in height, shall not be part of the structural support of the building;~~
- ~~b. Enclosed areas are not "basements" as defined in section 60-892~~
- ~~c. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:
  - ~~1. Be certified by a registered professional engineer or architect; or~~~~

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

~~2.—Meet or exceed the following minimum criteria:~~

- ~~(i)—A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;~~
- ~~(ii)—The bottom of all openings shall be no higher than one foot above the lowest grade;~~
- ~~(iii)—Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of floodwaters automatically without any external influence of control such as human intervention, including the use of electrical and other nonautomatic mechanical means;~~

~~d.—The enclosed area shall not be used for human habitation; and~~

~~e.—The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.~~

~~(Ord. of 9-21-2009, § 5.1E)~~

~~No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Planning and Development Department subject to the following provisions:~~

~~A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Planning and Development Department an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Section 60-897, paragraphs F, G, or H.~~

~~B. The applicant shall submit written notification to the Planning and Development Department that the development is complete and complies with the provisions of this ordinance.~~

~~C. Within 10 working days, the Planning and Development Department shall:~~

- ~~1. review the Elevation Certificate and the applicant's written notification; and,~~
- ~~2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.~~

**Sec. 60-899. - Certificate of compliance Review of Subdivisions and Development Proposals.**

~~(a) No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a certificate of compliance is issued by the community development office subject to the following provisions:~~

~~(1) The applicant shall submit an elevation certificate completed by:~~

~~a.—A registered state surveyor for compliance with section 60-898(6), (7), (8) or (9); and~~

~~b.—A registered professional engineer or architect, in case of floodproofed nonresidential structures, for compliance with section 60-898(7); and~~

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

~~(2) The application for a certificate of compliance shall be submitted by the applicant in writing along with a completed elevation certificate to the community development office.~~

~~(b) The community development office shall review the application within ten working days of receipt of the application and shall issue a certificate of compliance, provided the building conforms to the provisions of this division.~~

~~(Ord. of 9-21-2009, § 5.1F)~~

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Section 60-897 of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

**Sec. 60-900. - Review of subdivision and development proposals Appeals and Variances.**

~~The planning board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances, ensure that:~~

~~(1) All such proposals are consistent with the need to minimize flood damage.~~

~~(2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.~~

~~(3) Adequate drainage is provided so as to reduce exposure to flood hazards.~~

~~(4) All proposals include base flood elevation and, in a riverine floodplain, floodway data.~~

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

~~(5) Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with section 60-898 and that such requirement will be included in any deed, lease, or document transferring or expressing an intent to transfer any interest in real estate or structure. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be stated on any map, plat, or plan to be signed by the planning board or local reviewing authority as part of the approval process.~~

~~(Ord. of 9-21-2009, § 5.1G)~~

The Board of Appeals of the City of Auburn may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. a showing of good and sufficient cause; and,

2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,

4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

a. that the land in question cannot yield a reasonable return unless a variance is granted; and,

b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,

c. that the granting of a variance will not alter the essential character of the locality; and,

d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
1. other criteria of Section 60-900 and Section 60-897.K. are met; and,
  2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Section 60-900, paragraphs A. through D. above; and,
  2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Section 60-900, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
  2. such construction below the base flood level increases risks to life and property; and,
  3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals
1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
  2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
  3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
  4. The person filing the appeal shall have the burden of proof.

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Planning and Development Department and Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Planning and Development Department to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

**Sec. 60-901. -~~Appeals and variances~~Enforcement and Penalties.**

- ~~(a) The board of appeals of the city may, upon written application of an aggrieved party, hear and decide appeals from determination of the code enforcement officer in the administration of the provisions of this division.~~
- ~~(b) The board of appeals may grant a variance from the requirements of this division consistent with state law and the following criteria:
  - ~~(1) Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.~~
  - ~~(2) Variances shall be granted only upon:
    - ~~a. A showing of good and sufficient cause;~~
    - ~~b. A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or created nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances;~~
    - ~~c. A showing that the existence of the variance will not conflict with other state, federal or local laws or ordinances; and~~
    - ~~d. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~~~
  - ~~(3) Variances may be issued by a community for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
    - ~~a. Other criteria or section 60-901 and section 60-898(9) are met;~~
    - ~~b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.~~~~
  - ~~(4) Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of historic structure upon the determination that:
    - ~~a. The development meets the criteria of subsection (b)(1) through (3) of this section; and~~
    - ~~b. The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~~~~~

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

~~(5) Any applicant who meets the criteria of subsections (b)(1) through (4) of this section shall be notified by the board of appeals in writing over the signature of the Chairman of the board of appeals that:~~

~~a. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25.00 per \$100.00 of insurance coverage;~~

~~b. Such construction below the base flood level increases risks to life and property; and~~

~~c. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.~~

~~(Ord. of 9-21-2009, § 5.1H)~~

~~A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.~~

~~B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.~~

~~C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:~~

~~1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;~~

~~2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;~~

~~3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;~~

~~4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,~~

~~5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.~~

**Secs. 60-902 – Validity and Severability.**

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

**Secs. 60-903 – Conflict With Other Ordinances.**

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

**Secs. 60-904 – Definitions.**

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

**Accessory Structure** - means a small detached structure that is incidental and subordinate to the principal structure.

**Adjacent Grade** - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Area of Special Flood Hazard** - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Section 60-892 of this Ordinance.

**Base Flood** - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

**Basement** - means any area of the building having its floor subgrade (below ground level) on all sides.

**Building** - see **Structure**.

**Certificate of Compliance** - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

**Code Enforcement Officer** - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

**Development** - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

**Elevated Building** - means a non-basement building

- a. built, in the case of a building in Zones A or AE, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

In the case of Zones A or AE, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Section 60-897.L..

**Elevation Certificate** - An official form (FEMA Form 81-31) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

**Flood or Flooding** - means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - 1. The overflow of inland or tidal waters.
  - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

**Flood Elevation Study** - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Insurance Rate Map (FIRM)** - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study** - see **Flood Elevation Study**.

**Floodplain or Flood-prone Area** - means any land area susceptible to being inundated by water from any source (see flooding).

**Floodplain Management** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain Management Regulations** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

**Floodproofing** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

**Floodway** - see **Regulatory Floodway**.

**Floodway Encroachment Lines** - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

**Freeboard** - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

**Functionally Dependent Use** - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Historic Structure** - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior, or
  2. Directly by the Secretary of the Interior in states without approved programs.

**Locally Established Datum** - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

**Lowest Floor** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor,

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Section 60-897.L. of this ordinance.

**Manufactured Home** - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Manufactured Home Park or Subdivision** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**Minor Development** - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Section 60-897.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

**National Geodetic Vertical Datum (NGVD)** - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

**New Construction** - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**North American Vertical Datum (NAVD)**- means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

**100-year flood** - see **Base Flood**.

**Recreational Vehicle** - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway -**

- a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

**Riverine** - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Special Flood Hazard Area** - see **Area of Special Flood Hazard**.

**Start of Construction** - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

**Structure** - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

**Substantial Damage** - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XII. - ENVIRONMENTAL REGULATIONS  
DIVISION 2. - FLOODPLAIN OVERLAY DISTRICT

enforcement official and which are the minimum necessary to assure safe living conditions;  
or

b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

**Variance** - means a grant of relief by a community from the terms of a floodplain management regulation.

**Violation** - means the failure of a structure or development to comply with a community's floodplain management regulations.

**Secs. 60-905 – Abrogation.**

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

**Secs. 60-902~~6~~—60-920. - Reserved.**



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

93 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0093

WALTER E. WHITCOMB  
COMMISSIONER

PAUL R. LEPAGE  
GOVERNOR

January 10, 2013

Mr. Clinton Deschene, City Manager  
City of Auburn  
60 Court Street  
Auburn, Maine 04210

COPY

[Certified Mail]

RE: Updated ordinance requirement for compliance with the National Flood Insurance Program (NFIP)

Dear Mr. Deschene

Your community should have recently received a Letter of Final Determination (LFD) from the Federal Emergency Management Agency (FEMA) which sets the effective date of the new digital flood maps for all of Androscoggin County for July 8, 2013. This letter marks the beginning of a six month time period for communities to update their Floodplain Management Ordinances to reflect any changes since the last ordinance was adopted and to incorporate the new map date. **Your community must adopt an updated Floodplain Management Ordinance which references the new map date on or before July 8, 2013 in order to avoid being immediately suspended from the NFIP.**

Enclosed is a copy of the most current state model Floodplain Management Ordinance that has been customized specifically for your community. Participation in the NFIP provides protection to those members of your community who may be affected by flooding. One of the most important benefits is your town's eligibility for disaster funding to repair roads damaged by flooding when your county is in a declared disaster area. In addition, flood insurance is available to those who have federally backed mortgages in the floodplain. This is all possible by way of your community's commitment to adopt, administer and enforce its floodplain ordinance and your commitment to regulate development within flood prone areas.

Adoption of the new maps prior to the final map date will assure uninterrupted and continued participation in the NFIP. The enclosed ordinance contains all the changes that have occurred at the federal and state level since your ordinance was last adopted. Also enclosed is an instruction sheet that explains the ordinance adoption process. Since FEMA has very specific requirements regarding ordinance language we encourage communities to adopt the ordinance without changes. However, if you would like to make any changes, you should discuss them with this office prior to local consideration. This is to ensure that the ordinance remains compliant.

**Please make sure your community does not adopt any prior versions of the ordinance that we may have previously sent to your community.**

We filled in the application fee (in Article III) using the ordinance that is in effect now for your community. The application fee is set by the municipality so if you would like to review other fee options or change it, just let us know.

PHONE: (207) 287-2801

17 ELKINS LANE, WILLIAMS PAVILION  
[www.maine.gov/acf](http://www.maine.gov/acf)

FAX: (207) 287-2353

Some communities have expressed concern about adopting maps that do not become effective until several months after they are adopted. Please note that is acceptable for the community to set the effective date of the ordinance to coincide with the day the new maps become effective.

Once your ordinance has been adopted, and certified by the Town Clerk, please send this office an electronic copy (if possible) and two (2) certified printed copies. We will forward one copy each to the FEMA regional office and the regional planning commission. An electronic copy will be filed here at the Maine Floodplain Management Program.

**Please provide us with contact information for the person who will be responsible locally for coordinating the ordinance update process. We would also like to know the scheduled dates for your public hearing and town meeting as we must track this information for all of Androscoggin County.** Please contact Janet Parker at 287-9981 or [janet.parker@maine.gov](mailto:janet.parker@maine.gov) as soon as this information is available.

Over the next few months we expect to host at least two outreach meetings in Androscoggin County. Usually one is scheduled for the afternoon and one in the early evening. These will be public informational sessions so that we can answer questions as to how folks will be affected by the new maps, particularly with regard to flood insurance. We hope you will have at least one local official in attendance and that you'll spread the word so that property owners have the opportunity to get their individual questions answered. Please feel free to contact me (287-8063 or [sue.baker@maine.gov](mailto:sue.baker@maine.gov)), Joe (287-8051 or [joseph.young@maine.gov](mailto:joseph.young@maine.gov)), or Janet (298-9981 or [janet.parker@maine.gov](mailto:janet.parker@maine.gov)) at any time throughout this process if you have questions or need additional assistance.

Best Regards,



Sue Baker, CFM  
State NFIP Coordinator

Enclosures: Customized 2013 Model Ordinance  
Adoption Instructions

Cc: Eric Cousens, City Planner

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting

April 23, 2013

Dear Property Owner,

The Federal Emergency Management Agency (FEMA) published revised floodplain maps for Androscoggin County in June of 2012. As a result, proposed floodplain designations for some properties in Auburn were reclassified on the draft maps. Some properties now fall within a more stringent floodplain zone, while others may have been removed from previously identified floodplain areas. One substantial change is an approximately 1 foot lower flood elevation around Taylor Pond. This letter is being sent to you because City records indicate that you own property that is currently mapped as being located within or proposed to be mapped within the 100-year flood zone. Last summer a notice was sent to property owners and was followed by a number of public meetings to provide local comments and information for FEMA to consider in revising the maps. Those maps have been finalized by FEMA and will become effective in July 2013. The next phase of this process is for local adoption of the flood maps by the City. If we wish to continue to participate in the National Flood Insurance Program (NFIP), the local adoption of the maps is mandatory. This letter is being sent to over 1400 property owners. Due to the large number of property owners we have created a web page to help you access the information you need to determine how the map changes affect your property (ies).

The proposed FEMA Flood Insurance Rate (FIRM) maps are posted for viewing on the City's website at <http://www.auburnmaine.gov/Pages/Government/Floodplain-Info->. The directions on that site will help you search for your property and compare the current flood map to the proposed flood map. There is also a spread sheet with the changes to each property estimated based on mapping information. We made every effort to provide an accurate analysis on that list, but property owners need to view the maps to be sure of the changes. The maps may also be accessed in the City's Planning and Permitting Department, located on the 1st floor of Auburn City Hall between 8am and 4:30pm, M-F. If the maps indicate that the floodplain is close to any structures on your property you are encouraged to view the official paper copies of the maps. Additional information and resources are also linked to the web page to help answer any questions.

FEMA published notices in the local newspaper as required by law, but City Council and staff wanted to mail an additional notice ensure awareness of the changes. FIRMs are used to determine if flood insurance is required for loans and to set insurance rates. The City of Auburn participates in the NFIP to ensure that property owners have access to the Federal Insurance Program. The City also participates in the Community Rating System program to allow for discounted insurance rates throughout the City by meeting Federal flood damage prevention and education requirements.

The process for the current and final phase of the map adoption process will be as follows. You are invited to participate in any of the public meetings or contact the Planning and Permitting Office or State Floodplain Management Program Office for information or questions.

Eric Cousens, Director of Planning and  
Permitting  
Auburn, Maine 04210  
(207) 333-6601, ext. 1154  
[ecousens@auburnmaine.gov](mailto:ecousens@auburnmaine.gov)

Sue Baker, CFM, Program Coordinator  
207-287-8063  
[sue.baker@maine.gov](mailto:sue.baker@maine.gov)

**May 2, 2013 at 6PM**

Community Room, 2<sup>nd</sup> Floor of Auburn City Hall, 60 Court Street Auburn, Maine 04210  
Joint Auburn/Lewiston and surrounding communities of Androscoggin County Public Outreach Meeting  
hosted by State and FEMA Staff to cover the following topics and answer questions:

- Insurance availability and policy changes
- Community resilience and hazard mitigation
- Floodplain map availability
- Letters of Map amendment

**May 14, 2013 6PM Auburn Planning Board Meeting**

City Council Chambers at Auburn City Hall, 60 Court Street, Auburn Maine 04210  
Public discussion and public hearing regarding proposed floodplain zoning map changes and forward a recommendation to the Auburn City Council.

**June 3, 2013 5:30PM City Council Workshop**

City Council Chambers at Auburn City Hall, 60 Court Street, Auburn Maine 04210  
Workshop with Council to discuss the proposed maps and the Planning Board Recommendation. This is just an introduction to the subject and no action expected at this meeting. Workshops don't provide an opportunity for public input but the meeting following the workshop at 7pm will have an open session for anyone wishing to speak to the Council.

**June 17, 2013 7pm City Council Meeting**

City Council Chambers at Auburn City Hall, 60 Court Street, Auburn Maine 04210  
The Council will discuss the proposed maps and the Planning Board Recommendation. This is a public reading and public input is requested from anyone wishing to speak to the Council about this subject to help the Council make a decision.

**July 1, 2013 7pm City Council Meeting**

City Council Chambers at Auburn City Hall, 60 Court Street, Auburn Maine 04210  
The Council will discuss the proposed maps and the Planning Board Recommendation. This is a second and final public reading, public hearing and public input is requested from anyone wishing to speak to the Council about this subject to help the Council make a decision.

Please feel free to call or email Sue Baker or myself with any questions.

Sincerely,

Eric Cousens, City Planner / Director of Planning and Permitting



# City Council Workshop Information Sheet

City of Auburn

**Council Workshop Date:** June 3, 2013

**Item** B

**Author:** Jill M. Eastman, Finance Director

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan    Work Plan    Budget    Ordinance/Charter    Other Business\*    Council Goals\*\*

\*\*If Council Goals please specify type:    Safety    Economic Development    Citizen Engagement

**Subject:** Post-Issuance Compliance Policy for Tax-Exempt Obligations

**Information:** The management letter for the Fiscal Year 2012, included a comment in reference to Post-Issuance Debt Compliance. I have been working with the City's Bond Council to write a policy to address this comment. The Internal Revenue Service has increased its audits of compliance with tax-exempt bond issuance requirements. The policy establishes procedures and guidelines to be followed with respect to the City's outstanding Tax-exempt Obligations and Tax Credit Obligations.

**Financial:**

**Action Requested at this Meeting:** Adoption of the Post-Issuance Compliance Policy for Tax-Exempt Obligations

**Previous Meetings and History:** workshop

**Attachments:**

Post-Issuance Compliance Policy for Tax-Exempt Obligations  
Copy of the FY12 Management letter comment regarding Post-Issuance Debt Compliance  
Legal Alert-May 2013, from Bernstein Shur regarding Municipal Bond Post-Issuance Compliance

\*Agenda items are not limited to these categories.



POST-ISSUANCE COMPLIANCE POLICY FOR  
TAX-EXEMPT OBLIGATIONS

1. This post-issuance compliance policy establishes procedures and guidelines to be followed with respect to the City of Auburn's outstanding Tax-exempt Obligations and Tax Credit Obligations.

"Tax-exempt Obligations" means all tax-exempt bonds, notes and lease-purchase contracts and other evidences of indebtedness the income on which is excludable from the gross income of the holders thereof under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

"Tax Credit Obligations" means all tax credit bonds and direct pay bonds that provides a tax credit to the holders thereof or a direct pay bond issued under the Code, including but not limited to Section 54, 54A, 54AA, 1394, 1400U-2, 1400U-3 and 6431 or other similar provision of the Code.

2. Compliance Officer; Consultation and Training: The Finance Director (the "Compliance Officer") shall be responsible for monitoring post-issuance compliance with respect to the City's Tax-exempt and Tax Credit Obligations.

- a. Unless a shorter time-frame is specified below, the Compliance Officer shall annually review each of the City's Tax-exempt and Tax Credit Obligations then outstanding to monitor for compliance with this Policy.
- b. The Compliance Officer shall consult with the City's bond counsel and/or its financial advisor and a rebate consultant as necessary to meet the requirements of this Policy.
- c. The Compliance Officer will be trained to implement this Policy.

3. Closing Transcripts; Form 8038-G; Form 8038-TC. The Compliance Officer shall maintain a copy of the transcript of proceedings for each Tax-exempt and Tax-credit Obligation issued by the City.

If not included in the closing transcript, the Compliance Officer shall also maintain records required to be maintained to qualify for the safe harbor for investment contracts or defeasance escrows and to identify any qualified hedge contract on the City's books and records.

The Compliance Officer shall confirm the proper filing of an 8038-G, 8038-TC or other applicable Form 8038 return for each Tax-exempt and Tax Credit Obligation issued by the City.

4. Deposit and Use of Proceeds; Arbitrage Compliance. The Compliance Officer shall:

- a. create appropriate funds and accounts to track the deposit and use of the sale proceeds and investment proceeds of each Tax-exempt and Tax Credit Obligation issued by the City;
- b. maintain records of all investments and expenditures from such funds and accounts;
- c. make a final allocation of the proceeds of any Tax-exempt and Tax Credit Obligation to expenditures by no later than (i) 18 months after the later of the date the expenditure was

made or (ii) the date the project being financed was placed in service. Notwithstanding the foregoing, the final allocation shall be made not later than the earlier of five years after the particular Tax-Exempt or Tax Credit Obligation was issued or 60 days after the issue is retired.

- d. determine whether each Tax-exempt or Tax Credit Obligation meets the requirements of any applicable exception to arbitrage rebate, including the "small issuer" exception to arbitrage rebate or the semi-annual target dates for the 6-month, 18-month, or 24-month spending exception to arbitrage rebate;
- e. consult with Bond Counsel to identify and monitor any proceeds of a Tax-exempt or Tax Credit Obligation that must be invested in yield restricted investments following the expiration of any applicable temporary period or spending period;
- f. in the event the City fails to meet the requirements of the applicable temporary period, spending period or exception to rebate:
  - i. arrange for the timely calculation and payment of any rebate liability or yield reduction payment, if available and as applicable;
  - ii. ensure that if rebate is due, the first rebate installment is paid by the fifth anniversary of the issue date of the particular Tax-Exempt or Tax Credit Obligation plus 60 days and each fifth anniversary thereafter until the final maturity date plus 60 days.

5. Proper Use of Bond Financed Property. The Compliance Officer shall:

- a. maintain a record of all bond financed property and the proceeds of any Tax-exempt or Tax Credit Obligation spent on each such bond financed property;
- b. monitor all non-public use of any property financed with the proceeds of any Tax-exempt or Tax Credit Obligation and confer with Bond Counsel as appropriate. Such non-public use may arise out of some of the following arrangements: non-qualified management or research contracts (refer to Rev. Procs. 97-13 and 97-14), leases (including leases to the Federal Government), naming rights, or the sale, disposition or other change in use of such property;
- c. maintain copies of any non-public use arrangement; and
- d. in the event the City takes an action which causes the private activity bond tests to be met, contact bond counsel and take all actions necessary to ensure timely remedial action under the applicable IRS Regulation.

6. Continuing Disclosure. The Compliance Officer shall file the annual financial statements and other financial information and operating data and shall provide notice of any material events as required by any continuing disclosure certificate delivered by the City with respect to any Tax-exempt or Tax Credit Obligation.

7. Significant modification. The Compliance Officer shall evaluate all modifications to any of the City's Tax-Exempt or Tax Credit Obligations to determine whether such modifications result in a reissuance and, if such modifications do result in a reissuance, to take all actions necessary to maintain the tax-exempt status of the Tax-Exempt Obligation or the tax advantaged status of the Tax Credit Obligation.

8. Retention of Records. The closing transcript for each Tax-Exempt and Tax Credit Obligation and other records to be retained pursuant to this Policy shall be maintained until three (3) years after said Tax-exempt or Tax Credit Obligation (or obligations issued to refund such Tax-exempt or Tax Credit Obligation) has been retired.

If records and materials to be maintained under this Policy are kept in electronic format, the record system shall comply with the requirements of Rev. Proc. 97-22, as such may be amended, modified, superseded or replaced.

CITY OF AUBURN, MAINE  
Schedule of Comments, Continued  
June 30, 2012

---

**OTHER COMMENTS, CONTINUED**

**Complete and Maintain I-9 Information for All Employees**

During the audit, we noted that several employees did not have a Form I-9 on file. Form I-9s are used by the United States Citizenship and Immigration Service to determine if employees working for an organization are legal citizens of the United States or have the appropriate worker's visa. Form I-9 must be stored for 3 years after the date an employee is hired, or 1 year after the date an individual ceases to be an employee, whichever is later. For example, if an employee retires from the City after 15 years, Form I-9 will need to be stored for a total of 16 years. The penalty for failing to properly complete or retain Form I-9s is up to \$1,100 per employee. We recommend that the City perform a review of all employees to ensure that Form I-9s exist for those employees.

*Management's response/corrective action plan:*

*The City will review all I-9s and make sure that we have the required I-9s on file by the end of January 2013.*

**Post-Issuance Debt Compliance**

In recent months, the IRS has increased its audits of compliance with tax-exempt bond issuance requirements. These audits are sometimes based on whether the entity has a written policy related to post-issuance compliance for tax-exempt bonds. In our discussion with the Finance Director, we determined that the City does not have a written post-issuance policy, but instead relies on the City's bond advisor to inform them when they need to do their post-issuance disclosures. We recommend that the City adopt a formal post-issuance compliance policy to ensure the City is meeting all of the post-issuance compliance requirements. The IRS has identified certain recommended elements that should be included in a policy.

*Management's response/corrective action plan:*

*The Finance Director is working with Bond Counsel to write a post-issuance compliance policy that will be brought to the City Council to be adopted before the end of FY2013.*

**Finance Committee**

During our pre-audit meeting with the Audit Committee, it was mentioned that the City Council does not have a finance committee. By establishing and regularly utilizing a finance committee, the City can achieve a greater understanding of, and be more involved in the financial process. General duties of a finance committee may include, but are not limited to, receiving and discussing financial information provided by management, such as Ice Arena financials and a schedule of unexpended bond proceeds, and any other functions the City Council recommends.

*Management's response/corrective action plan:*

*The City Manager and City Council are looking at different committee structures at this time. No decision has been made yet as to what the end result will be.*

## Municipal Bond Post-Issuance Compliance

Does your municipality have outstanding tax-exempt bond obligations? If yes, the IRS is interested in:

- Whether you have earned more investment earnings on the bond proceeds than is permitted
- Whether you have spent or will spend the bond proceeds too slowly
- Whether you have failed to make any rebate payments to the IRS (if required)
- Whether you have used the bond proceeds and any property financed with bond proceeds improperly

In the last year, the IRS has taken a much more active role in post-issuance compliance enforcement and training activities. The IRS says:

*"The on-going nature of post-issuance compliance requirements applicable to tax-advantaged bonds requires issuers to actively monitor compliance throughout the entire period the bonds remain outstanding. The due diligence will significantly improve the issuer's ability to identify noncompliance and prevent violations from occurring, or timely correct identified violations (when prevention is not possible), to ensure the continued tax-advantaged status of the bonds."*

The IRS provides the following guidance for municipalities with outstanding tax-exempt bond obligations. In order to preserve the tax-exempt status of a municipality's bond issues, the municipality must:

- Adopt written procedures reasonably expected to timely identify noncompliance
- Adopt written procedures ensuring that the issuer will take steps to timely correct noncompliance
- Identify the official or employee responsible for the due diligence reviews
- Train the responsible official/employee
- Retain adequate records to substantiate compliance (e.g. records relating to expenditure of proceeds)
- Conduct due diligence reviews at regular intervals in order to determine compliance with arbitrage and rebate requirements as well as use restrictions on the bond proceeds and property financed with bond proceeds

For more information on post-issuance compliance matters and to assist you in developing a post-issuance compliance policy, please contact one of these members of Bernstein Shur's Public Finance Team.

Lee Bragg, 207 629-6212

Shana Cook Mueller, 207 228-7134

F. Paul Frinsko, 207 228-729

Geoff Hole, 207 228-7211



# City Council Workshop Information Sheet

City of Auburn

**Council Workshop Date:** June 3, 2013

**Item** C

**Author:** Jill M Eastman, Finance Director

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan    Work Plan    Budget    Ordinance/Charter    Other Business\*    Council Goals\*\*

\*\*If Council Goals please specify type:    Safety    Economic Development    Citizen Engagement

**Subject:** Unallocated Bond Proceeds

**Information:** I have attached a spreadsheet that shows the unallocated bond proceeds at this time per Council request.

**Financial:** Budget

**Action Requested at this Meeting:** Discussion

**Previous Meetings and History:**

**Attachments:**

Bond Expenditure History

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

CIP - Fund 3000  
FY 12-13

Description	Dept	Original Budget	Transfer	Revised Budget	FY 06- FY 08	FY 09 Actual	FY10 Actual	FY 11 Actual	FY 12 Actual	FY 13 To Date 5/23/2013	Total Exp	Encumbered	Unexpended (Over exp)	Available to Reallocate	Notes
<b>PRE FY 09 GO BONDS</b>															
Auburn I Park Improvements (2006 Bonds)		3,000,000.00		3,000,000.00	1,356,643.43	41,213.38	188,699.73	174,898.45	968.90	236,235.23	1,998,659.12	1,001,340.88	-		Per Roland Miller, waiting for environmental permitting to complete project.
MDOT Match - Main Street		105,000.00		105,000.00				76,179.31	3,701.87	-	79,881.18	25,118.82	-		
<b>Subtotal Pre FY 09</b>		<b>3,105,000.00</b>	<b>-</b>	<b>3,105,000.00</b>	<b>1,356,643.43</b>	<b>41,213.38</b>	<b>188,699.73</b>	<b>251,077.76</b>	<b>4,670.77</b>	<b>236,235.23</b>	<b>2,078,540.30</b>	<b>1,026,459.70</b>	<b>-</b>	<b>-</b>	
<b>2008 GO BONDS (FY 08-09)</b>															
Recon	Eng	2,124,000.00		2,124,000.00		64,593.00	1,281,949.58	672,799.80	7,928.60	49,053.52	2,076,324.50	47,675.50	(0.00)		
MDOT Match	Eng	103,000.00		103,000.00					34,847.52	36,897.97	71,745.49	6,358.90	24,895.61		
Raymond Park Retaining Wall	P & R	10,000.00		10,000.00						6,617.63	6,617.63		3,382.37		Will be expended this spring
PW Building Improvements	PW	54,000.00	(46,927.75)	7,072.25			-	3,407.25	3,665.00		7,072.25		-		
PW Vehicles and Equipment	PW	619,000.00		619,000.00		300,618.30	187,596.00		130,785.70		619,000.00		-		
CIP School	School	730,000.00		730,000.00		707,862.62			(8,443.06)	5,357.76	704,777.32		25,222.68		
<b>Subtotal 2008 Bonds</b>		<b>3,640,000.00</b>	<b>(46,927.75)</b>	<b>3,593,072.25</b>	<b>-</b>	<b>1,073,073.92</b>	<b>1,469,545.58</b>	<b>676,207.05</b>	<b>168,783.76</b>	<b>97,926.88</b>	<b>3,485,537.19</b>	<b>54,034.40</b>	<b>53,500.66</b>	<b>-</b>	
<b>2009 GO BONDS (FY 09-10)</b>															
Software - Citizens Services Module	ICT		12,080.00	12,080.00			12,080.00	(12,080.00)	3,529.00	7,380.21	10,909.21		1,170.79	1,170.79	
Reconstruction	Eng	2,362,442.00	(922.34)	2,361,519.66			218,714.98	1,292,063.68	813,187.78	37,837.22	2,361,803.66		(284.00)		
Major Drainage	Eng	350,000.00		350,000.00		-	46,172.37	133,897.04	108,759.95	28.44	288,857.80		61,142.20		
Sidewalks			100,000.00	100,000.00			-	-	23,334.80	76,665.20	100,000.00		-		
Roof Replacement -Elec. Building	Planning	45,000.00		45,000.00								3,723.98	41,276.02	41,276.02	
Building Imp - Hasty Gym Floor (\$120,740)	P & R		120,740.00	120,740.00						120,740.00	120,740.00		-		
Building Imp - Paint Hasty	P & R		5,000.00	5,000.00			679.56		1,660.25		2,339.81		2,660.19	2,660.19	
CIP School	School	1,000,000.00		1,000,000.00			112,347.34	697,475.26	190,177.40		1,000,000.00		-		
Unallocated Bond Proceeds															
<b>Subtotal 2009 Bonds</b>		<b>3,757,442.00</b>	<b>236,897.66</b>	<b>3,994,339.66</b>	<b>-</b>	<b>-</b>	<b>389,994.25</b>	<b>2,111,355.98</b>	<b>1,140,649.18</b>	<b>242,651.07</b>	<b>3,884,650.48</b>	<b>3,723.98</b>	<b>105,965.20</b>	<b>45,107.00</b>	
<b>2010 GO BONDS (FY 10-11)</b>															
Unallocated Bond Proceeds	Admin	85,597.38	214,817.78	300,415.16				47,645.13		96,232.76	143,877.89		156,537.27	156,537.27	
Software - Integrated Messaging/Web Site	ICT	25,000.00		25,000.00					12,500.00	12,650.00	25,150.00		(150.00)	(150.00)	
Reconstruction	Eng	2,084,542.00		2,084,542.00				114,328.64	321,808.09	1,517,267.96	1,953,404.69	10,803.63	120,333.68		
Resurface	Eng	1,133,240.00		1,133,240.00				346,516.91	763,196.59	11,763.25	1,121,476.75		11,763.25		
Major Drainage	Eng	460,000.00		460,000.00				71,011.44	222,316.37	8,108.87	301,436.68	11,040.00	147,523.32		
Sidewalks	Eng	100,000.00		100,000.00						59,002.50	59,002.50		40,997.50		
MDOT Match	Eng	204,000.00		204,000.00				73,708.10	91,309.78	25,114.81	190,132.69	13,867.31	-		
Traffic Signal Loop Repairs	Planning	44,800.00		44,800.00				7,933.00	29,283.50		37,216.50	7,583.50	-		
Softball Field Repairs	P & R	15,000.00		15,000.00						14,468.70	14,468.70		531.30	531.30	
Flash Cam	P & R	6,500.00		6,500.00									6,500.00	6,500.00	
Building Imp PW	PW	26,500.00		26,500.00				7,243.36		6,198.67	13,442.03		13,057.97	13,057.97	
CIP School (Transferred \$1,000,000 to Eng)	School	2,500,000.00	(1,000,000.00)	1,500,000.00				286,085.56	859,660.91	222,607.73	1,368,354.20		131,645.80		
<b>Subtotal 2010 Bonds</b>		<b>6,685,179.38</b>	<b>(785,182.22)</b>	<b>5,899,997.16</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>954,472.14</b>	<b>2,300,075.24</b>	<b>1,973,415.25</b>	<b>5,227,962.63</b>	<b>43,294.44</b>	<b>628,740.09</b>	<b>176,476.54</b>	
<b>2011 GO BONDS (FY 11-12)</b>															
Major Drainage	Eng	60,000.00		60,000.00						16,686.70	16,686.70		43,313.30		
MDOT Match	Eng	596,996.00		596,996.00					20,598.00	75,479.90	96,077.90	294,970.62	205,947.48		
Reclaim	Eng	313,782.00		313,782.00					64,064.05	249,717.95	313,782.00		-		
Resurface	Eng	1,192,326.00		1,192,326.00					56,051.74	624,461.50	680,513.24	465,951.99	45,860.77		
Reconstruction	Eng	472,033.00		472,033.00					4,687.80	383,277.70	387,965.50	82,930.74	1,136.76		
Sidewalks	Eng	50,000.00		50,000.00									50,000.00		
Auburn Hall	Eng	18,514.00		18,514.00					8,000.00	10,514.00	18,514.00		-		
Engine 2 Truck	Fire	225,000.00	455,000.00	680,000.00					30,000.00	483,341.20	513,341.20		166,658.80		Truck ordered Balance will be paid on delivery
Guard Rail	PW	20,000.00		20,000.00					8,045.00		8,045.00		11,955.00		
Heavy Equipment	PW	155,000.00		155,000.00									155,000.00		
Contingency	Admin	34,749.00		34,749.00						4,800.00	4,800.00		29,949.00	29,949.00	
Unallocated Bond Proceeds			4,574.67	4,574.67									4,574.67	4,574.67	

CIP - Fund 3000  
FY 12-13

Description	Dept	Original Budget	Transfer	Revised Budget	FY 06- FY 08	FY 09 Actual	FY10 Actual	FY 11 Actual	FY 12 Actual	FY 13 To Date 5/23/2013	Total Exp	Encumbered	Unexpended (Over exp)	Available to Reallocate	Notes
Bond Issuance Costs	Admin	50,000.00		50,000.00					37,974.95	9,505.64	47,480.59		2,519.41	2,519.41	
School	School	1,000,000.00		1,000,000.00					40,240.41	542,283.86	582,524.27		417,475.73		
<b>Subtotal 2011 Bonds</b>		<b>4,188,400.00</b>	<b>459,574.67</b>	<b>4,647,974.67</b>	-	-	-	-	<b>269,661.95</b>	<b>2,400,068.45</b>	<b>2,669,730.40</b>	<b>843,853.35</b>	<b>1,134,390.92</b>	<b>37,043.08</b>	
<b>2012 GO BONDS (FY 12-13)</b>															
PW-Boiler Conversion	PW	200,000.00		200,000.00						9,310.00	9,310.00	490.00	190,200.00		
PW-Building & Grounds	PW	200,000.00		200,000.00						154,847.15	154,847.15	40,508.29	4,644.56		
Major Drainage	Eng	60,000.00		60,000.00						34,682.55	34,682.55	25,317.45	-		
Drainage Mechanics Row	Property	25,000.00		25,000.00									25,000.00		
Reclamation	Eng	1,500,000.00		1,500,000.00						611,931.50	611,931.50	888,068.50	-		
Road Reconstruction	Eng	1,000,000.00		1,000,000.00						306,960.12	306,960.12	682,741.26	10,298.62		
Sidewalks	Eng	100,000.00		100,000.00									100,000.00		
MDOT Match	Eng	125,000.00		125,000.00						695.32	695.32		124,304.68		
Main St Electrical	Electrical	36,000.00		36,000.00									36,000.00		
Clerk-Fireproof Storage	Clerk	44,000.00		44,000.00						14,300.00	14,300.00	12,698.00	17,002.00	17,002.00	
PW Heavy Equipment	PW	550,000.00		550,000.00									550,000.00		
LATC-Bus Replacement	LATC	40,000.00		40,000.00									40,000.00		This is a reserve account, will be spent eventually
School	School	1,675,000.00		1,675,000.00						187,510.70	187,510.70		1,487,489.30		
Contingency	Admin	45,000.00		45,000.00									45,000.00		
Bond Issuance Costs	Admin		58,752.26	58,752.26						53,736.87	53,736.87		5,015.39	5,015.39	
<b>Subtotal 2012 Bonds</b>		<b>5,600,000.00</b>	<b>58,752.26</b>	<b>5,658,752.26</b>	-	-	-	-	-	<b>1,373,974.21</b>	<b>1,373,974.21</b>	<b>1,649,823.50</b>	<b>2,634,954.55</b>	<b>22,017.39</b>	
<b>2012 Reallocated Bond Funds (FY12-13)</b>															
Auburn Hall Roof			61,100.00	61,100.00									61,100.00		
Foster Road Demolition			12,000.00	12,000.00									12,000.00	12,000.00	property sold to George Schott
PAL Center-Heating			20,000.00	20,000.00					20,000.00	20,000.00	20,000.00		-		
Hasty Boiler Repair			30,000.00	30,000.00									30,000.00		
Library Building Improvements			12,022.00	12,022.00						2,351.74	2,351.74		9,670.26		Will be done in the Spring
Fire Building Improvements			80,000.00	80,000.00						2,564.74	2,564.74		77,435.26		
Fire S Main-Boiler Conversion			15,000.00	15,000.00									15,000.00		
Pavement Management Software			67,500.00	67,500.00						13,240.70	13,240.70	56,197.94	(1,938.64)	(1,938.64)	
PD-Mobile Data Terminal Replacement			75,000.00	75,000.00						73,807.42	73,807.42	1,192.58	0.00		
PD-Mobile Cameras			103,000.00	103,000.00						99,352.30	99,352.30		3,647.70		
PW-Fleet GPS System			32,000.00	32,000.00									32,000.00		
PW-Security Cameras			18,000.00	18,000.00									18,000.00		
Library Computer Replacements			22,075.00	22,075.00						22,075.00	22,075.00		-		
Aerial Photo Update			60,500.00	60,500.00						43,630.00	43,630.00		16,870.00		Balance to be expended in the summer
Police Copier			13,000.00	13,000.00						12,245.67	12,245.67		754.33	754.33	
Fire Hose Replacement			17,000.00	17,000.00									17,000.00		
Parks-Mowers			7,500.00	7,500.00						7,500.00	7,500.00		-		
Aerial Platform			4,300.00	4,300.00						4,075.00	4,075.00		225.00	225.00	
PW-Trackless Attachments			35,000.00	35,000.00						35,000.98	35,000.98		(0.98)	(0.98)	
Engineering Vehicles			30,000.00	30,000.00						30,001.33	30,001.33		(1.33)	(1.33)	
Police Vehicles			225,680.00	225,680.00						209,137.86	209,137.86		16,542.14		
PW-Vehicles & Equipment			40,000.00	40,000.00								39,894.00	106.00	106.00	
Parking Garage			75,000.00	75,000.00								75,000.00	-		
<b>Subtotal Reallocated Bond Funds</b>		-	<b>1,055,677.00</b>	<b>1,055,677.00</b>	-	-	-	-	-	<b>574,982.74</b>	<b>574,982.74</b>	<b>172,284.52</b>	<b>308,409.74</b>	<b>11,144.38</b>	
<b>Total Expenses</b>		<b>21,376,021.38</b>	<b>(135,637.64)</b>	<b>21,240,383.74</b>	<b>1,356,643.43</b>	<b>1,114,287.30</b>	<b>2,048,239.56</b>	<b>3,993,112.93</b>	<b>3,883,840.90</b>		<b>19,295,377.95</b>	<b>3,793,473.89</b>	<b>4,865,961.16</b>	<b>291,788.39</b>	



# City Council Workshop Information Sheet

City of Auburn

**Council Workshop Date:** June 3, 2013

**Item** D

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

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan    Work Plan    Budget    Ordinance/Charter    Other Business\*    Council Goals\*\*

\*\*If Council Goals please specify type:    Safety    Economic Development    Citizen Engagement

**Subject:** Amendment to the Mass Gathering Ordinance

**Information:** Under our current Mass Gathering ordinance it prohibits alcohol in the Mass Gathering area.  
*Sec. 24-217. Alcoholic Beverages*

The sale or consumption of alcoholic beverages of any kind is prohibited within the mass gathering area during any event. The operator will exercise due diligence and exert his/her best efforts to prevent the consumption of alcoholic beverages within the mass gathering area and to prevent patrons from using, consuming, bringing in, or otherwise obtaining alcoholic beverages within the mass gathering areas. The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.

We are proposing changing the ordinance to allow the sale and consumption of alcoholic beverages under certain conditions (see attached).

**Financial:** N/A

**Action Requested at this Meeting:** Recommend waiving the provisions of the charter which calls for the first and second readings on two separate dates and holding the first and second readings today to implement this prior to the July 4<sup>th</sup> event.

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

**Attachments:** Proposed amendment and Ordinance.

\*Agenda items are not limited to these categories.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE 07-06032013

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

#### **Sec. 24-217. Alcoholic Beverages**

~~The sale or consumption of alcoholic beverages of any kind is prohibited within the mass gathering area during any event unless the operator obtains all necessary permits from the City. The operator will exercise due diligence and exert his/her best efforts to prevent the consumption of alcoholic beverages within the mass gathering area and to prevent patrons from using, consuming, bringing in, or otherwise obtaining alcoholic beverages within the mass gathering areas.~~

If the Operator intends to sell or permit the sale of alcoholic beverages within the mass gathering area during a mass gathering, the Operator shall restrict the time and location of such sale so that alcoholic beverages are sold only during the particular event and so that public safety and order will not be impaired. The Operator shall comply fully with the laws of the State of Maine regulating the sale and consumption of alcoholic beverages, as well as with the City's Special Amusement Ordinance. No alcoholic beverages shall be sold at a mass gathering after 10:00 p.m. Alcoholic beverages may be sold and consumed only within a restricted area of the Facility, which does not include the parking lot. The Operator shall identify, in its Permit Application, the specific restricted areas where it proposes to sell alcoholic beverages, and the means by which it anticipates to limit the consumption of alcohol to such restricted portions of the mass gathering area. Additionally, the Operator shall exercise all due diligence, work with the Auburn Police Department on strict enforcement and exert its best efforts to control, limit and prevent the unauthorized consumption of alcoholic beverages on any part of the mass gathering area outside of the restricted areas, and to prevent patrons of the mass gathering area from using, consuming, bringing in, or otherwise obtaining alcoholic beverages in any manner not authorized by this Ordinance. Nothing in this Ordinance shall preclude the Operator from implementing more restrictive rules for the sale and consumption of alcoholic beverages.

No one under the age of 21 years of age will be allowed in this area.

The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.

Any person, partnership, corporation or other legal entity including the Operator, violating this Section shall be punished by a civil penalty of at least One Hundred (\$100.00) Dollars but not more than Five Hundred (\$500.00) Dollars. The failure to comply with conditions imposed upon the issuance of a mass gathering permit shall be a violation of this Section. Each violation shall be considered a separate offense, and each day a violation is allowed to exist shall be considered a separate offense. The civil penalty provided for in this Section shall be in addition to any other penalty or damages provisions provided within this Section, and shall be in addition to all other remedies to the City of Auburn at law and in equity. The provisions of this Section shall be enforced by the City Manager or such other municipal official or employee as the City Manager shall designate in writing. The City shall also be entitled to its reasonable attorney fees and costs for successfully prosecuting a violation of this Section.

Sec. 2.6. - Process.



A.

*Record.* The city council shall keep a record of its own proceedings which, except for "executive sessions," shall be available to the public.

B.

*Qualification.* The city council shall be judge of the qualification and election of its members and shall determine and enforce this Charter as well as its rules relating to procedure, misconduct, and forfeiture of office.

C.

*Action.* The city council shall act only by oral motion or written ordinance, order, or resolve, except that all acts by which the city council appropriates or expends funds shall be by written ordinance, order, or resolve. All ordinances, orders, and resolves, except resolves making appropriations, shall be confined to one subject clearly expressed in its title. Appropriation resolves shall be confined to the subject of appropriations. **No ordinance, order for the issue of bonds or notes, or appropriation resolve shall be passed until it has been read on two separate days, except when the requirement of a reading on two separate days has been dispensed by unanimous vote of the councilors present and voting.** Every ordinance shall be published in full within five days after its final passage, by posting a copy of the same at the city clerk's office, as well as electronically on the city's website, if available, and shall take effect and be in force five days after the date of passage unless otherwise specifically provided in the ordinance.

D.

*Voting.* A roll call vote shall be taken upon both first and second reading of all ordinances and entered on the record of the proceedings of the city council by the city clerk. An ordinance may be read by title only if, in the judgment of the mayor, or in the mayor's absence the presiding officer, it would be unduly burdensome or repetitive to read the full text. A roll call vote shall be taken on the passage of any order or resolve when requested by any councilor. Except as otherwise required by this Charter, action by the city council shall require at least four affirmative votes. **Five affirmative votes shall be required to adopt ordinances to take effect immediately upon enactment.**



# City Council Workshop Information Sheet

City of Auburn

**Council Workshop Date:** June 3, 2013

**Item** E

**Author:** Clint Deschene, City Manager

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan    Work Plan    Budget    Ordinance/Charter    Other Business\*    Council Goals\*\*

\*\*If Council Goals please specify type:    Safety    Economic Development    Citizen Engagement

**Subject:** Auburn Canoe and Kayak Rental

**Information:** Last year we had an agreement between the City Manager and Bethel Outdoor Adventures. It is the Managers interpretation of section 2-577 (Code of Ordinances) that an ongoing relationship requires council authorization. The uniqueness and quality of service of this venture last year were positive and it is the managers recommendation that he be authorized to sign documents to initiate a new agreement for 2 additional years and reevaluate for a possible proposal process.

**Financial:** Revenue sharing profit to the city \$100 +.

**Action Requested at this Meeting:** Discussion

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

**Attachments:**

2012 Contract

Map

Letter from Jeffrey Parsons

\*Agenda items are not limited to these categories.



## LICENSE AGREEMENT

This Agreement made this \_\_\_\_\_ day of July, 2012, by and between the City of Auburn, a municipal corporation duly authorized under the laws of the State of Maine, (hereinafter the "City,") and Bethel Outdoor Adventure, a Maine corporation with a principle place of business in Bethel, Maine.

WHEREAS, the City is the owner of certain property located near the banks of the Androscoggin River in Auburn, Maine, which property is suitable for recreational purposes; and

WHEREAS Bethel Outdoor Adventure is a recreational business, which operates, among other things, canoe and kayak rentals to the general public; and

WHEREAS the City is desirous of encouraging recreational business development along the Androscoggin River Corridor; and

WHEREAS a recent local study proposed this type of recreational business for the Androscoggin River Corridor; and

WHEREAS, pursuant to Section 2-577 of the Auburn City Ordinances, the City Manager is authorized to allow the property to be used for private purposes, when in the City Manager's opinion the circumstances especially so warrant and the terms are specified.

Now, therefore, for consideration, and pursuant to the terms of this Agreement, the parties agree as follows:

1. The City hereby licenses the property, as described in the map attached hereto as Exhibit A ("Licensed Premises"), to Bethel Outdoor Adventure for the purposes of storing and renting canoes and kayaks to the general public for use on the Androscoggin River.
2. The term of this Agreement shall be from Thursday, July 16, 2012 through September 10, 2012, inclusive.
3. In consideration for this license, Bethel Outdoor Adventure agrees to pay to the City of Auburn ten percent (10%) of all sales revenue for canoe and kayak rentals in Auburn, but in no circumstances shall Bethel Outdoor Adventures' payment under this section exceed one hundred dollars (\$100.00).
4. The Licensed Premises shall be used solely for the purposes of storing the canoes, kayaks, and accessory equipment required for the use of the canoes and kayaks, and for the occupation by employees of Bethel Outdoor Adventure for the purposes of renting these canoes and kayaks to the general public. The license covers only the Licensed Premises, and do not include any specific parking areas or spaces contiguous to the Licensed Premises. All employees of Bethel Outdoor Adventure will have to find suitable public parking as required.

5. The hours of operation of the business pursuant to this License Agreement shall be 11:00 a.m. to 7 p.m. seven days per week. Bethel Outdoor Adventure may not operate its business at this location for any other hours without the express written consent of the City.
6. Bethel Outdoor Adventure shall be responsible to keep the Licensed Premises clean and clear of all litter, repair any damage caused by them to the Licensed Premises, and shall return the Licensed Premises, at the termination of this Agreement, to the condition it was in at the beginning of the term.
7. Through the term of this License Agreement Bethel Outdoor Adventure agrees to maintain in full force and effect a policy or policies of comprehensive general liability insurance, with contract liability coverage, with respect to all of Bethel Outdoor Adventure's operations and activities, on or about the Licensed Premises, affording minimum coverage of not less than \$1,000,000.00 combined single limit for injury or death to any one or more persons and for property damage. The City shall be named as an additional insured with respect to such policy or policies, and such policy or policies shall be non-cancellable with respect to the City except upon ten (10) days written notice to the City. A duplicate certificate thereof shall be delivered to the City. Bethel Outdoor Adventure agrees that the Licensed Premises shall not be occupied during the term of the license, or any extension there, for any purpose usually denominated extra-hazardous as to fire or other hazard by fire insurance companies. Bethel Outdoor Adventure will indemnify and save the City harmless from and against any and all claims, actions, damages, liability, and expense in connection with loss of life, personal injury and/or damage to property of others arising from or out of any occurrence in, upon or at the Licensed Premises or any part thereof, wholly or in part, by any act or omission of Bethel Outdoor Adventure, their agents, contractors, employees, or business invitees. In case that the City shall, without fault on its part, be made party to any litigation commenced by or against Bethel Outdoor Adventure, arising out of any fault or negligence of said Bethel Outdoor Adventure, its agents, contractors, employees, or business invitees, then Bethel Outdoor Adventure shall pay all costs and reasonable attorney's fees incurred by or against the City by or in connection with such litigation, and Bethel Outdoor Adventure shall and will also pay all costs and reasonable attorney's fees incurred by the City in enforcing the agreements, terms and provisions of this License Agreement.
8. Bethel Outdoor Adventure may not assign this license or sublicense any part of the Licensed Premises without the prior written consent of the City, which consent may be withheld for any reason at the sole discretion of the City.
9. Bethel Outdoor Adventure shall maintain in full force during the term of this License Agreement a worker's compensation insurance policy with a Maine insurer authorized to provide said insurance, and in amounts and forms consistent with Maine state law.
10. The City or Bethel Outdoor Adventure may terminate this Agreement, at any time, without cause, upon seven days written notice to the other party. The City may terminate this Agreement without notice, for cause, should Bethel Outdoor Adventure violate the

terms of this license or if the activities operated by Bethel Outdoor Adventure are, in the sole opinion of the City, dangerous or hazardous to any person or property.

11. This Agreement is meant only as a license agreement to permit Bethel Outdoor Adventure to use certain property owned by the City. Bethel Outdoor Adventure at all times is a separate and distinct business entity and is solely responsible for the provision of any services as described within this License Agreement. Nothing in this Agreement shall be deemed to create any partnership, joint venture, or other business relationship between the City and Bethel Outdoor Adventure, except as specifically described in this License Agreement.

12. All covenants, promises, and agreements herein contained shall be binding upon and shall inure to the benefit of the respective successors or assigns of the parties hereto with respect to the subject matter hereof and all agreements, if any, whether oral or written, heretofore made by the parties hereto relative to the subject matter hereof shall be superseded by the terms and provisions of this License Agreement. No modification or amplification, oral or written, with respect to the covenants, conditions and terms herein contained shall be binding upon either party until confirmed in writing. Modification or amplification or invalidity of any of the provisions hereof shall not affect any of the remaining provisions hereof. This Agreement shall be interpreted and construed under the laws of the State of Maine. Any waiver by either party in regards to the terms of this Agreement shall constitute a waiver only of that specific occurrence, and shall not be deemed a waiver of any other covenants, promises, or agreements contained herein.

IN WITNESS WHEREOF, the undersigned, representing that they are duly authorized to act, have caused this instrument to be duly executed this \_\_\_\_\_ day of July, 2012

WITNESS:

CITY OF AUBURN

\_\_\_\_\_

\_\_\_\_\_

By: Clinton Deschene, City Manager

WITNESS:

BETHEL OUTDOOR ADVENTURE

\_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Its \_\_\_\_\_

# Licensed Area



## **Lewistin Auburn Canoe and Kayaks**

Bethel Outdoor Adventures Inc.

121 Mayville Road

Bethel ME 04217

Clint Deschenes, City Manager and the City Council

City of Auburn

60 Court Street

Auburn Me 04210

May 15<sup>th</sup>. 2013

Ref: Formal Letter of Interest, Canoe and Kayak Rental Agreement

Dear Mr Deschenes and the Council,

In 2012, for the first time, Lewiston/Auburn had a canoe and kayak livery service in the middle of the cities! We provided those canoes and kayaks all season, set up on Festival Plaza, received a great deal of good press coverage, operated safely conscientiously and consistently, and received applause from businesses and public alike. We believe we added a healthy and viable recreation possibility to downtown L/A, and added to the growing sense of pride that the cities have in the river and its recreational possibilities.

I am pleased to say that we believe the business has enough promise that we would like to continue. Please take this letter of my formal request to once again enter into an agreement with the City of Auburn to have space on the waterfront at Festival Plaza, and to operate from there. I would ask that our time be expanded to mid June to mid October, but giving me the license to adapt our hours as weather and demand dictate.

I hope that the City shares the excitement that has been created by our presence. We have Councillors from both sides of the river as avid supporters: Mayor LaBonte an enthusiastic proponent: the Economic Development office of Auburn loudly in support: the Chamber of Commerce wanting to see more: businesses asking how they can become involved. We are excited to be part of this development, and proud to stand with the City of Auburn as it promotes the resource which the Androscoggin has become.

Equally important is that we take our responsibilities as a community business very seriously. We believe in supporting efforts to educate and develop resources and youth, so our plan in 2013 (as in previous years) is to provide canoes gratis for the River Cleanup Day in June, make boats available to the ALT in its after hours paddle experience, run a properly guided adventure for the Auburn Recreation Department with 20 or so youngsters, support the Balloon Festival with expanded hours, support the Worumbo Race, support the Auburn Fire Department with canoes/kayaks – and generally be available to help L/A in its quest to develop the area and its resources, particularly its waterfront. We believe that small craft on the river is an inevitable development in the Twin Cities, as it is in many other cities across

the nation, and we stand ready to work with the City to develop the resource in a safe and responsible way. Our staff and our business have many years experience which we will gladly make available to the City as we move forward.

I would repeat my offer of last year, that we might well take any of your staff, and the City Council for a paddle at our location. A two hour period one evening would demonstrate just how much fun is to be had on the river, and with luck we might even get Mayor LaBonté to paddle along as guide and historical commentator! Seeing the city from the viewpoint of the river gives it a very different appearance. It is an integral part of the Cities' history, and it is exciting to be part of its rebirth.

Lastly, there is an old property at the southern side of the confluence of the Little Androscoggin with its big brother. My understanding is that the building is likely to be destroyed, and a park of some kind developed. I would ask to be kept apprised of developments. One of these days, hopefully, our presence in Auburn will increase, and I would like to be far sighted enough to tag and keep track of likely locations. That place is assuredly one!

Thank you for your time.

Yours sincerely,

Jeffrey Parsons

Lewiston Auburn Canoe and Kayak Rentals

A division of Bethel Outdoor Adventures Inc.





## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** May 20, 2013

**Order** 43-06032013

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

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan    Work Plan    Budget    Ordinance/Charter    Other Business\*    Council Goals\*\*

\*\*If Council Goals please specify type:    Safety    Economic Development    Citizen Engagement

**Subject:** 2013 Liberty Festival

**Information:** This is a 4<sup>th</sup> of July celebration which will include fireworks, vendors and a variety of entertainment venues in Lewiston and Auburn.

**Financial:** \$10,000 funded in the budget

**Action Requested at this Meeting:** Recommendation from the City Manager to approve this request when this item.

**Previous Meetings and History:** Yearly event, discussed at the 5/20/2013 Workshop.

**Attachments:**

Application  
2012 Event Cost Report  
Order 43-06032013

\*Agenda items are not limited to these categories.

APR 01 2013

CITY OF AUBURN  
CHARITABLE FUNDING APPLICATION  
APPLICATION DEADLINE: MARCH 1

To discuss what is needed in this form, contact the City Clerk, 207-333-6601

Date of Application: 4/1/13

LICENSEE: Liberty Festival Telephone: 212-8227  
(Person or Organization Name)

Address: PO Box 97 City: Lewiston State: Maine

Email: liberty.festival@aol.com

If organization: name, address, telephone number of authorized representative.

Cathy McDonald, 40 Ware Street, Lewiston, Me 04240  
Is your organization incorporated as a nonprofit organization?  YES  NO

Nonprofit number: 04-3358113

Description of Event 4th of July celebration

Purpose of Event? (i.e. fundraising, profit-making)  
to provide a festival for our community to celebrate the 4th of July

Event location: Great Falls Plaza, Festival Plaza Event dates: 7/3 - 7/6/2013

Anticipated Attendance (estimate) 15000

Admission Fee/Donation?  Yes  No If Yes, specify amount \$ \_\_\_\_\_

Describe the economic benefit provided to the City? Besides providing a sense of pride in our community, the festival provides a variety of vendors with fundraising opportunities. The festival also draws patrons to local restaurants, lodging and businesses.

Are you requesting a cash donation? If yes, How much? \$10,000.00  
**Include itemized cost of your event and provide explanation below.**

CATEGORY	DESCRIPTION/COST	TOTAL
Personnel (rate, # of hours)	Groundskeeping, Electrical, Security, Entertainment, Volunteers	2,800.
Supplies (list supply items)	Fireworks, Decorations	20,300.
Equipment (list equipment)	Sanitation, Lighting, Sound, Staging, Storage	4,000.
Other	Insurance, Marketing, Ascrap Fees, Misc.	2,200.
<b>Totals</b>		<b>29,350.00</b>

Other non-city contributions made to this event, please itemize below:  
Donations from various businesses and fundraising efforts towards the event equals  
approx. \$9300.00

Does your application require any in-kind support from the City relative to city properties, resources, assets or departments? If yes, please have your application reviewed by the applicable City staff to ensure the value of the City's in-kind support.

**If you are seeking in-kind services from the city, you must contact each department to verify that the department will or will not be required to service the event. Please provide details as to level of service and cost of each department's in-kind services . (Use separate sheet, if necessary.)**

DEPARTMENTS	CITY IN-KIND REQUEST	AMOUNT	TOTAL
City Clerk – (207)333-6601 ext. 1126	Waiver of permit and banner fees, vendor/peddler fees,		
Sanitarian CEO – (207)333-6601 ext. 1162	have emailed for cost info. will update as received		
Fire– Inspector (207)333-6601 ext. 2088	have emailed for cost info. will update as received		
Police – Support (207)333- 6601 ext. 2057	have emailed for cost info. will update as received		

Public Works – (207)333-6601 ext. 2155	have emailed for cost info. will update as received		
Recreation – (207)333-6601 ext. 2108	have emailed for cost info. will update as received		
Other	City Budget Request	10,000.	10,000.
<b>TOTAL</b>			<b>10,000.</b>

Other non-city contributions, please itemize below:

Trucks, golf carts and forklift rentals provided by local businesses.

---



---

Other information pertinent to your application: \_\_\_\_\_

---



---

IN ADDITION, PLEASE BE SURE TO INCLUDE THE FOLLOWING INFORMATION WITH YOUR APPLICATION IN ORDER TO HAVE YOUR GRANT REQUEST CONSIDERED:

- a. Financial statements from the previous event or fiscal year.
- b. A budget for the upcoming fiscal year or event.
- c. Attach information pertaining to evaluation criteria.
- d. If this event occurred last year, was the event a financial success? If not, why not? (You must attach financial statements to this application.)
- e. If this event occurred last year, describe how the event met your projections and expectations?

**DECLARATION**

We, the undersigned, declare that we have been authorized to file this report and that to the best of our knowledge, all answers provided in the report, as well as all the information contained in the document and materials attached to it, are true and complete.

Signature: Cathy McDonald Print name: Cathy McDonald

Title: Liberty Festival President Date: 4/1/13

Phone #: 212-8227 Email: liberty festival@aol.com

PLEASE ATTACH COPIES OF MARKETING/ADVERTISING/PROMOTIONAL MATERIALS ACKNOWLEDGING THE SUPPORT OF THE MUNICIPALITY FOR THE EVENT, SERVICE, ACTIVITY FOR WHICH FUNDING WAS RECEIVED FROM THE CITY.

**TO BE RECEIVED BY THE CITY CLERK NO LATER THAN MARCH 1<sup>st</sup>**

Mail or deliver to clerk's office:

City Clerk  
Non-Profit Funding Application  
Auburn Hall  
60 Court Street  
Auburn, Maine 04210

Or email as a pdf file to: [sdallaire@auburnmaine.gov](mailto:sdallaire@auburnmaine.gov)

# Liberty Festival 2012

## Proposed Budget

### INCOME

Municipal Appropriation		
Lewiston		\$8,750.00
Auburn		\$8,600.00
Corporate, Business, Individual		\$6,500.00
Vendors		\$1,500.00
Parking		\$900.00
Product Sales		\$500.00
Interest		\$2.00
Carnival		Undetermined
Other Income		\$48.00
	<b>Total Income</b>	<b>\$26,800.00</b>

### EXPENSES

Entertainment		
Artist Fees		\$2,500.00
Pyrotechnics	Central Me. Pyrotechnics	\$15,000.00
Technical Support		
Sound, Stage, Lighting	L/A Productions	\$3,000.00
Decoration		\$300.00
Logistics		
Security		\$150.00
Communication		\$0.00
Transportation		\$0.00
Facilities		
Sanitation		\$1,000.00
Groundskeeping		\$500.00
Electrical	David Ianotti	\$500.00
Volunteers		\$150.00
Marketing		\$250.00
Insurance		\$1,500.00
Ascaph		\$150.00
Storage		In-Kind
Website		\$450.00
Product		\$350.00
Miscellaneous		300.00
	<b>Total Expenses</b>	<b>\$26,100.00</b>
	<b>Net Profit</b>	<b>\$700.00</b>



# CITY OF AUBURN Special Event Application

(Outdoor events with continued attendance of 1,000 or more persons for 2 or more hours)

\*\*\*\*\*

Applications must be submitted to the Clerk at least 45 days prior to the event if the gathering is expected to attract up to 5,000 people. Application must be submitted at least 90 days prior to the event if the gathering is expected to attract more than 5,000 people.

Application Date 4/1/13

## SPONSOR INFORMATION

Name of Sponsoring Organization: Liberty Festival / Independence Day Committee

Name of Contact Person for Event: Cathy McDonald

Title of Contact Person: President

Mailing Address: PO Box 97, Lewiston, Me 04240

Daytime Telephone: 786-3088 Cell Phone: 212-8227

Email Address: liberty festival@aol.com

Contact Name and Cell Phone Number DURING the Event: Cathy McDonald - 212-8827

Is your organization incorporated as a non-profit organization? Yes  No

Non-Profit Number: 04-3358113

## EVENT INFORMATION

Name of Event: Liberty Festival

Type of Event (walk, festival, concert, etc.): Festival

Date of Event: July 3rd - 7th, 2013 Rain Date: July 3rd - 7th, 2013

Times of Event: Start Time including set-up: 7am Ending time including clean up: 1am

Actual Event Start Time: 4pm Actual Event End Time: 11pm

Estimated Attendance: 15,000

Location of Event: Great Falls and Festival Plaza and surrounding areas

Have you held an event at this location within the last 12 months? Yes  No

If the location is a city park, have you applied for use of the property with the Parks & Recreation Department and has your request been approved?

Yes  No  Pending  Date submitted to the Recreation Department: \_\_\_\_\_

**TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:**

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Separate fee & application, conditions & restrictions may apply	Banner across Court Street  Non-profit groups only, \$100 fee per week, 2 week maximum. First come first serve basis, proof of insurance required.			X
Separate fee and permit possible	FOOD – Will food or beverages be sold? If yes, list what types of food or beverages: various vendor foods and beverages  Note - A food service license may be required and must be submitted 14 days prior to the event.	X		
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: t-shirts and novelties  Note - A peddler permit may be required and must be submitted 14 days prior to the event.	X		
N/A	LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe:	X		
N/A	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?	X		
N/A	ALCOHOLIC BEVERAGES ARE NOT ALLOWED			
Separate fee and permit required	CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.			X
Separate fee and permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required.	X		
N/A	PARADE – Will there be a parade? If yes, describe route:  Note – A permit from the Police Department is required.			X
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc? If yes, describe route:			X
Separate permit required	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity: possible flag disposal ceremony  Note - A permit from the Fire Department is required.			X

N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes: small pop-up canopy tents around vendors and staging area. Possible larger tent over stage.	x		
Separate fee and permit required	ELECTRICAL POWER/EQUIPMENT – Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment? Vending booths, musical equipment and stage lighting Dave lanotti is our electrician	x		
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list: Main Street, Court Street, Longley Bridge and Great Falls Plaza	x		
N/A	MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a <b>mandatory</b> requirement for this application and must be included.			
N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan? Great Falls plaza lots, Auburn City Hall parking garage. We will be manning donation requested lots	x		
N/A	TOILETS – Please list amount at event and/or nearest location: 10 regular units and 2 handicap units between Lewiston and Auburn	x		
N/A	WASTE DISPOSAL – Please list process and location: City provided trash cans and liners	x		
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location: 1 portable at each vending station	x		
N/A	POTABLE WATER – Please list amount at event and location: 1 hook up from TD Bank	x		
N/A	FIRST AID FACILITIES – Please list location at event: United Ambulance and Auburn Fire at Great Falls Plaza	x		
\$	TOTAL FEE AMOUNT INCLUDED – Checks payable to the <b>City of Auburn</b>	0		

**EVENT LIABILITY INSURANCE COVERAGE FOR EVENT**

For an event such as a walk-a-thon, race, festival, concert, etc. the City requires insurance coverage – general liability. The City of Auburn is to be named as additionally insured in regards to the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received at least 30 days before the event and before permits can be issued. Please have the **City of Auburn** listed as additional insured on the Certificate of Insurance (minimum coverage \$1,000,000 Bodily Injury or Death, per occurrence, and \$300,000 Property Damage, per occurrence). It should contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the City. Please have your insurance company fax a copy to: City Clerk 207-333-6623.

**DESCRIPTION OF EVENT – Please describe what will occur during your event**

7/3 set up will begin and the festival will occur with fireworks, vendors and a variety of entertainment venues.

Signature of Applicant:

Printed Name:

Date Submitted:

Cathy McDonald

Cathy McDonald

4/1/13

**Please note that you will be contacted by City Staff if you require additional permitting.**

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office  
 60 Court Street, Suite 150  
 Auburn, ME 04210

FAX: 207-333-6623

EMAIL: [sdallaire@auburnmaine.gov](mailto:sdallaire@auburnmaine.gov)

PHONE: 207-333-6600

**\*\*\*\*FOR STAFF USE\*\*\*\***

**DEPARTMENT COMMENTS AND RECOMMENDATIONS:**

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector				
Code Officer/Land Use & Zoning				
Fire Department				
Police Department				
Public Works Department				
Recreation Department				

COMMENTS/CONDITIONS from any of the above departments:

---



---



---



---



---

City Council Public Hearing date, if applicable: \_\_\_\_\_

License Approved/Denied: \_\_\_\_\_

Date applicant notified: \_\_\_\_\_

Liberty Festival  
2012 Treasurer's Report

Revenue

Municipal	17,350.00
Vendors Fees / Parking	2,070.00
Sponsorships	9,325.00
Interest Income	5.83
Total	28,750.83

Expenses

Pyrotechnics	20,000.00
Staging/Lighting	4,275.00
Facilities / Sanitation	1,868.70
Insurance	1,684.05
AMS	375.00
Chamber Dues	130.00
Sponsorships (Mailings, etc)	478.72
Transportation	39.15
Corporate Filing Fee	35.00
Miscellaneous Supplies	41.96
Total	27,777.58

Ending Balance	473.25
----------------	--------



EVENT	City Clerk		Public Works		Fire		Code		Electrical		Police		Parks & Rec		City Mgr		ITC		TOTAL	
Personnel (staffing - inspections)			2.5	\$ 52.00							6	\$ 212.40							8.5	\$ 264.40
Supplies (printing, posters, signs)			67	\$ 1,005.00							0								67	\$ 1,005.00
Equipment (vehicles, cones, recepticals)			1.5	\$ 32.00							86	\$ 1,290.00							87.5	\$ 1,322.00
Admin (meetings, planning, website, alerts)											4	\$ 141.60							4	\$ 141.60
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>71</b>	<b>\$ 1,089.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>96</b>	<b>\$ 1,644.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>167</b>	<b>\$ 2,733.00</b>
<b>NATIONAL NIGHT OUT</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			16	\$ 380.00					2	\$ 93.36									18	\$ 473.36
Supplies (printing, posters, signs)			63	\$ 945.00															63	\$ 945.00
Equipment (vehicles, cones, recepticals)			5.5	\$ 118.00									4	\$ 60.00					9.5	\$ 178.00
Admin (meetings, planning, website, alerts)													1	\$ 20.86					1	\$ 20.86
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>84.5</b>	<b>\$ 1,443.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>2</b>	<b>\$ 93.36</b>	<b>0</b>	<b>\$ -</b>	<b>5</b>	<b>\$ 80.86</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>91.5</b>	<b>\$ 1,617.22</b>
<b>BALLOON FESTIVAL</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			63	\$ 1,419.00			6	\$ 167.88	4	\$ 124.48	148	\$ 5,239.20							221	\$ 6,950.56
Supplies (printing, posters, signs)			82	\$ 1,230.00															82	\$ 1,230.00
Equipment (vehicles, cones, recepticals)			63	\$ 2,363.00							30	\$ 450.00	8	\$ 120.00					101	\$ 2,933.00
Admin (meetings, planning, website, alerts)							2	\$ 55.96	2	\$ 62.24	5	\$ 177.00	2	\$ 41.72					11	\$ 336.92
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>208</b>	<b>\$ 5,012.00</b>	<b>0</b>	<b>\$ -</b>	<b>8</b>	<b>\$ 223.84</b>	<b>6</b>	<b>\$ 186.72</b>	<b>183</b>	<b>\$ 5,866.20</b>	<b>10</b>	<b>\$ 161.72</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>415</b>	<b>\$ 11,450.48</b>
<b>TRIPLE CROWN - 5K BRIDGE RUN</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			1.5	\$ 53.28							6	\$ 212.40							7.5	\$ 265.68
Supplies (printing, posters, signs)			75	\$ 1,125.00															75	\$ 1,125.00
Equipment (vehicles, cones, recepticals)			1.5	\$ 24.75							81	\$ 1,215.00	2	\$ 30.00					84.5	\$ 1,269.75
Admin (meetings, planning, website, alerts)											10	\$ 354.00							10	\$ 354.00
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>78</b>	<b>\$ 1,203.03</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>97</b>	<b>\$ 1,781.40</b>	<b>2</b>	<b>\$ 30.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>177</b>	<b>\$ 3,014.43</b>
<b>DEMPSEY CHALLENGE</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			13.5	\$ 337.00							90	\$ 3,186.00							103.5	\$ 3,523.00
Supplies (printing, posters, signs)			220	\$ 3,300.00															220	\$ 3,300.00
Equipment (vehicles, cones, recepticals)			8	\$ 200.00							90	\$ 1,350.00							98	\$ 1,550.00
Admin (meetings, planning, website, alerts)											15	\$ 531.00	2	\$ 41.72					17	\$ 572.72
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>241.5</b>	<b>\$ 3,837.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>195</b>	<b>\$ 5,067.00</b>	<b>2</b>	<b>\$ 41.72</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>438.5</b>	<b>\$ 8,945.72</b>
<b>HALLOWEEN - NEW AUBURN</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			2	\$ 50.00							5	\$ 177.00							7	\$ 227.00
Supplies (printing, posters, signs)			45	\$ 675.00															45	\$ 675.00
Equipment (vehicles, cones, recepticals)			2	\$ 50.00							25	\$ 375.00							27	\$ 425.00
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>49</b>	<b>\$ 775.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>30</b>	<b>\$ 552.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>79</b>	<b>\$ 1,327.00</b>
<b>VETERAN'S DAY PARADE</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)																			0	\$ -
Supplies (printing, posters, signs)																			0	\$ -
Equipment (vehicles, cones, recepticals)																			0	\$ -
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>
<b>FESTIVAL OF LIGHTS</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			18.5	\$ 380.00					3	\$ 140.04	12	\$ 424.80							33.5	\$ 944.84
Supplies (printing, posters, signs)			80	\$ 1,200.00															80	\$ 1,200.00
Equipment (vehicles, cones, recepticals)			3	\$ 75.00							12	\$ 180.00	8	\$ 120.00					23	\$ 375.00
Admin (meetings, planning, website, alerts)									2	\$ 62.24	11	\$ 389.40							13	\$ 451.64
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>101.5</b>	<b>\$ 1,655.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>5</b>	<b>\$ 202.28</b>	<b>35</b>	<b>\$ 994.20</b>	<b>8</b>	<b>\$ 120.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>149.5</b>	<b>\$ 2,971.48</b>
<b>HOLIDAY EVENT - NEW AUBURN</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)											2	\$ 70.80							2	\$ 70.80
Supplies (printing, posters, signs)																			0	\$ -
Equipment (vehicles, cones, recepticals)											1	\$ 15.00	2	\$ 30.00					3	\$ 45.00
Admin (meetings, planning, website, alerts)											2	\$ 70.80							2	\$ 70.80
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>5</b>	<b>\$ 156.60</b>	<b>2</b>	<b>\$ 30.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>7</b>	<b>\$ 186.60</b>
<b>Banner Installation - Multiple Events</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			44	\$ 912.00															44	\$ 912.00

EVENT	City Clerk		Public Works		Fire		Code		Electrical		Police		Parks & Rec		City Mgr		ITC		TOTAL	
Supplies (printing, posters, signs)			0	\$ -															0	\$ -
Equipment (vehicles, cones, recepticals)			23	\$ 1,243.00															23	\$ 1,243.00
Admin (meetings, planning, website, alerts)			4	\$ 200.00															4	\$ 200.00
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>71</b>	<b>\$ 2,355.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>71</b>	<b>\$ 2,355.00</b>						
<b>Voting</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			139.5	\$ 2,732.00							20	\$ 708.00							159.5	\$ 3,440.00
Supplies (printing, posters, signs)			6	\$ 240.00															6	\$ 240.00
Equipment (vehicles, cones, recepticals)			18	\$ 297.00							16	\$ 240.00							34	\$ 537.00
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>163.5</b>	<b>\$ 3,269.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>36</b>	<b>\$ 948.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>199.5</b>	<b>\$ 4,217.00</b>
<b>Teen Traffic Safety EVENT</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			1	\$ 28.00							8	\$ 283.20							9	\$ 311.20
Supplies (printing, posters, signs)			30	\$ 450.00															30	\$ 450.00
Equipment (vehicles, cones, recepticals)			1	\$ 16.50							8	\$ 120.00							9	\$ 136.50
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>32</b>	<b>\$ 494.50</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>16</b>	<b>\$ 403.20</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>48</b>	<b>\$ 897.70</b>
<b>AWPA Week EVENT -</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			12	\$ 224.00															12	\$ 224.00
Supplies (printing, posters, signs)																			0	\$ -
Equipment (vehicles, cones, recepticals)			14	\$ 669.00															14	\$ 669.00
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>26</b>	<b>\$ 893.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>26</b>	<b>\$ 893.00</b>						
<b>PD Bike Safety EVENT -</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			1.5	\$ 26.91							10	\$ 354.00							11.5	\$ 380.91
Supplies (printing, posters, signs)			63	\$ 945.00								\$ 500.00							63	\$ 1,445.00
Equipment (vehicles, cones, recepticals)			0.75	\$ 12.38							2	\$ 30.00							2.75	\$ 42.38
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>65.25</b>	<b>\$ 984.29</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>12</b>	<b>\$ 884.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>77.25</b>	<b>\$ 1,868.29</b>
<b>New Auburn American Legion -</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			4	\$ 66.00															4	\$ 66.00
Supplies (printing, posters, signs)			35	\$ 525.00															35	\$ 525.00
Equipment (vehicles, cones, recepticals)			2	\$ 44.00															2	\$ 44.00
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>41</b>	<b>\$ 635.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>41</b>	<b>\$ 635.00</b>						
<b>Municipal Beach Yard sale-</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			2	\$ 50.00															2	\$ 50.00
Supplies (printing, posters, signs)			45	\$ 675.00															45	\$ 675.00
Equipment (vehicles, cones, recepticals)			1	\$ 25.00															1	\$ 25.00
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>48</b>	<b>\$ 750.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>48</b>	<b>\$ 750.00</b>						
<b>Great Falls Carnival</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			6	\$ 146.00							10	\$ 354.00							16	\$ 500.00
Supplies (printing, posters, signs)																			0	\$ -
Equipment (vehicles, cones, recepticals)			5	\$ 158.00															5	\$ 158.00
Admin (meetings, planning, website, alerts)											10	\$ 354.00							10	\$ 354.00
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>11</b>	<b>\$ 304.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>20</b>	<b>\$ 708.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>31</b>	<b>\$ 1,012.00</b>
<b>River CleanUP Per Mayor</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			4	\$ 80.00															4	\$ 80.00
Supplies (printing, posters, signs)																			0	\$ -
Equipment (vehicles, cones, recepticals)			4	\$ 132.00															4	\$ 132.00
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>8</b>	<b>\$ 212.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>8</b>	<b>\$ 212.00</b>						
<b>ELHS Football Games -</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			4	\$ 100.00															4	\$ 100.00
Supplies (printing, posters, signs)			30	\$ 450.00															30	\$ 450.00

EVENT	City Clerk		Public Works		Fire		Code		Electrical		Police		Parks & Rec		City Mgr		ITC		TOTAL	
Equipment (vehicles, cones, recepticals)			2	\$ 50.00															2	\$ 50.00
Admin (meetings, planning, website, alerts)											10	\$ 354.00							10	\$ 354.00
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>36</b>	<b>\$ 600.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>10</b>	<b>\$ 354.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>46</b>	<b>\$ 954.00</b>
<b>Strut Your Mutt EVENT -</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			2	\$ 50.00															2	\$ 50.00
Supplies (printing, posters, signs)			30	\$ 450.00															30	\$ 450.00
Equipment (vehicles, cones, recepticals)			2	\$ 50.00															2	\$ 50.00
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>34</b>	<b>\$ 550.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>34</b>	<b>\$ 550.00</b>
<b>911 Ceremony</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			17.5	\$ 684.00															17.5	\$ 684.00
Supplies (printing, posters, signs)			1	\$ 445.00															1	\$ 445.00
Equipment (vehicles, cones, recepticals)			13.5	\$ 636.00															13.5	\$ 636.00
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>32</b>	<b>\$ 1,765.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>32</b>	<b>\$ 1,765.00</b>
<b>Rollys Cruise Nite</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			4	\$ 100.00							2	\$ 70.80							6	\$ 170.80
Supplies (printing, posters, signs)			2	\$ 60.00															2	\$ 60.00
Equipment (vehicles, cones, recepticals)			4	\$ 100.00							2	\$ 30.00							6	\$ 130.00
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>10</b>	<b>\$ 260.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>4</b>	<b>\$ 100.80</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>14</b>	<b>\$ 360.80</b>
<b>AVCOG Med collection Night</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			3.5	\$ 87.50							30	\$ 1,062.00							33.5	\$ 1,149.50
Supplies (printing, posters, signs)			38	\$ 570.00															38	\$ 570.00
Equipment (vehicles, cones, recepticals)			2	\$ 50.00															2	\$ 50.00
Admin (meetings, planning, website, alerts)											40	\$ 1,416.00							40	\$ 1,416.00
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>43.5</b>	<b>\$ 707.50</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>70</b>	<b>\$ 2,478.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>113.5</b>	<b>\$ 3,185.50</b>
<b>ST Doms walking EVENT</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			1.5	\$ 38.00							1	\$ 35.40							2.5	\$ 73.40
Supplies (printing, posters, signs)			77	\$ 1,155.00															77	\$ 1,155.00
Equipment (vehicles, cones, recepticals)			1.5	\$ 38.00							1	\$ 15.00							2.5	\$ 53.00
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>80</b>	<b>\$ 1,231.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>2</b>	<b>\$ 50.40</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>82</b>	<b>\$ 1,281.40</b>
<b>ST Doms</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)																			0	\$ -
Supplies (printing, posters, signs)																			0	\$ -
Equipment (vehicles, cones, recepticals)																			0	\$ -
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>
<b>EVENT</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>	<b>Hours</b>	<b>Cost</b>		
Personnel (staffing - inspections)			2	\$ 50.00															2	\$ 50.00
Supplies (printing, posters, signs)			15	\$ 225.00															15	\$ 225.00
Equipment (vehicles, cones, recepticals)			2	\$ 50.00															2	\$ 50.00
Admin (meetings, planning, website, alerts)																			0	\$ -
<b>TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>19</b>	<b>\$ 325.00</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>19</b>	<b>\$ 325.00</b>
<b>GRAND TOTAL</b>	<b>0</b>	<b>\$ -</b>	<b>2908.75</b>	<b>\$ 62,293.32</b>	<b>0</b>	<b>\$ -</b>	<b>12.5</b>	<b>\$ 349.75</b>	<b>19</b>	<b>\$ 715.76</b>	<b>1140</b>	<b>\$ 29,350.40</b>	<b>37</b>	<b>\$ 602.02</b>	<b>0</b>	<b>\$ -</b>	<b>0</b>	<b>\$ -</b>	<b>4117.25</b>	<b>\$ 93,311.25</b>

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 43-06032013**

**ORDERED** that Liberty Festival 2013 be and hereby is granted a mass gathering permit for their 2013 Fourth of July celebration as described in the attached application for the locations shown on the attached site map.

Be it further ordered that the City of Auburn hereby contributes \$10,000 toward the cost of fireworks and in kind services for the event.

## IN COUNCIL REGULAR MEETING MAY 20, 2013 VOL. 33 PAGE 123

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

### I. Consent Items\*

#### 1. Order 37-05202013\*

Approving temporary signs for Great Falls Model Rail Road Club (GFMRRRC).

#### 2. Order 38-05202013\*

Approving the Assistance to Firefighters Grant (AFG).

#### 3. Order 39-05202013\*

Authorize the City Manager to execute any and all documents necessary for the property conveyance to and from R&K Properties, LLC (Rolly's Diner).

Motion was made by Councilor Shea and seconded by Councilor Hayes.  
Passage 7-0.

### II. Minutes

Motion was made by Councilor Shea and seconded by Councilor Crowley to approve minutes of the May 6, 2013 Council Meeting. Passage 7-0.

Motion was made by Councilor Shea and seconded by Councilor Walker to approve minutes of the May 13, 2013 Special Council Meeting (Joint City Council and School Committee). Passage 7-0.

### III. Reports

**Mayor's Report** – No report.

**City Councilors' Reports** – Councilor Crowley submitted a written report and also noted that there is going to be a Memorial Day service at Oak Hill Cemetery on Monday, May 27<sup>th</sup> at noon.

**City Manager's Report** – City Manager Deschene submitted a written report.

**Finance Director, Jill Eastman** – April 2013 Monthly Finance Report

Motion was made by Councilor Gerry and seconded by Councilor Young. Passage 7-0.

### IV. Communications, Presentations and Recognitions

- Proclamation - Click It or Ticket
- Proclamation – Maine Arbor Week

## IN COUNCIL REGULAR MEETING MAY 20, 2013 VOL. 33 PAGE 124

- Proclamation - National Public Works week
- Proclamation – Mike Cohen, Auburn Public Works Department Employee
- Auburn Middle School Odyssey of the Mind Team

### V. Open Session

- Joe Mailey, Webster Street, Auburn, spoke about abandoned buildings in his neighborhood. He also commented that if a new high school is built, he hopes it is not built with education in mind and not aesthetics. He would like to see one that is built to last.

### VI. Unfinished Business

#### 1. Order 23-04162013

Authorizing the Finance Director to enter into a loan agreement through the State School Revolving Renovation Fund Loan (second and final reading).

Motion was made by Councilor LaFontaine and seconded by Councilor Crowley.

Public Comment – No one from the public spoke.

Passage 7-0

#### 2. Order 35-05132013

Adopting the 2013-2014 Capital Improvement Program (CIP) Bond Projects.

#### 3. Order 36-05132013

Adopting the 2013-2014 Capital Improvement Program (CIP2) Other Funding Projects.

Motion was made by Councilor Shea and Seconded by Councilor Crowley to table the two CIP items (Orders 35-05132013 and 36-05132013) later in the meeting, after the public hearing but before the budget discussion.

Passage 7-0.

### VII. New Business

#### 4. Public Hearing - School and City Budgets for Fiscal Year 2014.

- Diana Carson and Eric Carson of 110 Jacques Road, Auburn spoke in support of the school budget and the I-Pad Program..
- Jason Rudlan, Lewiston resident and Edward Little High School graduate talked about education, private schools and charter schools vs. public schools and stated
- that he would like to leave the school budget up to the School Committee and the

## IN COUNCIL REGULAR MEETING MAY 20, 2013 VOL. 33 PAGE 125

voters.

- Levi Gervais, 46 Fourth Street, Auburn spoke in support of the school budget, and would like the underfunding to stop and get education back on track.
- Jaime Thibodeau, Beech Hill Road, Auburn spoke in favor of the school budget, and stated that she does not feel that education should be shorted, she thanked those who attended the listening sessions and she said she would like to see a way to cut from the city side of the budget by looking at little things like cell phones, leaving vehicles parked rather than taking them home, and by discontinuing dry cleaning.
- Chuck Levine, 86 Orchard Street, said he was not asking to support the school budget but would like the school committee members to be recognized for their work on this and would like to see this budget on the ballot.
- Brian Dimitri, 8 Fern Street, Auburn supports the school budget and agreed with the previous speaker, leave it up to the voters.
- Denise Burke of Poland, Maine and part of Washburn Pride along with her sister, niece, grand niece and friend who grew up in New Auburn commented that she grew up in a community that allowed them to be friends since 1963, her sister was the first class to graduate from the New Edward Little High School. She said she graduated from ELHS 37 years ago. She is asking Auburn residents to meet the June 11 deadline and vote in support of the school so her grandniece can be a proud ELHS graduate of 2026.
- Ms. Hussein, 34 Harvest Hill Lane commented that she supports the school budget. She is a parent and also provides services to refugee kids and said there are limited resources and there is a need for dedicated staff so refugee children can get the best education they can.
- Melissa Metivier, 860 South Witham Road, Auburn supports the budget as it stands and hopes to leave it up to the voters.
- Guri Ali, 11 Granite Street said he came to this country in 2005, lived in Lewiston for 6 months and was hired as an Ed Tech. He commented that Lewiston is connected to providing cultural services in schools. He said in Auburn, 1% of refugee children make it to college because no one is connecting parents to the schools. He wanted to request support for the school budget especially cultural issues.
- Mauri Dufour, 114 Sunderland Drive, Auburn is in support of the school budget and is willing to pay more in taxes to know kids will be getting a better education and continue to receive the same programs they now have.
- Mike Dunn, 453 Riverside Drive and an Auburn educator for over 28 years supports the school budget, would like to see Auburn be the best they can be, and he and his colleagues would like to see the school budget pass.
- Cynthia Jalbert, 11 Shepley Street, said she grew up in Auburn then moved away for a while but decided to come back because of the school system. She said now she is a little disappointed about that. She said although the school budget is not perfect she would like to see it go before the voters.
- Stacy Fournier, Cherry Vale Circle spoke in support of the school budget stating

## IN COUNCIL REGULAR MEETING MAY 20, 2013 VOL. 33 PAGE 126

- she was an ELHS graduate and she moved back to Maine from Massachusetts to raise her kids here and she would like the budget to go to the voters.
- Jeff Whitman, 15 Parkwood Drive, Auburn spoke in support of the school budget and the I-Pad program. He would like the people to decide and said he would be willing to pay more to keep education at a higher level.
  - Sharon Wood, 237 West Auburn Road, said she chose to move to Auburn several years ago because of the school system and because she knew the education system would play a key role in the sale of her home. She also commented that education was not one of the goals/priorities named by Council. She asked that they support the school committee and move the budget along.
  - Chris Carson, 110 Jacques Road, Auburn supports the budget and would like it to go to the voters.
  - Stephanie Merritt, Fern Street, and also a teacher in Auburn said she has lived in Auburn for 3 ½ years and was advised by several people not to move here because of high taxes. She said she would like to leave the school budget up to the voters.
  - Tony Harrington, 52 Western Prom, supports the City Managers Municipal Budget as proposed.
  - Ron Potvin, 82 Northern Avenue, former Councilor and School Committee Member said City Manager Deschene did a nice job on the budget presentations and held the city side accountable to the 1.7%. He questioned how can we allow a section of the city to grow disproportionately compared to the other side. He said the State has increased the subsidy to the school but it still isn't enough and they are going to the tax payers to ask for more. He said the property owners in Auburn will stand united to keep the school department at the 1.7% which Council was able to do on the City side.
  - Andy Titus, 17 Lamplighter Circle, said we need to prioritize education but cannot do it on the back of the taxpayers and he finds the problem is where the money is being spent. It is not how much we are spending but how we are spending it. He commented on how we need to maintain our buildings and include maintenance in the budget.
  - Vicki Ward, Jackson Hill Road, Auburn said she is concerned about the budget and a substantial tax increase it will cause. This will be a hardship and people will not be able to afford to live here. She would like Council to look at the budget and be critical on where money is being spent. She also commented that whether you are for or against the school budget, know that your vote matters.
  - Resident, South Maine Street, Auburn commented that it was nice hearing both sides of the issue. She went on to say this is a difficult time because of the economy, people are unemployed or afraid they will lose their jobs. She likes to have well educated children but if we continue to increase everything, when will it stop. She thought maybe more trips to the Library would help with education.
  - Tanya Vanasse, 148 Summer Street commented that in keeping with the mandate of the 1.7% of the budget, 38% of the tax money goes toward education and the remaining 62% goes toward the city side so 1.7% of the School budget is not equal to that of the City budget and the school will continue to fall behind. She

**IN COUNCIL REGULAR MEETING MAY 20, 2013 VOL. 33 PAGE 127**

said that something has to change the pattern we are going in. She said she was going to email her city representative with the remainder of her comments.

- Walt Reed, 173 Third Street said he was not sure if he was for or against the school budget and said that people should do more research. He commented on the ornate street lights in Auburn and the continued maintenance on them. He said when doing beautification, we need to maintain beautification and think beyond the initial investment but also the ongoing costs.
- Joe Mailey, Webster Street said he was neither for nor against at this time and needs to find out more information. He said it was the responsibility of every councilor and the mayor and manager to fight the State of Maine for those state funds that belong here. He said he thinks the school system should start having neighborhood educational programs with the citizens of auburn so when the budget comes up, the citizens understand.

Items that were tabled under unfinished business (Orders 35-05132013 and 36-05132013).

**5. Order 35-05132013**

Adopting the 2013-2014 Capital Improvement Program (CIP) Bond Projects.

Motion by Councilor LaFontaine and seconded by Councilor Shea.

Motion by Councilor Crowley and seconded by Councilor Walker to amend (amendment A) by;

Removing all items with a useful life of less than 10 years, removing all routine maintenance items from the CIP and move under Operations, remove all vehicle purchases in both the CIP and Operational budget for a 1 year period, to reinstate a policy where all vehicles that are not in use be garaged in Auburn, and not to approve the CIP until the enterprise accounts for Ingersoll Arena and the new Dual Sheet Arena are included in the overall budget for the public to view.

Motion was made by Councilor Shea and seconded by Councilor Gerry to postpone the entire motion, including amendment A until the June 3<sup>rd</sup> meeting.

Passage 6-1 (Councilor Young opposed).

**6. Order 36-05132013**

Adopting the 2013-2014 Capital Improvement Program (CIP2) Other Funding Projects.

Motion by Councilor LaFontaine and seconded by Councilor Hayes.

Motion by Councilor LaFontaine and seconded by Councilor Shea to amend (amendment A) to remove the Pettengill Playground items and Festival Plaza Canopy replacement for at least 1 year.

**IN COUNCIL REGULAR MEETING MAY 20, 2013 VOL. 33 PAGE 128**

Motion by Councilor Hayes and seconded by Councilor Crowley to postpone this along with amendment A until the June 3<sup>rd</sup> meeting. Passage 5-2 (Councilors Young and Gerry opposed).

**7. Order 40-05202013**

Adopting the School Budget for Fiscal Year 2014.

Motion by Councilor Shea and seconded by Councilor LaFontaine,

Motion by Councilor Crowley to change the words “adopts and approves” to “accepts” – the Mayor called this motion out of order as the language is appropriate as to State law.

Passage of the original motion, 5-2 (Councilors Crowley and Gerry opposed).

**8. Resolve 03-05202013**

Adopting the City Budget for Fiscal Year 2014.

Motion by Councilor Shea and Seconded by Councilor LaFontaine.

Motion was made by Councilor Walker and seconded by Councilor Gerry to amend (amendment A) that the City Manager shall propose and have established by the Auburn City Council a contract with LAEGC for services to be provided to the City of Auburn for economic development to occur within 5 months of the fiscal year with the consequence being the elimination of funding. Passage 5-1-1 (Councilor Young opposed and Councilor Hayes abstained).

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine to amend (amendment B) to reduce the municipal side of the budget by 1.7 million dollars, to apply a 1.7% expenditure increase to all municipal departments and to allocate \$18,000 for LA Arts to be used in support of programming in Auburn. Motion failed 3-4 (Councilors Shea, Young, LaFontaine, and Hayes opposed).

Motion was made by Councilor Shea and seconded by Councilor Crowley to amend (amendment C) to direct staff to align all work planning and policies of the city and partnering agencies (including LATC, AVCOG, and ATRC) to ensure that any plans for passenger rail involves locating in Auburn’s downtown as a priority over any previous or alternative locations. Passage 6-1 (Councilor Hayes opposed).

Motion was made by Councilor Walker and seconded by Councilor Gerry to amend (amendment D) with respects the PAL Center (pursuant to section 8.4

## IN COUNCIL REGULAR MEETING MAY 20, 2013 VOL. 33 PAGE 129

of the City Charter article 8 subsection A) that the detailed goals and expenditures with respect to the PAL center as a program of the City of Auburn. Passage 7-0.

Motion was made by Councilor Shea and seconded by Councilor Lafontaine to amend (amendment E) that the municipal beach not be opened to public swimming until there is one full month of clean water tests. Passage 7-0.

Motion by Councilor Crowley and seconded by Councilor Hayes to amend (amendment F) that in lieu of providing cell phones and smart phones under a city contract that employees be offered \$25 per month stipend.

Motion by Councilor Crowley and seconded by Councilor Walker to postpone the debate on this amendment and the full budget Resolve to the June 3, 2013 meeting. Passage 7-0

### 9. Order 41-05202013

Acceptance of Weaver Street.

Motion by Councilor LaFontaine and seconded by Councilor Young.

Public Comment – No one from the public spoke.

Passage 6-1 (Councilor Crowley opposed).

### VIII. Open Session

- Andy Titus, 17 Lamplighter Circle spoke regarding the Emergency Management Service and transporting of patients and suggested that before having a study done, look at the research that has been done in the past. A lot of the work has already been done. He said he did not think it was a good idea.
- Ron Potvin, 82 Northern Avenue, said because of the school referendum last year he feels the city owes the other side fair publication and notification as to what the date, where it is and what it is.
- Joe Gray, Sopers Mill Road, said he agreed with the comments from Mr. Potvin and commented that the Cumberland/Falmouth area posts signs and also asks people to bring food for a food pantry. He also thanked Deputy Chief Moen who stopped someone who was weaving in and out of traffic. He also thanked the Council for doing their job in getting into the “nitty gritty” of the budget.

### IX. Executive Session

### X. Future Agenda/Workshop Items

- Councilor LaFontaine – create a 1 paragraph message on voting, a neutral statement for people to post on Facebook and be consistent with the message.
- Councilor Gerry- suggested making up signs to post for the election.

**IN COUNCIL REGULAR MEETING MAY 20, 2013 VOL. 33 PAGE 130**

- Councilor Crowley – suggested asking businesses in engaging in getting out the vote.
- Councilor Gerry – workshop on the budget.

**XI. Adjournment**

Motion was made by Councilor LaFontaine and seconded by Councilor Gerry to adjourn.  
Passage 7-0, 9:55 P.M.

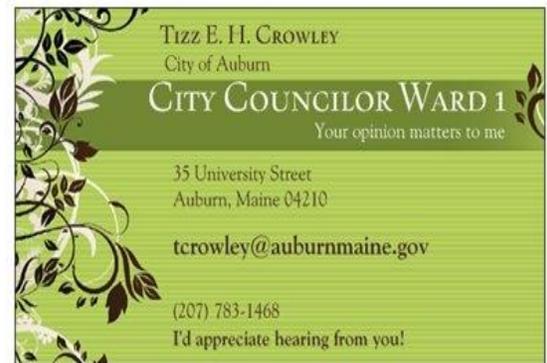
A True Copy.

ATTEST

  
Susan Clements-Dallaire, City Clerk

## Auburn Sewerage District Report for Meeting Monday 2013.06.03

**Prepared:** Wednesday 2013.05.29  
**TO:** Residents of Auburn and the Auburn City Council  
**FROM:** Tizz E. H. Crowley- Auburn City Council Ward 1  
Mayor LaBonte's representative to AWD



The Auburn Sewerage District Trustees met on Tuesday, May 21, 2013.

The crew is extremely happy to have the new vacuum truck in operation. The District hired a new employee to operate the truck daily. He just completed an additional 1.5 days of factory training. It is important to keep an eye on safety as this rig has many moving parts. The truck and operation will very busy with great outcomes. Over 1500 ft were cleaning in one morning out on Turner Street between TD Bank and Auburn Mall Apartments. This is much faster than prior methods. Regular examinations of sewer lines will reduce the risk of blockages.

The ASW crews are working very hard to coordinate with city projects such as sewer repairs on South Main Street. This should reduce the amount of paving required to be completed by ASD staff.

We have started to feed our own sludge at the anaerobic digester, so residents may see some flares as it burns off gases. The project is on target to generate power in July... waste to watts in action!

The Trustees approved the Independent Annual Auditor report prepared by the firm Horton, McFarland & Vesey, LLC. The District was favorable to budget in 2012 by \$362,000. Revenues were over budget by \$258,000 due to significantly higher than expected industrial surcharges and higher metered income than expected. Consumption was up 4% over prior year.

The ASD crews completed all the safety training to keep the SHAPE award status.

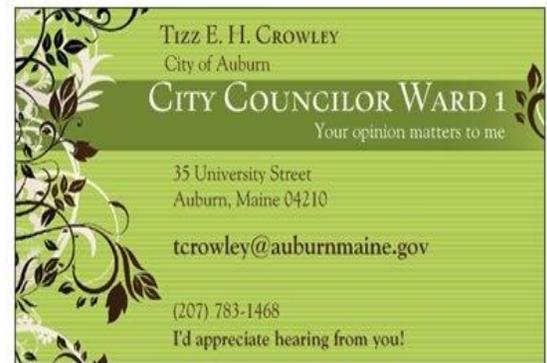
There will be a joint Trustee meeting with the Auburn Water District to review personnel matters of compensation plan and benefits in June.

Insurance rates increased to the Auburn Sewerage District by \$17,000 due to the loss ratio experienced since October 2011. In 2011, there was a sewer backup affecting 2 residents on E. Hardscrabble Road with \$52, 843 in losses. In 2012, the Auburn Mall Apartment area experienced a sewerage backup in the first floor for 7 residents resulting in \$53, 803 in losses. And just this past February 2013, there were 9 residents affected by a sewer backup resulting in \$248,500 in losses.

It is important that all residents remember DO NOT FLUSH WET WIPES OR ANY "DISPOSABLE" PRODUCT DOWN THE TOILET. Do not dispose of grease down the drain. Be sure your home has a backflow device to protect your home. The Sewerage District is not responsible for all damages resulting in a sewer backup. Check your homeowner/renter policy to be sure you have sufficient protection.

## Auburn Water District Report for Meeting Monday 2013.06.03

**Prepared:** Wednesday 2013.05.29  
**TO:** Residents of Auburn and the Auburn City Council  
**FROM:** Tizz E. H. Crowley- Auburn City Council Ward 1  
Mayor LaBonte's representative to AWD



The Auburn Water District Trustees met on Wednesday, May 22, 2013.

Update on Lake Auburn efforts- the phosphorus level is where it is expected to be at this time of the year. The algacide application approval should arrive shortly. May 22 was the deadline for public comments. The only comments received were from within the Maine Department of Environmental Protection itself – they simply want to make sure AWD did background testing on the zooplankton to monitor potential impacts of treatment. AWD had a note from MDEP that the final permit was sent to the MDEP Commissioner for signature on Friday, May 24. It is my guess that the permit has already been signed and will be showing up in the mail any day now.

The Water District estimates that we have nearly 135 miles of public water main. This number includes some very small diameter service lines and summer lines around Taylor Pond as well.

Industry practice had been to assume about a 100-year life for old cast iron water mains – so engineers and accountants figured it made sense to replace 1% of your infrastructure per year – such that all pipe would be cycled out at their 100 year life. There are stories from other Maine water systems that have some mains in service that go back to the 1880's. The problem with the old cast iron mains is that they don't have any internal lining. They are subject to internal corrosion that can reduce flow capacity and result in discolored water to customers. Auburn Water District has an estimate in excess of 40 miles of old main that is unlined. Those are the pipes AWD want to make a priority for replacement. South Main Street is one of those projects that is currently ongoing. AWD is replacing that main just prior to the City reconstructing the Street.

AWD is very hopeful it can run water main replacement projects for right around, or just under, \$100 per foot (complete, installed cost). The Portland Water District typically budgets as high as \$180 to \$200 per foot. AWD is using its own crews and equipment and are doing everything it can to control costs. For instance – trying to do the main replacements in conjunction with City reconstruction can save anywhere from \$10 to \$15 per foot in paving repair alone. If AWD targets 1 mile of replacement per year, it is looking at a Capital Expense of over \$500,000 per year – one mile would be \$528,000 at exactly \$100 per foot. Great job by the AWD crews to manage these projects and funds.

### **Other items to note:**

There will be a joint meeting of the Auburn Water District and Auburn Sewerage District trustees on Wednesday June 12<sup>th</sup> from 3-5pm. This is a workshop for a presentation by consultants on HR matters.

Rick Whiting reported that the community will be eligible for disaster funding as a result of the February storm.

The Auburn Water District saw an increase of \$6650/year on their annual insurance costs. Most of this was based on the loss ratio experience through April 30, 2013. January's damage to the building from flooding due to the computer malfunction was \$66,000 to date.

The Trustees approved the Independent Annual Auditor report prepared by the firm Horton, McFarland & Vesey, LLC. The District was favorable to budget in 2012 by \$ 62,000.

Joint Water Treatment Plant Manager position is expected to be posted shortly. It had been on hold due to the City of Lewiston hiring freeze. This position is shared between Lewiston Water Division and Auburn Water District. The successful candidate must be a Class 4 Operator.

As spring approaches, a couple of changes can contribute to taste and odor in the water. As water temperatures rise, tastes and odors are easier for our olfactory senses to detect.

Seasonal changes in the plankton populations can contribute to changes in the taste and smell of the water. This spring, AWD Water quality staff noticed an increase of the algae, *Synura* which can cause a "vegetable or cucumber" taste and odor. AWD does not know if this is typical or not since they started scanning for algae this winter. *Synura* has not previously been documented in Lake Auburn but that may be because it does not preserve well in collected samples. Certain zooplankton can cause a "fishy" smell. This is typical and proves to be an every year occurrence usually in the spring and the fall. When the organisms die, the taste and odor can become less pleasant.

Water gets stagnant if it is allowed to set in pipes. This can cause "off" taste and odor as well. Both AWD/LWD systems operate their fire hydrants to flush out the water mains in the spring and the fall. This helps clean the water pipes from any biofilm (organic growth) on the pipes and keeps it moving so the water remains fresh. Bleeders play a very important role in maintaining fresh water in the system as well as flushing.

The AWD is flushing every hydrant this year. Most of this work is done at night. The hydrant flags are also removed and will be replaced in the fall before snow.

I remind residents to run their water in their homes for a few minutes if no one has used the faucet in a while. The flushed water is of better quality.

A 10-15% water rate increase for Auburn Water District is expected January 2014. It will be 3 years since the last rate change. Watch for public hearing notices in October. Currently Auburn has the second lowest cost of water for Maine communities serving populations of 1000 or greater. Kittery has the lowest. AWD discussed looking at rate structure as well as the costs. Currently AWD customers are billed at a minimum of 1200 cu ft. Lewiston's new rates will be 41.2% higher than AWD.

**Important health reminder- Please stop feeding the ducks and gulls at any parking lot in the city or at the roadside.**

# United new Auburn Association meeting

Tuesday, May 28

Rolly's diner six o'clock

## Tonight's topic will be Memorial Day Roundup

I'd like to talk about the exciting past week that councilor Tizz Crowley, and I had.

As most of you know it rained all week right through the weekend, but councilor Crowley and myself was determine to place flags at all of the cemeteries that we have military buried at.

And we accomplished this, we walked, it seems like for 100 miles this past week.

We placed approximately 300 flags at the military grave sites.

To accomplish this we walked up and down many of hills, in and out of the woods, and we laughed every step of the way sometimes crossing over brooks, climbing over dead trees that of blown down, and walking login roads 200 and 300 feet to find the cemetery.

The reason why we did this was to show the respect for our fallen soldiers men and women that serve our country.

Last year this was not carried out by anyone, this year we made sure it was done.

And with great pride we accomplish it this year, but there are lots more to be done there is many of military graves that do not have military markers placed at the grave sites, this will be the next challenge for us to accomplish the military plaque holds the American flag.

The city of Auburn is responsible for hand mowing and trimming of 17 cemeteries located all over the city of Auburn.

The city of Auburn has been charged with the maintenance of all cemeteries that no longer have organization to maintain them.

I will name some of the cemeteries for you as well as I will tell you how many graves there are in each one of these sites.

Cemetery names, Jordan school road cemetery is approximately 50 x 50 and has 26th graves, for all of these grave sites of military.

Libby Hill Road this cemetery is approximately 75' x 75' and has 30 grave sites, and approximately 6 military buried there.

Dillingham Hill Cemetery is approximately 100' and 100' and has 40 grave sites, with approximately 10 military buried there.

Fletcher Road Cemetery is approximately 100' x 100' and has 25 grave sites with approximately 5 military buried there.

N. River Rd., Cemetery is approximately 100' x 100' and has approximately 40 grave sites and 10 military buried there.

Auburn Plains is approximately 400' x 100' and has 200 grave sites with approximately 25 military buried there.

Briggs cemetery is approximately 200' x 100' and has 150 graves sites with approximately 40 military buried there.

Ben Goding cemetery is approximately 60' x 60' and has approximately 20 grave sites with approximately 2 military buried there.

Waggs cemetery is approximately 100' x 40' has approximately 30 grave sites and approximately 8 military buried there.

Old hotel road cemetery is approximately 100' x 50' and has 30 grave sites with for military buried there.

Taber's cemetery is approximately 100' x 50' 30 grave sites and five military buried there.

Fickett cemetery has approximately 14 grave sites and three military buried there.

Old Danville road cemetery has approximately 150' x 75' 100 grave sites 21 military buried there.

Plummer's: Corner cemetery is approximately 20' x 20' 4 grave sites two of them military buried here.

Second Plummer Corner cemetery is approximately 30' x 30' two grave sites both military buried there.

Second Jordan school road McKenney cemetery is approximately 60' x 60' approximately 20 graves sites and approximately 4 military buried there.

Washington St., North bound cemetery is approximately 30' x 30' has two grave sites both military.

Oak Hill cemetery this cemetery is approximately 35 acres big.

Approximately 20 acres of this cemetery is on the S. River Rd. 136.

Approximately 15 acres of this cemetery is located at the end of seventh Street.

It has approximately 5500 grave sites.

It has approximately 1000 military buried here.

I'd like to tell you little bit about the cemeteries every Memorial Day the city of Auburn is responsible for all of the cutting of brush and the raking as well as all of the mowing and trimming at these cemetery sites.

The cemeteries mowed and maintained for Memorial Day, Fourth of July, month of August, and Labor Day.

The city of Auburn also is charged with the placing of all American flags at all military grave sites.

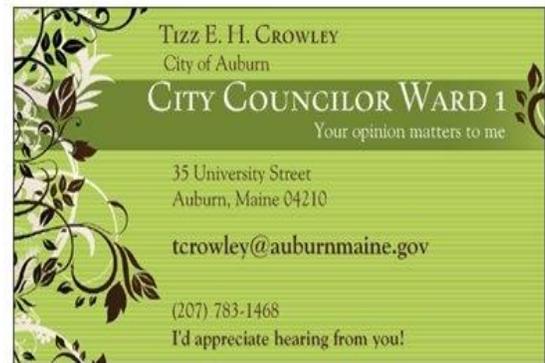
The city of Auburn along with the veterans Association tried to cover every cemetery in the city of Auburn.

The city of Auburn has approximately 38 different cemeteries located all across the city half of the cemeteries are maintained by this city that challenge comes under the Parks and Recreation Department.

## Auburn Ward 1 Report for Meeting Monday 2013.05.20

**Prepared:** Wednesday 2013.05.27  
**TO:** Residents of Auburn and the Auburn City Council  
**FROM:** Tizz E. H. Crowley- Auburn City Council Ward 1

Accolades to the **Auburn Parks** and **Public Works crews** for the excellent job you did readying the cemeteries for Memorial Day Weekend. Team work was evident to everyone who visited these graveyards. Parks staff has the skills and experience to handle the tedious hand work needed to cut grass, clip and clean around stones, prune trees, and do plantings. Public Works crews are skilled at moving ground, clearing trees, operating heavy equipment, especially in high places. It takes both types of talent to successfully prepare our cemeteries. You did an excellent job- thank you!



Thank you to the students of **Franklin Alternative High School** for inviting me to the Senior Banquet. I was honored to be asked. The meal was delicious and the seniors are just awesome. There were exceptional art, metal work and food displays. How proud Auburn is of your achievements.



**Congratulations** to Auburn's 2013 Economic Awards winners. It was very exciting to have Auburn Mayor Jonathon LaBonte presented **the city's first Community Development Award** to the popular **Rolly's Diner in New Auburn**. Started in 1993 by mother and son Rolande and Ken Blais, Rolly's Diner has become a community landmark... and a wonderful place to eat. Ken Blais of Rolly's Diner recently took top winning Chef of the Year. Blais, a chef for 32 years, 19 of which have been at the Auburn staple, has been a fixture at many charity functions, including the March of Dimes Signature Chef's Auction, Chili and Chowder Challenge, Hospitality Golf Tournament, Relay for Life, The Dempsey Challenge, Little League, the Boys and Girls Clubs and many more.

Dara Reimers, owner and head baker of **The Bread Shack** of Center Street, Auburn was an economic development award winner. Dara was one of three bakers that represented the United States in the Coupe du Monde de la Boulangerie (the World Cup or Olympics of Baking) in the spring of 2008. She won a place on Team USA by winning the Bread Bakers Guild of America national title in Artistic Design. In this category competitors make an edible sculpture that fits within one cubic meter. The United States placed fourth at the international competition.





Another economic achievement award went to **Eastern Fire Protection**, established in 1942, a local business that takes the responsibility for life and property protection seriously and pledge to its customers a commitment to quality products, continued education and training, honest answers and solid advice. It is a recognized national leader both in the Fire Protection and Security Systems industry, and also as a local business leader, having been the first industrial tenant of the then new Auburn Airpark in 1982.

An award was also presented to **Falcon Performance Footwear**, established in 1963, makes high-performance boots for fire-fighters and other specialized users, including the military. Falcon has demonstrated outstanding leadership, vision and manufacturing excellence. “We are proud to recognize businesses and businesspeople that are positively impacting our region by contributing to the economic prosperity of the community and making it a better place to live,” Governor LePage recently said about this Auburn business. Having been located in the landmark Roy Continental Mill in Lewiston for more than four decades, the company’s superior management, outstanding employee work ethic, innovative manufacturing culture and strategic growth made possible their relocation and expansion into the Auburn Airpark at 27 Wright’s Landing.



**Congratulations to the 2013 graduates of Edward Little High School!** Students will receive their diplomas on Saturday, June 1<sup>st</sup> at the Collisee. *“All successful people men and women are big dreamers. They imagine what their future could be, ideal in every respect, and then they work every day toward their distant vision, that goal or purpose.”*

Brian Tracy

#### **Dates to watch-**

**Saturday June 1<sup>st</sup>**- is **National Trails Day**, the country's largest celebration of trails I hope to participate in a walk to the local historical ruins. Please join us for a guided trail tour from the LACC PROPERTY, to the original “Spring Road,” now called Country Way to the Spring House Road, to the Spring House, past the Mineral Springs Hotel wharf site and a site tour of the foundations of the Lake Auburn Mineral Spring Hotel. On the way back up past one of the first gravel pits in the community, what’s left of the 2nd largest, oldest Red Oak tree in Maine, past two rock culverts commissioned in 1817 and back to the LACC property! The leisurely tour should take one hour, thirty minutes; and still have plenty of time to explore afterwards. Thank you to the LAWPC for permitting walking in the woods of their property. Please be considerate when using these private lands.

**Saturday, June 1<sup>st</sup>** The City Clerk's office is open for special hours from 8:00am to 12:00pm so residents can vote absentee or request an absentee ballots.

**Saturday, June 1<sup>st</sup>** The Auburn Fire Department invites the community to join them in welcoming the arrival of the new Engine # 2 to the city! On Saturday 10:00am at the New Auburn station (181 S. Main Street), AFD will be holding a special ceremony to formally place this new engine into service. In addition to the housing of the new engine, there will also be a special recognition of in memory of Captain Willis F. Millett who was a Captain on Engine 2. Captain Millett made the ultimate sacrifice on October 31, 1952, four days after being grievously injured while successfully rescuing a four year old girl from a fire on Main Street. Family members of Captain Millett will be on hand to take part in this recognition. Tours of the new engine and Station # 2 will be available and light refreshments will be served. All are invited to attend!!



**Sunday, June 2- World's Largest Pancake Breakfast Attempt!** Come join the Kiwanis Club of Lewiston-Auburn with thousands of your friends and family to celebrate the bringing back of the Breakfast! This year's event will be held at St. Dominic Academy. Breakfast starts at 6:30am.

**Friday, June 7<sup>th</sup>**- You are cordially invited to attend the Auburn Adult and Community Education Graduation- Honoring Our Graduates and Recognizing Our Talented Staff. The ceremony starts at 7:00 PM Edward Little High School Gymnasium Please Join Us in Celebrating Lifelong Learning in Auburn!

**Monday, June 10<sup>th</sup>** -Local historian and author Annette Dorey will debut her newest book titled "Miss Dr. Lucy and Maine's Pioneering Female Physicians, 1850s to 1920." Her extensive research reveals much about the lives and careers of over 250 women who had a passion for healing. These forgotten healers were either Maine natives who traveled far and wide to study medicine or women from other states who chose to establish their medical practice in Maine. At 3 p.m. and 6:30 p.m. Hear about some of Auburn's women of medicine.



**Tuesday, June 11<sup>th</sup>**- This day is the School Budget referendum. **Be sure to vote.** There is a single polling place at Auburn Hall. Absentee ballots must be at the City Clerk's office this day.

**Friday, June 14<sup>th</sup>** – there will be a **Flag Day event** in Auburn. The City of Auburn and our local veterans' groups- American Legion Post 153, Veterans of Foreign Wars Post 1603, and American Legion Post 31 will host a Flag Day ceremony. Local organizations- scouts, fraternal groups, church and civic clubs, veterans and youth are invited to bring your flags and color guards to this service. For more information, watch the city website and the Veterans' Council notices.

**Visiting Hours-** Regular visiting hours continue. I hope to see you on **Tuesday June 11<sup>th</sup> from 2-4pm** or **Thursday, June 27<sup>th</sup> from 5-7pm** at the Auburn Public Library.

**Information provided to residents this period:** As a Councilor I get calls and questions from Auburn residents. Helping to find the answers is one of my favorite parts of serving on the Council. Since our last meeting we've looked at several things including:

Complaint of *offensive odors* at a local business area was reviewed. Our "odor" ordinance is a challenge to enforce. The offensive odor must cross property lines as an example. In this situation, the building owners have taken great time and expense with ventilation systems to maintain the smell. There was no health hazard at this location.

Handmade *signs for estate or garage sales are not permitted* in Auburn in the public right of way. A sign on the Veterans' Memorial Bridge announcing a sale in Turner was removed.

There is *no smoking* permitted in any Auburn parks or playgrounds. I have reported a missing "no smoking" sign for Chestnut St playground. This should be corrected shortly.



In my Water District report, I mention the need to replace pipes. Here is a section of the 6-inch main the AWD is replacing along South Main Street. A staff member is holding a \$1 bill to give an example of the size of the main. Thanks for the photo, John.

**In closing, May 18<sup>th</sup> to June 17<sup>th</sup> is National Smith Month-** so share your smile with others. Smiling is just one fun way to live longer. When you smile... change the mood of others, you light up the room and make the situation happier. A smiling person brings happiness with them. The muscles we use to smile lift the face, making a person appear younger. Don't go for a face lift, just try smiling your way through the day -- you'll look younger and feel better and your bright outlook will be "caught" by others.

# MANAGER'S REPORT

---

*June 3, 2013*

## **MEMORIAL DAY EVENT**

Public Works and Parks crews worked through a damp week to ensure the cemeteries were presentable for Memorial Day. Crews placed 58 flags on street poles and over 300 flags on veteran graves. This is in addition to the multitude of flags that were placed by volunteers from various organizations. Thank you to Councilor Crowley and Walker for helping coordinate flag placement with City Staff and American Legion Post 153. The City received many compliments regarding the placement of American Flags on various streets. Reid's Gun Shop donated 90 American Flags to the City and we appreciate their patriotism. We should be proud of the effort our Public Works and Parks staff put out in regards to this endeavor.

## **AUBURN CITIZEN OF THE YEAR**

Auburn Business Association honored former State Senator Olympia Snowe as their 2012 Auburn Citizen of the Year at the Lewiston Ramada Inn on Thursday, May 30<sup>th</sup>. There was a great turnout for this event.

## **TAX COMMITMENT PROCESS FY2014**

We are implementing a process to tax commitment to avoid issues such as those of last year. The final commitment paperwork will not be submitted until the City Manager, Finance Director, and Assessor all agree and review as a group. Our auditor will also review before it is submitted to the State Revenue Services.

## **ICE ARENA STATUS**

- Staff is reviewing sound system proposals.
- Notice of award for the ice resurfacing machine has been sent to LSK Enterprises for a 2013 Olympia Millennium machine for the purchase price of \$122,050.00. This includes the Olympia Millennium ice resurfacing machine, automatic wash water system and two laser-guided leveling systems. The machine will be paid for by the City and reimbursed by the developer, George Schott.

- A meeting with Jeff Gosselin and Ray Teixeira of Mechanics Saving Bank regarding their interest in advertising/sponsoring the Olympia machine took place. We will let you know if anything developed from our meeting.
- A meeting with Kevin Pratt of Acadia Contractors also took place regarding advertising/sponsorship of Olympia ice resurfacing machine or score board. We will let you know if anything transpires from this meeting as well.
- A meeting was held with Lee Hixon, Athletic Director and Don Fournier, Principal, of Saint Dom's. Details of a transition to the new facility were discussed. They have requested a formal contract that can be reviewed.
- Staff has been developing a miscellaneous list of products and equipment that will be needed for the new facility. These items will be reviewed at the next construction meeting.
- A meeting has been scheduled with a Gladiators & Titans representative on Tuesday, May 21 regarding contractual agreements and sponsorships.
- A meeting was held with Rob Manville of Neokraft Signs on Monday, May 13. Rob has previously held positions with various arenas in advertising sales. Rob was able to provide information and insight on his approach to selling ads. This was an informative meeting where Rob shared experiences and gave helpful suggestions on how to manage the process.
- A meeting was held with Ravi Sharma, Mike Berube, Denis D'Auteuil, Renee Bogart and Dave Gonyea to discuss an idea for a documentary on the arena. Several topics were covered: interviewer/narrator, intended audience, intended purpose, general logistics and timeline.

### **Citizen's Request for Naming of Pettingill Field**

Mr. Colby Dill, on behalf of American Legion Post 153, has requested to name the baseball field at Pettingill Field the "Ted Ricker Memorial Field". Mr. Ricker was born in 1919 and passed away in 1991. Mr. Ricker was a lifetime resident of Auburn who served our country during World War II. He was a valuable member of the community serving in many capacities such as Commander, American Legion Post 153, Director, Lewiston Auburn Sports Hall of Fame, volunteered at the Grandstand Club in support of Edward Little High School and was instrumental in establishing a scholarship program for the Auburn American Legion team members.

As City Manager, I recommend waiving the Renaming of the field and presenting to the City Council at the June 3, 2013 meeting during workshop.

### **FIRE DEPARTMENT ENGINE #2 CEREMONY- SATURDAY, JUNE 1<sup>ST</sup>, 10 A.M. @ SOUTH MAIN ST STATION**

The Auburn Fire Department invited the community to join them in welcoming the arrival of our new Engine # 2 to the city! A special ceremony to formally place this new engine into service was held. In addition to the housing of our new engine, there was a special recognition of in memory of Captain Willis F. Millett who was a Captain on Engine - 2. Captain Millet made the ultimate sacrifice on October 31<sup>st</sup>, 1952 four days after being grievously injured while successfully rescuing a four year old girl from a fire on Main Street. Family members of Captain Millett were on hand to take part in this recognition. Tours of the new engine and Station # 2 were well received and light refreshments were served.

### **MDOT SIGNS**

MDOT installed new directional signs along the Washington Street-Route 4 corridor. The signs are a welcome to the community as they can assist travelers in getting around Auburn, proper turning lane and directions to our neighbors.

### **ROUTE 4 PROJECTS**

ATRC (Androscoggin Transportation Research Center) Policy Committee has recommended funding the following Auburn projects:

- \$500,000 for Route 4, south of Lake Shore Dr to north of Blanchard Rd: overlay and restriping to 5 lanes;
- \$150,000 for Route 4 at Fair/Martin/boat launch: PE for future roundabout
- \$150,000 for Route 4 at Lake Shore: PE for future roundabout
- \$195,000 transfer to PIN 11599.20, Minot Ave bin wall: funding shortfall based on latest MaineDOT estimate
- \$400,000 transfer to PIN 14787.10 (South Main St, Vickery Road to Cook St) funding shortfall based on latest Maine DOT estimate

As you can see a significant amount of funding has come our way to deal with safety issues on Route 4 and funding shortfalls on a few MDOT projects. There is a public comment period between now and June 27, 2013. Once the notice is posted in the Sun Journal I will forward to you and have it placed on the website so residents can comment in favor of this much needed project! Thank you to staff that has worked on making this happen!

### **SHERWOOD HEIGHTS TENNIS COURTS**

Sherwood Heights tennis courts are in poor condition and according to Jude Cyr, Business Manager-Auburn School Department, they are not going to get funding in their CIP to fix. Our insurance company, MMA, has inspected the courts and found them to have

- Slip, trip, fall and impalement hazards;
- Courts are being used for non-tennis related activities;
- Nets, net supports and net tensioning ratchets are damaged or rusted;
- Fence support posts are leaning in toward the courts with the court surface cracked with varying widths

It is staff's recommendation to demo the courts and remove the hazards. Neighbors have contacted the City over the years complaining about the noise and vandalism that has taken place and encourage the City to demolish the site. I am anticipating a late July- early August demo project. I will confirm with Public Works on a definite date and will let you know as soon as possible.

### **ELECTION COSTS**

The question was asked at the May 13, 2013 Joint City Council Meeting with the School Committee what the cost of a Special Referendum Election would be. With little history to go by it is difficult to predict what the voter turnout would be. Staff did find voter history information from September of 2004 when a Special Referendum Election was held for the Park Elementary School. The total project costs were not to exceed \$9,766,000 with a second question voting on an additional gymnasium for up to \$635,000 in additional bonds. The voter turnout for this election was approximately 2,200 ballots cast or a 13-14% turnout. I would expect a higher voter turnout for the new high school especially with the impact of the local tax rate if this should pass. My best guess estimates are below. I've included a one polling place estimate as well as a 5 polling place estimate using a range of 20-40% voter turnout.

Some statistical information regarding voter turnout;

2012 Presidential Election – 72%

2008 Presidential Election – 75%

2012 June Primary (no referendum) – 8%

2010 June Gubernatorial Primary/Referendum – 30%

2010 November (Gubernatorial) – 57%

2006 November (Gubernatorial) – 56%

2011 November Municipal/State Referendum – 43%

2009 November Municipal/State Referendum – 57%

2012 School Budget Validation Referendum – 4%

2011 School Budget Validation Referendum – 6%

**1 Polling place costs (estimated)**

Election Workers - \$900 - \$1200 (1 Warden, 1 Ward Clerk, 4-6 Election Clerks)

Tabulating Machines - \$1350 for programming cost

Ballots – \$960-\$1,920 (approximately .30 a ballot and between 3200-6400 ballots which would be a 20 - 40% turnout)

Clerk Staff - \$400

Public Notice - \$200

Postage for absentee ballots - \$220 - \$442

Total - \$4,030 - \$5,512

**5 Polling places costs (estimated)**

Election Workers - \$5000 - \$6500 (1 Warden, 1 Ward Clerk, 4-6 Election Clerks per polling place)

Tabulating Machines - \$1350 programming cost

Manager's Report

June 3, 2013

Ballots - \$960-\$1,920 (approximately .30 a ballot and between 3200-6400 ballots which would be a 20 - 40% turnout)

Clerk Staff - \$400

Public Notice - \$200

Postage for absentee ballots - \$220 - \$442

Total - \$8,130 - \$10,812

If a special election for a new Edward Little High School is approved by the City Council, my recommendation would be to do so at the same time as either a June Primary/Referendum Election or a November Election because of the costs and time involved to hold a Special Election and because there would be a higher turnout.

**SCHOOL VALIDATION ELECTION**

REMINDER- The School Budget Validation election is scheduled for Tuesday, 11 June 2013 @ City Hall from 7 a.m. to 8 p.m. Ballot will include a second question asking voters to consider going back to the previous method of approving the budget. We will be using voting machines for this election.

**TRANSPORTATION CENTER**

At the end of May I signed an agreement establishing a Transportation Center Committee comprised of representatives from the Lewiston-Auburn Transit Committee, AVCOG, as well as City Staff. The committee shall be made up of two AVCOG staff, the LATC Chair, one LATC Member and four City Staff.

# MEMO

---

**TO:** Clint Deschene, City Manager

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

**RE:** Referendum Election Cost

---

The question was asked at the May 13, 2013 Joint City Council Meeting with the School Committee what the cost of a Special Referendum Election would be. With little history to go by it is difficult to predict what the voter turnout would be. I did find voter history information from September of 2004 when a Special Referendum Election was held for the Park Elementary School. The total project costs were not to exceed \$9,766,000 with a second question voting on an additional gymnasium for up to \$635,000 in additional bonds. The voter turnout for this election was approximately 2,200 ballots cast or a 13-14% turnout. I would expect a higher voter turnout for the new high school especially with the impact of the local tax rate if this should pass. My best guess estimates are below. I've included a one polling place estimate as well as a 5 polling place estimate using a range of 20-40% voter turnout.

Some statistical information regarding voter turnout;

2012 Presidential Election – 72%

2008 Presidential Election – 75%

2012 June Primary (no referendum) – 8%

2010 June Gubernatorial Primary/Referendum – 30%

2010 November (Gubernatorial) – 57%

2006 November (Gubernatorial) – 56%

2011 November Municipal/State Referendum – 43%

2009 November Municipal/State Referendum – 57%

2012 School Budget Validation Referendum – 4%

2011 School Budget Validation Referendum – 6%

## **1 Polling place**

Election Workers - \$900 - \$1200 (1 Warden, 1 Ward Clerk, 4-6 Election Clerks)

Tabulating Machines - \$1350 for programming cost

Ballots – \$960-\$1,920 (approximately .30 a ballot and between 3200-6400 ballots which would be a 20 - 40% turnout)

Clerk Staff - \$400

Public Notice - \$200

Postage for absentee ballots - \$220 - \$442

Total - \$4,030 - \$5,512

### **5 Polling places**

Election Workers - \$5000 - \$6500 (1 Warden, 1 Ward Clerk, 4-6 Election Clerks per polling place)

Tabulating Machines - \$1350 programming cost

Ballots - \$960-\$1,920 (approximately .30 a ballot and between 3200-6400 ballots which would be a 20 - 40% turnout)

Clerk Staff - \$400

Public Notice - \$200

Postage for absentee ballots - \$220 - \$442

Total - \$8,130 - \$10,812

If this were to go out to the voters, my recommendation would be to do so at the same time as either a June Primary/Referendum Election or a November Election because of the costs and time involved to hold a Special Election and because there would be a higher turnout.



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** June 3, 2013

**Order** 35-05132013

**Author:** Jill M. Eastman, Finance Director

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan    Work Plan    Budget    Ordinance/Charter    Other Business\*    Council Goals\*\*

\*\*If Council Goals please specify type:    Safety    Economic Development    Citizen Engagement

**Subject:** Adoption of the proposed Municipal/Education Capital Improvement Program FY2013-2014.

### Information:

**Financial:** The bond proposal suggests bonding \$6.5 million dollars, \$5.0 million for the City and \$1.5 million for the School

**Action Requested at this Meeting:** Adoption of the FY14 Capital Improvement Program.

**Previous Meetings and History:** 1/22/2013 workshop, 3/25/2013 workshop. A public hearing was held on 5/13/2013 at the Special Joint meeting with the School Committee and Council. These items were on that agenda for action but were postponed until the May 20, 2013 Meeting and postponed again until the June 3, 2013 meeting.

### Attachments:

CIP information to Council

Order 35-05132013 Capital Improvement Program

\*Agenda items are not limited to these categories.

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Finance Department

TO: Honorable Mayor and  
City Councilors  
FROM: Jill M. Eastman, Finance Director  
CC: Clinton Deschene, City Manager  
Howard Kroll, Asst City Manager  
DATE: May 29, 2013



RE: Short term effects of reducing CIP

CIP reductions will yield zero saving for FY 14, and there would be an INCREASE to the operating budget of \$112,900 (or from 1.68% increase to 1.99% increase).

"Catch-up costs" would exceed any savings realized by the City through this reduction.

### CASE STUDY – APD, APW, P&R, ICT and PROPERTY

#### Vehicles:

APD-(\$140,000)	4 cruisers (operating)
APW-(\$358,000)	2 dump trucks, 1 traffic truck

#### Equipment:

APW-(\$263,000)	Sweeper, Floor Scrubber (transferred to operating)
P&R-(\$218,000)	Holder tractor, tractor with attachments

#### Maintenance:

PROPERTY-(\$75,000)	Parking garage maintenance (transferred to operating)
---------------------	---

#### Software:

ICT-(\$60,000)	Call recording and network security (transferred to operating)
----------------	--

### Effects on the operating budget for FY14

APD Vehicles	(\$140,000)
Garage Maintenance	\$ 75,000
Software	\$60,000
Floor Sweeper	\$48,000
Increase to repair accounts	<u>\$69,900</u>

**Total Increase**                      **\$112,900**

In FY15 there would be a \$100,000 savings in debt service.

Mill Rate – Tax increase (if all factors remained the same, the property tax would be increased by \$.05 from \$21.40 to \$21.45).

Indirect costs – staff time/overtime, reduction and/or delay in City services, possible increase to workers compensation claims.

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Finance Department

TO: Honorable Mayor and  
City Councilors  
FROM: Jill M. Eastman, Finance Director  
CC: Clinton Deschene, City Manager  
Howard Kroll, Asst City Manager  
DATE: May 29, 2013



RE: CIP and budget changes from Council Meeting May 20, 2013

Following are a list of proposed changes to the FY 2014 Capital Improvement Program and the FY 2014 Budget and their impacts on the City.

Bonded CIP proposed changes:

There will be no reduction in the Debt Service operating budget by reducing the amount of the bond. Any decrease would not affect the operating budget until FY15 when the first principal payment would be due. With the suggested reductions the reduction to the debt service for FY15 would be approximately \$100,000 plus interest.

However, the reductions would increase expenditures in the operating budget. By not replacing certain vehicles and equipment, repair budgets would need to be increased for Parks and Recreation by \$2,200, Police by \$17,000 and Public Works by \$50,700, for a total of \$69,900.

Additional items have been moved to the operating budget from the bonded CIP due to their useful lives being less than 10 years, or because they are maintenance items. These are the Information Communication Technology request for call recording and accounting software of \$20,000, network security of \$40,000, parking garage maintenance of \$75,000 and the Public Works floor sweeper/scrubber of \$48,000. The call recording and accounting software is a tool used by Public Safety departments to record, store and search incoming and outgoing phone calls. The recordings can be used as reference and/or evidence. The files can be saved as an attachment in the records management system. The accounting function allows us to monitor and report on phone usage, and long distance billing. The previous system was purchased 6+ years ago and is no longer functional, so we currently have no mechanism in place to address these necessary functions. The PW floor sweeper/scrubber would be used to keep the shop maintenance floor free of silica dust that is a known carcinogen, and to keep the drains from filling up with industrial fluids that impact the sewer system. Keeping the employees safe from these hazards is an OSHA regulation.

If we don't replace the Festival Plaza canopies as designed, there is no alternative. The savings to property tax is zero, because the proposal was to purchase with TIF funds.

I asked each department affected to send me a memo as to the impacts to their respective departments related to the proposed reductions. Their responses are attached.

I have also attached the updated CIP with the proposed reductions as well as the updated budget summary that shows the increase in the operating budget as defined above.

**CITY OF AUBURN - CAPITAL IMPROVEMENT PROGRAM  
FY 2014**

	<b>OPERATING</b>	<b>BOND</b>	<b>OTHER</b>
<b><u>CITY CLERK</u></b>			
Record Restoration	\$12,500		
Voting Booths	\$6,000		
<b>Total City Clerk</b>	<b>\$18,500</b>	<b>\$0</b>	<b>\$0</b>
<b><u>ENGINEERING</u></b>			
Drainage Projects:			
Major Areas		\$60,000	
State Projects:			
MDOT Transportation Improvement Projects		\$500,000	
Street Improvement Projects:			
Reclaim/Resurfacing Program		\$1,250,000	
Retaining Wall (Engineering and Design)		\$150,000	
Reconstruction/Construction Projects		\$1,000,000	
Bridge Repairs		\$125,000	
<b>Total Engineering Department</b>	<b>\$0</b>	<b>\$3,085,000</b>	<b>\$0</b>
<b><u>INFORMATION COMMUNICATION TECHNOLOGY</u></b>			
Call Recording	\$20,000	\$0	
Web Site - Second Phase			\$20,000 (1)
Network Security	\$40,000		
<b>Total ICT</b>	<b>\$60,000</b>	<b>\$0</b>	<b>\$20,000</b>
<b><u>LA911</u></b>			
Server Upgrade/Virtualization Project - Phase III			\$49,772 (1)
<b>Total LA911</b>	<b>\$0</b>	<b>\$0</b>	<b>\$49,772</b>
<b><u>LATC</u></b>			
Bus Replacement Funds			\$40,000 (1)
<b>Total LATC</b>	<b>\$0</b>	<b>\$0</b>	<b>\$40,000</b>
<b><u>PARKING FACILITIES</u></b>			
Mechanics Row Parking Garage Maintenance	\$75,000	\$0	
<b>Total Parking Facilities</b>	<b>\$75,000</b>	<b>\$0</b>	<b>\$0</b>
<b><u>PARKS &amp; RECREATION</u></b>			
Asbestos Removal @ Hasty Community Center			\$0 (2)
Tractor w/Attachments		\$0	
Replace Holder Tractor		\$0	
Turf Machine			\$23,000 (3)
Remove Underground Storage Tank		\$14,000	
Playground upgrades			\$38,000 (1,3)
Hasty Building Improvements	\$0	\$0	
<b>Total Parks &amp; Recreation</b>	<b>\$0</b>	<b>\$14,000</b>	<b>\$61,000</b>
<b><u>PLANNING &amp; CODE DEPARTMENT</u></b>			
Municipal Street Light Purchase		\$750,000	
Traffic Signal Pole Replacement		\$10,736	
Street Light Pole Replacement and Wiring (21 poles)		\$25,000	
Replacement of Traffic Signal Controller Equipment Fype TSII		\$34,940	
Replace existing HPS fixtures and poles with LED fixtures		\$26,000	
Traffic Signal Controller Upgrades		\$20,520	
Vehicle Replacement	\$0		
Comprehensive Plan Property Acquisition Program			\$500,000 (4)
Androscoggin Greenway Signage and Wayfinding Pilot Program			\$75,000 (4)
<b>Total Planning &amp; Code Department</b>	<b>\$0</b>	<b>\$867,196</b>	<b>\$575,000</b>
<b><u>POLICE DEPARTMENT</u></b>			
Scheduled Vehicle Replacement	\$0		
Mobile Radio Replacement			\$45,000 (1)
<b>Total Police Department</b>	<b>\$0</b>	<b>\$0</b>	<b>\$45,000</b>

**CITY OF AUBURN - CAPITAL IMPROVEMENT PROGRAM  
FY 2014**

	<u>OPERATING</u>	<u>BOND</u>	<u>OTHER</u>
<b><u>PUBLIC LIBRARY</u></b>			
Building Improvements			\$24,136 (1)
HVAC Automation System	\$7,500		
Technology Replacement	\$12,000		
<b>Total Public Library</b>	<b>\$19,500</b>	<b>\$0</b>	<b>\$24,136</b>
<b><u>PUBLIC WORKS DEPARTMENT</u></b>			
Heavy Equipment			
Dump Trucks		\$0	
Street Sweeper		\$0	
Vehicles		\$0	
Floor Sweeper/Scrubber	\$48,000	\$0	
Non Vehicle Equipment			
Trench Box	\$0		\$17,000 (1)
Message Sign Board	\$0		
Portable Traffic Signals	\$0		
Replace Festival Plaza Canopies			\$60,000 (4)
Oak Hill Cemetery Building Improvements			\$24,000 (1)
<b>Total Public Works Department</b>	<b>\$48,000</b>	<b>\$0</b>	<b>\$101,000</b>
<b>Contingency</b>		<b>\$33,804</b>	
<b>Total Municipal Capital Improvements</b>	<b>\$221,000</b>	<b>\$4,000,000</b>	<b>\$915,908</b>
<b><u>SCHOOL DEPARTMENT</u></b>			
Auburn Middle School-new mechanical system controls, upgrades to the HVAC system and indoor air quality improvements		\$1,500,000	
<b>Total School Department</b>	<b>\$0</b>	<b>\$1,500,000</b>	<b>\$0</b>
<b>Total Capital Improvement Program - Municipal and Schools</b>	<b>\$221,000</b>	<b>\$5,500,000</b>	<b>\$915,908</b>
<b>(1) Unallocated Bond Funds</b>	<b>\$219,908</b>		
<b>(2) CDBG</b>	<b>\$0</b>		
<b>(3) Recreation Special Revenue Funds</b>	<b>\$61,000</b>		
<b>(4) Downtown TIF</b>	<b>\$635,000</b>		
	<b>\$915,908</b>		

CITY OF AUBURN  
FY 2014 EXPENDITURES  
COMPARISON FY13 AND FY14 BUDGETS

CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 12-13	PROJECTED FY 12-13	DEPARTMENT PROPOSED BUDGET FY 13-14	MANAGER PROPOSED BUDGET FY 13-14	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
<b>Administration</b>						
Assessing	183,801	172,680	194,802	183,202	(599)	-0.33%
City Clerk	150,676	145,438	173,095	145,750	(4,926)	-3.27%
City Manager	223,591	221,705	221,163	221,163	(2,428)	-1.09%
Economic Development	119,705	119,705	343,672	339,672	219,967	183.76%
Finance	419,539	408,290	405,976	405,976	(13,563)	-3.23%
Human Resources	137,836	136,594	140,566	140,566	2,730	1.98%
ICT	386,632	374,853	445,975	395,350	8,718	2.25%
Legal Services	85,000	35,200	85,000	80,000	(5,000)	-5.88%
Mayor & Council	99,690	99,509	75,079	75,079	(24,611)	-24.69%
<b>Total Administration</b>	<b>1,806,470</b>	<b>1,713,974</b>	<b>2,085,328</b>	<b>1,986,758</b>	<b>180,288</b>	<b>9.98%</b>
<b>Community Services</b>						
Health & Social Services						
Administration	70,401	67,932	83,557	83,557	13,156	18.69%
Assistance	106,166	161,684	153,388	105,982	(184)	-0.17%
Parks & Recreation	616,241	596,445	706,579	651,834	35,593	5.78%
Planning & Permitting	776,532	716,525	845,680	775,230	(1,302)	-0.17%
Public Library	968,292	968,292	961,069	961,069	(7,223)	-0.75%
<b>Total Community Services</b>	<b>2,537,632</b>	<b>2,510,878</b>	<b>2,750,273</b>	<b>2,577,672</b>	<b>40,040</b>	<b>1.58%</b>
<b>Fiscal Services</b>						
Debt Service	6,682,797	6,682,797	6,326,584	6,326,584	(356,213)	-5.33%
Emergency Reserve	333,818	0	375,289	375,289	41,471	12.42%
Property	699,114	680,137	722,067	715,667	16,553	2.37%
Transfer to TIF	2,619,142	2,619,142	2,619,142	2,619,142	0	0.00%
Wages & Benefits	4,602,545	4,500,000	4,952,625	4,802,585	200,040	4.35%
Workers' Compensation	415,000	415,000	431,446	431,446	16,446	3.96%
<b>Total Fiscal Services</b>	<b>15,352,416</b>	<b>14,897,076</b>	<b>15,427,153</b>	<b>15,270,713</b>	<b>(81,703)</b>	<b>-0.53%</b>
<b>Public Safety</b>						
Fire	3,904,344	3,731,806	4,428,795	4,067,224	162,880	4.17%
Police	3,439,583	3,234,191	3,656,119	3,556,558	116,975	3.40%
<b>Total Public Safety</b>	<b>7,343,927</b>	<b>6,965,997</b>	<b>8,084,914</b>	<b>7,623,782</b>	<b>279,855</b>	<b>3.81%</b>
<b>Public Works</b>						
Public Works	4,597,744	4,226,632	5,254,363	4,842,537	244,793	5.32%
Engineering	340,370	335,470	343,188	300,788	(39,582)	-11.63%
Water & Sewer	558,835	558,835	558,835	558,835	0	0.00%
<b>Total Public Works</b>	<b>5,496,949</b>	<b>5,120,937</b>	<b>6,156,386</b>	<b>5,702,160</b>	<b>205,211</b>	<b>3.73%</b>
<b>Capital Improvement Projects</b>						
CIP 1	0	0	1,361,841	221,000	221,000	
<b>Total CIP</b>	<b>0</b>	<b>0</b>	<b>1,361,841</b>	<b>221,000</b>	<b>221,000</b>	
<b>Total Municipal</b>	<b>32,537,394</b>	<b>31,208,862</b>	<b>35,865,895</b>	<b>33,382,085</b>	<b>844,691</b>	<b>2.60%</b>
<b>Intergovernmental Programs</b>						
County Taxes	2,006,244	2,006,244	2,029,513	2,029,513	23,269	1.16%
Tax Sharing	289,000	288,593	270,000	270,000	(19,000)	-6.57%
Auburn-Lewiston Municipal Airport	105,000	105,000	200,000	132,500	27,500	26.19%
Arts	20,160	20,160	20,160	20,160	0	0.00%
Lew-Aub Economic Growth Council (see EconDev)	160,687	160,687	160,687	0	(160,687)	-100.00%
Lew-Aug Transit Committee	235,548	235,548	235,496	235,496	(52)	-0.02%
Lew-Aub 911 Communications Center	1,035,381	1,035,381	1,042,909	1,042,909	7,528	0.73%
<b>Total Intergovernmental Programs</b>	<b>3,852,020</b>	<b>3,851,613</b>	<b>3,958,765</b>	<b>3,730,578</b>	<b>(121,442)</b>	<b>-3.15%</b>
<b>Grand Total Municipal</b>	<b>36,389,414</b>	<b>35,060,475</b>	<b>39,824,660</b>	<b>37,112,663</b>	<b>723,249</b>	<b>1.99%</b>
Education Operation	33,419,500	33,419,500	34,954,516	35,706,292	2,286,792	6.84%
Education Debt Service	2,483,582	2,483,582	2,671,986	2,671,986	188,404	7.59%
<b>Total School</b>	<b>35,903,082</b>	<b>35,903,082</b>	<b>37,626,502</b>	<b>38,378,278</b>	<b>2,475,196</b>	<b>6.89%</b>
<b>Total Budget</b>	<b>72,292,496</b>	<b>70,963,557</b>	<b>77,451,162</b>	<b>75,490,941</b>	<b>3,198,445</b>	<b>4.42%</b>

CITY OF AUBURN  
 FY 2014 EXPENDITURES  
 COMPARISON FY13 AND FY14 BUDGETS

CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 12-13	PROJECTED FY 12-13	DEPARTMENT PROPOSED BUDGET FY 13-14	MANAGER PROPOSED BUDGET FY 13-14	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
Non-Property Tax Revenue						
Municipal	10,947,240			11,089,617	142,377	1.30%
Education	20,506,782			21,269,293	762,511	3.72%
<b>Total</b>	<b>31,454,022</b>			<b>32,358,910</b>	<b>904,888</b>	<b>2.88%</b>
Property Tax Dollars Needed						
Municipal	25,442,174			26,023,046	580,872	2.28%
Education	15,396,300			17,108,985	1,712,685	11.12%
<b>Total</b>	<b>40,838,474</b>			<b>43,132,031</b>	<b>2,293,557</b>	<b>5.62%</b>
<b>Property Tax Rate Based on Assessed Values of :</b>	<b>19.59</b>			<b>21.45</b>	<b>1.86</b>	<b>9.51%</b>
	<b>2,010,510,334</b>			<b>2,010,510,334</b>		
<b>Property Tax Rate</b>						
<b>Municipal Tax Rate</b>	<b>11.93</b>			<b>\$12.94</b>	<b>1.01</b>	<b>8.50%</b>
<b>Education Tax Rate</b>	<b>7.66</b>			<b>\$8.51</b>	<b>0.85</b>	<b>11.09%</b>
	<b>19.59</b>			<b>21.45</b>	<b>1.86</b>	<b>9.51%</b>

## **Impact of Proposed cuts to APL FY14 Capital Improvement Request**

**Technology Replacement:** Requested: \$22,075 Reduced to: \$12,000

By April 30 of FY13 more than 30,000 sessions had been recorded on APL public computers. This is more than 124 sessions for each day we were open. Failure to regularly replace Library technology will negate an essential Library function - providing Auburn citizens with free access to the technology they need to keep pace with the world - to communicate, find information and receive training. In addition, the Library computer lab was used 2327 times by April, mostly for training and job searching. Providing reliable current technology and broadband access to resources is one of the ways that the Library helps to address the disadvantages faced by many Auburn residents. In addition to these public service ramifications, technology underlies virtually all Library services, and technology failure impacts all library users.

It is our goal, beginning with last year, to replace our technology on a four year cycle. The equipment replaced by these funds will be eight years old in FY14. Every day maintenance becomes more problematic, and residents are increasingly denied access to functionality that isn't supported by aging equipment.

**Masonry Repair** Requested: \$24,136

The original section of the library is deteriorating due to past postponement of maintenance issues. Mortar joints have become porous and susceptible to leaking, loosened brick, etc. Replacement of the joints can be spread over a five year period. The joint replacement includes waterproofing which should protect the mortar for 50 years. Failure to address this issue has serious consequences including increasing damage to the integrity of the building, water damage and public safety issues due to loose bricks

**Copper Repair** Requested: \$2000

As is the case above, metal work relating to the old library building has deteriorated due to long time postponement of maintenance. Eaves, downspouts and gutters drain poorly and are riddled with leaks, causing deterioration of the surrounding structure and higher repair costs. Repairs should last for the life of the copper - at least 50 years - and would represent substantial savings over time.

**Library Avenue Entrance Handicapped Accessibility** Requested: \$5,000

The Library Avenue entrance to the Library is the most heavily used because of its proximity to parking. Because Spring Street is the only entrance with automating openers, entering from Library Ave. is problematic for many including those in wheelchairs and the elderly. We would like to make the building as accessible as possible for all.

## Mechanics Row Parking Garage

The \$75,000 requested for capital improvements is part of a 5 year program to extend the useful life of the Parking Garage. It has been ten years since the Garage was constructed, and 2013 is the first year any significant maintenance is being performed. Due to the amount of deferred maintenance, the initial amount of repairs is more substantial. Once caught up on deferred repairs, the maintenance can be budgeted for annually as an operational expense.

A condition report was prepared by Walker Restoration Consultants in 2010, and a repair and maintenance schedule was based on Walker's recommendations. The maintenance consists of repairing and replacing the joint sealants, expansion joints, and any concrete damage.

The joint sealants are warranted for 5 years but if properly taken care of, could last 8 to 10 years before replacement. The impact of not properly maintaining the parking garage will be far more costly than scheduled preventative maintenance. The failed joints will allow moisture and chlorides to access critical steel connections within the structure. Overtime important structural components would be weakened eventually leading to unsafe conditions, and ultimately parking garage replacement.



# Auburn Police Department



## Memorandum

Phillip L. Crowell  
Chief of Police

Jason D. Moen  
Deputy Chief

Rita P. Beaudry  
Executive  
Assistant

**To:** Clint Deschene, City Manager  
**From:** Deputy Chief Jason Moen   
**Date:** May 23, 2013  
**Re:** CIP Budget Impacts regarding Councilor Crowley's Proposed Amendment.

---

The Police Department has conducted extensive research over the years regarding vehicle purchasing and maintenance. We have found that a three year life cycle for patrol vehicles and a 5-7 year life cycle for support vehicles is the most cost effective approach to our fleet management.

Our patrol vehicles average 33,000 miles per year. We have found that extending the service life of a patrol vehicle beyond 100,000 miles increases maintenance costs considerably. Once a vehicle passes 100,000 miles, the probability of need to replace the transmission is very real. Extending the service life for an additional year will guarantee a transmission replacement for each patrol vehicle as the power train warranty for the Chargers expires at 100,000 miles.

Additional costs for extending the service life by one year includes brake replacement and front end replacement. Wheel bearings, tie rods and U-joints begin to fail. The brake life of a patrol vehicle averages 15,000 miles.

Another factor to consider is the reduced trade-in value of the vehicle. Trade-in value is calculated into the purchase price of a vehicle. The trade-in value of a patrol vehicle is forecasted to be reduced by at least \$1,000 by adding another 33,000 miles to the vehicle.

In addition to the major repairs listed above, routine repair costs for general repairs are forecasted to increase as well. Increased mileage leads to increased repairs. An estimated increase in the vehicle repairs budget of 25%-30% is going to be required to keep our vehicles in service longer.

Our current fleet planning extends out to FY20. Based upon current pricing of the major repairs listed above, budget increases to cover general repairs as well as the loss of trade-in value, I am projecting that the current budget

amendment of "no vehicles purchased for FY 14" will cost the city \$167,000 through FY20.

				Total
FY14	Brakes	\$700.00	6	\$4,200.00
	Transmission	\$2,870.00	2	\$5,740.00
	Front End	\$500.00	4	\$2,000.00
	Adt MV Repairs	\$4,000.00	1	\$4,000.00
FY15	Brakes	\$700.00	8	\$5,600.00
	Transmission	\$2,870.00	4	\$11,480.00
	Front End	\$500.00	4	\$2,000.00
	Adt MV Repairs	\$4,000.00	1	\$4,000.00
FY16	Brakes	\$700.00	7	\$4,900.00
	Transmission	\$2,870.00	3	\$8,610.00
	Front End	\$500.00	4	\$2,000.00
	Adt MV Repairs	\$4,000.00	1	\$4,000.00
FY17	Brakes	\$700.00	6	\$4,200.00
	Transmission	\$2,870.00	3	\$8,610.00
	Front End	\$500.00	4	\$2,000.00
	Adt MV Repairs	\$4,000.00	1	\$4,000.00
FY18	Brakes	\$700.00	8	\$5,600.00
	Transmission	\$2,870.00	4	\$11,480.00
	Front End	\$500.00	5	\$2,500.00
	Adt MV Repairs	\$4,000.00	1	\$4,000.00
FY19	Brakes	\$700.00	6	\$4,200.00
	Transmission	\$2,870.00	3	\$8,610.00
	Front End	\$500.00	4	\$2,000.00
	Adt MV Repairs	\$4,000.00	1	\$4,000.00
FY20	Brakes	\$700.00	6	\$4,200.00
	Transmission	\$2,870.00	3	\$8,610.00
	Front End	\$500.00	4	\$2,000.00
	Adt MV Repairs	\$4,000.00	1	\$4,000.00
			Total	\$134,540.00
			Trade-in	
			Loss	\$32,250.00
			Total Cost	\$166,790.00

Planning & Permitting (Electrical Division)

The following information is per your request as to the impact to the City if CIP requests are not funded. Also please note all requests have life spans of over 10 years.

My original individual CIP requests were combined by management during the budget process so I have broken them back down for this explanation.

**Traffic Signal pole replacement \$ 10,736: 30yr. life span.** This request replaces a wood pole at Minot and Manly Rd. The wood pole is too close to the curb and due to increased traffic movements by trailers the pole has been demolished twice in the past 12 months. By installing a steel strain pole we are able to move the pole back and stay in the public right of way. The entire overhead signal system falls into the intersection when this pole is hit. This is an obvious safety concern for the municipality.

**Street light poles replacement and wiring \$ 25,000: 30yr. life span.** The steel ornamental light poles from Court street to Academy are failing structurally due to the application of calcium chloride on our roads. These poles were installed in 1979. We have had one structural failure this fall. The wiring to these light poles has had multiple failures over the years. Replacement of the underground wiring is critical as these circuits also feed the power to traffic signals on Court Street. Again this request is safety related and not cosmetic.

**Traffic Signal controller equipment \$ Type TS II \$ 34,940: Life span 20 yrs.** ( CIP location Center/Lake Auburn Ave.)The traffic control equipment at this location has over 25yrs. Of service. It is currently the oldest equipment we maintain. The equipment is no longer manufactured. The intersection will experience extended flash time when we have that catastrophic failure. Additional overtime for minor repairs will also be encountered.

**(CIP location Exit 75 Maine Turnpike)** Within the past two weeks I was notified that this intersection was scheduled for replacement by MDOT this yr. It has been put back currently to next year. I suggest we take this off our list for the next FY in hopes that MDOT installs the equipment.

**Bonny Par LED retrofit \$ 26,000: Life span 15 yrs.** This is the third request for updated lighting to this park. The light levels have diminished drastically over the years due to the yellowing of the fixture lens. By install LED luminaries and new poles we will increase the light output, decrease maintenance and decrease the inappropriate activities that occur in the park.

**Traffic signal upgrades \$ 20,520: Life span 10 yrs.** ( CIP- installation of vehicle loop detection @ Turner /Hampshire Street \$ 11,520) This is the only intersection in the city that is not actuated by vehicle detection. The motorist must wait for the light to change regardless as to the presents of vehicles in other lanes. With the return of the third lane on Court street and the increased traffic from the new Credit Union this intersection will have increased Q's of vehicles without loop detection. ( CIP – Fiber installation to replace current leased fiber lines for traffic signal intersections on Center Street and Minot ave to New Auburn. \$9,000) By installing our own fiber plant to connect to our intranet locations we will relieve the city of monthly costs for fiber connections. We currently pay 235.00 monthly for this service. AVCOG has indicated that they fund this installation in both cities. To date there is no definitive decision. I suggest we delay this installation and if necessary discontinue the service until a decision is made to not have leased service

# CITY OF AUBURN

---



**Auburn Public Works**  
**296 Gracelawn Road**

To: Clint Deschene, City Manager  
Cc: Jill Eastman, Finance Director;  
From: Denis D'Auteuil, Public Works Director  
Date: 5/22/2013

Re: CIP FY14 reduction impacts

In general there are multiple reasons to maintain a proper vehicle/equipment replacement plan and here are a few:

- **Stabilize rising vehicle maintenance costs**
- **Improve fuel efficiency**
- Improved public image
- **Increased productivity**
- Better reliability
- Reduced vehicle breakdowns during Winter events
- **Better service delivery**
- **Safety**

More specifically in regards to our operations at Auburn Public Works the impacts of not funding replacement purchases requested in our CIP FY14 are:

## **Plow Trucks:**

The next two plow trucks scheduled for replacement are 15 years old with that length of time bathed in calcium chloride, salt and commercial use plow applications. There is not a more severe duty or damage done to dump trucks than to turn them into plow trucks. We're looking at truck frame rust through that will not allow the vehicle to pass the Maine State Inspection Sticker criteria and the unit must be parked. These are 15 year old trucks that will continue to break down and when this occurs we have one less plow truck on the roads clearing snow for the traveling public thus making it more hazardous for commuters and residents. One or two less plow trucks on the roadways leads to increased plow times for clearing the roadways in our community and added wear/tear on the other plow trucks that have to add the mileage to their runs.

## **Trackless Sidewalk Tractor:**

We are already down one unit, an 18 year old piece that is out of service, and schools are affected as is Parks and Recreation to clear sidewalks for our children to walk safely from home to school. The other three are 2006, 2006 and 2011 units that are severe duty units that are used all four seasons for snow removal, sweeping and lawn mowing. The street sweeping is a Federal mandate and must be continued. With one unit short the remaining three must work extra duty which means more wear and a shortened

---

# CITY OF AUBURN

---



**Auburn Public Works  
296 Gracelawn Road**

life expectancy. By not replacing this unit we now have to compensate for the lost productivity of that unit. This results in longer plow times for clearing sidewalks during the winter, more miles of mowing for the other units during the summer and loss of production during sweeping operations with one less powered sweeper unit.

## **Street Sweeper:**

Our Elgin sweeper is a 1998 unit (15 years old) with a life expectancy of 10 years, five years beyond its financially viable life cycle and does not meet with the current Federal mandates. It needs a great deal of work that has been left as it is scheduled to come out of service at the end of this season. Not replacing the Street Sweeper this year will increase our operational Fleet repair budget for this unit and potentially lead to one less sweeper next season if any of the repairs are too costly. This would lead to loss of productivity by reducing our sweepers to 2 from 3. The new sweeper unit was to have been the newest version that reduces dust and allows for year round operations therefore increasing productivity and making the work safer for our crews and general public by reducing the silica dust.

## **Floor Scrubber Sweeper:**

We do not currently have a floor scrubber in our fleet. A floor scrubber is used to keep the shop maintenance floor free of silica dust that is a known carcinogen, and to keep our drains from filling up with industrial fluids that impact our sewer system. Keeping our employees safe from these hazards is an OSHA regulation. No floor scrubber machine only delays the ability of Public Works Management efforts to make the work environment here at PW safer. The amount of silica dust that is inhaled each day at this building is alarming and will eventually lead to a health issue with workers costing the City more in worker's comp claims (or potential lawsuits) from silicosis.

## **Traffic Vehicle:**

We currently have no dedicated Traffic Vehicle. This truck is another 15 year old truck with a bad transmission, leaking gas tank, and cracked frame along with numerous rusted areas not passable for inspection. So the sign crew has been using a pick-up truck with 200,000+ miles on it to perform sign replacements and installations around the City. This is an improper work platform to use, unsafe and unreliable.

## **Festival Plaza Canopies:**

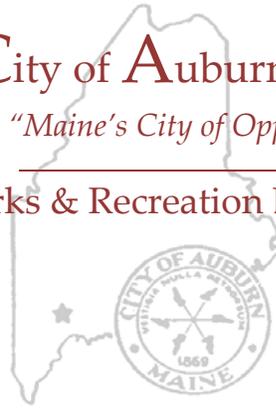
Currently we have no spare canopies so when one of these old sections fails we cannot replace nor repair due to the worn material. Also, if one rips/fails we should remove the other 2 canopies since the design is to have all 3 canopies up at once, having only two up would not look good.

---

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Parks & Recreation Department



**TO: Jill Eastman, Finance Director**  
**FROM: Ravi Sharma, Parks & Recreation Director**  
**DATE: 5/21/13**  
**SUBJECT: CIP Reduction**

Jill,

The following memo outlines the departmental impact for a reduction in Parks & Recreation CIP requests.

### **Tractor w/ attachments**

This request is planned to replace the Massey-Ferguson tractor that is 15 years old. Due to the age and condition of this equipment, we are unable to utilize it to its fullest capacity. This piece of equipment is used for field maintenance, park repairs and snow removal. If not replaced, this piece of equipment will likely experience mechanical failure and be put out of service which will require the Parks crew to perform more work by hand. This will undoubtedly decrease the efficiency and production and necessitate an increase in the repairs to equipment operating account.

### **Holder Tractor**

This request is planned to replace the Holder tractor unit which is 14 years old. This piece of equipment has been out of service since the summer of 2011. The primary uses for this unit are: sidewalk maintenance, plowing, park maintenance and field maintenance. If not replaced, the Parks crew will have to continue to perform more work by hand, which decreases efficiency and production. The largest impact is during winter operations, specifically in the downtown. Maintenance during winter storm events will experience delays.

### **Underground Storage Tank**

This request is planned to remove the underground fuel storage tank at the Hasty Community Center. As part of the FY13 capital plan, City Council allocated funding to convert the heating system to natural gas. Once the system conversion is complete, the tank will be considered out of service and will need to be removed within 24 months. This is a regulation of the State of Maine DEP. If not performed during the time period specified, fines may be levied.

## PAL Center Update – City Council

---

The PAL Board of Directors is very pleased to report on our progress since receiving the City Council's support and establishing a PAL Center in Auburn. As you will recall, the area of the PAL Center had been identified as a neighborhood in Auburn in desperate need of services. The ½ square mile area around the PAL Center accounts for 28% of all police calls for service.

Since the council's approval for the use of the properties at 24 and 31 Chestnut Streets, the PAL Board of Directors have accomplished the following:

- CDBG Funding was secured to begin the renovations of the building
- Council approved CIP funding for the completion of the renovations
- PAL Board of Directors was established
- PAL documents have been submitted to be incorporated and to be an established 501(c)3
- 100's of hours were donated by volunteers and businesses to complete the renovations
- Summer programming for the last two years took place while the building was being renovated
- Three "Leadercast" fundraising events have taken place which will support future PAL programs
- March 16<sup>th</sup> Open House of the new PAL Center Open House was held on March 16th
- Cooking with Science program was launched with Franklin students in March
- PAL Center After-school program officially opened in April
- University of Maine- Cooperate Extension adopted PAL as a program site
- The first official "community garden" is in full operation
- 2013 Summer programming is underway with a PAL Running Program, Junior Police Academies, Soccer and Basketball Dream Team Programs, and flag football.

The goal for the PAL Center is to be a resource for at risk youth within the ½ square mile of the center. During the school calendar year the following programs will be held:

- PAL After-School  
The goal of *PAL After-School* is to make a positive difference in the academic success and in the artistic, recreational and social development of **4th - 6th grade children**. It is developed using a framework of principles considered critical to a successful program. These principles include emphasizing learning as the central mission of the program; small group instruction with high staff to child ratio; providing a safe, secure, adult supervised environment; emphasizing parental involvement; strong collaboration with local schools and the community. The PAL After-School program has three components:
  - 1) PAL SMARTS – Academic Enrichment;
  - 2) PAL ARTS - Arts Learning; and,
  - 3) PAL FIT - Fitness/Wellness and Health.
- PAL Arts  
PAL Arts, an arts learning component, provides sequential arts instruction taught by professional artists-in-residence, who guide students through the exploration of visual and performing arts. Utilizing experiential education techniques, PAL Arts allows youth the opportunity to develop real and measurable skills in a chosen artistic discipline. Students are introduced to the basics of drawing and painting, instrumental music, dance, performance poetry, and theater arts.

## PAL Center Update – City Council

---

- PAL Fit  
PAL Fit, a wellness and health component, is a nutrition intervention initiative that was created to empower youth with the knowledge and life skills needed to lead healthy and active lives. Integrating academic subjects such as math and science into a fitness and nutrition curriculum, PAL Fit includes three components---physical fitness, healthy lifestyle and proper nutrition---all of which are addressed within the broader context of the family, community and socioeconomic circumstances. A partnership with the University of Maine Extension Service has allowed youth to share an active part in creating the community garden.
- PAL Teen Center - **Future Goal** Monday, Wednesday, Friday 6-9pm  
PAL Evening Teen Center's will offer opportunities for youth between the age of 14- 18 to engage in sports and recreation, prevention education, life skills rap sessions and one on one positive peer and adult relationships within a Safe Haven.

Through local partnerships and collaborations with reputable and committed partners, PAL will use these strategic partnerships to foster a Community approach in helping to provide positive alternatives and services for youth.

Youth will be offered the opportunity to participate in activities otherwise not accessible to them within their community.

Our volunteer support has been amazing. PAL is a new program and will take time to become fully established. We have sought two funding sources to apply for in December of 2013. It was required for us to be a 501 (c) 3 program to apply for these funds. Our goal is that this funding will pay for the utilities of the facility, programming and staffing in the future years. It was not our intention to request these funds from the council.

The cost of our SRO's contributing time to the PAL program is a cost we have been spending and would have continued spending with or without PAL. It is the purpose of these officers to spend time with our youth in the community. The PAL Center provides the location and opportunity to make that happen. Because of PAL, we are making a more concentrated effort within an area in need of vital police presence.

The only budgeted item for PAL in the FY14 budget is for utilities at a cost of \$3,293. Again, it is the goal of the PAL Board to not rely on the city for this expenditure. The board is prepared to work on gaining community support to fully operate the PAL program in the future.

Auburn PAL was first established in Auburn in 1949. Thank you for your continued support. We hope to bring it back to the recognized and respected program it once was.

Sincerely,

Phillip L. Crowell, Jr.  
Chief of Police

May 22, 2013



# Auburn Police Department Auburn Fire Department



## Memorandum

**To:** Clint Deschene, City Manager  
**From:** Police Chief Phillip L. Crowell Jr., Fire Chief Frank Roma  
**Date:** May 29, 2013  
**Re:** Vehicle Justification

---

The City currently has three public safety vehicles that are utilized for on-call responses to public safety emergencies. This is the most efficient use of resources to maintain control of public safety operations that operate 24 hour a day/ 7 days a week.

In public safety, command notification is critical to ensure the appropriate action for major public safety incidents or when specialized resources are needed. Included in our standard operating procedure, notification of command staff is outlined to provide supervisory personnel guidelines for informing command staff of significant occurrences. The notification seeks to ensure that proper consultations take place in determining the need for appropriate or additional resources to assess the incident at hand. A further goal is to ensure that actions are properly authorized and command staff is able to make informed judgments and comment.

Public Safety Command Notifications are made over 150 times with an average on-scene response of 25 occasions.

These vehicles are utilized in lieu of paying for an administrator to be on-call during off-duty hours. The average on-call pay for public safety is \$0.90 an hour. Of the 168 hours in a week, 128 hours are considered off-duty requiring an on-call status. (128 hours X \$0.90 an hr. = \$115.20 week X 52 weeks X 3 administrators = \$17,971.20).

The total average fuel cost for the three vehicles is \$2,500 annually.



# Auburn Police Department Auburn Fire Department



## Memorandum

**To:** Clint Deschene, City Manager  
**From:** Police Chief Phillip L. Crowell Jr., Fire Chief Frank Roma  
**Date:** May 29, 2013  
**Re:** Vehicle Justification

---

Fire Chief Roma's mileage

13.4 miles to City line.

Daily Trip 26.8 miles

Weekly Trip 134 miles

Yearly Trip 6968 miles

Federal Reimbursement rate is \$0.565 = \$3936.92

City Reimbursement Rate is \$0.38 = \$2647.84

Current city cost for vehicle utilizing 19MPG average with 2012 fuel cost average of \$3.0746 per gallon = \$1,127.46

Deputy Chief Moen's mileage

12.4 miles to City line.

Daily Trip 24.8 miles

Weekly Trip 124 miles

Yearly Trip 6448 miles

Federal Reimbursement rate is \$0.565 = \$3,643.12

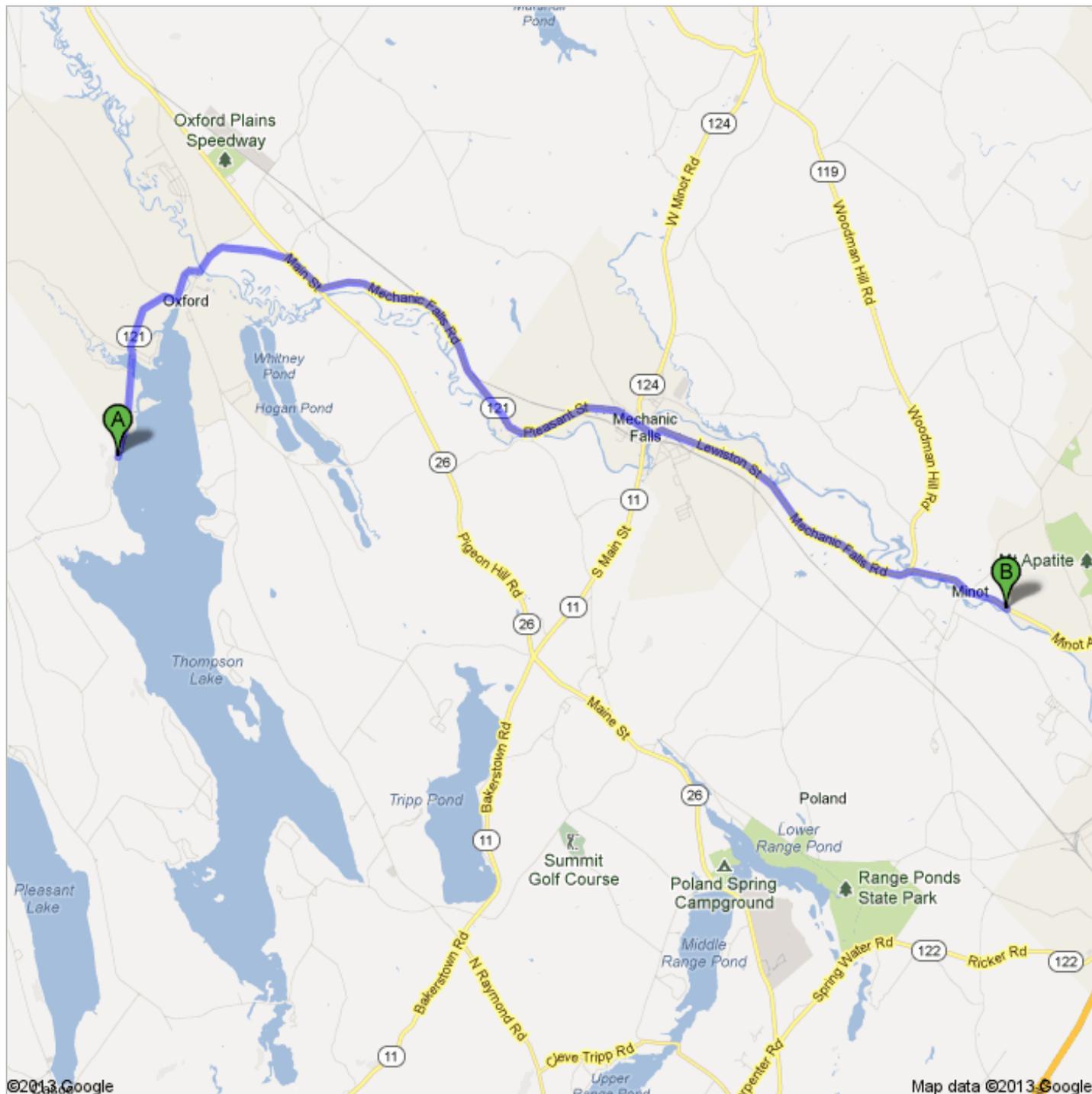
City Reimbursement Rate is \$0.38 = \$2,450.24

Current city cost for vehicle utilizing 19MPG average with 2012 fuel cost average of \$3.0746 per gallon = \$1,043.52

Distance from Auburn/Pownal line to Auburn/Turner line = 15.1 miles

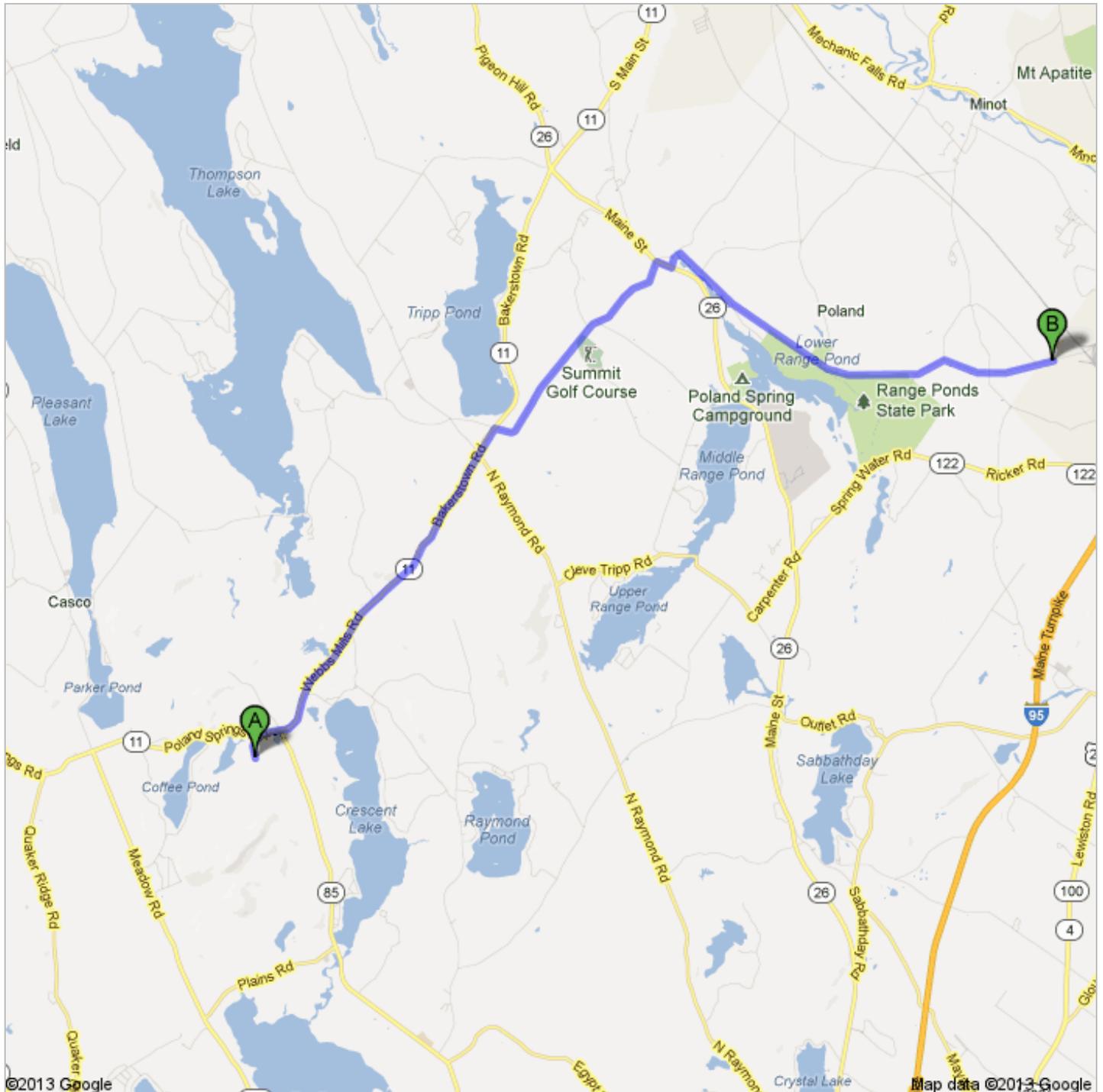


### Directions to ME-11 N/ME-121 N/Minot Ave 13.4 mi – about 22 mins



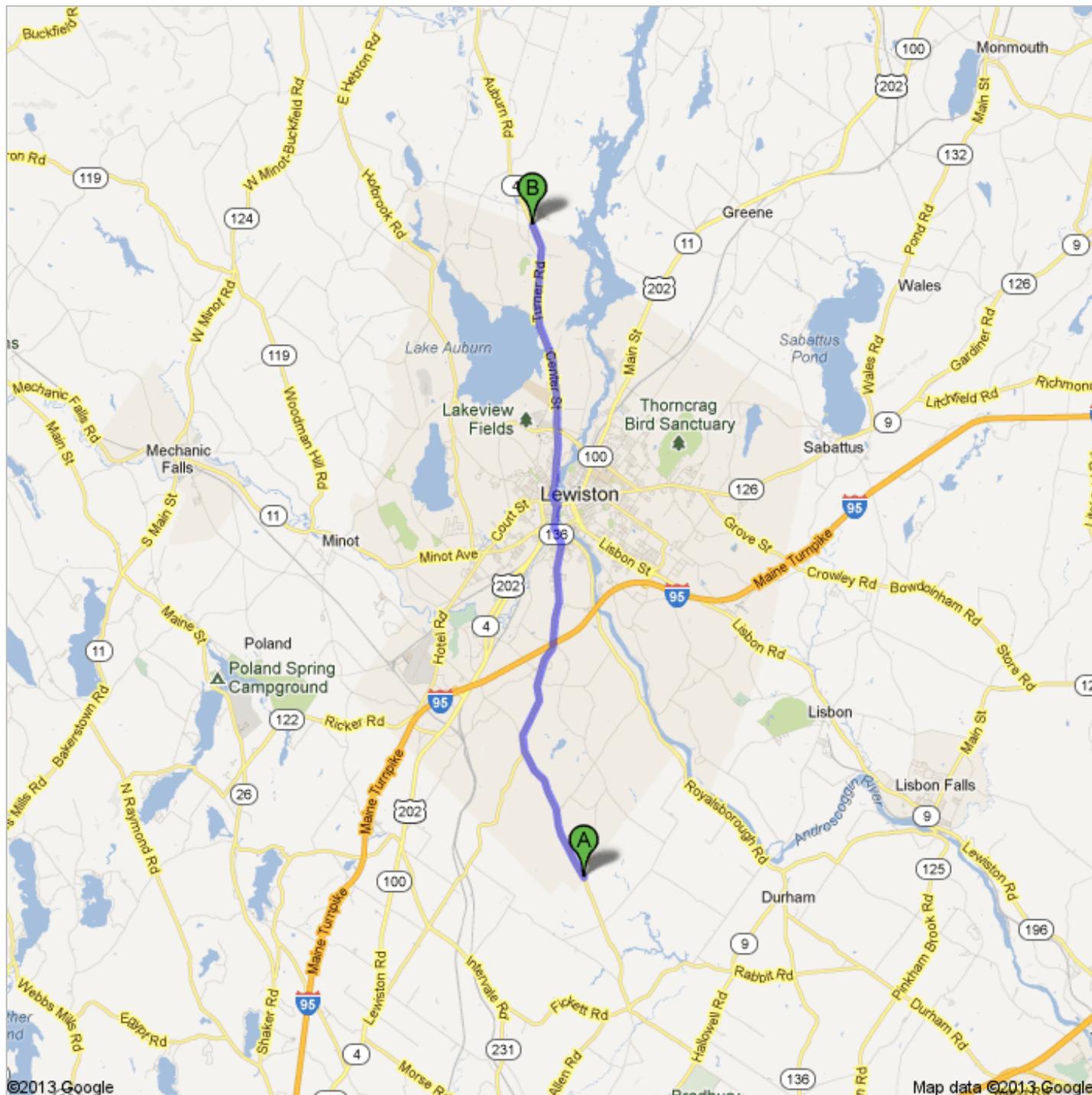


### Directions to Lewiston Junction Rd 12.4 mi – about 24 mins





### Directions to ME-4 N/Auburn Rd 15.1 mi – about 26 mins



# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Parks & Recreation Department



**TO: Jill Eastman, Finance Director**  
**FROM: Ravi Sharma, Parks & Recreation Director**  
**DATE: 5/29/13**  
**SUBJECT: Arena Merger Year Budget 2013-2014**

Jill,

The draft arena budget presented covers the time period of July 1, 2013 through June 30, 2014, which is the merger, or transition year. The assumption made is that Ingersoll Arena will continue to operate until December 31, 2013, at which time operation at Ingersoll will cease and the Auburn Ice Arena will be in full operation. This budget covers the final 6 months for Ingersoll Arena and the first 6 months of operation for the Auburn Ice Arena.

Due to the extreme amount of variables in the transition year which include, but are not limited to: construction schedule, ice rental contracts and advertising contracts, the draft budget is the best estimation of revenues and expenses at this time. When a manager is hired for the Auburn Ice Arena, a priority of this position will be review and revision of the draft budget figures on an ongoing, monthly basis.

<b>Auburn Ice Arena Transition Year Budget</b>						
<i>FISCAL YEAR ENDING June 30, 2014</i>						
<i>Draft: June 2013</i>						
<b>INCOME:</b>				<b>Ingersoll</b>	<b>A/L Dual Surface</b>	<b>TOTAL</b>
Ice Time			<i>Hours</i>	\$ 144,480.00	\$ 302,400.00	446,880.00
	Twin City Titans		1,050			
	Gladiators		600			
	Maine Develop.		294			
	L/A Seniors		300			
	Rouesseau's		100			
	Power Play		80			
	Boston Kremes		100			
	Tuesday Night Mens		52			
	Monday Night Co-ed		52			
	Mike Berube		36			
	Bolts		40			
	Fons Group		30			
	Greg Gilbert		26			
	L/A Edge		-			
	Townsend Clinic		50			
	Gardiner Area Youth					
	Central Maine Area Youth					
	Tribal Men's League					
	Midcoast Youth					
	Maine Amateur					
High Schools						
	ELHS Practice		41		\$ 9,225.00	\$ 9,225.00
	Leavitt Practice		41		\$ 9,225.00	\$ 9,225.00
	Poland/GNG Practice		35		\$ 7,875.00	\$ 7,875.00
	Red Hornets Practice		35		\$ 7,875.00	\$ 7,875.00
	ELHS Games		9		\$ 2,025.00	\$ 2,025.00
	Leavitt Games		9		\$ 2,025.00	\$ 2,025.00
	Poland /GNG Games		9		\$ 2,025.00	\$ 2,025.00
	Red Hornets Games		8		\$ 1,800.00	\$ 1,800.00
Growth In Year One for rentals			St. Doms		\$ 65,000.00	65,000.00
Concession Stand				\$ 7,500.00	\$ 35,000.00	42,500.00
Proshop/Sharpening				\$ 2,500.00	\$ 5,000.00	7,500.00
Sign Advertisement				\$ -	\$ 32,000.00	32,000.00
Tournament Revenues				\$ -	\$ 16,480.00	16,480.00
Miscellaneous				\$ -	\$ 2,500.00	2,500.00
Public Skating				\$ -	\$ 10,500.00	10,500.00
Skating Instruction				\$ -	\$ 13,800.00	13,800.00
Room Rentals				\$ -	\$ 4,800.00	4,800.00
Birthday Parties				\$ -	\$ 6,000.00	6,000.00
Special Events				\$ -	\$ 1,200.00	1,200.00
Shinny Hockey				\$ -	\$ 12,498.00	12,498.00
In-house Clinics				\$ -	\$ 10,000.00	10,000.00
Naming				\$ -	\$ 50,000.00	\$ 50,000.00
<b>TOTAL INCOME</b>				\$ 154,480.00	\$ 609,253.00	\$ 763,733.00
<b>EXPENSES:</b>						
Lease				\$ -	\$ -	0.00

Taxes				\$ -	\$ -	0.00
Payroll	Director / Marketing			\$ -	\$ 65,000.00	65,000.00
	Operations and Facilities				\$ 54,112.00	54,112.00
	Admin. Assist				\$ 31,200.00	31,200.00
	Maintenance Supervisor				\$ -	0.00
	Ice Attendant (2)				\$ 45,600.00	45,600.00
	Part-time Ice (2)			\$ -	\$ 10,900.00	10,900.00
	Overtime			\$ -	\$ 1,979.00	1,979.00
Uniforms				\$ -	\$ 1,400.00	1,400.00
Health Insurance				\$ -	\$ 74,440.00	74,440.00
Fica/Med				\$ -	\$ 15,972.51	\$ 15,972.51
Retirement				\$ -	\$ 12,527.46	\$ 12,527.46
Cafeteria Plan				\$ -	\$ 4,750.00	4,750.00
Marketing Consultant				\$ -	\$ -	0.00
CPA services				\$ -	\$ 2,100.00	2,100.00
Advertising					\$ 20,000.00	20,000.00
Equipment Inspection					\$ 2,095.00	2,095.00
Repairs-Building				\$ -	\$ 8,464.00	8,464.00
Repairs-Equip.				\$ -	\$ 22,256.00	22,256.00
Repairs-Maintenance Contract				\$ -	\$ 2,824.00	2,824.00
Training and Tuition				\$ -	\$ 1,000.00	1,000.00
Travel				\$ -	\$ 1,500.00	1,500.00
Dues				\$ -	\$ 150.00	150.00
Insurance				\$ 1,200.00	\$ 7,500.00	8,700.00
Supplies-				\$ -	\$ 25,000.00	25,000.00
Postage				\$ -	\$ -	
Phone and Internet				\$ -	\$ 2,500.00	2,500.00
Water and Sewer				\$ 1,531.19	\$ 5,082.00	6,613.19
Electricity				\$ 25,500.00	\$ 65,000.00	90,500.00
Gas				\$ -	\$ 27,127.00	27,127.00
CIP				\$ -	\$ -	0.00
Debt Service Ingersoll				\$ 94,759.38	\$ -	\$ 94,759.38
Contingency Expenses						
<b>TOTAL PROGRAM EXPENSES</b>				\$ 122,990.57	\$ 510,478.97	\$ 633,469.54
<b>NET INCOME</b>				\$ 31,489.43	\$ 98,774.03	\$ 130,263.46

Tizz E. H. Crowley, Ward One  
 Robert Hayes, Ward Two  
 Mary Lafontaine, Ward Three  
 David Young, Ward Four



Leroy Walker, Ward Five  
 Belinda Gerry, At Large  
 Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 35-05132013

**ORDERED**, that Capital Purchases (CIP) Bond Projects for FY 2014 in the amount of \$6,500,000 Acquisition of the following capital equipment and the design, construction, renovation, and rehabilitation of the following capital improvements, all constituting part of the City's FY14 Capital Improvement Program:

<b>Department</b>	<b>FY14 Projects Only (See CIP for full description)</b>	<b>Proposed Financing</b>	<b>CIP</b>	<b>FY 2014 CIP Bond</b>
School	Building and Equipment Improvements	Bond	CIP	\$1,500,000
Engineering	Major Drainage	Bond	CIP	\$60,000
Engineering	MDOT Match	Bond	CIP	\$500,000
Engineering	Reclaim/Resurface	Bond	CIP	\$1,240,000
Engineering	Reconstruction	Bond	CIP	\$1,000,000
Engineering	Retaining Wall (Engineering & Design)	Bond	CIP	\$150,000
Engineering	Bridge Repairs	Bond	CIP	\$125,000
ICT	Call Recording	Bond	CIP	\$20,000
ICT	Network Security	Bond	CIP	\$40,000
Parking Facilities	Mechanics Row Garage	Bond	CIP	\$75,000
Parks & Recreation	Tractor w/Attachments	Bond	CIP	\$53,000
Parks & Recreation	Holder Tractor	Bond	CIP	\$165,000
Parks & Recreation	Underground Tank Removal	Bond	CIP	\$14,000
Planning & Code	Municipal Street Light Purchase	Bond	CIP	\$750,000
Planning & Code	Traffic Signal Pole Replacement	Bond	CIP	\$10,736
Planning & Code	Street Light Pole Replacement	Bond	CIP	\$25,000
Planning & Code	Traffic Signal Controller Upgrades	Bond	CIP	\$55,460
Planning & Code	Replace Existing HPS Fixtures and Poles	Bond	CIP	\$26,000
Library	Building Improvements	Bond	CIP	\$24,136
Public Works	Heavy Equipment-Dump Trucks	Bond	CIP	\$320,000
Public Works	Heavy Equipment-Street Sweeper	Bond	CIP	\$215,000
Public Works	Vehicles	Bond	CIP	\$38,000
Public Works	Floor Sweeper/Scrubber	Bond	CIP	\$22,500
Contingency	Retained earnings for bid variances			\$71,168
<b>TOTALS</b>				<b>\$6,500,000</b>



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** June 3, 2013

**Order** 36-05132013

**Author:** Jill M. Eastman, Finance Director

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan    Work Plan    Budget    Ordinance/Charter    Other Business\*    Council Goals\*\*

\*\*If Council Goals please specify type:    Safety    Economic Development    Citizen Engagement

**Subject:** Adoption of the proposed Municipal/Education Capital Improvement Program FY2013-2014.

### Information:

**Financial:** These projects amount to \$891,772 and are funded through unallocated bond proceeds and other funds.

**Action Requested at this Meeting:** Public hearing and adoption of the FY14 Capital Improvement Program.

**Previous Meetings and History:** 1/22/2013 workshop, 3/25/2013 workshop. A public hearing was held on 5/13/2013 at the Special Joint meeting with the School Committee and Council. This items was on that agenda for action but was postponed until the May 20, 2013 Meeting and postponed again until June 3, 2013.

### Attachments:

Order 36-05132013 Capital Improvement Program

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

Tizz E. H. Crowley, Ward One  
 Robert Hayes, Ward Two  
 Mary Lafontaine, Ward Three  
 David Young, Ward Four



Leroy Walker, Ward Five  
 Belinda Gerry, At Large  
 Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 36-05132013

ORDERED, that Capital Purchases (CIP2) Other Funding for FY 2014 in the amount of \$891,772 are hereby approved as listed:

<b>Department</b>	<b>FY14 Projects Only (See CIP for full description)</b>	<b>Proposed Financing</b>	<b>CIP 2</b>	<b>FY 2014 CIP Bond</b>
ICT	Web Site-Second Phase	Unallocated Bonds	CIP 2	\$20,000
LA911	Server Upgrade/Virtualization Project-Phase III	Unallocated Bonds	CIP 2	\$49,772
LATC	Bus Replacement	Unallocated Bonds	CIP 2	\$40,000
Parks & Rec	Turf Machine	Special Revenue Funds	CIP 2	\$23,000
Parks & Rec	Replace Pettengill Playground	Unallocated Bonds	CIP 2	\$38,000
Planning	Comprehensive Plan Property Acquisition Program	Downtown TIF	CIP 2	\$500,000
Planning	Androscoggin Greenway Signage and Wayfinding Pilot Program	Downtown TIF	CIP 2	\$75,000
Police	Mobile Radio Replacement-Phase 1	Unallocated Bonds	CIP 2	\$45,000
Public Works	Trench Box	Unallocated Bonds	CIP 2	\$17,000
Public Works	Festival Plaza Canopies	Downtown TIF	CIP 2	\$60,000
Public Works	Oak Hill Cemetery Building Improvements	Unallocated Bonds	CIP 2	<u>\$24,000</u>
<b>TOTALS</b>				<b>\$891,772</b>



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** June 3, 2013

**Resolve** 03-05202013

**Author:** Jill M. Eastman, Finance Director

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan    Work Plan    Budget    Ordinance/Charter    Other Business\*    Council Goals\*\*

\*\*If Council Goals please specify type:    Safety    Economic Development    Citizen Engagement

**Subject:** Adoption of the proposed Municipal/Education Annual Appropriation and Revenue Resolve (First Reading) FY2013-2014.

**Information:** In accordance with the City Charter, Article 8, Section 8.5, a public hearing was held on May 20, 2013 at 7:00 P.M. In accordance with the City Charter, Article 8, Section 8.6, prior to the fiscal year the City Council shall adopt an annual appropriation resolve making appropriations by department, fund, services, strategy or other organizational unit and authorizing an allocation for each program activity.

The Council has been supplied with a resolve to adopt the annual appropriations for the City of Auburn, which includes final figures for revenue, total appropriation and municipal budget.

**Financial:** n/a

**Action Requested at this Meeting:** Adoption of the Annual Appropriation Resolve FY2013-2014 (first reading).

**Previous Meetings and History:** Various budget workshops, public hearing and first reading was scheduled on May 20, 2013. The public hearing took place but this item was postponed until the June 3, 2013 meeting.

**Attachments:**

Resolve for the 2012-2013 Annual Appropriation and Revenue  
Summary of Revenues and Appropriations  
Arena Merger Year Budget Memo  
Auburn Ice Arena Transition Year Budget

\*Agenda items are not limited to these categories.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## IN CITY COUNCIL

### RESOLVE 03-05202013

RESOLVED, that the following be, and hereby is the Annual Appropriation and Revenue Resolve of the City of Auburn for the fiscal year 2013-2014, which includes the amounts appropriated herein and revenues from all sources beginning July 1, 2013 and ending June 30, 2014.

The estimated aggregate amount of non-property tax revenue is \$32,358,910 with a municipal revenue budget of \$11,089,617 and a School Department revenue budget of \$21,269,293.

The aggregate appropriation for the City of Auburn is \$75,378,401, with a municipal budget of \$34,970,250 County budget of \$2,029,513 and a School Department budget of \$38,378,278 which received School Committee approval on May 1, 2013, and school budget approved at the May 20, 2013 Council Meeting pursuant to the School Budget Validation vote on June 11, 2013, in accordance with Maine Revised Statues, Title 20-A § 1486 and based on the budget submitted to the Auburn City Council on April 1, 2013, by the City Manager, and notification was posted on the City of Auburn website on May 14, 2013 that a public hearing would be held on May 20, 2013 at 7:00 p.m. and said hearing having been held on that date, and as amended by the City Council, the same is hereby appropriated for the fiscal year 2013-2014 beginning July 1, 2013 for the lawful expenditures of the City of Auburn and the County of Androscoggin taxes, and said amounts are declared not to be in excess of the estimated revenue from taxation and sources other than taxation for the fiscal year of 2013-2014.

### SCHOOL BUDGET ARTICLES

1. That \$15,085,352.00 be authorized to be expended for Regular Instruction;
2. That \$7,578,977.00 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$669,705.00 be authorized to be expended for Other Instruction;
5. That \$4,647,621.00 be authorized to be expended for Student and Staff Support;
6. That \$856,570.00 be authorized to be expended for System Administration;
7. That \$1,276,113.00 be authorized to be expended for School Administration;
8. That \$1,497,391.00 be authorized to be expended for Transportation and Buses;
9. That \$3,679,410.00 be authorized to be expended for Facilities Maintenance;
10. That \$2,671,986.00 be authorized to be expended for Debt Service and Other Commitments;
11. That \$0 be authorized to be expended for All Other Expenditures;

12. That \$35,016,307.00 be appropriated for the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that \$15,372,907.00 be raised as the municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

***Explanation:** The city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.*

13. That \$1,510,971.00 be raised and appropriated for the annual payments on debt service previously approved by the city's legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12;

***Explanation:** Non-state-funded debt service is the amount of money needed for the annual payments on the city's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

14. That \$0.00 be raised and appropriated in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690;

***Explanation:** The additional local funds are those locally raised funds over and above the municipality's local contributions to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the school department budget for education programs.*

15. That the school committee be authorized to expend \$37,963,125.00 for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, fund balances, state subsidy and other receipts for the support of schools;

16. That the City of Auburn appropriate \$373,357.00 for adult education and raise \$183,311.00 as the local share, with authorization to expend any additional incidental or miscellaneous receipts in the interest for the well-being of the adult education program;

17. That the City of Auburn raise and appropriate \$41,796.00 for the services of Community Services-Crossing Guards.

18. That in addition to amount approved in the preceding articles, the school committee be authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated;

BE IT FURTHER RESOLVED that the City Council deems it necessary to adopt a budget which exceeds the percent increase of the Consumer Price Index Urban as of December 31, 2012, and hereby waives the provisions of Section 2-485 of the City Code of Ordinances.

BE IT FURTHER RESOLVED that this budget reflects anticipated intergovernmental revenues from the State of Maine in accordance with existing law; that the budget proposed by the Governor recommends elimination of municipal revenue sharing and the reduction of other municipal support programs; that this may result in a loss of up to \$4,000,000 in revenues; and that such loss would require significant reductions in municipal appropriations and unsustainable reductions in municipal services. In the event that the final adopted state budget affects municipal revenues, the total Fiscal Year 2014 tax commitment is hereby additionally increased in an amount equal to the reductions in such state revenues up to a maximum of \$4.0 million. Further, within sixty (60) days of the adoption of the state budget, the City Council shall determine the proportion of this additional tax commitment that shall be offset by reductions in the various General Fund expenditure accounts.

BE IT FURTHER RESOLVED to direct staff to align all work planning and policies of the city and partnering agencies (including LATC, AVCOG, and ATRC) to ensure that any plans for passenger rail involve locating in Auburn's downtown as a priority over any previous or alternative locations.

BE IT FURTHER RESOLVED that included in the Police Department budget are \$3,293 worth of expenditures for the PAL Center utilities, and that this will be the last year that expenditures for the PAL Center will be included in this budget.

BE IT FURTHER RESOLVED that the Municipal Beach will not open for swimming this year until there is one calendar month of clean water tests at the beach.

Motion for acceptance of first reading:

Seconded by:

Vote: Motion carried

Motion for acceptance of second reading and final passage:

Seconded by:

Vote:

**Action by City Council:**

**Date:**

ATTEST: \_\_\_\_\_  
Susan Clements-Dallaire, CITY CLERK

CITY OF AUBURN  
FY 2014 EXPENDITURES  
COMPARISON FY13 AND FY14 BUDGETS

CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 12-13	PROJECTED FY 12-13	DEPARTMENT PROPOSED BUDGET FY 13-14	MANAGER PROPOSED BUDGET FY 13-14	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
<b><u>Administration</u></b>						
Assessing	183,801	172,680	194,802	183,202	(599)	-0.33%
City Clerk	150,676	145,438	173,095	145,750	(4,926)	-3.27%
City Manager	223,591	221,705	221,163	221,163	(2,428)	-1.09%
Economic Development	119,705	119,705	343,672	339,672	219,967	183.76%
Finance	419,539	408,290	405,976	405,976	(13,563)	-3.23%
Human Resources	137,836	136,594	140,566	140,566	2,730	1.98%
ICT	386,632	374,853	445,975	395,350	8,718	2.25%
Legal Services	85,000	35,200	85,000	80,000	(5,000)	-5.88%
Mayor & Council	99,690	99,509	75,079	75,079	(24,611)	-24.69%
<b>Total Administration</b>	<b>1,806,470</b>	<b>1,713,974</b>	<b>2,085,328</b>	<b>1,986,758</b>	<b>180,288</b>	<b>9.98%</b>
<b><u>Community Services</u></b>						
Health & Social Services						
Administration	70,401	67,932	83,557	83,557	13,156	18.69%
Assistance	106,166	161,684	153,388	105,982	(184)	-0.17%
Parks & Recreation	616,241	596,445	706,579	649,634	33,393	5.42%
Planning & Permitting	776,532	716,525	845,680	775,230	(1,302)	-0.17%
Public Library	968,292	968,292	961,069	961,069	(7,223)	-0.75%
<b>Total Community Services</b>	<b>2,537,632</b>	<b>2,510,878</b>	<b>2,750,273</b>	<b>2,575,472</b>	<b>37,840</b>	<b>1.49%</b>
<b><u>Fiscal Services</u></b>						
Debt Service	6,682,797	6,682,797	6,326,584	6,326,584	(356,213)	-5.33%
Emergency Reserve	333,818	0	375,289	375,289	41,471	12.42%
Property	699,114	680,137	722,067	715,667	16,553	2.37%
Transfer to TIF	2,619,142	2,619,142	2,619,142	2,619,142	0	0.00%
Wages & Benefits	4,602,545	4,500,000	4,952,625	4,802,585	200,040	4.35%
Workers' Compensation	415,000	415,000	431,446	431,446	16,446	3.96%
<b>Total Fiscal Services</b>	<b>15,352,416</b>	<b>14,897,076</b>	<b>15,427,153</b>	<b>15,270,713</b>	<b>(81,703)</b>	<b>-0.53%</b>
<b><u>Public Safety</u></b>						
Fire	3,904,344	3,731,806	4,428,795	4,067,224	162,880	4.17%
Police	3,439,583	3,234,191	3,656,119	3,539,558	99,975	2.91%
<b>Total Public Safety</b>	<b>7,343,927</b>	<b>6,965,997</b>	<b>8,084,914</b>	<b>7,606,782</b>	<b>262,855</b>	<b>3.58%</b>
<b><u>Public Works</u></b>						
Public Works	4,597,744	4,226,632	5,254,363	4,791,837	194,093	4.22%

CITY OF AUBURN  
FY 2014 EXPENDITURES  
COMPARISON FY13 AND FY14 BUDGETS

CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 12-13	PROJECTED FY 12-13	DEPARTMENT PROPOSED BUDGET FY 13-14	MANAGER PROPOSED BUDGET FY 13-14	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
Engineering	340,370	335,470	343,188	300,788	(39,582)	-11.63%
Water & Sewer	558,835	558,835	558,835	558,835	0	0.00%
<b>Total Public Works</b>	<b>5,496,949</b>	<b>5,120,937</b>	<b>6,156,386</b>	<b>5,651,460</b>	<b>154,511</b>	<b>2.81%</b>
<b>Capital Improvement Projects</b>						
CIP 1	0	0	1,361,841	178,000	178,000	
<b>Total CIP</b>	<b>0</b>	<b>0</b>	<b>1,361,841</b>	<b>178,000</b>	<b>178,000</b>	
<b>Total Municipal</b>	<b>32,537,394</b>	<b>31,208,862</b>	<b>35,865,895</b>	<b>33,269,185</b>	<b>731,791</b>	<b>2.25%</b>
<b>Intergovernmental Programs</b>						
County Taxes	2,006,244	2,006,244	2,029,513	2,029,513	23,269	1.16%
Tax Sharing	289,000	288,593	270,000	270,000	(19,000)	-6.57%
Auburn-Lewiston Municipal Airport	105,000	105,000	200,000	132,500	27,500	26.19%
Arts	20,160	20,160	20,160	20,160	0	0.00%
Lew-Aub Economic Growth Council (see EconDev)	160,687	160,687	160,687	0	(160,687)	-100.00%
Lew-Aug Transit Committee	235,548	235,548	235,496	235,496	(52)	-0.02%
Lew-Aub 911 Communications Center	1,035,381	1,035,381	1,042,909	1,042,909	7,528	0.73%
<b>Total Intergovernmental Programs</b>	<b>3,852,020</b>	<b>3,851,613</b>	<b>3,958,765</b>	<b>3,730,578</b>	<b>(121,442)</b>	<b>-3.15%</b>
<b>Grand Total Municipal</b>	<b>36,389,414</b>	<b>35,060,475</b>	<b>39,824,660</b>	<b>36,999,763</b>	<b>610,349</b>	<b>1.68%</b>
Education Operation	33,419,500	33,419,500	34,954,516	35,706,292	2,286,792	6.84%
Education Debt Service	2,483,582	2,483,582	2,671,986	2,671,986	188,404	7.59%
<b>Total School</b>	<b>35,903,082</b>	<b>35,903,082</b>	<b>37,626,502</b>	<b>38,378,278</b>	<b>2,475,196</b>	<b>6.89%</b>
<b>Total Budget</b>	<b>72,292,496</b>	<b>70,963,557</b>	<b>77,451,162</b>	<b>75,378,041</b>	<b>3,085,545</b>	<b>4.27%</b>

Non-Property Tax Revenue

CITY OF AUBURN  
 FY 2014 EXPENDITURES  
 COMPARISON FY13 AND FY14 BUDGETS

CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 12-13	PROJECTED FY 12-13	DEPARTMENT PROPOSED BUDGET FY 13-14	MANAGER PROPOSED BUDGET FY 13-14	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
Municipal	10,947,240			11,089,617	142,377	1.30%
Education	20,506,782			21,269,293	762,511	3.72%
<b>Total</b>	<b>31,454,022</b>			<b>32,358,910</b>	<b>904,888</b>	<b>2.88%</b>
Property Tax Dollars Needed						
Municipal	25,442,174			25,910,146	467,972	1.84%
Education	15,396,300			17,108,985	1,712,685	11.12%
<b>Total</b>	<b>40,838,474</b>			<b>43,019,131</b>	<b>2,180,657</b>	<b>5.34%</b>
<b>Property Tax Rate Based on Assessed Values of :</b>	<b>19.59 2,010,510,334</b>			<b>21.40 2,010,510,334</b>	<b>1.81</b>	<b>9.22%</b>
<b>Property Tax Rate</b>						
Municipal Tax Rate	11.93			\$12.89	0.96	8.02%
Education Tax Rate	7.66			\$8.51	0.85	11.09%
	<u>19.59</u>			<u>21.40</u>	<u>1.81</u>	<u>9.22%</u>

CITY OF AUBURN  
FY 2014 REVENUES  
COMPARISON FY13 AND FY14 BUDGETS

CLASSIFICATION	COUNCIL ADOPTED BUDGET FY 12-13	MANAGER PROPOSED BUDGET FY 13-14	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
<b><u>General Government</u></b>				
Homestead Exemption Reimbursement	514,584	482,575 *	(32,009)	-6.22%
Personal Property Reimbursement	1,209,667	1,200,000 *	(9,667)	0.00%
Tree Growth Reimbursement	5,000	10,000	5,000	0.00%
Veterans Reimbursement	17,000	18,000	1,000	0.00%
CDBG Reimbursement	8,000	8,000	-	0.00%
In Lieu of Taxes	70,000	80,000	10,000	14.29%
Excise Tax-Vehicles	3,000,000	3,000,000 *	-	0.00%
Excise Tax-Boats	15,000	15,000	-	0.00%
Excise Tax-Aircraft	3,500	3,500	-	0.00%
State Revenue Sharing	2,400,000	2,400,000 *	-	0.00%
Other State Aid	4,000	4,000	-	0.00%
Penalties & Interest	140,000	140,000	-	0.00%
Investment Income	30,000	20,000	(10,000)	-33.33%
Interest from Bonds	2,000	2,000	-	0.00%
Transfer in from TIF	324,212	500,000	175,788	54.22%
Rental Income (Intermodal)	122,000	122,000	-	0.00%
Sale of Property	20,000	20,000	-	0.00%
Tax Sharing Revenue	158,362	155,000	(3,362)	-2.12%
Cable Television Franchise	96,000	96,000	-	0.00%
MMWAC Host Fees	197,400	204,000	6,600	3.34%
Energy Efficiency	2,000	2,000	-	0.00%
Reimbursement-Other	10,000	10,000	-	0.00%
Utility Reimbursement	27,500	27,500	-	0.00%
Unclassified	2,000	7,500	5,500	275.00%
Fund Balance Contribution	1,350,000	1,350,000	-	0.00%
<b>Total General Government</b>	<b>9,728,225</b>	<b>9,877,075</b>	<b>148,850</b>	<b>1.53%</b>

**City Clerk**

Hunting/Fishing/Dogs	2,000	2,000	-	0.00%
Neutered Animals	2,400	3,000	600	25.00%
Voter Reg List	100	100	-	0.00%
Clerk/Sale of Copies	100	100	-	0.00%
City Clerk Notary	800	800	-	0.00%
Banner Hanging Fee	1,300	1,300	-	0.00%
Commercial License	35,000	40,000	5,000	14.29%
Taxi License	2,600	3,000	400	15.38%
Marriage License	5,000	5,000	-	0.00%
Birth/Death/Marriage Cert	25,000	25,000	-	0.00%
Permits - Burial	7,000	7,000	-	0.00%
Fines-Dog	3,000	3,000	-	0.00%
<b>Total City Clerk</b>	<b>84,300</b>	<b>90,300</b>	<b>6,000</b>	<b>7.12%</b>

**Finance**

Reg - Vehicles	60,000	60,000	-	0.00%
<b>Total Finance</b>	<b>60,000</b>	<b>60,000</b>	<b>-</b>	<b>0.00%</b>

**Community Services-ICT**

GIS/Data & Maps	20	20	-	0.00%
<b>Total Community Services-ICT</b>	<b>20</b>	<b>20</b>	<b>-</b>	<b>0.00%</b>

**Assessing**

Maps & Copies	20	20	-	0.00%
<b>Total Assessing</b>	<b>20</b>	<b>20</b>	<b>-</b>	<b>0.00%</b>

**Health & Social Services**

GA Reimbursement	53,083	53,000	(83)	-0.16%
<b>Total Health &amp; Social Services</b>	<b>53,083</b>	<b>53,000</b>	<b>(83)</b>	<b>-0.16%</b>

**Planning & Permitting**

Maps & Copies	500	500	-	0.00%
Departmental Reviews	16,000	16,000	-	0.00%
Planning/Codes & Ordinance	3,000	3,000	-	0.00%
Fire Alarm Inspections	29,000	29,000	-	0.00%
Citation Ordinance	2,000	2,000	-	0.00%
Advertising Costs	5,000	5,000	-	0.00%
Lisbon reimbursement for Services	3,000	10,000	7,000	233.33%
Permits - Building	70,000	95,000	25,000	35.71%
Permits - Electrical	16,000	16,000	-	0.00%

Permits - Plumbing	10,500	10,500	-	0.00%
Permits - Sign	4,000	5,000	1,000	25.00%
<b>Total Planning &amp; Permitting</b>	<b>159,000</b>	<b>192,000</b>	<b>33,000</b>	<b>20.75%</b>

#### **Parks & Recreation**

Arena	13,275	-	(13,275)	-100.00%
Recreation Program	30,000	-	(30,000)	-100.00%
<b>Total Parks &amp; Recreation</b>	<b>43,275</b>	<b>-</b>	<b>(43,275)</b>	<b>-100.00%</b>

#### **Community Services-Engineering**

Fees - Eng-Misc	15	200	185	1233.33%
Fees - Inspection	10,000	10,000	-	0.00%
Fees - Drive Opening	200	200	-	0.00%
Fees - Bid Documents	1,000	1,000	-	0.00%
Permits - Fill	1,000	1,000	-	0.00%
Permits - Street Opening	20,000	25,000	5,000	25.00%
<b>Total Community Services-Engineering</b>	<b>32,215</b>	<b>37,400</b>	<b>5,185</b>	<b>16.09%</b>

#### **Fire Department**

Copies of Reports	200	200	-	0.00%
Inspections	10,000	10,000	-	0.00%
EMS Agreement	100,000	100,000	-	0.00%
Salvage Calls	100	100	-	0.00%
Permits - Oil Burner	800	800	-	0.00%
<b>Total Fire Department</b>	<b>111,100</b>	<b>111,100</b>	<b>-</b>	<b>0.00%</b>

#### **Police Department**

Accident & Police	15,000	13,000	(2,000)	-13.33%
Court	15,000	15,000	-	0.00%
Photos & Tapes	2,000	500	(1,500)	-75.00%
False Alarms	20,000	10,000	(10,000)	-50.00%
Animal Impound	1,000	300	(700)	-70.00%
Veh Rel/Non Driver	2,000	6,000	4,000	200.00%
Veh Rel/Driver Licence	15,000	15,000	-	0.00%
ARRA Cops Grant	120,000	-	(120,000)	-100.00%
MDEA Reimbursement	60,102	60,102	-	0.00%
Computer Crimes		56,000	56,000	
Permits - Alarms	900	5,000	4,100	455.56%
Permits - Firearms	2,000	3,000	1,000	50.00%
Fines - Parking Violations	45,000	40,000	(5,000)	-11.11%
<b>Total Police Department</b>	<b>298,002</b>	<b>223,902</b>	<b>(74,100)</b>	<b>-24.87%</b>

**Public Works**

Community Cords	-	4,800	4,800	
State/Local Road Assistance	378,000	440,000	62,000	16.40%
<b>Total Public Works</b>	<b>378,000</b>	<b>444,800</b>	<b>66,800</b>	<b>17.67%</b>

<b>Total Municipal</b>	<b>10,947,240</b>	<b>11,089,617</b>	<b>142,377</b>	<b>1.30%</b>
------------------------	-------------------	-------------------	----------------	--------------

**School Department**

Reg Secondary Tuition	97,500	134,266	36,766	37.71%
SOS Tuition	120,000	90,000	(30,000)	-25.00%
Adult Ed Tuition	93,800	93,800	-	0.00%
State Subsidy for Education	17,633,827	18,482,390	848,563	4.81%
Debt Service Reimbursement	1,225,447	1,161,010	(64,437)	-5.26%
PreK/CDS	70,200	55,000	(15,200)	-21.65%
Special Ed/Mainecare	125,000	125,000	-	0.00%
State Agency Clients	30,000	30,000	-	0.00%
State Aid for Adult Education	96,246	96,246	-	0.00%
Miscellaneous	127,265	98,506	(28,759)	-22.60%
Daycare Rent	30,000	50,000	20,000	66.67%
Fund Balance	857,497	853,075	(4,422)	0.00%
<b>Total School</b>	<b>20,506,782</b>	<b>21,269,293</b>	<b>762,511</b>	<b>3.72%</b>

Total Non-Property Tax Revenue - Municipal	10,947,240	11,089,617	142,377	1.30%
Total Non-Property Tax Revenue - School	<u>20,506,782</u>	<u>21,269,293</u>	<u>762,511</u>	<u>3.72%</u>
<b>Total Non-Property Tax Revenue</b>	<b>31,454,022</b>	<b>32,358,910</b>	<b>904,888</b>	<b>2.88%</b>

Total Proposed Budget - Municipal	36,389,414	36,999,763	610,349	1.68%
Total Proposed Budget - School	<u>35,903,082</u>	<u>38,378,278</u>	<u>2,475,196</u>	<u>6.89%</u>
<b>Total Proposed Budget</b>	<b>72,292,496</b>	<b>75,378,041</b>	<b>3,085,545</b>	<b>4.27%</b>

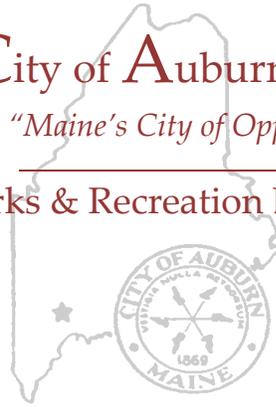
Total Property Tax Dollars Needed - Municipal	25,442,174	25,910,146	467,972	1.84%
Total Property Tax Dollars Needed - School	<u>15,396,300</u>	<u>17,108,985</u>	<u>1,712,685</u>	<u>11.12%</u>
<b>Total Property Tax Dollars Needed</b>	<b>40,838,474</b>	<b>43,019,131</b>	<b>2,180,657</b>	<b>5.34%</b>

\* Revenues potentially effected by the Governor's Budget, could require supplemental appropriation.

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Parks & Recreation Department



**TO: Jill Eastman, Finance Director**  
**FROM: Ravi Sharma, Parks & Recreation Director**  
**DATE: 5/29/13**  
**SUBJECT: Arena Merger Year Budget 2013-2014**

Jill,

The draft arena budget presented covers the time period of July 1, 2013 through June 30, 2014, which is the merger, or transition year. The assumption made is that Ingersoll Arena will continue to operate until December 31, 2013, at which time operation at Ingersoll will cease and the Auburn Ice Arena will be in full operation. This budget covers the final 6 months for Ingersoll Arena and the first 6 months of operation for the Auburn Ice Arena.

Due to the extreme amount of variables in the transition year which include, but are not limited to: construction schedule, ice rental contracts and advertising contracts, the draft budget is the best estimation of revenues and expenses at this time. When a manager is hired for the Auburn Ice Arena, a priority of this position will be review and revision of the draft budget figures on an ongoing, monthly basis.

Auburn Ice Arena Transition Year Budget					
FISCAL YEAR ENDING June 30, 2014					
Draft: June 2013					
INCOME:			Ingersoll	A/L Dual Surface	TOTAL
Ice Time		Hours	\$ 144,480.00	\$ 302,400.00	446,880.00
	Twin City Titans	1,050			
	Gladiators	600			
	Maine Develop.	294			
	L/A Seniors	300			
	Rouesseau's	100			
	Power Play	80			
	Boston Kremes	100			
	Tuesday Night Mens	52			
	Monday Night Co-ed	52			
	Mike Berube	36			
	Bolts	40			
	Fons Group	30			
	Greg Gilbert	26			
	L/A Edge	-			
	Townsend Clinic	50			
	Gardiner Area Youth				
	Central Maine Area Youth				
	Tribal Men's League				
	Midcoast Youth				
	Maine Amateur				
High Schools					
	ELHS Practice	41	\$ 9,225.00	\$ 9,225.00	
	Leavitt Practice	41	\$ 9,225.00	\$ 9,225.00	
	Poland/GNG Practice	35	\$ 7,875.00	\$ 7,875.00	
	Red Hornets Practice	35	\$ 7,875.00	\$ 7,875.00	
	ELHS Games	9	\$ 2,025.00	\$ 2,025.00	
	Leavitt Games	9	\$ 2,025.00	\$ 2,025.00	
	Poland /GNG Games	9	\$ 2,025.00	\$ 2,025.00	
	Red Hornets Games	8	\$ 1,800.00	\$ 1,800.00	
Growth In Year One for rentals		St. Doms	\$ 65,000.00	\$ 65,000.00	
Concession Stand			\$ 7,500.00	\$ 35,000.00	42,500.00
Proshop/Sharpening			\$ 2,500.00	\$ 5,000.00	7,500.00
Sign Advertisement			\$ -	\$ 32,000.00	32,000.00
Tournament Revenues			\$ -	\$ 16,480.00	16,480.00
Miscellaneous			\$ -	\$ 2,500.00	2,500.00
Public Skating			\$ -	\$ 10,500.00	10,500.00
Skating Instruction			\$ -	\$ 13,800.00	13,800.00
Room Rentals			\$ -	\$ 4,800.00	4,800.00
Birthday Parties			\$ -	\$ 6,000.00	6,000.00
Special Events			\$ -	\$ 1,200.00	1,200.00
Shinny Hockey			\$ -	\$ 12,498.00	12,498.00
In-house Clinics			\$ -	\$ 10,000.00	10,000.00
Naming			\$ -	\$ 50,000.00	50,000.00
<b>TOTAL INCOME</b>			<b>\$ 154,480.00</b>	<b>\$ 609,253.00</b>	<b>\$ 763,733.00</b>
<b>EXPENSES:</b>					
Lease			\$ -	\$ -	0.00
Taxes			\$ -	\$ -	0.00
Payroll	Director / Marketing		\$ -	\$ 65,000.00	65,000.00
	Operations and Facilities			\$ 54,112.00	54,112.00
	Admin. Assist			\$ 31,200.00	31,200.00
	Maintenance Supervisor			\$ -	0.00
	Ice Attendant (2)			\$ 45,600.00	45,600.00
	Part-time Ice (2)		\$ -	\$ 10,900.00	10,900.00
	Overtime		\$ -	\$ 1,979.00	1,979.00
Uniforms			\$ -	\$ 1,400.00	1,400.00
Health Insurance			\$ -	\$ 74,440.00	74,440.00
Fica/Med			\$ -	\$ 15,972.51	15,972.51
Retirement			\$ -	\$ 12,527.46	12,527.46
Cafeteria Plan			\$ -	\$ 4,750.00	4,750.00
Marketing Consultant			\$ -	\$ -	0.00
CPA services			\$ -	\$ 2,100.00	2,100.00
Advertising			\$ -	\$ 20,000.00	20,000.00

Equipment Inspection			\$	2,095.00	2,095.00			
Repairs-Building			\$	-	8,464.00	8,464.00		
Repairs-Equip.			\$	-	22,256.00	22,256.00		
Repairs-Maintenance Contract			\$	-	2,824.00	2,824.00		
Training and Tuition			\$	-	1,000.00	1,000.00		
Travel			\$	-	1,500.00	1,500.00		
Dues			\$	-	150.00	150.00		
Insurance			\$	1,200.00	7,500.00	8,700.00		
Supplies-			\$	-	25,000.00	25,000.00		
Postage			\$	-	-	-		
Phone and Internet			\$	-	2,500.00	2,500.00		
Water and Sewer			\$	1,531.19	5,082.00	6,613.19		
Electricity			\$	25,500.00	65,000.00	90,500.00		
Gas			\$	-	27,127.00	27,127.00		
CIP			\$	-	-	0.00		
Debt Service Ingersoll			\$	94,759.38	-	94,759.38		
Contingency Expenses								
<b>TOTAL PROGRAM EXPENSES</b>			\$	122,990.57	510,478.97	633,469.54		
<b>NET INCOME</b>			\$	31,489.43	98,774.03	130,263.46		



## City Council Agenda Information Sheet

City of Auburn

---

**Council Meeting Date:** June 3, 2013

**Order** 44-06032013

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

**Subject:** Hearing regarding a dangerous building at 9 Gamage Avenue, Auburn, Maine, pursuant to Title 17 M.R.S.A. §2851, et seq.

---



# City Council Agenda Information Sheet

## City of Auburn

Council Meeting Date: June 3, 2013

Order 44-06032013

Author: Eric J. Cousens, Director of Planning and Permitting

Item(s) checked below represent the subject matter related to this item.

Comprehensive Plan    Work Plan    Budget    Ordinance/Charter    Other Business\*    Council Goals\*\*

\*\*If Council Goals please specify type:    Safety    Economic Development    Citizen Engagement

Subject: Dangerous Building Hearing for 9 Gamage Avenue

Information: At the Council meeting on June 3, I will present evidence as to why 9 Gamage Avenue is a dangerous building within the meaning of 17 M.R.S. § 2851. I will request that the Council find that this property is a dangerous building and order that it be demolished.

To assist your decision I have included the following materials for each property:

- Documents establishing the identity of the current owner;
- The Notice of Hearing and proof of service on the owners and any party in interest;
- Previous correspondence, notices, or citations to the owner;
- Photographs depicting the dilapidation at the property; and
- Other evidentiary evidence regarding the building.

At the meeting, I will present this evidence as well as testimony showing why this building is dangerous and should be demolished. I will also prepare for the Council proposed findings of fact, conclusions of law, and order of demolition.

Financial: Legal costs of approximately \$2,000 plus demolition costs if necessary. We do not have authority to enter the building for cost and abatement estimating at this point but demo will likely be between \$30,000 and \$50,000.

Action Requested at this Meeting: I will request that the Council find that this property is a dangerous building and order that it be demolished.

Previous Meetings and History: May 20, 2013 Workshop regarding an overview of the Dangerous Buildings Statute

Attachments: Binder prepared by City Attorney.

\*Agenda items are not limited to these categories.

AUBURN CITY COUNCIL MEETING  
JUNE 3, 2013  
DANGEROUS BUILDINGS HEARING  
9 GAMAGE AVENUE  
CITY OF AUBURN PLANNING DEPARTMENT EXHIBITS

# OWNERSHIP DOCUMENTS

04218

BK3939 PG143

**WARRANTY DEED**

Know All Men By These Presents That We, Karl A. Gebhard and Elke M. Gebhard  
of RR 2, Box 2630, Buckfield,  
County of Oxford and State of Maine,

for consideration paid, grant to Christopher L. Dymkoski

of 89 Goff Street, Auburn,  
County of Androscoggin and State of Maine

with WARRANTY COVENANTS:

A certain lot or parcel of land together with any buildings thereon situated in  
Auburn County of Androscoggin  
and State of Maine, more particularly described in Exhibit A attached hereto and  
incorporated herein by reference.

In Witness Whereof, we have hereunto set our hand(s) this 13th day of  
March, 1998.

MAINE REAL ESTATE  
TRANSFER TAX PAID

*Kerry E. Kimball*  
Witness

*Karl A. Gebhard*  
Karl A. Gebhard  
*Elke M. Gebhard*  
Elke M. Gebhard

State of Maine  
County of Androscoggin ss.

On this 13th day of March, 1998, personally appeared before me the  
above named Karl A. Gebhard and Elke M. Gebhard

and acknowledged the foregoing to be his/her/their free act and deed.

*Kerry E. Kimball*  
Kerry E. Kimball, Attorney at Law

Return to: NORTHEAST LAND TITLE INC.  
86 Main Street  
Auburn, ME 04210

OVER

EXHIBIT A

**Exhibit A - Deed**

A certain lot or parcel of land with the buildings thereon situated in the City of Auburn, County of Androscoggin and State of Maine, bounded and described as follows:

Beginning at a point on the easterly line of Gamage Avenue, said point being the northwesterly corner of a parcel of land conveyed from Yvette M. Harcoux to William Donovan, Jr., and Mildred A. Donovan by deed dated May 5, 1965, recorded in the Androscoggin County Registry of Deeds at Book 937, Page 125, said point being fifty-three (53) feet northerly of the northwesterly corner of land formerly of Cyrus A Caswell described in a deed in said Registry of Deeds, Book 150, Page 427; thence northerly along the easterly line of Gamage Avenue fifty (50) feet, more or less, to the southwesterly corner of land conveyed from Clara Fortin to Robert A. Morin and Cecile M. Morin by deed dated December 15, 1961, and recorded in said Registry of Deeds at Book 863, Page 235; thence in an easterly direction at right angles with said easterly line of Gamage Avenue along the southerly line of Morin property referred to above, ninety (90) feet to a point; thence southerly and parallel with the easterly line of Gamage Avenue to a point, which point is the northeasterly corner of said Donovan lot described at Book 937, Page 125 in said Registry of Deeds; thence westerly along the northerly line of said Donovan land to the easterly line of Gamage Avenue and the point of beginning.

Meaning and intending to convey and hereby conveying the same premises described in a deed from Dolores Jerry dated January 4, 1978 to Karl A. Gebhard Elke M. Gebhard and recorded in the Androscoggin County Registry of Deeds in Book 1314, Page 221.

RECEIVED  
ANDROSCOGGIN S.S.

98 MAR 16 PM 2:02

ATTEST:

*Jessie L. Gagnier*  
REGISTER OF DEEDS

**NOTICE OF HEARING  
CERTIFICATES OF SERVICE**

**NOTICE OF HEARING**  
**Pursuant to 17 M.R.S. §§ 2851-59**  
**Dangerous Buildings**

Christopher L. Dymkoski  
90 Rideout Avenue  
Lewiston, ME 04243

SunTrust Mortgage, Inc.  
c/o Corporation Service Company  
45 Memorial Circle  
Augusta, ME 04330

Dead River Company  
Formerly Webber Energy Fuel—Bangor  
David J. Champoux, Clerk  
Merrill's Wharf  
254 Commercial Street  
Portland, ME 04101

**9 GAMAGE AVENUE, AUBURN, MAINE**

You are hereby notified that the City Council of the City of Auburn, Maine will hold a hearing on:

June 3, 2013 at 7:00 pm  
Auburn City Hall  
60 Court Street, Auburn, Maine 04210

This hearing is to determine whether the residential structure at 9 Gamage Avenue, Auburn, Maine, identified as Lot 308 on Tax Map 250, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 3939, Page 143, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: 4-30, 2013

*Sue Clements-Dallaire*  
Sue Clements-Dallaire

STATE OF MAINE  
ANDROSCOGGIN, ss

April 30, 2013

Before me this day personally appeared Sue Clements-Dallaire, who acknowledges the foregoing instrument to be her free act and deed.

*Alison F. Pepin* SEAL  
Notary Public / Attorney at Law

ANDROSCOGGIN COUNTY  
TINA M CHOUINARD  
REGISTER OF DEEDS

ALISON F. PEPIN  
Notary Public, Maine  
My Commission Expires March 4, 2016



Return

CITY OF AUBURN  
CITY COUNCIL

**RETURN OF SERVICE**

NOTICE OF HEARING  
Pursuant to 17 M.R.S. §§ 2851-59  
9 Gamage Avenue, Auburn, Maine  
Dangerous Buildings

On May 6, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Christopher L. Dymkoski, as follows:

Christopher L. Dymkoski  
90 Rideout Avenue  
Lewiston, Maine 04243

Costs of Service:

Service:	\$	<u>21.00</u>
Travel:	\$	<u>1.60</u>
Postage:	\$	<u>1.00</u>
Other: <i>ep</i>	\$	<u>2.00</u>
TOTAL:	\$	<u>25.60</u>

*Jan Chabe*  
Signature

*Androscoggin SO*  
Agency

EXHIBIT C

**NOTICE OF HEARING**  
**Pursuant to 17 M.R.S. §§ 2851-59**  
**Dangerous Buildings**

Christopher L. Dymkoski  
90 Rideout Avenue  
Lewiston, ME 04243

SunTrust Mortgage, Inc.  
c/o Corporation Service Company  
45 Memorial Circle  
Augusta, ME 04330

Dead River Company  
Formerly Webber Energy Fuel—Bangor  
David J. Champoux, Clerk  
Merrill's Wharf  
254 Commercial Street  
Portland, ME 04101

**9 GAMAGE AVENUE, AUBURN, MAINE**

You are hereby notified that the City Council of the City of Auburn, Maine will hold a hearing on:

June 3, 2013 at 7:00 pm  
Auburn City Hall  
60 Court Street, Auburn, Maine 04210

This hearing is to determine whether the residential structure at 9 Gamage Avenue, Auburn, Maine, identified as Lot 308 on Tax Map 250, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 3939, Page 143, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

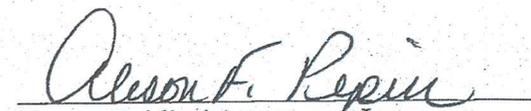
Dated: 4-30, 2013

  
Sue Clements-Dallaire

STATE OF MAINE  
ANDROSCOGGIN, ss

April 30, 2013

Before me this day personally appeared Sue Clements-Dallaire, who acknowledges the foregoing instrument to be her free act and deed.

  
Notary Public / Attorney at Law

**ALISON F. PEPIN**  
Notary Public, Maine  
My Commission Expires March 4, 2016

Return

CITY OF AUBURN  
CITY COUNCIL

RETURN OF SERVICE

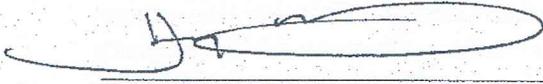
NOTICE OF HEARING  
Pursuant to 17 M.R.S. §§ 2851-59  
9 Gamage Avenue, Auburn, Maine  
Dangerous Buildings

On May 2, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on SunTrust Mortgage, Inc., as follows:

SunTrust Mortgage, Inc.  
c/o Corporation Service Company, Registered Agent  
45 Memorial Circle  
Augusta, Maine 04330

Costs of Service:

Service: \$ \_\_\_\_\_  
Travel: \$ \_\_\_\_\_  
Postage: \$ \_\_\_\_\_  
Other: \$ \_\_\_\_\_  
  
TOTAL: \$ \_\_\_\_\_



Signature

HARRY MCKENNEY  
Chief Civil Deputy  
KENNEBEC COUNTY  
SHERIFF'S OFFICE

Agency

EXHIBIT D

**NOTICE OF HEARING**  
**Pursuant to 17 M.R.S. §§ 2851-59**  
**Dangerous Buildings**

Christopher L. Dymkoski  
90 Rideout Avenue  
Lewiston, ME 04243

SunTrust Mortgage, Inc.  
c/o Corporation Service Company  
45 Memorial Circle  
Augusta, ME 04330

Dead River Company  
Formerly Webber Energy Fuel—Bangor  
David J. Champoux, Clerk  
Merrill's Wharf  
254 Commercial Street  
Portland, ME 04101

**9 GAMAGE AVENUE, AUBURN, MAINE**

You are hereby notified that the City Council of the City of Auburn, Maine will hold a hearing on:

June 3, 2013 at 7:00 pm  
Auburn City Hall  
60 Court Street, Auburn, Maine 04210

This hearing is to determine whether the residential structure at 9 Gamage Avenue, Auburn, Maine, identified as Lot 308 on Tax Map 250, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 3939, Page 143, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

Dated: 4-30, 2013

  
Sue Clements-Dallaire

STATE OF MAINE  
ANDROSCOGGIN, ss

April 30, 2013

Before me this day personally appeared Sue Clements-Dallaire, who acknowledges the foregoing instrument to be her free act and deed.

  
Notary Public / Attorney at Law

ALISON F. PEPIN  
Notary Public, Maine  
My Commission Expires March 4, 2016

Return

CITY OF AUBURN  
CITY COUNCIL

**RETURN OF SERVICE**

NOTICE OF HEARING  
Pursuant to 17 M.R.S. §§ 2851-59  
9 Gamage Avenue, Auburn, Maine  
Dangerous Buildings

On May 3, 2013, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Dead River Company (formerly Webber Energy Fuel—Bangor), as follows:

David J. Champoux, Clerk  
Dead River Company (formerly Webber Energy Fuel—Bangor)  
Merrill's Wharf  
254 Commercial Street  
Portland, ME 04101

Costs of Service:

Service:	\$	<u>16.00</u>
Travel:	\$	<u>8.40</u>
Postage:	\$	<u>60</u>
Other:	\$	<u>5.00</u>
 TOTAL:	\$	<u>30.00</u>

Scott D. Bennett  
Signature

DJ Swift  
Agency

EXHIBIT E

**NOTICE OF HEARING**  
**Pursuant to 17 M.R.S. §§ 2851-59**  
**Dangerous Buildings**

Christopher L. Dymkoski  
90 Rideout Avenue  
Lewiston, ME 04243

SunTrust Mortgage, Inc.  
c/o Corporation Service Company  
45 Memorial Circle  
Augusta, ME 04330

Dead River Company  
Formerly Webber Energy Fuel—Bangor  
David J. Champoux, Clerk  
Merrill's Wharf  
254 Commercial Street  
Portland, ME 04101

**9 GAMAGE AVENUE, AUBURN, MAINE**

You are hereby notified that the City Council of the City of Auburn, Maine will hold a hearing on:

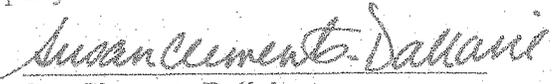
June 3, 2013 at 7:00 pm  
Auburn City Hall  
60 Court Street, Auburn, Maine 04210

This hearing is to determine whether the residential structure at 9 Gamage Avenue, Auburn, Maine, identified as Lot 308 on Tax Map 250, and further described in a Warranty Deed recorded in the Androscoggin County Registry of Deeds at Book 3939, Page 143, is a dangerous building or nuisance within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the structure is dangerous or a nuisance, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the structure. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action at the City's expense. The City may then recover all of its expenses, including reasonable attorneys' fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the structure is not dangerous or a nuisance and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

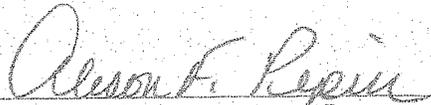
Dated: 4-30, 2013

  
Sue Clements-Dallaire

STATE OF MAINE  
ANDROSCOGGIN, ss.

April 30, 2013

Before me this day personally appeared Sue Clements-Dallaire, who acknowledges the foregoing instrument to be her free act and deed.

  
Notary Public / Attorney at Law

ALISON F. PEPIN  
Notary Public, Maine  
My Commission Expires March 4, 2015

CITY  
CORRESPONDENCE

OFFICE OF FIRE PREVENTION  
AUBURN FIRE DEPARTMENT  
550 MINOT AVENUE  
AUBURN, MAINE 04210

207-784-5433

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION

OCCUPANT \_\_\_\_\_  
ADDRESS 9 Gamage Avenue \_\_\_\_\_  
OWNER Chris Dymkoski \_\_\_\_\_  
ADDRESS 90 Rideout Ave Lewiston 04240 \_\_\_\_\_



A recent inspection of your premises was conducted by the Auburn Fire Department and the following conditions were found to exist in violation of Municipal Fire Codes and ordinances as indicated below. This section to be completed by the owner, or operator and RETURNED to this office within 10 DAYS as to your action to be taken for correction of deficiencies.

DATE  
December 21, 2010

1. Address is missing on the outside of the building. See attached 911 property number guidelines.
2. \*\*\*\*All porches and fire escapes are in need of major repairs \*\*\*\*
3. All exits and exit ways are to be free and clear at all times. Remove storage and other items from all fire escapes i.e., trash, storage, lawnmower etc.
4. The smoke detectors in the hallway are not working properly and need to be repaired.

NOTE: We were unable to access the basement. Please call to set up mutually convenient time for us to complete the inspection.

PLEASE RESPOND WITH YOUR WRITTEN PLAN OF CORRECTION INCLUDING A TIME FRAME IN WHICH YOU EXPECT THESE VIOLATIONS TO BE CORRECTED.

rlh

PLAN OF CORRECTION

- ① to be completed by 1/16.
- ② I was planning on replacing portions in 2011. financially I will be able to undertake after the summer.
- ③ to be completed by 1/16.
- ④ to be fixed by 1/16.

→ There is a key in front hallway underneath ice melter bucket. please access at your convenience.

Thank you  
Chris Dymkoski

By Direction of Acting Chief  
Geoff Low



**LAW OFFICE OF HEIDI M. PUSHARD**

PUSHARDLAW@GMAIL.COM

145 LISBON ST., STE. 706  
LEWISTON, MAINE 04240PHONE: 207.577.7259  
FAX: 207.375.5104

DECEMBER 26, 2011

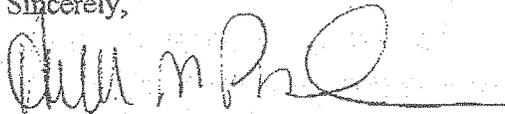
**RE:** *Abandonment of 9 Gamage Avenue, Auburn, Maine*

To Whom It May Concern:

The purpose of this letter is singular, and is to expressly indicate by reducing to writing the fact that Mr. Christopher Dymkoski, present owner of the above-referenced address, has neither control nor ability to control circumstances at that address. The property in question is being foreclosed upon, and Mr. Dymkoski is at present financially unable to provide even basic services to the units contained therein, leaving the property without heat or hot water and in an uninhabitable state not fit for human occupancy. Mr. Dymkoski is not likely to be able to change these circumstances in the foreseeable future. For purposes of the remaining tenant's wellbeing, then, the building should be considered to exist in a state the same in effect as if abandoned.

Thank you.

Sincerely,



Heidi M. Pushard

cc: Chris Dymkoski

EXHIBIT G

Patrick Venne, CCO  
City of Auburn  
Auburn Hall  
60 Court Street, Suite 104  
Auburn, ME 04210

February 7, 2012

Heidi M. Pushard, Esq.  
145 Lisbon St., Ste. 706  
Lewiston, Maine 04240

**RE:** *9 Gamage Avenue, Auburn*

Dear Attorney Pushard:

In further pursuance of our telephone conversation of 7 February 2012, I am writing to notify you that the code violations at your client, Mr. Christopher Dymkoski's, property in the City of Auburn, located at 9 Gamage Ave.—referenced in an official notice of violation mailed to your attention on 21 December 2011—have not been addressed. Furthermore, whereas the bank which is at present foreclosing upon the property has not yet obtained title to its security via judicial order, the City is writing to you this date to request that Mr. Dymkoski, as the continuing title holder and therefore owner of the above-referenced property address, secure the building located thereon.

As you know, the code violation issues have resulted in the power and water supply both being disconnected. The gas supply is in the process of being shut off and disconnected at the moment as well, as requested by the City under your verbal authorization on behalf of Mr. Dymkoski. Because of these actions, the building has become a public health and life safety hazard. Its vacant status, moreover, makes it a draw for vagrants, transients, homeless individuals, children and teens, and any number of other potential trespassers who may illegally visit the site.

In an effort to prevent harm from befalling any such person, and simultaneously to protect any and all present or future owners of the property from liability, the City is requesting the building be secured to prevent all access. This will need to take place within 48 hours of receiving this notice, or the City will act through its Department of Public Works to secure the building itself. I understand the financial straits Mr. Dymkoski is in, which may in all likelihood prevent his ability to comply with this order, but it would be improper for the City to secure the building without first affording its owner the right to do so himself.

If you have any questions, please contact me at any time. Thank you.

Very Sincerely,

Patrick J. Venne

EXHIBIT H

Patrick J. Venne  
City of Auburn,  
Auburn Hall, Suite 104  
60 Court Street  
Auburn, ME 04210

February 24, 2012

Heidi M. Pushard, Esq.  
Law Office of Heidi Pushard  
145 Lisbon Street, Suite 706  
Lewiston, ME 04240

**RE:** *Building Security Notice*

**NOTICE**

You are hereby notified that the City of Auburn, on the 14<sup>th</sup> day of ~~14<sup>th</sup>~~ February  
20 12, acted within its rights pursuant to State Law at 17 M.R.S.A. Sec. 2856 in  
securing the building located at 9 Gamage Ave, Auburn, ME 04210.

That structure was adjudged to pose a serious threat to the public health and safety.

Please sign the enclosed acknowledgement of notice receipt form and kindly return  
it to the above-referenced address in the self-addressed, postage-prepaid envelope  
provided. Thank you.

Dated this 2 day of March, 20 12.

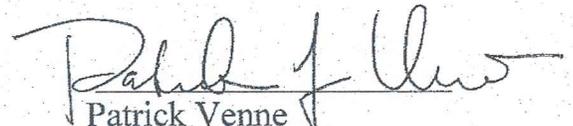
  
Patrick Venne  
City of Auburn

EXHIBIT I

**CITY OF AUBURN**

\_\_\_\_\_  
Christopher Dymkoski, )  
 )  
Landowner )  
 )  
Notified by )  
 )  
City of Auburn, )  
 )  
Securing Entity )  
\_\_\_\_\_ )

**ACKNOWLEDGEMENT OF  
RECEIPT OF NOTIFICATION  
REGARDING MUNICIPAL  
ACTION TO SECURE  
DANGEROUS BUILDING  
PURSUANT TO  
17 M.R.S.A. §2856**

**NOTICE**

Please sign the acknowledgement below and return to sender. Please keep one copy for your records.

**STATEMENT**

By signing, dating, and returning this form, I state that I received notification of the above-referenced municipal action either concurrent with that action or in an ex-post facto manner.

Dated this 2<sup>nd</sup> day of March, 2012.

Signed:



Landowner or legal representative

Printed:

Heidi Pushard, Esq

Address:

145 Lisbon St. Ste 706  
LEWISTON ME 04240

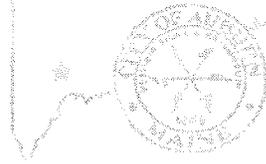
Telephone:

(207) 577-7259

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting



April 4, 2013

RE: 9 Gamage Ave  
Auburn, ME 04210

To whom it may concern:

The purpose of this memo is to summarize the existing conditions and ongoing issues present at 9 Gamage Avenue in Auburn, ME. This information was offered during a phone conversation with Shervon Burnett on March 27, 2013 and we appreciate your willingness to discuss how we can move this property forward.

On March 29, 2013 Mark Stambach (Auburn Building Inspector), Eric Cousens (Director of Planning & Permitting), and Zack Lenhert (CCO) inspected 9 Gamage Ave to determine the conditions of the building after a fire that occurred in January 2013.

Entry to second floor was unsecured. There is significant fire, smoke and water damage to the second floor unit and smoke and water damage throughout the building. There are large holes in the roof that are visible through third floor and windows throughout the structure are broken. The building is essentially open to the elements and completely uninhabitable. Much of the copper piping and heating system has been stripped from the structure. The porches/fire-egress was in poor condition with portions unstable creating a possible dangerous situation for anyone attempting to access the building from the porches. Water and electricity have been disconnected but the structure does not appear to have been winterized. Former tenants belongings remain in the building. The building has become a nuisance and safety hazard to the public.

After multiple "no heat" complaints from the tenants of 9 Gamage Ave, the City of Auburn received a letter of abandonment dated December 26, 2011 from Heidi Pushard, attorney of Christopher Dymkoski who is the last known owner of the property at 9 Gamage Ave (see attached documents). The building has been chronically unsecured since then and after multiple attempts to have the owner secure the building the City of Auburn has been forced to use its own resources to help minimize the hazard to the general public and abutting properties. The Auburn Public Works Department secured the building shortly after the last tenants moved out on 2/14/12. The building was unsecured again in September and APW returned on 9/13/12 to re-secure the building. Labor and materials for Public Works is \$764.20.

60 Court Street • Suite 104 • Auburn, ME 04210  
(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6623 Fax  
[www.auburnmaine.gov](http://www.auburnmaine.gov)

EXHIBIT J

On January 8, 2013 Auburn Fire Department responded to a fire at the property. At this time, the cause of the fire is “undetermined with the distinct possibility of human element”. The City of Auburn’s Building Maintenance Division secured the building after the fire on 1/10/13, labor and materials totaled \$74.01.

On 2/22/13 Auburn Code Enforcement had to re-secure the building again after a complaint was received. Code Enforcement has spent at least three labor hours at 9 Gamage Ave securing and inspecting, costing the City \$111 for a total municipal cost of \$949.21.

In addition, the Auburn Police Department has received multiple complaints regarding the property at 9 Gamage Ave. On 1/24/12, officers responded to a call that someone was stealing copper from the first floor. APD was also asked to destroy abandoned prescription medication when the building was secured in February 2012. On 9/4/12 and 1/21/13 APD responded to citizen concerns that the property was unsecured and they had seen people in the building.

The City of Auburn is concerned with the threat that the structure at 9 Gamage Ave is posing to the public health and safety. In addition to the dangers of the building, it is causing blight in the neighborhood and it continues to be a nuisance to the neighborhood and various departments of the City.

Based on the above history, the City has requested the assistance of Brann and Isaacson, PA to pursue condemnation of the dangerous structure to eliminate the hazard. As of today, total costs in that effort are approximately \$400. We were very pleased to finally speak with a Suntrust Mortgage, Inc Mortgage Representative and are hopeful that responsible action is planned for the structure. Based on our discussion we would like to propose an alternative to the condemnation of the structure under Maine Revised Statutes Title 17 §2851. DANGEROUS BUILDINGS. The City will delay further effort for a period of two weeks to discuss other options with Suntrust Mortgage, Inc. During the next two weeks we will need to discuss and agree to action on the following to prevent further proceedings:

1. Suntrust Mortgage, Inc or the owner shall reimburse the City for expenses caused by the chronically unsecured structure in the amount of \$1349.21.
2. Suntrust Mortgage, Inc shall agree to a plan to repair or demolish the structure.
3. Suntrust Mortgage, Inc shall agree to a consent agreement, laying out the parties’ expectations.
4. Suntrust Mortgage, Inc shall agree to a consent to demolish which would get filed in the Registry of Deeds in the event that Suntrust fails to meet the standards in the consent agreement.
5. In addition, the Consent documents will need to be signed by representatives of the following and Suntrust Mortgage, Inc shall obtain their signatures and approvals:
  - Christopher L. Dymkoski
  - Suntrust Mortgage, Inc.
  - Webber Energy Fuels

We appreciate your recent responsiveness to City Concerns and with the new line of communication, we are hopeful that any further legal action can be avoided. We will verify that you have caused the building to be secured later this week. Attached is some additional information and photos to help you evaluate the poor condition of the structure and the current proposal. It is the City's opinion that the structure should be demolished and is not likely to be a candidate for rehabilitation. Please provide a response to the above by not later than April 16, 2013. If you have any questions regarding information contained in this memo please contact Zack Lenhart at (207)333-6601, ext. 1150.

Thank you,

Eric Cousens  
Director of Planning & Permitting  
City of Auburn  
(207)333-6601 ext.1154  
60 Court Street  
Auburn, ME 04210  
ecousens@auburnmaine.gov

CC: Heidi M. Pushard, Christopher Dymkoski

# PHOTOGRAPHS



Hole cut in roof by AFD for ventilation.



AFD responding to fire on January 9, 2013

Fire appears to have originated from this area.



Interior aftermath of fire.

Copper "removed" by vandals

EXHIBIT K



3rd Floor Unit

Water Damage

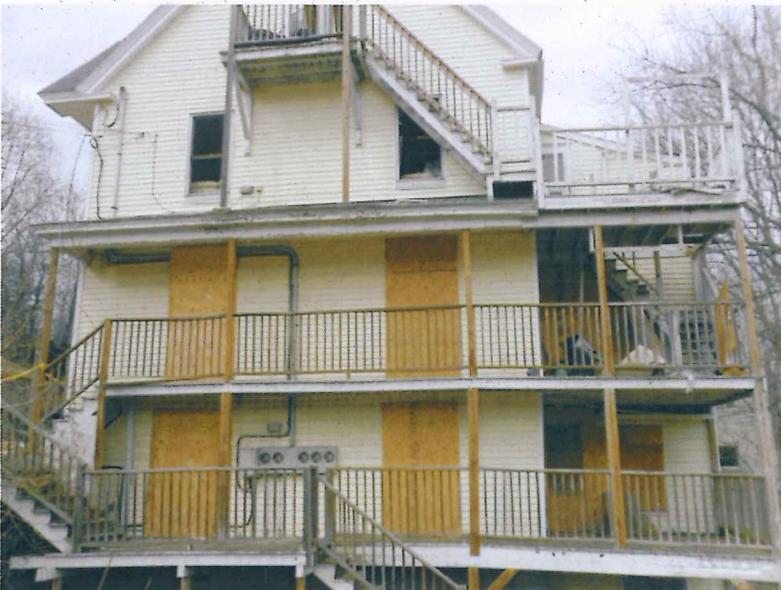
Copper "removed"

9 7:05 PM



Interior aftermath of fire.

8 5:57 PM



Unsafe porch/emergency egress



Stairwell from 2nd floor to ground floor.

Water damage.



Interior aftermath of fire.



Previous tenants left behind belongings.

OTHER DOCUMENTARY  
EVIDENCE

# Fire Incident Report

Incident #13AUB-98-IN

## Status:

Closed with the right to reopen the case pending future information

## Start Date/Time

01/09/2013, 1540 hours. Wednesday

## Address-Street Address

9 Gamage Ave.

## City/State/Zip

Auburn, Maine. 04210

## County

Androscoggin

## Investigator Information:

### Name

David N O'Connell

### Phone

207-784-5433 X28

### Email

doconnell@auburnmaine.gov

### Title

Fire Prevention Officer/Investigator

## Property Use or Target Information:

EXHIBIT L

**Incident #13AUB-98-IN**

**Type**

House/Tenement

**Subtype**

3 story wood frame house, Type V construction, wood sheathing

**Scene Details:**

**Area of Origin/Device Placement:**

Gamage Ave. side, Second floor

**Area of Origin**

Left front room

**Damage and Casualties:**

Structural

**Est. Damage**

Property Loss: \$30,000.00

Contents Loss: \$0

**Miscellaneous Information:**

Vacant building

## Other Agencies Involved

City of Auburn Police Department, State Fire Marshal's office law enforcement division

## Activity Codes

Tenement occupancy

### Latitude

44.103018

### Longitude

-70.233381

## Narrative(s)

### Title

INVESTIGATION REPORT

### Author

DAVID N O'CONNELL

207-784-5433 X28

doconnell@auburnmaine.gov

## Description:

### ASSIGNMENT:

On January 9<sup>th</sup> 2013 at approximately 1540 hours, I was responded to the scene of a working structure fire at a reported Vacant building located at 9 Gamage Ave.

## Incident #12AUB-3542-IN

### INVESTIGATION:

I arrived on scene at approximately 1546 hours and met with Battalion Dean Milligan. BC Milligan stated that upon arrival he found heavy fire coming out of the windows of the second floor room "Alpha-Bravo" corner of the building. The building is currently listed as vacant. I was unable to locate any eye witnesses to interview at the fire scene. Speaking to firefighters on scene the front door was secured prior to entry and had to be breached for fire suppression efforts. The "Delta" side of the building has a porch system where the 2<sup>nd</sup> floor and 3<sup>rd</sup> floor appeared to be unsecure.

1552 hours SFMO was contacted.

At 1601 hours SFMO contacted me and stated they will be sending investigators to the scene.

A Christopher Dymkoski arrived on scene and introduced himself as the owner of the building. He stated that the building is under foreclosure with Sun Trust bank. He stated that he does not have insurance on the building but believed that Sun Trust bank did insure it. Mr. Dymkoski stated he has not visited 9 Gamage Ave. for at least 1 year. I advised Mr. Dymkoski that he is still the legal owner of the building and that once the investigation is over he will be required to secure the building. I also advised him that he should contact Sun Trust Bank and advise them of the incident. Contact numbers are: home (207) 782-5430 and cell phone (207) 577-8817.

At 1708 hours I spoke to a Priscilla Levitt from 13 Gamage Ave. she stated that 10 minutes prior to the arrival of the fire department she witnessed a white male in his 20's with short black hair, black framed eye glasses, dark clothes, and carrying a back pack standing on the sidewalk between her building and 9 Gamage Ave. She stated he walked down Gamage Ave. towards Goff St. She states she has not seen anyone else around the building prior to the fire.

01/10/2013 after returning to the fire scene I was approached by a David Bruce who stated his girlfriend's Son a Code Bickford stated to his Mother on the night of the fire that he knew who set it. I asked Mr. Bruce if his girlfriend would authorize me to interview her son. He stated she would. Shortly after my meeting with Mr. Bruce a Jennifer Palmer approached me and advised me that I could interview her son Code. Mrs. Palmer stated that the night of the fire she returned home from work and that her son had stated that he knew the kids that had been throwing rocks at the windows of the building and also that one of the kids had lit the mattress on fire with matches.

### **Incident #13AUB-98-IN**

At 1540 hours on 01/10/2013, I met with Code Bickford age 13 at 122 Goff St. apartment 3. Mrs. Palmer was home and authorized my interview. Code stated that during the fire he and some friends were curious with what was going on and decided to walk up to 13 Gamage Ave. to visit a friend named Sabrina who lives on the second floor. Code stated when they arrived at 13 Gamage Ave they asked two adult women what was going on? One of the women stated that a man went into the building and set the mattress on fire. I asked Code new anyone that would have set the fire or was playing around the building and he stated "no". He stated he also asked one of the firefighters what had happened and the firefighter stated he did not know what caused it. Contact number to reach Code is (207) 689-5202 through Sandra Palmer (Aunt).

#### **PROPERTY:**

The building is a wood frame structure built about 1920. The building is not heated and currently Vacant. The buildings utilities were disconnected prior to the fire. The building use to be a four family apartment building prior to vacancy.

#### **EXTERIOR AND INTERIOR OBSERVATIONS:**

I conducted my observations starting from the exterior of the building and working my way into the interior while inspecting for damage to the building starting from least to most and documenting my observations with digital photographs. Exterior observations I found heavy char around the window frames of the second floor room located on the "Alpha-Bravo" side of the building. Also the roof located on the "Alpha" side of the building had been cut open for ventilation purposes by the fire department. First floor had water damage from firefighting operations. Entering the second floor from main entrance I found smoke and heat damage in the room to the left. Working from least to most damage I found the room located on the "Alpha-Bravo" side of the building had heavy fire damage and deep charring to the door frame entering the room. Upon entering the room I found heavily damaged bedroom furniture and scattered clothing. Speaking with Charlie Deangelis the City electrician he confirmed that the building had no power to it and that the lines had been disconnected at the pole. Searching through the front room I found heat and smoke damage to burrows located against the walls of the room. Less damage to combustibles was found on the floor between the bed and closet. Heavy charring of the bed frame, mattress, and box spring was found on the left side of the bed as you look from the end of the bed towards the head board. Less damage was found to the right of the bed closest to the closet.



For Date: 01/21/2013 - Monday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
13-5427	1758	Phone - POL-Suspicious Person/Veh	Cleared	2	
Call Taker:		LAC398 - LARE, TIMOTHY			
Location/Address:		[AUB 863] 9 GAMAGE AVE			
Jurisdiction:		Auburn			
Party Entered By:		01/21/2013 1758 LAC398 - LARE, TIMOTHY			
Calling Party:		UNKNOWN @ ***UNKNOWN*** - AUBURN, ME 04210			
ID:		APD538 - Corey, Scott			
		Disp-17:58:56	Arvd-17:58:57		Clrd-18:23:02
ID:		APD547 - Johnson, Matthew			
		Disp-17:58:59	Arvd-17:59:00		Clrd-18:20:29
Narrative:		01/21/2013 1758 LARE, TIMOTHY			
		PASSERBY ADVISES SOMEONE IN BURNT HOUSE.			
Narrative:		01/21/2013 1803 LARE, TIMOTHY			
		APPEARS SOMEONE MADE ENTRY, ATTEMPTING TO LOCATE SOMEPLACE TO GET IN.			
Narrative:		01/21/2013 1805 LARE, TIMOTHY			
		ENTRY GAINED BY OFFICERS			
Narrative:		01/21/2013 1809 LARE, TIMOTHY			
		BACK WINDOW AND BASEMENT WINDOWS KNOCKED OUT. APPEARS THE COPPER PIPING HAS BEEN TAKEN OUT FROM THE FIRST FLOOR.			
Narrative:		01/21/2013 1813 LARE, TIMOTHY			
		SPOKE TO CHRISTOPHER DYMOSKI AND HE ADVISED HE HASN'T HAD ANYTHING TO DO WITH THE HOUSE FOR OVER A YEAR. IT'S UP TO THE BANK.			
Narrative:		01/21/2013 1819 LARE, TIMOTHY			
Modified By:		01/21/2013 1820 LARE, TIMOTHY			
		SPOKE TO MRS. DYMOSKI AND ADVISED HER THAT THEY ARE LIABLE FOR THE RESIDENCE AND THE POLICE CAN NOT SECURE THE BUILDING. SHE STATED SHE UNDERSTOOD AND HAD ALREADY CONTACTED THEIR ATTORNEY.			
Narrative:		01/21/2013 1822 Corey, Scott			
		We were able to access the basement through a window that had been removed. Through the basement we were able to gain access and clear the first floor which is below ground level. We did not locate anyone, however pipes have been removed. No rep willing to respond and we were unable to secure the window.			

EXHIBIT M

For Date: 09/13/2012 - Thursday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
12-81962	0918	Radio - POL-Assist Other Dept	Cleared	3	
Call Taker: LAC397 - LESSARD, DEBRA Location/Address: [AUB] 9 GAMAGE AVE Jurisdiction: Auburn Party Entered By: 09/13/2012 0918 LAC397 - LESSARD, DEBRA Calling Party: 170 ID: APD582 - Ward, Eric Disp-09:18:55 Enrt-09:23:56 Arvd-09:27:32 Clrd-09:57:14 Enroute By: LAC610 - TROTT, TYLER Arrived By: LAC610 - TROTT, TYLER Narrative: 09/13/2012 0918 LESSARD, DEBRA apw called 170 requesting an officer stand by while they do a sweep of the bldg  Narrative: 09/13/2012 1657 Ward, Eric Building checked. Secured by APW.					

For Date: 09/04/2012 - Tuesday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
12-79024	1636	Phone - POL-Suspicious Condition	Cleared	2	
Call Taker: LAC251 - Dresser, Amy					
Primary Id: APD576 - Provisor, Jonathan					
Call Closed By: LAC398 - LARE, TIMOTHY 09/04/2012 1756					
Call Modified By: APD576 - Provisor, Jonathan					
Location/Address: [AUB] 9 GAMAGE AVE					
Jurisdiction: Auburn					
Party Entered By: 09/04/2012 1638 LAC251 - Dresser, Amy					
Calling Party: LEAVITT, PRISCILLA E @ 13 GAMAGE AVE Apt. #1 - AUBURN, ME 04210					
ID: APD544 - McCamish, Marshall					
Disp-16:43:33 Enrt-16:43:51 CIRD-17:01:24					
Dispatched By: LAC340 - HALL, TIMOTHY					
Enroute By: LAC340 - HALL, TIMOTHY					
Cleared By: APD479 - Watkins, Scott					
ID: APD576 - Provisor, Jonathan					
Disp-17:23:51 Arvd-17:27:19 CIRD-17:56:46					
Dispatched By: LAC398 - LARE, TIMOTHY					
Arrived By: LAC398 - LARE, TIMOTHY					
Cleared By: LAC398 - LARE, TIMOTHY					
Narrative: 09/04/2012 1638 Dresser, Amy Caller thinks this building is condemned, she says the doors are open and is worried about people going in there. She doesn't see anyone in there now but would like to have it checked.					
Narrative: 09/04/2012 1646 HALL, TIMOTHY PER 101 HAVE DPW MEET OFFICERS THERE TO SECURE THE BUILDING.					
Narrative: 09/04/2012 1647 HALL, TIMOTHY CALLED HIGHWAY, NO ANSWER.					
Narrative: 09/04/2012 1647 HALL, TIMOTHY CALLED HIGHWAY AFTER HOURS CELL, NO ANSWER					
Narrative: 09/04/2012 1727 LARE, TIMOTHY APW ENROUTE TO MEET OFFICER AT RESIDENCE.					
Narrative: 09/04/2012 1747 LARE, TIMOTHY APW ON SCENE					
Narrative: 09/04/2012 1805 Provisor, Jonathan Multiple windows and doors unsecured. Building was cleared. APW will attempt to secure more obvious entry points, but unable to do all at this time. They will need to return tomorrow with more materials. Requesting we call tomorrow to remind them.					
Refer To Incident: <u>12AUB-1715-OF</u>					

For Date: 06/22/2012 - Friday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
12-54380	1127	Phone - Hazardous Cond, Still Alar	Report Taken	1	
Call Taker:		LAC451 - MCCOWN, RANDY			
Location/Address:		[AUB] 9 GAMAGE AVE			
Jurisdiction:		Auburn			
Fire Unit:		AE5-Pumper-Auburn Engine 5			
		Disp-11:29:43 Enrt-11:31:31 Arvd-11:38:37 Clrd-11:43:45			
		InSrvce-11:43:45			
Manned By ID's:		AFD071 AFD101 AFD018			
Narrative:		06/22/2012 1129 MCCOWN, RANDY			
		a beeping sound is coming from the building no fire or			
		smoke, unknown what type of alarm and building looks vacant.			
Refer To Fire Case:		<u>12AUB-1709-IN</u>			

For Date: 04/23/2012 - Monday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
12-34906	1622	Phone - Fire Alarm Master_Smoke De	Report Taken	1	
Call Taker: LAC263 - KEYSER, FREDA Call Closed By: LAC140 - VERMETTE, CLAIRE 04/23/2012 1701 Call Modified By: LAC140 - VERMETTE, CLAIRE Location/Address: [AUB] 9 GAMAGE AVE Jurisdiction: Auburn Party Entered By: 04/23/2012 1624 LAC263 - KEYSER, FREDA Calling Party: FRONT SUKEFORTH, LISA @ 24 GAMAGE AVE Apt. #2 - AUBURN, ME 04210					
Fire Unit: ATR1-Aerial-Auburn Tower 1 Disp-16:24:30 Enrt-16:26:52 Arvd-16:30:28 Clrd-16:46:36 InSrvce-16:46:36					
Manned By ID's: AFD059 AFD100 AFD075 Dispatched By: LAC140 - VERMETTE, CLAIRE Enroute By: LAC140 - VERMETTE, CLAIRE Arrived By: LAC140 - VERMETTE, CLAIRE Cleared By: LAC140 - VERMETTE, CLAIRE Fire Unit: AE5-Pumper-Auburn Engine 5 Disp-16:24:30 Enrt-16:26:49 Arvd-16:30:07 Clrd-16:48:51 InSrvce-16:49:29					
Manned By ID's: AFD050 AFD007 AFD071 Dispatched By: LAC140 - VERMETTE, CLAIRE Enroute By: LAC140 - VERMETTE, CLAIRE Arrived By: LAC140 - VERMETTE, CLAIRE Cleared By: LAC140 - VERMETTE, CLAIRE Fire Unit: AE3-Pumper-Auburn Engine 3 Disp-16:24:30 Enrt-16:27:01 Arvd-16:32:24 Clrd-16:46:05 InSrvce-16:46:05					
Manned By ID's: AFD080 AFD102 AFD078 AFD101 Dispatched By: LAC140 - VERMETTE, CLAIRE Enroute By: LAC140 - VERMETTE, CLAIRE Arrived By: LAC140 - VERMETTE, CLAIRE Cleared By: LAC140 - VERMETTE, CLAIRE Location Change: [AUB 707] SUKEFORTH RESIDENCE - 24 GAMAGE AVE Apt. #1FL [Modified: 04/23/20121632] staged					
Jurisdiction: Auburn Fire Unit: AE2-Pumper-AUBURN ENGINE 2 Disp-16:24:30 Enrt-16:27:35 Clrd-16:38:51 InSrvce-16:38:51					
Manned By ID's: AFD072 AFD069 AFD111 Dispatched By: LAC140 - VERMETTE, CLAIRE Enroute By: LAC140 - VERMETTE, CLAIRE Cleared By: LAC140 - VERMETTE, CLAIRE Fire Unit: 315-Command-Aub Battalion Chiefs Car Disp-16:24:30 Enrt-16:26:07 Arvd-16:30:59 Clrd-16:47:29 InSrvce-16:47:29					
Manned By ID's: AFD067 Dispatched By: LAC140 - VERMETTE, CLAIRE Enroute By: LAC140 - VERMETTE, CLAIRE Arrived By: LAC140 - VERMETTE, CLAIRE Cleared By: LAC140 - VERMETTE, CLAIRE Fire Unit: AE3-Pumper-Auburn Engine 3 Disp-16:49:23 Enrt-16:49:27 Arvd-16:52:19 Clrd-17:01:17 InSrvce-17:01:17					
Manned By ID's: AFD080 AFD102 AFD078 AFD101 Dispatched By: LAC140 - VERMETTE, CLAIRE Enroute By: LAC140 - VERMETTE, CLAIRE Arrived By: LAC140 - VERMETTE, CLAIRE Cleared By: LAC140 - VERMETTE, CLAIRE Narrative: 04/23/2012 1624 KEYSER, FREDA REPORTING THE SMOKE DETECTORS GOING OFF IN THE BUILDING, BELIEVE IT IS VACANT.					

Narrative: 04/23/2012 1625 KEYSER, FREDA  
CORNER OF GAMAGE AND GOFF, POSSIBLE GOFF ST ADDRESS.

Narrative: 04/23/2012 1630 VERMETTE, CLAIRE  
checking 25 gamage and across  
nothing showing at this time

Narrative: 04/23/2012 1631 VERMETTE, CLAIRE  
per ae5 slow all units to code 1

Narrative: 04/23/2012 1632 VERMETTE, CLAIRE  
the exact address is 9 goff st  
address has been changed from 24 gamage to goff

Narrative: 04/23/2012 1644 VERMETTE, CLAIRE  
FORCED ENTRY TO THE BUILDING AND THE ALARM HAS BEEN SILENCED

Narrative: 04/23/2012 1646 VERMETTE, CLAIRE  
160 IS GOING OVER TO CHECK THE SITUATION

Narrative: 04/23/2012 1648 VERMETTE, CLAIRE  
160 ON SCENE

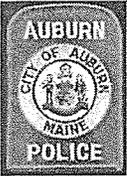
Narrative: 04/23/2012 1649 VERMETTE, CLAIRE  
AE3 GOING BACK TO ABOVE

Narrative: 04/23/2012 1721 VERMETTE, CLAIRE  
160 clearing and the building has been resecured

Refer To Fire Case: 12AUB-1103-IN

For Date: 02/13/2012 - Monday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
12-13128	1450	Phone - POL-Assist Other Dept	Report Taken	3	
Call Taker: LAC254 - egley, david					
Primary Id: APD544 - McCamish, Marshall					
Call Closed By: LAC263 - KEYSER, FREDA 02/13/2012 1548					
Call Modified By: LAC263 - KEYSER, FREDA					
Location/Address: [AUB] 9 GAMAGE AVE Apt. #2FLR					
Jurisdiction: Auburn					
Party Entered By: 02/13/2012 1452 LAC254 - egley, david					
Calling Party: AFD - OCONNEL FIRE PREVENTION					
ID: APD544 - McCamish, Marshall					
Disp-15:16:34 Enrt-15:16:37 Arvd-15:29:06 Clrd-15:48:31					
Dispatched By: LAC263 - KEYSER, FREDA					
Enroute By: LAC263 - KEYSER, FREDA					
Arrived By: LAC263 - KEYSER, FREDA					
Cleared By: LAC263 - KEYSER, FREDA					
Narrative: 02/13/2012 1452 egley, david					
** VACANT BUILDING, TO BE SECURED TOMORROW BY CODE ENFORCEMENT / FIRE PREVENTION **					
AFD FIRE PREVENTION O'CONNEL REQUESTING PD SECURE MEDICATIONS FOUND IN 2ND FLOOR APT, ON A BLACK TABLE IMMEDIATELY TO THE RIGHT AS YOU WALK IN THE DOOR.					
Narrative: 02/13/2012 1454 egley, david					
CALLER STATES OFFICER SHOULD HAVE FULL ACCESS TO THE BUILDING TODAY.					
Narrative: 02/13/2012 1533 McCamish, Marshall					
Items brought to property room and secured for destruction.					
Refer To Incident: <u>12AUB-275-OF</u>					



Auburn Police Department  
Incident Report

Page: 1  
03/26/2013

Incident #: 12AUB-275-OF  
Call #: 12-13128

Date/Time Reported: 02/13/2012 1450  
Report Date/Time: 02/13/2012 1538  
Status: No Crime Involved  
Reporting Officer: Patrol Officer Marshall McCamish  
Approving Officer: Sergeant Benjamin Quinnell

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

# EVENTS (S)

LOCATION TYPE: Residence/Home/Apt./Condo      Zone: Manley/Winter St Area  
9 GAMAGE AVE Apt. #2FLR  
AUBURN ME 04210

1 FOUND ITEM - TO BE DESTROYED

# OTHER PROPERTIES      PROPERTY #      STATUS

1	OLD MEDS FOR DESTRUCTION	12AUB-250-PR	Found Property
	QUANTITY: 1	VALUE: \$0.00	
	SERIAL #: NOT AVAIL		
	DATE: 02/13/2012		

NARRATIVE FOR PATROL OFFICER MARSHALL W MCCAMISH

Ref: 12AUB-275-OF

Property was left in an abandoned building (9 Gamage Ave). AFD was conducting a walk-thru and located items in a second floor apartment. The building has been condemned. Property was logged in for destruction at APD.

For Date: 01/24/2012 - Tuesday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
12-7013	1002	911 - POL-Burglary IP	Cleared	1	
Call Taker: LAC397 - LESSARD, DEBRA Call Closed By: LAC460 - BERUBE, ANITA 01/24/2012 1034 Call Modified By: LAC460 - BERUBE, ANITA Location/Address: [AUB] 9 GAMAGE AVE Jurisdiction: Auburn Party Entered By: 01/24/2012 1003 LAC397 - LESSARD, DEBRA Calling Party: BELL, STEVE @ ***UNKNOWN*** - AUBURN, ME 04210 207-754-1146 Party Entered By: 01/24/2012 1040 APD587 - Richardson, Justin Involved Party: HARMON, JOSHUA STEVEN @ 9 GAMAGE AVE Apt. #BSMNT - AUBURN, ME 04210					
ID: APD535 - Croft, Jason Disp-10:04:41 Enrt-10:04:47 Arvd-10:06:54 Clrd-10:18:27					
Dispatched By: LAC460 - BERUBE, ANITA Enroute By: LAC460 - BERUBE, ANITA Arrived By: LAC460 - BERUBE, ANITA Cleared By: LAC460 - BERUBE, ANITA					
ID: APD587 - Richardson, Justin Disp-10:04:41 Enrt-10:04:46 Arvd-10:06:26 Clrd-10:33:56					
Dispatched By: APD518 - Dailey, Matthew Enroute By: LAC460 - BERUBE, ANITA Arrived By: LAC460 - BERUBE, ANITA Cleared By: LAC460 - BERUBE, ANITA					
ID: APD490 - Schmieks, Barry Disp-10:04:50 Enrt-10:04:53 Arvd-10:11:51 Clrd-10:20:53					
Dispatched By: LAC460 - BERUBE, ANITA Enroute By: LAC460 - BERUBE, ANITA Arrived By: LAC460 - BERUBE, ANITA Cleared By: LAC460 - BERUBE, ANITA					
ID: APD537 - Hammerton, Steven Disp-10:05:10 Enrt-10:05:13 Clrd-10:09:52					
Dispatched By: LAC460 - BERUBE, ANITA Enroute By: LAC460 - BERUBE, ANITA Cleared By: LAC460 - BERUBE, ANITA					
ID: APD529 - Carll, Shawn Disp-10:05:28 Arvd-10:05:31 Clrd-10:09:13					
Dispatched By: LAC460 - BERUBE, ANITA Arrived By: LAC460 - BERUBE, ANITA Cleared By: LAC460 - BERUBE, ANITA					
Narrative: 01/24/2012 1003 LESSARD, DEBRA CALLER IS WITH AUBURN WATER DISTRICT AND HE SEES PEOPLE STEALING COPPER FROM THE BLDG ON THE 1ST FLR,					
Narrative: 01/24/2012 1003 LESSARD, DEBRA NO DESCRIPTION JUST A COUPLE OF YOUNG WHITE MALES					
Narrative: 01/24/2012 1004 LESSARD, DEBRA CALLER IS OUTSIDE AND SAW THEM GO INSIDE. AUBURN WATER IS OUT OF THE BLDG AND THE THEIVES ARE STILL INSIDE					
Narrative: 01/24/2012 1004 LESSARD, DEBRA ALSO DID DAMAGE IN THE BASEMENT.					
Narrative: 01/24/2012 1005 LESSARD, DEBRA THEY HAVE BEEN IN AND OUT ALL MORNING WHILE AUBURN WATER HAS BEEN WORKING. THE BLDG IS TO BE CONDEMNED TODAY AND POWER IS SHUT OFF					
Narrative: 01/24/2012 1005 LESSARD, DEBRA SUSPECTS DID NOT ARRIVE IN A VEHICLE					
Narrative: 01/24/2012 1039 Richardson, Justin Josh Harmon let us into his apartment to look around. Did not see any new evidence of copper being taken from the					

For Date: 01/23/2012 - Monday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
12-6776	1430	Phone - POL-Assist Other Dept	Cleared	3	
Call Taker: LAC460 - BERUBE, ANITA Location/Address: [AUB] 9 GAMAGE AVE Jurisdiction: Auburn Party Entered By: 01/23/2012 1436 LAC140 - VERMETTE, CLAIRE Involved Party: HARMON, JOSHUA STEVEN @ 9 GAMAGE AVE Apt. #BSMNT - AUBURN, ME 04210					
ID: APD537 - Hammerton, Steven Disp-14:32:06 Enrt-14:32:09 Cldr-14:33:11					
Dispatched By: LAC340 - HALL, TIMOTHY Enroute By: LAC340 - HALL, TIMOTHY Cleared By: LAC340 - HALL, TIMOTHY Fire Unit: 322-Staff-Auburn FPO Vehicle Disp-14:32:23 Arvd-14:32:25 Cldr-15:12:42 InSrvce-15:12:45					
ID: APD529 - Carll, Shawn Disp-14:32:32 Enrt-14:32:40 Arvd-14:39:12 Cldr-14:53:21					
Dispatched By: LAC340 - HALL, TIMOTHY Enroute By: LAC340 - HALL, TIMOTHY Arrived By: LAC140 - VERMETTE, CLAIRE Cleared By: LAC140 - VERMETTE, CLAIRE					
ID: APD490 - Schmieks, Barry Disp-14:32:50 Enrt-14:32:54 Arvd-14:39:16 Cldr-15:01:31					
Dispatched By: LAC340 - HALL, TIMOTHY Enroute By: LAC340 - HALL, TIMOTHY Arrived By: LAC140 - VERMETTE, CLAIRE Cleared By: LAC140 - VERMETTE, CLAIRE					
Narrative: 01/23/2012 1431 BERUBE, ANITA 322 on scene requesting an apd officer to respond for unruly tenants.					
Narrative: 01/23/2012 1453 Carll, Shawn Josh Harmon left peacefully. All set. /SMC/.					
Narrative: 01/23/2012 1453 VERMETTE, CLAIRE MR HARMON HAS LEFT PEACEFULLY					

For Date: 01/19/2012 - Thursday

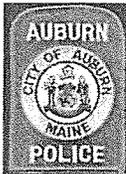
<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
12-5691	2259	Initiated - POL-Warrant	Arrest(s) Made	2	
Call Taker:		LAC085 - ARSENAULT, CELESTE			
Primary Id:		APD570 - Gagnon, Nicholas			
Call Closed By:		LAC284 - frost, karen 01/19/2012 2351			
Call Modified By:		LAC284 - frost, karen			
Location/Address:		[AUB] 9 GAMAGE AVE			
Jurisdiction:		Auburn			
Initiated By:		APD570 - Gagnon, Nicholas			
Party Entered By:		01/19/2012 2330 LAC085 - ARSENAULT, CELESTE			
Involved Party:		LIBBEY, CHRISTOPHER S @ 5 DAVID ST - LISBON FALLS. ME 04252			
ID:		APD570 - Gagnon, Nicholas			
			Arvd-22:59:00 Cld-23:51:21		
Cleared By:		LAC284 - frost, karen			
Narrative:		01/19/2012 2300 ARSENAULT, CELESTE			
Modified By:		01/19/2012 2301 ARSENAULT, CELESTE			
		24 material confirmed bail to be set			
Narrative:		01/19/2012 2301 ARSENAULT, CELESTE			
		SCN/455768 MKE/EWM ORI/ME0010000			
		NAM/LIBBEY, CHRISTOPHER S SEX/M RAC/W DOB/19870708 HGT/508			
		WGT/170			
		EYE/BRO HAI/BRO OFF/2899 DOW/20111205 OCA/11-03486			
		GEO/01310 MIS/THEFT BY UNAUTHORIZED TAKING OR TRANSFER, CL E			
Narrative:		01/19/2012 2301 ARSENAULT, CELESTE			
		102 10-46 2301			
Narrative:		01/19/2012 2316 ARSENAULT, CELESTE			
		CONTACTED SABATTUS PD - ADVISED THEM OF CHRIS LIBBY'S			
		LOCATION IN REFERENCE TO THEIR PREVIOUS REQUEST TO LOCATE			
		HIM IN REGARD TO A THEFT			
Refer To Arrest:		12AUB-105-AR			
Arrest:		LIBBEY, CHRISTOPHER SCOTT			
Address:		TRANSIENT TRANSIENT, ME			
DOB:		07/08/1987			
Charges:		Warrant			
		UNLAWFUL POSSESSION OF OXYCODONE			
		SALE AND USE OF DRUG PARAPHERNALIA			

For Date: 01/19/2012 - Thursday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
12-5645	1847	911 - POL-Burglary	Report Taken	1	
Call Taker: LAC263 - KEYSER, FREDA Primary Id: APD570 - Gagnon, Nicholas Call Closed By: LAC284 - frost, karen 01/19/2012 2027 Call Modified By: LAC284 - frost, karen Location/Address: [AUB] 9 GAMAGE AVE Apt. #BSMNT Jurisdiction: Auburn Party Entered By: 01/19/2012 1848 LAC263 - KEYSER, FREDA Modified By: 01/19/2012 1849 LAC340 - HALL, TIMOTHY Calling Party: HARMON, JOSHUA STEVEN @ 9 GAMAGE AVE Apt. #BSMNT - AUBURN, ME 04210					
ID: APD535 - Croft, Jason Disp-18:48:00 Cldr-18:49:27					
Dispatched By: LAC284 - frost, karen Cleared By: LAC284 - frost, karen ID: APD570 - Gagnon, Nicholas Disp-19:50:47 Enrt-19:56:22 Arvd-20:00:35 Cldr-20:27:53					
Dispatched By: LAC284 - frost, karen Enroute By: LAC284 - frost, karen Arrived By: LAC284 - frost, karen Cleared By: LAC284 - frost, karen Narrative: 01/19/2012 1848 KEYSER, FREDA CALLER REPORTS HE JUST GOT OUT OF JAIL, AND ALL OF THE COPPER IN HIS APARTMENT IS GONE.					
Narrative: 01/19/2012 1848 HALL, TIMOTHY SHIFT CHANGE - HOLD FOR 1900 HOUR UNITS					
Refer To Incident: <u>12AUB-137-OF</u>					

For Date: 01/05/2012 - Thursday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
12-1493	2246	Initiated - POL-Viol of Bail Condi	Arrest(s) Made	1	
Call Taker:		LAC388 - Howe, Joshua			
Primary Id:		APD570 - Gagnon, Nicholas			
Location/Address:		[AUB] 9 GAMAGE AVE			
Jurisdiction:		Auburn			
Initiated By:		APD570 - Gagnon, Nicholas			
Party Entered By:		01/05/2012 2247 LAC388 - Howe, Joshua			
Modified By:		01/05/2012 2250 LAC388 - Howe, Joshua			
Involved Party:		HARMON, JOSHUA STEVEN @ 491 WASHINGTON (NORTH) ST - AUBURN, ME 04210			
Party Entered By:		01/05/2012 2248 LAC388 - Howe, Joshua			
Involved Party:		CORLISS, SHANNON MARIE @ 9 GAMAGE AVE Apt. #BSMT - AUBURN, ME 04210 207-786-9330 SSN: 004846774 DOB: 08/19/1986 Race: W Sex: F			
ID:		APD570 - Gagnon, Nicholas			
			Arvd-22:46:00 Clrd-23:10:02		
Narrative:		01/05/2012 2249 Howe, Joshua			
Modified By:		01/05/2012 2250 Howe, Joshua 102 GAGNON 1046 AT 2249 12AUB-27-AR			
Narrative:		01/05/2012 2251 Howe, Joshua 102 AT ACJ			
Narrative:		01/05/2012 2303 Howe, Joshua HARMON, JOSHUA DOB 03-11-1985 AR:27 SEQ:009632 ATN: 933719A			
Refer To Arrest:		<u>12AUB-27-AR</u>			
Arrest:		HARMON, JOSHUA STEVEN			
Address:		491 WASHINGTON (NORTH) ST AUBURN, ME			
DOB:		03/11/1985			
Charges:		VIOLATING CONDITION OF RELEASE			



Auburn Police Department  
Arrest Report

Page: 1  
03/26/2013

Arrest #: 12AUB-27-AR  
Call #: 12-1493

Date/Time Reported: 01/05/2012 @ 2246  
Arrest Date/Time: 01/05/2012 @ 2246  
Booking Date/Time: 01/05/2012 @ 2300  
ATN #: 933719A  
Court: 8th District Court Lewiston  
Court Date: 03/13/2012 @ 1300  
Reporting Officer: Patrol Officer Nicholas Gagnon  
Approving Officer: Sergeant James Lawlor  
  
Signature: \_\_\_\_\_  
  
Signature: \_\_\_\_\_

# DEFENDANT(S) SEX RACE AGE SSN PHONE

1 HARMON, JOSHUA STEVEN  
491 WASHINGTON (NORTH) ST  
AUBURN ME 04210

Military Active Duty: N  
HEIGHT: 509 WEIGHT: 160 HAIR: BROWN EYES: GREEN  
BODY: MEDIUM COMPLEXION: MEDIUM  
DOB: 03/11/1985 PLACE OF BIRTH: LEWISTON ME  
LICENSE NUMBER: ME 6410287 ETHNICITY: NOT HISPANIC  
LOCAL ID: 162713

[CONTACT INFORMATION]

Home Phone (Primary)

[APPEARANCE]

GLASSES WORN: NO  
TATTOOS: TAT L ARM (TRIBAL)

ALIAS LAST NAME FIRST NAME MIDDLE NAME SSN DOB  
HARMON JOSHUA S NOT AVAIL NOT AVAIL

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: SINGLE  
MOTHER'S NAME: BURGESS, MELODY  
EMPLOYER/SCHOOL: JSL CONTRACTOR · 207-513-7401  
491 WASHINGTON (NORTH) ST  
AUBURN ME 04210  
OCCUPATION: SELF-EMPLOYED

# OFFENSE(S) ATTEMPTED TYPE CLASS

LOCATION TYPE: Residence/Home/Apt./Condo Zone: Manley/Winter St Area  
9 GAMAGE AVE  
AUBURN ME 04210

Auburn Police Department  
Arrest Report

Page: 2  
03/26/2013

Arrest #: 12AUB-27-AR  
Call #: 12-1493

#	OFFENSE (S)	ATTEMPTED	TYPE	CLASS
1	VIOLATING CONDITION OF RELEASE 9632	N	Misdemeanor	E
	15 1092.1.A	E		
	OCCURRED: 01/05/2012 2246			
	REFER TO CITATION#: 2602735			

#	PERSON (S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1							
	DOB:						
	EMPLOYER:						
	CONTACT INFORMATION:						
	Home Phone						
	Home Phone						
	Home Phone						
	CallBack Number						

NARRATIVE FOR PATROL OFFICER NICHOLAS J GAGNON

Ref: 12AUB-27-AR

I, Officer Nicholas Gagnon, was on duty for the Auburn Police Department in uniform and operating a fully marked police cruiser on 01/05/2012.

I heard previous complaints that an anonymous caller called a few times reporting that Josh Harmon had been staying at 9 Gamage Avenue with [redacted] Josh has bail conditions which prohibit him from being at that address or having any contact with [redacted] Day shift officers have tried locating Josh at the address but [redacted] denies he is there and does not allow a consent search of her apartment. In the early morning of 01/01/2012, I observed several people in a black truck stopped in the middle of the road and the people were getting out. It appeared that one person was on the ground being helped up. I was sent to the area about a fight in the area so the truck seemed suspicious to me. I stopped to see if everything was alright with the people in the road. As I approached, one of the males walked off. Since there were four other people, I didn't try to catch up to the male that was walking away. I identified the others and one of the females said the guy that walked off was Zac. When I found out the females name, [redacted] that told me the guy was [redacted], I told her I felt she was lying to me and I thought the guy was Joshua Harmon. She eventually told me it was Joshua Harmon. I looked toward 9 Gamage, which was in my clear view, and I saw the male, now known as Harmon, walk down the porch and into the basement apartment. I had [redacted] walk to the apartment with me and some other officers. [redacted] kept acting as if she could not get in. She said she had no key to get in. Eventually [redacted] said she could go through the window and let me in. [redacted] let me in and by this time, I found a window that was wide open on the other side of the building. [redacted] said the window was never open. Harmon had climbed out the window and took off on foot. We were unable to locate him.

On today's date, 01/05/2012, I went with other officers to do a check of 9 Gamage to see if Harmon had returned. We knocked for approximately 20 minutes with no answer. I could see into one of the windows and observed 3 small children sleeping. I called LT. Harrington and he arrived on scene. Eventually, [redacted] came to the door. She told us that Joshua was not there. Lt. Harrington asked if we could check since he had been seen here frequently. [redacted] said she didn't want us to. I called the on-call DA to tell him what I had with the kids sleeping, no one answering the door for 20 minutes and Harmon being seen in the area, not only by callers but by myself the other night. The DA said I could apply for a warrant but was not sure if it would get signed. I went to speak to [redacted] again and I advised her that I was going to APPLY for a warrant and IF Harmon was found inside the residence, she COULD POSSIBLY be charged with a crime. [redacted] kept pausing and just looking down. I told her to, "Just go get Josh so we could be done with the whole issue." After telling her two times to go get Josh, she said alright and she went in to get him. Harmon would not come out so after waiting several minutes, [redacted] came out and gave the officers permission to go in the house and get him. Harmon was sitting on the couch smoking a cigarette and was taken into custody without incident. Harmon was handcuffed and I transported him to the Androscoggin County Jail where he was turned over to the jail staff. I issued him a summons for Violating Conditions of Release, class E with a Lewiston District Court Date of 02/01/2012 at 1300 hours./NJG/

For Date: 12/13/2011 - Tuesday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
11-106475	0859	Initiated - POL - DOMESTIC SAFETY	Cleared	3	
Call Taker:		LAC396 - LEBEL, JILL			
Primary Id:		APD518 - Dailey, Matthew			
Location/Address:		[AUB] BSMT APT, - 9 GAMAGE AVE			
Jurisdiction:		Auburn			
Initiated By:		APD518 - Dailey, Matthew			
Party Entered By:		12/13/2011 0902 LAC396 - LEBEL, JILL			
Involved Party:		CORLISS, SHANNON MARIE @ 9 GAMAGE AVE Apt. #BSMT - AUBURN, ME 04210			
ID:		APD518 - Dailey, Matthew			
			Arvd-08:59:00	Clrd-09:01:06	
Narrative:		12/13/2011 0949 Dailey, Matthew			
		Xref #11-106470			
		Shannon refused to cooperate with us. No packet able to be given to her.			

For Date: 12/13/2011 - Tuesday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
11-106470	0835	Phone - POL-Viol of Bail Condition	Cleared	1	
Call Taker: LAC085 - ARSENAULT, CELESTE Call Closed By: LAC396 - LEBEL, JILL 12/13/2011 0858 Call Modified By: LAC396 - LEBEL, JILL Location/Address: [AUB] 9 GAMAGE AVE Apt. #BSMT Jurisdiction: Auburn Party Entered By: 12/13/2011 0837 LAC085 - ARSENAULT, CELESTE Calling Party: MCBRIDE, DEANNA M @ 35 UNION ST - AUBURN. ME 04210 .  Party Entered By: 12/13/2011 0837 LAC085 - ARSENAULT, CELESTE Modified By: 12/13/2011 0839 LAC397 - LESSARD, DEBRA Involved Party: CORLISS. SHANNON MARIE @ 9 GAMAGE AVE Apt. #BSMT - AUBURN, ME 04210  Party Entered By: 12/13/2011 0838 LAC085 - ARSENAULT, CELESTE Involved Party: HARMON. JOSHUA STEVEN @ 491 WASHINGTON (NORTH) ST - AUBURN, ME 04210  ID: APD535 - Croft, Jason Disp-08:39:26 Arvd-08:46:54 Clrd-08:58:15 Dispatched By: LAC451 - MCCOWN, RANDY Arrived By: LAC451 - MCCOWN, RANDY Cleared By: LAC396 - LEBEL, JILL ID: APD518 - Dailey, Matthew Disp-08:39:43 Arvd-08:47:01 Clrd-08:58:15 Dispatched By: LAC451 - MCCOWN, RANDY Arrived By: LAC451 - MCCOWN, RANDY Cleared By: LAC396 - LEBEL, JILL ID: APD529 - Carll, Shawn Disp-08:41:37 Arvd-08:46:58 Clrd-08:58:15 Dispatched By: LAC451 - MCCOWN, RANDY Arrived By: LAC451 - MCCOWN, RANDY Cleared By: LAC396 - LEBEL, JILL ID: APD490 - Schmieks, Barry Disp-08:41:44 Arvd-08:47:04 Clrd-08:58:15 Dispatched By: LAC451 - MCCOWN, RANDY Arrived By: LAC451 - MCCOWN, RANDY Cleared By: LAC396 - LEBEL, JILL Narrative: 12/13/2011 0837 ARSENAULT, CELESTE Modified By: 12/13/2011 0838 ARSENAULT, CELESTE JOSH HARMON AT SHANNON CORLISS APT IN BASEMENT DUE TO DV ASSAULT HE IS NOT SUSPOSE TO BE THERE  Narrative: 12/13/2011 0839 ARSENAULT, CELESTE ADVISED CALLER IF A VIOLENT OR VERBAL SITUATION ARISES BEFORE PD ON SCENE TO CALL US AT 911  Narrative: 12/13/2011 0857 Croft, Jason Modified By: 12/13/2011 0858 Croft, Jason Shannon refused to let officers in. We suspect he was there yesterday and fled just before we arrived. We had building surrounded this time, however, all windows were drapped shut and Shannon did not allow us in; uncooperative.					

For Date: 12/12/2011 - Monday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
11-106204	1004	Walk-In - POL-Police Information	Cleared	3	
Call Taker:		LAC396 - LEBEL, JILL			
Call Closed By:		LAC397 - LESSARD, DEBRA 12/12/2011 1030			
Call Modified By:		LAC397 - LESSARD, DEBRA			
Location/Address:		[AUB] 9 GAMAGE AVE			
Jurisdiction:		Auburn			
Party Entered By:		12/12/2011 1006 LAC396 - LEBEL, JILL			
Calling Party:		MCBRIDE, DEANNA @ ***UNKNOWN*** - BOWDOIN, ME 207-713-8042			
ID:		APD535 - Croft, Jason			
		Disp-10:09:00 Enrt-10:12:06 Arvd-10:17:18 Clrd-10:30:48			
Dispatched By:		LAC397 - LESSARD, DEBRA			
Enroute By:		LAC397 - LESSARD, DEBRA			
Arrived By:		LAC397 - LESSARD, DEBRA			
Cleared By:		LAC397 - LESSARD, DEBRA			
Narrative:		12/12/2011 1006 LEBEL, JILL			
		** IN LOBBY ** WOULD LIKE TO SPEAK WITH AN OFFICER REGARDING			
		A DOMESTIC SITUATION BETWEEN HER DAUGHTER, SHANNON CORLISS			
		AND JOSHUA HARMON.			
Narrative:		12/12/2011 1030 Croft, Jason			
		Spoke w/Deanna, all set.			

## REQUEST DETAILED

FOR REQUEST CR-1791-2013

### GENERAL INFORMATION

<b>Request Type:</b> City Staff Inquiry <b>Request Status:</b> Pending <b>Request Source:</b> Fire	<b>Project:</b> <b>Request Priority:</b> Normal <b>District:</b> City of Auburn <b>Assigned To:</b> Cristy Bourget <input type="checkbox"/> Emergency
--	---

**Entered Date:** 01/10/2013     
 **Deadline Date:** 01/15/2013     
 **Completed Date:**

#### PARCELS

<u>Primary</u>	<u>Parcel Number(s)</u>
✓	250308000

#### JOB ADDRESS

<u>Main</u>	<u>Job Address(es)</u>
✓	9 GAMAGE AV AUBURN, ME 04210

<u>Contact Type</u>	<u>Contact Name</u>	<u>Address</u>
Owner	Christopher Dymkoski	90 Rideout ST
Attorney	Heidi Prushard	

### NOTES

<u>Note</u>	<u>Created By</u>	<u>Created Date</u>
1-9-2012 fire call to vacant bldg on 1-8-2013. David O'Connell FPO has notified the property owner Christopher Dymkoski please see attached e-mail from David. csb	Cristy Bourget	01/10/2013
Building unsecured 1-10-13 owner is not able to secure. City secured broked doors and windows on accessible levels. Bank claims that it has not taken ownership but has insurance on the building.	Eric Cousens	02/26/2013
2-22-13 Building unsecured at rear basement door. Plywood broken inward and someone accessed the building. Resecured broken plywood with scrap plywood found on the porch.	Eric Cousens	02/26/2013

### ACTIVITIES

<u>Activity Number</u>	<u>Activity Type</u>	<u>Activity Name</u>	<u>Created By</u>
------------------------	----------------------	----------------------	-------------------

### ATTACHED RECORDS

<u>Record Type</u>	<u>Case Number</u>	<u>Case Type</u>	<u>Case Status</u>	<u>Open/Create Date</u>
--------------------	--------------------	------------------	--------------------	-------------------------

**EXHIBIT N**

# Task/Resource Detail Report

3/29/2013

4:24 PM

Task	Resource	Time Type			Total Time	Units	*Total Cost
		Reg	OT	Normal			
<b>12274 Secure Building</b>							
<b>Employee</b>							
	836650 Nemethy, Ed	0.00	0.00	1.50	REGULAR TIME	1.50 Hours	\$37.72
	833710 Meserve, Foster	0.00	0.00	1.50	REGULAR TIME	1.50 Hours	\$40.70
	829205 Levesque, Brian	0.00	0.00	5.00	REGULAR TIME	5.00 Hours	\$96.39
	849625 Wing, John	0.00	0.00	5.00	REGULAR TIME	5.00 Hours	\$125.74
						<u>13.00</u>	<u>\$300.55</u>
<b>Equipment</b>							
	26.0 2000 K2500 3/4 TON	0.00	0.00	1.50	REGULAR TIME	1.50 Hours	\$24.75
	26.0 2000 K2500 3/4 TON	0.00	0.00	5.00	REGULAR TIME	5.00 Hours	\$82.50
						<u>6.50</u>	<u>\$107.25</u>
<b>Material</b>							
	PLYWO 4 X 8 X 19/32 PLY WOOD OD	0.00	0.00	16.00		16.00 Each	\$255.52
	FS1585 SCREW, FINE DRYWALL 5# 1-5/8"	0.00	0.00	6.00		6.00 Each	\$68.94
	PLYWO 4 X 8 X 19/32 PLY WOOD OD	0.00	0.00	2.00		2.00 Each	\$31.94
						<u>24.00</u>	<u>\$356.40</u>
	<b>Task Total:</b>					<u>43.50</u>	<u>\$764.20</u>
	<b>Grand Total:</b>					<u>43.50</u>	<u>\$764.20</u>

\* A 'Hidden' field indicates permission to view the secured field is turned off.



Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 44-06032013

#### CITY OF AUBURN CITY COUNCIL FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF DEMOLITION

##### 9 GAMAGE AVENUE

On June 3, 2013 at 7:00 pm, the Auburn City Council held a hearing at 60 Court Street in Auburn, Maine to determine whether the residential structure (the "Structure") at 9 Gamage Avenue in Auburn, Maine, identified as Lot 308 on Tax Map 250, and further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 3939, Page 143 (the "Premises"), is dangerous or a nuisance pursuant to 17 M.R.S. § 2851. As such, the Council makes the following findings of fact and conclusions of law, and orders that the Structure be demolished.

##### Findings of Fact

Present at the hearing on this matter for the City was Eric Cousens, City Planner. The following individuals appeared on behalf of the owner and/or parties in interest: \_\_\_\_\_

After considering the testimony and evidence presented, the City Council makes the following findings of fact:

1. The Premises and Structure are owned by Christopher Dymkoski (the "Owner"). Planning, Permitting & Code Department ("Department") Exhibit A.
2. Mr. Dymkoski was served with the notice required by 17 M.R.S. § 2891 (the "Notice") on May 6, 2013. Department Exhibit C.
3. Party-in-Interest SunTrust Mortgage, Inc. was served with a copy of the Notice on May 2, 2013. Department Exhibit D.
4. Party-in-Interest Dead River Company, formerly Webber Energy Fuels, was served with a copy of the Notice on May 3, 2013. Department Exhibit E.
5. A copy of that Notice was also recorded in the Androscoggin County Registry of Deeds at Book 8661 and Page 293. Planning Department Exhibit B.
6. The Structure is structurally unsafe and unstable.
7. The Structure is abandoned and is unfit for human occupancy due to fire, water, and smoke damage, the lack of internal systems, dilapidation, and the collection of refuse.
8. The Structure is unsanitary.
9. The Structure has not been maintained.
10. The Structure poses a significant fire threat to itself and to neighboring residences due to its state of decline, its abandonment, and its attractiveness to vandals.
11. The Owner has been given the opportunity to remedy the conditions at the Premises but has failed to do so.

##### Conclusions of Law

Applying the legal standards set forth in 17 M.R.S. § 2851, the Auburn City Council reaches the following conclusions of law:

12. The Structure is structurally unsafe and unstable.

13. The Structure is unsanitary.
14. The Structure constitutes a fire hazard.
15. The Structure is unsuitable and improper for human habitation.
16. The Structure is a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence and abandonment.
17. The Structure is dangerous to life and property.

Any one of these conclusions would be sufficient to support a finding that the Structure is a nuisance and is a dangerous building, and the Council hereby concludes that the Structure at 9 Gamage Avenue is a nuisance and a dangerous building within the meaning of 17 M.R.S. § 2851.

Order

Having found that the Structure at 9 Gamage Avenue is a nuisance and a dangerous building within the meaning of 17 M.R.S. § 2851, the Auburn City Council hereby ORDERS:

18. That the Owner demolish the Structure, remove all debris, and stabilize the site within thirty (30) days of service of this Order.

19. That if the Owner fails to comply with this Order in the time frame set forth herein, the City shall have the authority to carry out this Order.

20. That within thirty (30) days after demand by the City, the Owner shall reimburse the City for all expenses it incurs in connection with this proceeding, including, but not limited to, expenses for securing and maintaining the Structure, service and other costs incurred, attorneys' fees, and any and all demolition and clean-up costs.

21. That if the Owner fails to timely reimburse the City for the expenses provided for above, the City shall assess a special tax against the Premises, as provided for in 17 M.R.S. § 2853 and/or recover its costs by means of a collection action.

*This decision may be appealed to Superior Court under Maine Rule of Civil Procedure 80B.*

I, Susan Clements-Dallaire, City Clerk for the City of Auburn, certify that on June 3, 2013, the City of Auburn City Council adopted the above Order.

Dated:

\_\_\_\_\_  
Susan Clements-Dallaire  
City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

June \_\_\_\_, 2013

Before me this day personally appeared Susan Clements-Dallaire who acknowledges the foregoing instrument to be her free act and deed.

\_\_\_\_\_  
Notary Public/Attorney at Law



# City Council Workshop Information Sheet

City of Auburn

**Council Workshop Date:** June 3, 2013

**Ordinance** 05-06032013

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

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan    Work Plan    Budget    Ordinance/Charter    Other Business\*    Council Goals\*\*

\*\*If Council Goals please specify type:    Safety    Economic Development    Citizen Engagement

**Subject:** Business Licensing Fee (Flea Market)

**Information:** Our current business licensing fees were adopted by Council in May of 2011. Our Flea Market fees are out of line with Lewiston and other municipalities. It has been brought to our attention on a few different occasions from individuals wanting to obtain licenses however they have been discouraged from doing so because of our fees.

**Financial:**

**Action Requested at this Meeting:** Recommend passage of first reading.

**Previous Meetings and History:** 5/20/2013 Workshop discussion.

**Attachments:**

Flea Market fee comparison

Current and Proposed fees

Ordinance 05-06032013

\*Agenda items are not limited to these categories.

## Flea Market Comparison

Municipality	Population	Fee
Sanford	20,806	\$50.00/Year - No Additional Fee
Biddeford	20,942	\$200 up to 20 tables/Year- \$5 each additional table
S. Portland	23,324	\$75.00/Year - No Additional Fee
Bangor	33,011	\$107/Year Second Hand Permit plus \$5/per table fee
Portland	66,363	\$225/Year plus Individual Vendor Fee: \$20/year-transferable to other Flea Markets City wide
Lewiston	36,491	\$550/Year - No Additional Fee
Searsport	2,615	No Fee/Requires Site Plan Review at startup
Lisbon	9009	\$100/Year Mass Gathering - No Additional Fee
Auburn	23,203	\$50 per table up to \$500 (3months)/\$2000 yearly

<b>License Type</b>	<b>Current Fee Auburn</b>	<b>Proposed Fee</b>
Flea Market	\$50 per table, up to \$500 per location / 3mo	\$10 per table up to \$200 per event (up to 7 days) or \$500 for a year

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE 05-06032013

ORDERED, that the business licensing fee schedule in the Auburn Code of Ordinances be and hereby is amended as follows:

<b>License Type</b>	<b>Current Fee Auburn</b>	<b>Newly Adopted Fee</b>
Flea Market	\$50 per table, up to \$500 per location / 3mo	\$10 per table up to \$200 per event (up to 7 days) or \$500 for a year



# City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** June 3, 2013

**Ordinance** 06-06032013

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

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan    Work Plan    Budget    Ordinance/Charter    Other Business\*    Council Goals\*\*

\*\*If Council Goals please specify type:    Safety    Economic Development    Citizen Engagement

**Subject:** Business Licensing Fee (Peddler Fee)

**Information:** Our current business licensing fees were adopted by Council in May of 2011. Our Peddler fees are out of line with Lewiston and other municipalities. It has been brought to our attention on a few different occasions from individuals wanting to obtain licenses however they have been discouraged from doing so because of our fees.

**Financial:**

**Action Requested at this Meeting:** Recommend passage (first reading).

**Previous Meetings and History:** 5/20/2013 workshop discussion

**Attachments:**

Peddler fee comparison  
Current and Proposed fees  
Ordinance 06-06032013

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

## Peddler's License

Municipality	Population	Fee
Sanford	20,806	\$100.00/Year
Biddeford	20,942	\$50/Year "Vendors on Public Places"
S. Portland	23,324	\$60/30 days or less \$85/More than 30 days but less than 90
Bangor	33,011	\$364/Year -Transient Sellers of Consumer Merchandise License
Portland	66,363	\$35/Day only during festivals or special events declared by City Council
Lewiston	36,491	\$53/Year In State \$105/Out of State \$37/Special Event License
Lisbon	9009	\$75/6 months(New) \$100/year(New) \$50/6 months (Renewal) \$75/year (Renewal)
Auburn	23,203	\$75/Per Event \$100/30 Days

License Type	Current Fee Auburn	Proposed Fee
Peddlers	\$ 75 Per event \$100 30 days	\$35 per event (up to 7 days)* \$ 75 3 months \$100 6 months \$150 1 year

Peddler \*Chapter 24, section 24-321 Special Event License

- a. A special event peddler's license can be issued to eligible applicants for a maximum of seven consecutive days, and will limit their sale area to be inside the designated mass gathering area, as per requirements of the mass gathering event organizers. Only one special event peddler's license shall be needed for booths or sales tables operated by the same vendor. Excluding food vendors with separate food preparation areas for multiple booths or tables. Individuals working for the primary vendor at the booth shall not be required to obtain a separate license. The primary vendor shall be subject to a criminal background investigation regarding their peddler application for this section.
- b. The license shall be displayed the entire time the vendor is operating the booths or sales tables.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE 06-06032013

ORDERED, that the business licensing fee schedule in the Auburn Code of Ordinances be and hereby is amended as follows:

License Type	Current Fee Auburn	Newly Adopted Fee
Peddlers	\$ 75 Per event \$100 30 days	\$35 per event (up to 7 days)* \$ 75 3 months \$100 6 months \$150 1 year



# City Council Agenda Information Sheet

## City of Auburn

**Council Meeting Date:** June 3, 2013

**Resolve** 04-06032013

**Author:** Chief Frank Roma

Item(s) checked below represent the subject matter related to this workshop item.

**Comprehensive Plan**    **Work Plan**    **Budget**    **Ordinance/Charter**    **Other Business\***    **Council Goals\*\***

\*\*If Council Goals please specify type:    **Safety**    **Economic Development**    **Citizen Engagement**

**Subject:** Emergency Medical Services Resolve

**Information:** A council resolve is requested to provide formal direction to the fire department in regards to Emergency Medical Services (EMS) delivery. This resolve will initiate additional research into the feasibility of the fire department providing transport services as an extension of the existing services provided. Additionally, it will cause formal planning to occur so that council members can make an informed decision regarding EMS at a later date.

**Financial:** N/A

**Action Requested at this Meeting:** Consider passage of the resolve.

**Previous Meetings and History:** Discussion at the 5/20/2013 workshop.

**Attachments:** Resolve 04-06032013

\*Agenda items are not limited to these categories.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## **IN CITY COUNCIL**

### **RESOLVE 04-06032013**

RESOLVED, that the Auburn City Council hereby recognize and support, in consideration of the health , safety, and well being of those who live, work, visit, or transit though the City of Auburn;

THAT it is in the best interest of the community for the Auburn Fire Department to develop an operational plan for the delivery of a full service Emergency Medical Services program that is supported by the City Council and in accordance with Section 20-31 of the Code of Ordinances for the City of Auburn;

THAT such a program will reflect best practices in the pre-hospital care field, be adequately staffed and equipped therefore increasing and enhancing service to the community with a goal of providing such service in a revenue neutral manner where possible;

THAT the Auburn Fire Department will utilize its existing facilities that are strategically located, and its personnel that are trained and equipped to provide Advanced Life Support emergency medical services within the community, and;

THAT such a plan will be prepared and presented before Council within 60 days of this RESOLVE for discussion and consideration.



# City Council Agenda Information Sheet

City of Auburn

**Council meeting Date:** June 3, 2013

**Ordinance** 07-06032013

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

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan    Work Plan    Budget    Ordinance/Charter    Other Business\*    Council Goals\*\*

\*\*If Council Goals please specify type:    Safety    Economic Development    Citizen Engagement

**Subject:** Amendment to the Mass Gathering Ordinance

**Information:** Under our current Mass Gathering ordinance it prohibits alcohol in the Mass Gathering area.

*Sec. 24-217. Alcoholic Beverages*

The sale or consumption of alcoholic beverages of any kind is prohibited within the mass gathering area during any event. The operator will exercise due diligence and exert his/her best efforts to prevent the consumption of alcoholic beverages within the mass gathering area and to prevent patrons from using, consuming, bringing in, or otherwise obtaining alcoholic beverages within the mass gathering areas. The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.

We are proposing changing the ordinance to allow the sale and consumption of alcoholic beverages under certain conditions (see attached).

**Financial:** N/A

**Action Requested at this Meeting:** Recommend waiving the provisions of the charter which calls for the first and second readings on two separate dates and holding the first and second readings today to implement this prior to the July 4<sup>th</sup> event.

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

**Attachments:** Proposed amendment and Ordinance.

\*Agenda items are not limited to these categories.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## IN CITY COUNCIL

### ORDINANCE 07-06032013

ORDERED, that the Code of Ordinances be and hereby is amended as follows:

#### **Sec. 24-217. Alcoholic Beverages**

~~The sale or consumption of alcoholic beverages of any kind is prohibited within the mass gathering area during any event unless the operator obtains all necessary permits from the City. The operator will exercise due diligence and exert his/her best efforts to prevent the consumption of alcoholic beverages within the mass gathering area and to prevent patrons from using, consuming, bringing in, or otherwise obtaining alcoholic beverages within the mass gathering areas.~~

If the Operator intends to sell or permit the sale of alcoholic beverages within the mass gathering area during a mass gathering, the Operator shall restrict the time and location of such sale so that alcoholic beverages are sold only during the particular event and so that public safety and order will not be impaired. The Operator shall comply fully with the laws of the State of Maine regulating the sale and consumption of alcoholic beverages, as well as with the City's Special Amusement Ordinance. No alcoholic beverages shall be sold at a mass gathering after 10:00 p.m. Alcoholic beverages may be sold and consumed only within a restricted area of the Facility, which does not include the parking lot. The Operator shall identify, in its Permit Application, the specific restricted areas where it proposes to sell alcoholic beverages, and the means by which it anticipates to limit the consumption of alcohol to such restricted portions of the mass gathering area. Additionally, the Operator shall exercise all due diligence, work with the Auburn Police Department on strict enforcement and exert its best efforts to control, limit and prevent the unauthorized consumption of alcoholic beverages on any part of the mass gathering area outside of the restricted areas, and to prevent patrons of the mass gathering area from using, consuming, bringing in, or otherwise obtaining alcoholic beverages in any manner not authorized by this Ordinance. Nothing in this Ordinance shall preclude the Operator from implementing more restrictive rules for the sale and consumption of alcoholic beverages.

No one under the age of 21 years of age will be allowed in this area.

The operator shall post signs to that effect and, when possible, have this prohibition printed on any advertising or tickets to the mass gathering.

Any person, partnership, corporation or other legal entity including the Operator, violating this Section shall be punished by a civil penalty of at least One Hundred (\$100.00) Dollars but not more than Five Hundred (\$500.00) Dollars. The failure to comply with conditions imposed upon the issuance of a mass gathering permit shall be a violation of this Section. Each violation shall be considered a separate offense, and each day a violation is allowed to exist shall be considered a separate offense. The civil penalty provided for in this Section shall be in addition to any other penalty or damages provisions provided within this Section, and shall be in addition to all other remedies to the City of Auburn at law and in equity. The provisions of this Section shall be enforced by the City Manager or such other municipal official or employee as the City Manager shall designate in writing. The City shall also be entitled to its reasonable attorney fees and costs for successfully prosecuting a violation of this Section.

Sec. 2.6. - Process.



A.

*Record.* The city council shall keep a record of its own proceedings which, except for "executive sessions," shall be available to the public.

B.

*Qualification.* The city council shall be judge of the qualification and election of its members and shall determine and enforce this Charter as well as its rules relating to procedure, misconduct, and forfeiture of office.

C.

*Action.* The city council shall act only by oral motion or written ordinance, order, or resolve, except that all acts by which the city council appropriates or expends funds shall be by written ordinance, order, or resolve. All ordinances, orders, and resolves, except resolves making appropriations, shall be confined to one subject clearly expressed in its title. Appropriation resolves shall be confined to the subject of appropriations. **No ordinance, order for the issue of bonds or notes, or appropriation resolve shall be passed until it has been read on two separate days, except when the requirement of a reading on two separate days has been dispensed by unanimous vote of the councilors present and voting.** Every ordinance shall be published in full within five days after its final passage, by posting a copy of the same at the city clerk's office, as well as electronically on the city's website, if available, and shall take effect and be in force five days after the date of passage unless otherwise specifically provided in the ordinance.

D.

*Voting.* A roll call vote shall be taken upon both first and second reading of all ordinances and entered on the record of the proceedings of the city council by the city clerk. An ordinance may be read by title only if, in the judgment of the mayor, or in the mayor's absence the presiding officer, it would be unduly burdensome or repetitive to read the full text. A roll call vote shall be taken on the passage of any order or resolve when requested by any councilor. Except as otherwise required by this Charter, action by the city council shall require at least four affirmative votes. **Five affirmative votes shall be required to adopt ordinances to take effect immediately upon enactment.**



## City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: June 3, 2013

Ordinance 08-06032013

Author: Denis D'Auteuil, Public Works Director

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan    Work Plan    Budget    Ordinance/Charter    Other Business\*    Council Goals\*\*

\*\*If Council Goals please specify type:    Safety    Economic Development    Citizen Engagement

Subject: Lewiston-Auburn Community Forest Board Ordinance/ Community Cords/ Tree Maintenance Ordinance

Information: The Public Works Director and members of the Community Forest Board will update the City Council on staff's review of the proposed Community Forest Board Draft Ordinance and staff's recommendations for changes to the draft ordinance. Staff will also update the City Council on how this proposed ordinance affects the existing Tree Maintenance Ordinance. Lastly, an update will be given on the Community Cords program and requested changes to the revenue allocation.

Financial: N/A

Action Requested at this Meeting: Passage of first reading.

Previous Meetings and History: On December 3, 2012 the City Council was notified that staff was in receipt of the proposed ordinance and staff would bring back additional information once the review was complete. Workshop discussion on April 1, 2013.

Attachments: Memo from the Director of Public Works with staff recommendations/ requests, Proposed Forest Board Ordinance with tracked changes, Community Cords resolve, Auburn's current tree maintenance ordinance, and an email from Attorney Dan Stockford with Auburn's current tree maintenance ordinance and recommended changes.

\*Agenda items are not limited to these categories.

# CITY OF AUBURN

---



**Auburn Public Works**  
**296 Gracelawn Road**

To: Mayor and City Council  
Cc: Clint Deschene, City Manager  
From: Denis D'Auteuil, Public Works Director  
Date: 3/25/2013

Re: City Council Workshop April 1, 2013

This memo is intended to provide the City Council with a summary of the changes and recommendations pertaining to the proposed ordinance from the Lewiston/Auburn Community Forest Board, Auburn's current tree maintenance ordinance, and the Community Cords Program.

**Forest Board Ordinance:** On December 3, 2012 I notified the City Council that I received the proposed ordinance and staff would begin reviewing the ordinance. In your agenda packet for the April 1, 2013 workshop you will find a copy of the proposed ordinance with tracked changes. The changes are recommendations based on Attorney Dan Stockford's and staff's review. If the City Council agrees with the recommended changes and has no other recommendations then staff supports the acceptance of the ordinance.

**Existing Tree Maintenance Ordinance Ch. 56, Article II, section 56-19 & 20:** In November 2012 Dan Stockford reviewed our existing Tree Maintenance ordinance and recommended language changes to Chapter 56, Article II, section 56-19. The recommended changes are attached. Apart of staff's review involved comparing all existing tree maintenance ordinances to the newly proposed Forest Board Ordinance. Since the newly proposed ordinance covers all the existing ordinances with more up to date language staff's recommendation is to remove Chapter 56 sections 19 & 20 if the proposed Forest Board Ordinance is accepted by the City Council.

**Community Cords Program:** On October 5, 2009 the City Council passed the resolve on the Community Cords Program. Attached resolve outlines the purpose, funding, and procedures. Since 2009 this program has provided several members of our Auburn Community with heating funds to get them through the tough winter months. In 2011 Rick Hersom, Public Works Arborist Supervisor discovered there was an opportunity to increase the revenues for the Cords Program through other local vendors. With that information quotes from multiple vendors were gathered and we were able to turn our surplus wood chips into additional revenue, along with receiving an increase on revenue from all other wood processed. This resulted in a large increase in revenues from the previous 2 years of the program. We are requesting that 50% of the revenues produced be given to the Community Cords Program and 50% be used for additional tree plantings throughout the city. Below is a summary of the past four year's revenues and expenditures for the Cords program.

---



Auburn Public Works  
296 Gracelawn Road

## History of Community Cords 2010-2013

<b>Fiscal Year</b>	<b>Revenues</b>	<b>Expenditures</b>	<b>Annual Balance</b>	<b>Cummulative Balance</b>
2010	\$4,443.00	\$257.90	\$4,185.10	\$4,185.10
2011	\$1,087.60	\$2,462.94	\$(1,375.34)	\$2,809.76
2012	\$19,215.47	\$5,168.42	\$14,047.05	\$16,856.81
2013	\$10,264.59	\$8,656.24	\$1,608.35	\$18,465.16

---

**Sec. 56-19. - Tree maintenance.**

The public works director or persons acting under his direction and control may enter upon private property at reasonable times for the purpose of detecting the presence of tree disease and carrying out control measures. Whenever a tree is found upon private property infected with the disease, or whenever a tree is found upon private property that creates a hazard to the safety of persons or property, the public works director shall give notice in writing to the property owner advising him of the dangerous condition, demanding that the property owner have the tree removed within 30 days of receiving such notice, and notifying the property owner that if the requested action is not taken within the 30-day period the tree may be removed by the City at the expense of the property owner. If the requested action is not taken within the 30-day period, and if the public works director determines that immediate action is necessary to protect persons or property from the dangerous tree, he, or persons acting under his direction, may enter the premises and cause the dangerous tree or part thereof to be removed at the expense of the property owner. A property owner may appeal the public works director's notice to remove the tree within 30 days of receiving such notice to the Board of Appeals. An adverse decision of the Board of Appeals may be appealed to the Superior Court within 30 days of the decision.

Deleted: which

Deleted: and

Deleted: requesting

Deleted: him to

# City of Auburn

---

City Council, Auburn, Maine

Date: October 5, 2009

## TITLE: RESOLVE – COMMUNITY CORDS PROGRAM

Be It Resolved by the Auburn City Council that the Community Cords Program be approved as described below:

**Name:** Community Cords Program

**Purpose:** This program is established to provide available resources to the Health and Human Services Director to assist qualifying applicants with heating assistance. A qualifying applicant is one who, in the determination of the Human Services Director, who may not qualify for assistance under the City's General Assistance Ordinance, though has demonstrated a financial need.

**Funding:** The program will be funded from at least two sources: selling wood from city tree maintenance and also the harvesting of city forests. The City may take receipt of charitable contributions as well.

**Procedure:** The procedure for cutting city trees and distributing the wood will be in accordance with city ordinances, city policies, and applicable state statutes, including but not limited to Title 23 M.R.S.A § 2702 and Title 30-A, M.R.S.A § 3291.

**Donations:** Donations made to this fund will be used for heating fuel assistance for Auburn residents.

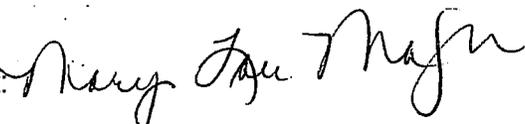
**Approval:** The Auburn City Council voted and approved of this program on October 5, 2009.

Motion for acceptance: Raymond Berube                      Seconded by: David Young

Vote: 6 Yeas, No Nays (Councilor Mennealy out of the room)

Action by the City Council: Passed

Date: October 5, 2009

Attest:   
City Clerk

3/26/2013

Deleted: 2/11/13

## AUBURN COMMUNITY FOREST ORDINANCE

### 1. Findings

The City Council finds the community forest is important in advancing the economic and ecological health of the community and in protecting and enhancing its historic and esthetic characteristics. The City Council also finds that public trees beautify our streets and neighborhoods and also serve important environmental and economic purposes in that they release oxygen into the air, absorb carbon dioxide, reduce storm water runoff, and reduce energy costs by providing shade in warm weather and protection from cold winter winds.

### 2. Purpose

The purpose of this ordinance is to promote these values and to provide for the public health and safety by regulating the planting, maintenance, removal, and harvesting of trees and shrubs which are part of the community forest.

### 3. Authority

The City has authority to enact this ordinance under its home rule powers provided in 30-A M.R.S.A. §§ 2003 and 2004.

### 4. Definitions

- (a.) Board: The Lewiston-Auburn Community Forest Board as described in § 13 of this ordinance.
- (b.) Community forest: includes all trees growing on public property as well as all trees growing within the limits of any public way located within the Urban Compact Zone.
- (c.) Forest management plan: A written document, prepared by a Maine licensed professional forester, which, considering landowner objectives, establishes direction and goals for the management of a specific forest land area. A plan normally provides a description of the woodlot including maps, timber inventory data, wildlife habitat, recreation potential, historic features, and special attributes. It will specify silvicultural practices and activities necessary to harvest products, improve forest health, and minimize adverse environmental impacts. The forest management plan serves as the basis for specific harvest plans.
- (d.) Pruning: systematic trimming or cutting branches throughout a tree or plant to enhance its health.

3/26/2013

Deleted: 2/11/13

Deleted: ¶

- (e.) Public tree: any tree or other woody vegetation which is located within the limits of any public way situated within the Urban Compact Zone.
- (f.) Shrub: any woody vegetation likely to grow to a mature height of fifteen (15) feet or less.
- (g.) Topping: the severe cutting back of tree limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to reduce the height of the tree by removing or substantially diminishing the normal canopy and disfiguring the tree.
- (h.) Trimming: includes pruning

5. Management

The broad objectives stated in Section 1. "Findings and Purpose" will be achieved by the active management of the community forest, using best known practices and, within the guidelines of a forest management plan, to promote public safety, forest health, species diversity, and environmental benefit to the community. Harvesting trees may be part of the overall management objectives of this plan.

6. Harvest Revenues

If and when revenues generated from any timber harvests exceed the expense of conducting that harvest, the surplus revenues will be distributed as outlined below:

- (a.) 80% to municipal general fund
- (b.) 20% to a designated account established for the purpose of protecting and enhancing the community forest

The term "revenues from timber harvests" does not include revenues from cutting or trimming trees located within the limits of public ways such as those revenues which have previously been devoted to the "Community Cords" program.

7. Administration

The City Manager shall appoint the Municipal Arborist who shall administer the management plan in coordination with such other municipal agencies/departments as now or may in the future share in the responsibility of caring for and maintaining the community forest.

3/26/2013

Deleted: 2/11/13

8. Municipal Arborist

The Municipal Arborist shall have appropriate training and skill in performing urban forestry. The Municipal Arborist shall at all times during his or her employment hold a valid arborist's license issued by the State of Maine.

9. Duties of the Municipal Arborist

- (a.) The Municipal Arborist shall have responsibility for planting, maintaining, preserving, and removing trees and plants which are part of the community forest in order to promote public safety and to protect and preserve the symmetry, health, and beauty of the community forest and the places where public trees and shrubs are located. The Municipal Arborist shall maintain a list that includes trees and shrubs which are suitable for planting as well as those which are unsuitable in general or under specific circumstances. This list shall be made readily available to members of the public.
- (b.) The Municipal Arborist may order the trimming or removal of trees or shrubs which are located within the public right of way to lessen the danger to public travel or prevent the spread of disease or insects to public trees or shrubs or to public places as permitted by 30-A M.R.S.A. § 3283. The Arborist may also order the trimming or removal of trees or shrubs located on private property outside the right of way, when the Arborist determines that the trees or shrubs are infected with disease or create a hazard to the safety of persons or property, by notifying the owner of the property in writing of the required action. In the event that a property owner does not initiate the requested action within 10 business days of receiving notice to do so, the Municipal Arborist may cause such action to be taken at the city's expense. The property owner may appeal the decision of the Municipal Arborist in the manner provided by § 10(e). No action to carry out the order shall be taken pending the outcome of the appeal.
- (c.) The Municipal Arborist shall develop rules and regulations as well as standards of practice governing the planting, placement, maintenance, removal, fertilization, pruning, and bracing of trees in public rights of way and other public sites. These rules shall be reviewed by the Lewiston-Auburn Community Forest Board which may recommend changes and additions for the Arborist and the City Council to consider. Once adopted by the City Council, the rules and regulations shall have the force of law and violators of any such rules and regulations shall be subject to the penalties established by this ordinance. Copies of such rules and regulations shall be available from the City Clerk and from the Municipal Arborist and shall be posted on the city's website. The Municipal Arborist shall be responsible for initiating proceedings to enforce such rules and regulations.

Deleted: for similar reasons

10. Requests to the Arborist: Written Permits Required: Appeals

- (a.) No person shall plant, prune, remove, or otherwise disturb, above or below ground, any public tree without first filing an application with and obtaining a

permit from the Municipal Arborist. Any permit granted shall contain a definite date of expiration and may contain conditions attached thereto by the Arborist. Any violation of this article or the terms of the permit shall be grounds for revocation of the permit, after notice and hearing. In emergency situations, such as storm damage to trees requiring immediate pruning or removal, the work may be performed without permits; however, the Arborist shall be notified as soon as possible.

- (b.) It is the intent of this article to preserve public trees. The Arborist may issue a permit to cut down, remove, or destroy a public tree under one or more of the following circumstances:
- (1) The tree is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with existing utility services, creates unsafe vision clearance or other traffic hazard, or is otherwise dangerous to people or property.
  - (2) The tree is located in an area where a structure or other improvements will be placed in accordance with plans approved under the Land Use Ordinance.

(c.) Requests for Tree Removal, Pruning, or Trimming

Persons owning or occupying property abutting a public way or their representatives may request the Municipal Arborist to remove or top trees located within the limits of the public way or, alternatively, for a permit authorizing them to do the work on their own. If the Municipal Arborist concludes that the request is not urgent, he may decline to do the work and issue a written permit allowing the property owner or his or her representative to undertake the work on their own and at their own expense. The permit may specify conditions and shall establish an expiration date. Failure to comply with the conditions specified in the permit will subject the property owner and his or her representatives to the penalties established by this ordinance. In lieu of initiating enforcement proceedings when the conditions imposed by the permit are violated, the Municipal Arborist may cause any necessary corrective work to be done at the expense of the property owner or his or her representatives.

(d.) Requests to Plant Trees or Shrubs

Persons owning land abutting a public way or their representatives may request the Municipal Arborist to issue a written permit to plant trees or shrubs within the limits of the public way. The Municipal Arborist shall issue a permit if he or she determines that the proposed planting will not be harmful to public health or safety, will not damage or encroach upon existing public trees, shrubs, or utility lines, will not damage the public street, sidewalk, or public or private utilities located in the right of way, and that suitable arrangements have been made to

3/26/2013

Deleted: 2/11/13

provide for future maintenance of the proposed tree or shrub. The Municipal Arborist may specify reasonable conditions in the permit which the property owner or his or her representatives must follow in carrying out the work. Failure to comply with the conditions in the permit will subject the property owner to the penalties established by this ordinance. In lieu of initiating proceedings to enforce the conditions stated in the permit, the Municipal Arborist may cause any necessary corrective work to be done at the expense of the abutting owner.

(e.) Appeals

Any person who is denied permission by the Municipal Arborist to act under § 10 or who disagrees with an order to take action, a restriction or condition imposed on action to be taken, or a refusal to act by the Municipal Arborist may appeal the same to the City Council by filing a notice of appeal within ten (10) days from the date the action appealed from was taken. The City Council may delegate the responsibility for hearing appeals under this ordinance to another city administrative board or city staff member.

Deleted: the

Deleted: with

11. Notice by Municipal Arborist of Proposed Tree Work: Appeals

Except in the case of an emergency, the Municipal Arborist shall notify any abutting property owner at least ten (10) days before removing, topping, or spraying any public tree. In the case of an abutting property owner who does not occupy the property, notice may be given to any occupant of suitable age and discretion. Notice may be given by mail, by telephone, by electronic transmission, by leaving written notice attached to the person's door, or in person. The notice shall describe the work to be done, when it is scheduled to begin, the process by which an appeal may be taken, and how to contact the Municipal Arborist. With respect to pruning and trimming public trees, no formal notice is required, but the Municipal Arborist shall make a good faith effort when feasible to advise abutting property owners of the work to be done and to provide them with an opportunity to express any objections they may have.

Formatted: Indent: Left: 0"

12. Notice of Tree Work by Utilities

- (a) At least 30 days notice before initiating any trimming, cutting, or removal of public trees, a utility company must notify the Municipal Arborist who may request the City Council to hold a public hearing to discuss the request.
- (b) At least 30 days notice before initiating any trimming, cutting, or removal of public trees, utility company shall publish notice of its proposal on its website and in at least one newspaper which has daily circulation in the area in which the work is to be done. The notice shall describe the work which is proposed, the streets on which the work is scheduled to be carried out, and the dates on which the work is to be done. The notice shall be published in a display advertisement format that is easily readable and sufficiently prominent so it is likely to come to the attention of persons whose property will be affected by the proposed work. The published notice shall also advise members of the public of their right pursuant to state law to be added to a list of persons who must be consulted by the utility company before it trims, cuts, or removes in which they have a legal interest.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

12. Appeals From Proposed Actions by the Municipal Arborist

Within ten (10) days of the date when notice of the Municipal Arborist's intention to remove, top, or spray a tree is given, an abutting owner or his or her representative may give notice to the Municipal Arborist that he or she is appealing the decision to the City Council. Such notice of appeal may be given in person, by telephone, mail, or electronic communication. The proposed action shall be held in abeyance until the appeal has been heard and a decision rendered.

13. Lewiston-Auburn Community Forest Board

- (a) Statement of purpose The existence of the Lewiston-Auburn Community Forest Board is formally recognized. The Board shall develop and implement a community forest program which promotes the economic, environmental, and esthetic values of the community forest.
- (b) Members The Board shall consist of nine members appointed by the respective mayors.
- (c) Qualifications of members Members must be residents of Lewiston or Auburn or own property in either city and be interested in developing and preserving a healthy community forest. There shall be a minimum of four members from each city although five members shall constitute a quorum and may act regardless of whether there are vacant positions on the Board.
- (d) Ex officio members There shall be six (6) ex officio members of the Board consisting of the ~~Public Works Director~~ Public Works Director or his/her designee in Auburn and the Public Works Director in Lewiston, a member of each city's Planning Board or planning staff to be chosen by the respective Mayors, and the Municipal Arborist from each city. The Board may adopt a by-law regarding the election of associate members of the Board who may participate in the affairs of the Board except that they will not be eligible to vote unless one or more members of the Board is absent.
- (e) Members' terms of office Each member shall serve for a term of three (3) years and may be reappointed by their respective mayors. Members currently serving may complete their current terms of office and may be reappointed for additional three-year terms. Terms of office will continue to be staggered to provide for continuity in the Board's program and activities.
- (f) Vacancies When vacancies occur, the Board shall take appropriate steps to recruit applicants to fill the vacant positions. Members appointed to fill vacant positions on the Board shall serve out the terms of the persons they are replacing.
- (g) Compensation Members of the Board shall serve without compensation.
- (h) Duties and responsibilities The Board shall:
  - (1) Develop a plan for and provide advice to city staff and agencies regarding the management of the community forest including the anticipated impact of proposed development;
  - (2) Raise community awareness regarding the importance of the community forest;

**Deleted:** Director

**Deleted:** (or Superintendent) of the Parks Department

- (3) Raise funds to establish a community forest trust fund;
- (4) Adopt by-laws to govern the internal affairs of the Board; and  
Perform such other functions as are permitted by this ordinance.
- (i) Administration The Board shall elect a Chair, Vice Chair, Secretary, and Treasurer. Except for the Chair, the officers shall serve for renewable one-year terms. The Chair shall be elected for a renewable two-year term. The Board may allow the duties of the Secretary and Treasurer to be performed by the same person.

14. Violations and Penalties

- (a.) Any violator of any provision of this article shall be subject to a civil penalty payable to the city. Each act of violation shall constitute a separate offense.
- (b.) Should any public tree be destroyed, the person causing the destruction shall also make restitution to the city in an amount equal to the cost to the city of removing the destroyed tree plus its replacement value.
- (c.) The court may also order the violator to reimburse the city for the cost of any action which was necessary to correct violations of the ordinance. If the city is the prevailing party in an enforcement action, it shall be awarded reasonable attorney's fees and costs.
- (d) Whenever the municipal official charged with enforcement determines there are reasonable grounds to believe there has been a violation of any provisions of this chapter, she shall initiate enforcement proceedings in accordance with the citation system established in article VIII of chapter 2.

# CITY OF AUBURN

---



**Auburn Public Works  
296 Gracelawn Road**

## **ARTICLE II. - TREES AND SHRUBS**

Sec. 56-19. - Tree maintenance.

Sec. 56-20. - Cutting, damaging or removing plants in public places.

### **Sec. 56-19. - Tree maintenance.**

The public works director or persons acting under his direction and control may enter upon private property at reasonable times for the purpose of detecting the presence of tree disease and carrying out control measures. Whenever a tree is found upon private property infected with the disease or whenever a tree is found upon private property which creates a hazard to the safety of persons or property, the public works director shall give notice in writing to the property owner advising him of the dangerous condition and requesting him to have the tree removed within 30 days of receiving such notice. If the requested action is not taken within the 30-day period, and if the public works director determines that immediate action is necessary to protect persons or property from the dangerous tree, he or persons acting under his direction may enter the premises and cause the dangerous tree or part thereof to be removed at the expense of the property owner.

*(Code 1967, § 13-1.3)*

### **Sec. 56-20. - Cutting, damaging or removing plants in public places.**

No person shall willfully cut, dig up, break, injure, damage, destroy or interfere with any tree, shrub, flower bush or other plant in any public place in the city. No person except the public works director or any person he may designate or persons he may give permission to shall cut or trim trees or parts thereof.

---

## Susan Clements-Dallaire

---

**From:** Dan Stockford [DStockford@brannlaw.com]  
**Sent:** Friday, November 16, 2012 4:39 PM  
**To:** Denis D'Auteuil  
**Subject:** Tree Maintenance Ordinance  
**Attachments:** Tree Maintenance Ordinance revised.docx

Denis:

This is in response to your request that we review the City's Tree Maintenance Ordinance to determine whether the ordinance could be enforced as written to remove trees on private property that the City determines create a safety hazard to persons of property, and that we also advise regarding the risks of using City resources to remove trees from private property that the City has not determined are a danger to public health or safety.

The current Tree Maintenance Ordinance, Section 56-19, provides that when the public works director finds that a tree on private property "creates a hazard to the safety of persons or property," he can order that the tree be removed. If the property owner fails to remove it, the public works director may remove the tree at the property owner's expense. Using the analogy of the dangerous buildings statute, which has been repeatedly upheld by the courts, the concept of removing a hazardous tree from private property at the owner's expense likely is permissible. As the Ordinance is currently written, however, it would be subject challenge on due process grounds because it provides no opportunity for the property owner to be heard before taking his tree. One way to satisfy due process would be to require a hearing before any determination is made to remove a tree. Because the property taken is relatively minor (a dead tree as opposed to a building), it likely is sufficient to give the property owner a right to appeal before the tree is removed. We would recommend providing a right of appeal to the Board of Appeals and then to Superior Court, and have attached a draft revision to the ordinance language to address this.

As for removing a tree on private property at City expense when that tree has not been determined to be a hazard to the public, we recommend against it. Although liability issues for carrying on operations on private property could be reduced by requiring releases from the property owner, use of public resources to remove non-hazardous trees on private property would set a bad precedent. We understand that the City receives numerous complaints regarding trees on private property that are not determined to be hazardous. Removing trees for some private property owners and not others inevitably would create an appearance of conflict of interest and favoritism.

Please let me know if you have any questions.

Dan

**Daniel C. Stockford | BRANN & ISAACSON**

---

Tel: 207.786.3566 | Fax: 207.783.9325  
184 Main Street | Box 3070 | Lewiston, ME 04243-3070  
Email: [dstockford@brannlaw.com](mailto:dstockford@brannlaw.com)  
Website: [www.brannlaw.com](http://www.brannlaw.com)



## City Council Information Sheet

City of Auburn

---

**Council Meeting Date:** June 3, 2013

**Subject:** Executive Session

---

**Information:** Discussion on Labor Negotiations (proposed MSEA contract), pursuant to 1 M.R.S.A. §405(6)(D)

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

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