

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 01-01022013**

**ORDERED**, that the City Council and School Committee hereby approve the Joint Purchasing and Procurement Policy prepared by the Audit Committee (attached) per City Charter Sec 8.16.

**Passage on January 2, 2013 6-0, (Councilor Shea absent).**

Tizz 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 02-01072013

**ORDERED**, that the following civilians be appointed or re-appointed to serve documents as Constables without firearms on behalf of the Auburn Police Department:

Lucien Asselin	Civil Process Only	Without Firearm	Re-appointment
Steven Chouinard	Civil Process Only	Without Firearm	Re-appointment
Harry Darling	Civil Process Only	Without Firearm	Re-appointment
Harry Gorman	Civil Process Only	Without Firearm	Re-appointment
Claire Barclay	Civil Process Only	Without Firearm	Re-appointment
Matthew Conde	Civil Process Only	Without Firearm	Re-appointment
Kenneth Edgerly	Civil Process Only	Without Firearm	Re-appointment
Joan Godbout	Civil Process Only	Without Firearm	Re-appointment
Ellery Hewey	Civil Process Only	Without Firearm	Re-appointment
Nicholas Kyllonen	Civil Process Only	Without Firearm	Re-appointment
Donald Linscott	Civil Process Only	Without Firearm	Re-appointment
Cynthia MacDonald	Civil Process Only	Without Firearm	Re-appointment
George Mathews	Civil Process Only	Without Firearm	Re-appointment
Sheryl Mathews	Civil Process Only	Without Firearm	Re-appointment
Jerry Webster	Civil Process Only	Without Firearm	Re-appointment

Jeffrey Campbell	Civil Process Only	Without Firearm	Appointment
Glenn Garry	Civil Process Only	Without Firearm	Appointment
Janice Jannetty	Civil Process Only	Without Firearm	Appointment
Janice Lare	Civil Process Only	Without Firearm	Appointment
Kristal Parshall	Civil Process Only	Without Firearm	Appointment
Erik Rider	Civil Process Only	Without Firearm	Appointment

**Passage on 1/7/2013 5-0, (Councilors LaFontaine and Shea absent).**

Tizz E. H. Crowley, Ward One  
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Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 03-01072013

ORDERED, that the City Council hereby agrees to lease two historical buildings referred to as the Knight House and the Downing Shoe Shop to the Androscoggin Historical Society as described in the agreement below.

### AGREEMENT

**THIS AGREEMENT** made as of this 7th day of January, 2013, by and between **CITY OF AUBURN**, a municipal corporation located in the County of Androscoggin, State of Maine ("Lessor") and **ANDROSCOGGIN HISTORICAL SOCIETY**, a Maine nonprofit corporation with a principal location in Auburn, County of Androscoggin, State of Maine, ("Lessee"), **WITNESSETH THAT**, in consideration of the mutual promises and undertakings herein, Lessor and Lessee agree as follows:

1. **PREMISES:** Lessor leases to Lessee, and Lessee leases from Lessor two (2) wood frame buildings currently situated in the northeast corner of Great Falls Plaza in the City of Auburn, County of Androscoggin, State of Maine, which buildings are known as and referred to as "The Knight House" and "The Downing Shoe Shop" (also referred to as the "leased premises").

2. **TERM:** The term of this Agreement is from January 7, 2013 through August 31, 2017, for a period of five (5) years. Lessee shall have two (2) separate options to renew the term of this Agreement each for a term of five (5) years, which option Lessee shall, if at all, exercise by written notice to Lessor at least thirty (30) days prior to expiration of the then current term.

3. **RENTAL:** The Lessee shall pay the Lessor a total rent of **ONE DOLLAR (\$1.00)** payable annually on or before October 1 of each year of the term..

4. **ALTERATIONS, ADDITIONS AND IMPROVEMENTS:** Lessee may make such alterations, additions or improvement to the leased premises as it may desire, at its own expense, provided, however, that no structural alterations or additions may be made without first obtaining the written consent of the Lessor.

All repairs, alterations or additions, whether made by the Lessor or the Lessee, shall be done in a good and workmanlike manner, in full compliance with all federal, state and municipal laws, ordinances, rules and regulations.

Lessor shall not be responsible for costs of construction arising from repairs or the erection of any improvements to be done by Lessee, nor for any lien or other obligation involved in any such repair or construction. Lessee agrees to indemnify and hold the Lessor harmless from and against any lien or claim of the Lessee's creditors on account of said repairs or improvements.

5. **LESSOR'S MAINTENANCE:** Lessor agrees to perform all maintenance and make any and all repairs required, and Lessor and Lessee agree to meet at least annually to discuss what repairs and maintenance is required for the leased premises, attempting to determine the total costs for repairs and maintenance. Lessee agrees to attend Lessor's budget meetings to explain and discuss such costs.

6. **INSURANCE:** Lessor shall insure the leased premises with both casualty and personal injury insurance.

7. **LESSOR'S ACCESS:** Lessor shall have the right to enter the leased premises at all reasonable times for the purpose of making repairs required of it hereunder and for inspections at reasonable times during normal business hours.

8. **ASSIGNMENT AND SUBLETTING:** Lessee may not assign the Lease or sublet the whole of the leased premises without the prior written consent of the Lessor, which said written consent shall not be unreasonably withheld, provided that no such assignment or subletting shall in any way relieve or release the Lessee from liability hereunder.

9. **ARTIFACTS:** Lessor acknowledges that Lessee is owner of the contents and artifacts contained in the leased premises, and Lessee agrees to be solely responsible for their care, preservation, insurance and exhibition, providing Lessor with written notice of such exhibitions which shall be open to the public. Lessor and Lessee agree to cooperate to promote security of both the artifacts and leased premises.

10. **NOTICES:** Any and all notice or demands herein required, shall be sent in writing by United States certified Mail, postage prepaid, addressed to the respective parties as follows:

City of Auburn  
Auburn Hall  
Court Street  
Auburn, ME 04210

Androscoggin Historical Society  
2 Turner Street, Unit 8  
Auburn, ME 04210

The above addresses may be changed at any time hereafter by the giving of written notice as hereinabove provided.

11. **TOTAL AGREEMENT:** 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. This instrument embodies all of the agreements 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 Lease. 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.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be duly executed as of the day and year first above written.

**LESSOR**  
**CITY OF AUBURN**

\_\_\_\_\_  
WITNESS

BY: \_\_\_\_\_  
Jonathan LaBonte, its Mayor

**LESSEE**  
**ANDROSCOGGIN HISTORICAL**  
**SOCIETY**

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
by: David C. Young, its President

Passage on 1/7/2013, 5-0 (Councilors LaFontaine and Shea absent).



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Jonathan LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 04-01222013**

ORDERED, that the Curb Appeal and Small Business Programs funded with Community Development Block Grant funds be adopted as recommended by Community Development Staff.

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 05-01222013**

ORDERED, that the Spot, Residential, Good Neighbor Start-up Grant, Heating Assistance and Commercial Programs funded with Community Development Block Grant funds be amended as recommended by Community Development Staff.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
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Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 06-01222013**

ORDERED, that the Energy, Historic Preservation, Lead, Accessible Housing, Neighborhood Enhancement, Down Payment Assistance, and Tree Planting Programs funded with Community Development Block Grant funds be eliminated as recommended by Community Development staff.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
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Jonathan LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 07-01222013**

ORDERED, that the Guidelines of the Homebuyer, Homeowner Rehabilitation, and Security Deposit Loan Programs funded with HOME Investment Partnerships Program funds be amended as recommended by Community Development staff.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
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Leroy Walker, Ward Five  
Belinda Gerry, At Large  
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Jonathan LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 08-01222013**

**ORDERED**, that the School Budget Validation Referendum Election be held on June 11, 2013.

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 09-01222013

**ORDERED** that the Auburn City Council, pursuant to section 5.A of its employment contract with Clinton E. Deschene, authorizes the six (6) month salary adjustment, for satisfactory performance, retroactive to December 18, 2012.

Tizz E. H. Crowley, Ward One  
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Leroy Walker, Ward Five  
Belinda Gerry, At Large  
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Jonathan LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 10-01222013**

**ORDERED** that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement between the City and MAP (Maine Association of Police) Command Unit for January 1, 2013 through June 30, 2013.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
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Leroy Walker, Ward Five  
Belinda Gerry, At Large  
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Jonathan LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 11-01222013**

**ORDERED** that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement between the City and MAP (Maine Association of Police) Police and Detective Unit for July 1, 2012 through June 30, 2013.

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



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
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Jonathan LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 12-01312013**

**ORDERED**, that the City Council hereby accepts the design for the double sheet Ice Arena.



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



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

Jonathan LaBonte, Mayor

## IN CITY COUNCIL

ORDER 13-02192013

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Travis St. Pierre), or any portion thereof (\$3,032.00 U.S. Currency) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Leon Payne), or any portion thereof (\$11,243.00 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about February 19, 2013.

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



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

Jonathan LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 14-02192013**

ORDERED that the City Council hereby approves the Goal Setting Notes from 1-5-2013 Planning Session Meeting.

Passage on 2/19/2013, 6-0 (LaFontaine absent).

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



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

Jonathan LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 15-03042013**

ORDERED that the City Council hereby approves the consolidation of voting places for the June 11, 2013 School Budget Validation Referendum Election. Voting for all wards for will be held at Auburn Hall for this election.

**Passage on 3-4-2013, 6-1 (Councilor Walker opposed).**

Tizz E. H. Crowley, Ward One  
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David Young, Ward Four



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Joshua Shea, At Large

Jonathan LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 16-03182013

**ORDERED** that the City Council hereby appoints Susan Clements-Dallaire as Registrar of Voters with a term expiration of December 31, 2014.



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



Jonathan LaBonte, Mayor

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

## IN CITY COUNCIL

ORDER 17-03182013

**ORDERED**, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Travis St. Pierre), or any portion thereof (\$3,032.00 U.S. Currency) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Travis St. Pierre), or any portion thereof (\$3,032.00 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about March 18, 2013.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
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Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 18-03182013

**ORDERED**, that the following individuals are hereby appointed to the following boards and committees with term expirations as noted;

#### Auburn Housing Authority

Gilda Berube - term expiration 10/01/2017  
Danelle Martel - term expiration 10/01/2017  
Dan Curtis - term expiration 10/01/2016  
Asmo Dal - term expiration 10/01/2015

#### Auburn Sewer District

Beverley Heath – term expiration 03/01/2017

#### Board of Assessment Review

Walter W. Crites – full member with term expiration of 10/01/2017  
Levi Gervais – alternate member with term expiration of 10/01/2017

#### Cable TV Advisory Board

Edward Desgrosseilliers – term expiration of 01/01/15  
Normand P. Morin – term expiration of 01/01/15

#### CDBG Loan Committee

Greg E. Whitney – with term expiration of 10/01/2015  
Peter Simonitis – with term expiration of 10/01/2015

#### Ethics Panel – appointed by the Mayor with approval from Council majority

Linda Snyder – full member with term expiration of 01/01/2015  
Anthony Newman – Alternate member with term expiration of 01/01/2016

#### L/A Transit Committee

Leonard Kimble – term expiration of 01/01/2015

#### Parks & Recreation Advisory Board

Sue Patenaude – term expiration of 10/01/2014  
Tom Nadeau – term expiration of 10/01/2014

#### Zoning Appeals Board

Dan Curtis – associate member with term expiration of 10/01/2014



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

Jonathan LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 19-04012013**

ORDERED that the City Council hereby accepts the 2013 City Work Plan as presented by the City Manager.

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 20-04012013**

ORDERED that the City Council hereby appoints Steve Lunt to the Railroad committee with a term expiration of 04/01/2016.

**Passage on 4/1/2013 6-0 (Councilor LaFontaine absent).**

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
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Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 21-04012013

ORDERED that the City Council hereby approves the Charitable Organization Event Policy below.

## CHARITABLE ORGANIZATION EVENT SUPPORT POLICY

### PURPOSE

To establish a process for approving the funding of non-profit/charitable funding events that benefit residents in the City of Auburn.

### BACKGROUND

It has been the practice of the City of Auburn to allocate funding from the city's General Fund (through individual department budget lines—events such as the July 4<sup>th</sup> fireworks) and in-kind contributions to support a variety of highly successful and well-attended community-based events conducted by charitable/non-profit organizations.

The City also provides funding support for non-profits through its Community Development Block Grant (CDBG) funds. This policy shall not involve the utilization of those funds as the City employs a separate process to review and distribute CDBG funds.

In order to ensure a uniform process is followed in the appropriation of city General Funds or in-kind city support requests that are annually submitted to the city, the following guidelines will be followed.

### EXEMPT ORGANIZATIONS

For the purposes of this policy, certain organizations/events shall be exempt from the funding limitations articulated in this policy. This exemption shall not be meant to exempt these organizations from providing all required information, by March 1 of each year, required in the form outlined in Appendix A of this policy. Those organizations/events eligible for exemption under this section are:

- The Liberty Festival Committee or 4<sup>th</sup> of July fireworks funding
- The Great Falls Balloon Festival
- The Dempsey Challenge

### A. DEFINITIONS

“Financial assistance” shall mean any municipal grant encompassing all forms of direct cash payments for eligible activities.

“In-kind” shall mean funding any request that requires the utilization of any municipal service, property, program, asset or employee used to support the event/program for which the non-profit is either sponsoring or participating in.

“Non-profit organization” shall mean any non-profit/charitable organization recognized as a tax exempt IRS approved 501.C.3/4 and/or recognized as a legally tax-exempt organization under Maine law.

## **B. INTRODUCTION**

The Charitable Organization Support Policy has been established by the city manager's office to provide guidelines to non-profit organizations that are seeking financial assistance or in-kind assistance with the following:

1. One time start-up funding for a new community event or festival (support will be limited to in-kind support not to exceed \$5,000).
2. Sponsorship funding for established community events or festivals.
3. Funding towards event partnerships between the city or organizations
4. Funding to maintain and/or operate private structures or property that are used to the benefit of the community as a whole.
5. Requests for in-kind support through the use of city equipment, structures, assets, public space, services and staffing

## **C. CONDITIONS FOR NON-PROFIT SUPPORT CONSIDERATION AND APPROVAL**

### ***1. EVENTS REQUESTS NOT REQUIRING CITY COUNCIL APPROVAL AND NOT REQUIRING A FORMAL APPLICATION UNDER THIS POLICY***

The following non-profit in-kind requests not requiring City Council approval shall be reviewed for possible approval by the City Manager's office and subject to the review and application process required of all participating departments. In all such cases, these requests for in-kind support will not require the filing of the formal application. Eligibility for consideration under this policy section shall not occur if any organization is not eligible as outlined in Section C.4 of this policy, and shall only occur under the following limited conditions:

- a. That the utilization of city property is compliant with existing city policies and ordinances and will not require additional subsidies through the city budget or impact city staffing and resources.
- b. Any utilization of city properties & assets for the support of public meetings for county, state and federal agencies/commissions, local/state/national organizations to which the City of Auburn participates as a member, and state/federal legislative oversight groups.
- c. Waiver of use policies and/or rental and insurance fees in those instances when the event benefits the community; can be co-sponsored as a "City of Auburn" event; is consistent with the normal use of the facility; and can be supported with budgeted city staff/resources.
- d. Approval of any City Council approved prior year event which remains substantially similar in scope and did not require any direct city cash payment contribution and/or in-kind assistance.

### ***2. CITY COUNCIL APPROVAL - APPLICATION ELIGIBILITY***

All non-profit requests which do not fall under Section B.1 of this policy require the filing of an application. The City Council will review applications for municipal nonprofit support after considering the following eligibility criteria. All applications must be submitted no later than March 1 of each fiscal year. The following are the conditions for filing non-profit eligibility:

- a. A not-for-profit organization that meets the definition of "non-profit" as defined in this policy.
- b. Provides a recreation, cultural or community service to a significant proportion of city residents that the city does not otherwise provide.
- c. Has demonstrated revenue-generating capability for the event.
- d. If other government or private funding does not exceed fifty percent (50%) and the organization can demonstrate that it has exhausted all other potential avenues of funding for the service or event.
- e. Organizations demonstrate collaboration and cooperation with other local organizations in the sharing of resources.
- f. Organizations that receive any funding are required to acknowledge the support of the municipality through the use of the municipal, web site and tag line on any promotional material for the event, service, activity, etc. The plan for the use of the municipal logo, web site and tag line will be submitted as part of the event application to the City Clerk for his/her review

### **3. CITY COUNCIL APPROVAL - APPLICATION CONDITIONS**

The following are those conditions which qualify for city financial assistance or in-kind support and will require the submission of the formal application.

- a. Start-up funds for a new community event or festival.
  - Start-up funds may be provided, on a ONE TIME basis only, to assist in the initial costs for providing the community with a new community event or festival.
  - Sponsorship funds for established community events or festivals.
  - Sponsorship funds may be given to organizations provided that Council acknowledges that the municipality is obtaining an economic benefit.
  - Depending on the monetary success of the event, Council may determine that the sponsorship funding or portion thereof be repaid or be carried forward to a subsequent year which must be within the city's fiscal year.
- b. Direct cash funding and any in-kind support for organizations that provide a service or engage in a community festival in partnership with the city.
- c. Direct cash funding to maintain and/or operate private structures or properties that are used for the benefit of the community.
  - Funding may be provided to organizations to offset operating costs such as taxes and insurance for private structures and properties if Council acknowledges that those facilities are used for the benefit of the community.

### **4. CITY COUNCIL WAIVER REQUIRED - NOT ELIGIBLE FOR FINANCIAL ASSISTANCE/IN- KIND SUPPORT**

The following will not be eligible for financial assistance/in-kind unless specifically waived by the City Council:

#### **I. TYPES OF ORGANIZATIONS/INDIVIDUALS**

- i. Social assistance services that are provided by other government agencies or not-for-profit organizations.
- ii. For-profit organizations
- iii. Organizations with political affiliations
- iv. Organizations serving as funding sources for others, e.g. service clubs.
- v. Faith organizations where services/activities include the promotion and/or required adherence to a faith.
- vi. Organizations receiving greater than 50% funding from senior levels of government.
- vii. Political candidates.

#### **II. TYPES OF REQUESTS**

- i. Travel expenses for members of an organization.
- ii. Uniforms
- iii. Individuals
- iv. Programs with legislated mandates of other governments.
- v. Costs for major capital equipment/renovations and financing of deficits.
- vi. Any funding requests from organizations that do not submit the required reporting information for a previous year's grant in accordance with Section C of this policy.
- vii. Incorporation costs or Director's Liability insurance costs
- viii. Any request for the use of tables/chairs or other city assets off-site.
- ix. Under any one of the following conditions: The event involves fund raising supports with no general public purpose; will not be accessible to the general public; benefits the organization only as a fund-raiser; or provides a benefit limited to the participants, clients or membership of the organization.

### **5. FUNDING LIMITS**

Any organization or event in any one fiscal year will be capped at a cash request of \$2,500 and/or in-kind value of \$5,000. Any amount, in total cash and/or in-kind, shall not exceed 25% of the total annual budget of the organization. Council has the authority to increase the maximum funding limits of this section on a case-by-case basis.

#### *6. APPLICATION PROCESS & CONDITIONS*

Prior to considering any request for funding or in-kind support (not subject to City Manager's approval under this policy), Council shall require the following from the organization:

- A completed Charitable Funding Application form detailing the requested funding/in-kind support from the city.
- Financial statements which shall include an income and expense statement and a balance sheet (if one is available) from the previous event or fiscal year
- A detailed budget for the upcoming fiscal year or event

Information pertaining to the evaluation criteria:

- The applicant will provide one (1) copy of the application form and any supporting documents to the city. An electronic copy is acceptable.
- The city reserves the right to request supplementary information in support of the application.
- Requests for financial and/or in-kind assistance shall be received by the city no later than March 1 of each calendar year
- If the above information is not submitted by the March 1 deadline, applications may not be considered by Council
- Filing an application does not necessarily guarantee the awarding of any funding to the applicant
- Previous year's funding allocations will not be considered and each application will be reviewed on its own merit
- The city reserves the right to deny or approve any/all requests

All approved applications will be approved for three years unless a substantial change has been identified in the application or financial request. The City Manager has the authority to extend the approval an additional three years if no substantial change has been identified in the application or financial request.

**This item was postponed indefinitely (4/1/2013 and 4/16/2013).**

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
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Leroy Walker, Ward Five  
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Joshua Shea, At Large

Jonathan LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 22-04162013**

ORDERED, that the Park Avenue Elementary School may place temporary signs for its 2013 annual May Fair event at the locations listed in their letter dated April 9, 2013 (attached) as long as their placement does not affect sight distance for streets or adjacent driveways.

Tizz E. H. Crowley, Ward One  
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Jonathan LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 23-04162013

**TITLE: ORDER - AUTHORIZING A LOAN THROUGH THE STATE SCHOOL REVOLVING RENOVATION FUND IN THE AMOUNT OF \$384,760**

**WHEREAS**, the City desires to obtain a loan through the Maine Municipal Bond Bank's (the "Bond Bank") School Revolving Renovation Fund ("SRRF") under the Maine School Facilities Finance Program to finance renovations to Fairview School, Walton School and Franklin Alternative School; and

**WHEREAS**, the City expects to enter into a loan agreement with the Bond Bank in an amount not to exceed \$384,760, provided, however, that the City anticipates that 55.15% of said loan (estimated to be \$212,196) will be forgiven and that the City will be obligated to repay the 44.85% balance of said loan (estimated to be \$172,564 and will be at 0% interest, pursuant to Section 6606-F of Title 30-A of Maine Revised Statutes-SRRF);

**NOW, THEREFORE, BE IT ORDERED BY THE AUBURN CITY COUNCIL**, pursuant to Section 5772 of Title 30-A of the Maine Revised Statutes, as amended, the Auburn City Charter and all amendments thereof, and all other authority thereto enabling, and following a public hearing duly called and held as required by Article 8, Section 8.13 of the City Charter:

THAT the Finance Director / City Treasurer are hereby authorized to enter into a loan agreement between the City and the Bond Bank, such loan agreement to contain the usual and customary terms as is required by the Bond Bank under its SRRF program, such loan to be in the amount not to exceed \$384,760, of which 55.15% (estimated to be \$212,196) is expected to be forgiven and 44.85% (estimated to be \$172,564) is expected to be repaid under the terms of the SRRF program (the "SRRF Loan"), such SRRF Loan to be evidenced by the City's general obligation bonds in the amount to be repaid under said SRRF program (anticipated to be an amount not to exceed \$172,564), the proceeds of which loan are hereby appropriated to fund the costs of the following school renovations and improvements (including costs of issuance, capitalized interest, and any other costs related or ancillary thereto) (referred to as the "Projects"):

<b>Amount</b>	<b>Description</b>
\$40,266	Fairview School – Hazardous Material Removal
\$319,929	Franklin Alternative School – Indoor Air Quality
\$24,565	Walton School - Hazardous Material Removal

THAT the bonds shall be issued as authorized hereunder and shall be signed by the Finance Director / City Treasurer, attested by the City Clerk under the seal of the City. A tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year. The bonds may be issued at one time or from time to time, either singly or in series, and the authority and discretion to fix method of sale, issue date, maturities, denominations, interest rate, place of payment, form and other details of said bonds and notes, and to take all other actions and to sign and deliver all other documents, certificates and agreements in order to provide for the sale thereof is hereby delegated to the Finance Director / City Treasurer.

THAT the bonds authorized hereunder may be made subject to call for redemption, either with or without premium, on such terms as may be determined by the Finance Director / City Treasurer.

THAT the Finance Director / City Treasurer is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, and other documents and certificates as may be necessary or appropriate as determined and approved by the Finance Director / City Treasurer in connection with the financing of the Projects (the "Financing Documents"), which Financing Documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Finance Director / City Treasurer such approval to be conclusively evidenced by her execution thereof.

THAT the authority and discretion to designate the bond or notes, or a portion thereof, as qualified tax-exempt obligations under Section 265 of the Internal Revenue Code of 1986, as amended, is hereby delegated to the Finance Director / City Treasurer.

THAT the Finance Director / City Treasurer and Clerk be, and hereby are authorized and empowered in the name of the City and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to complete the SRRF Loan and to effect the issuance, sale and delivery of the bonds hereinabove authorized.

THAT if the Finance Director / City Treasurer or Clerk are for any reason unavailable to complete the SRRF Loan and to approve and execute the bonds or any of the Financing Documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

THAT if any of the officers or officials of the City who have signed or sealed the bonds shall cease to be such officers or officials before the bonds so signed and sealed shall have been actually authenticated or delivered by the City, such bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds had not ceased to be such officer or official; and also any such bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds, shall be the proper officers and officials of the City, although at the nominal date of such bonds any such person shall not have been such officer or official.

THAT this order is a declaration of official intent pursuant to Treas. Reg. § 1.150-2 and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

THAT in order to finance temporarily the projects described above, the Finance Director / City Treasurer is authorized to expend up to \$384,760 either from available funds of the City or from the proceeds from any bond anticipation note which would be reimbursed or refinanced from bond proceeds.

A public notice providing a general summary of the proposed borrowing was published the same on April 20, 2013, in the Lewiston Sun-Journal, a daily newspaper published in Androscoggin County.

A public hearing was held on May 6, 2013.

Passage of first reading on 5/6/2013, 7-0.  
Passage of second reading on 5/20/2013, 7-0.

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 24-04162013**

ORDERED, that the Auburn Business Association may place temporary signs as requested in the March 29, 2013 letter from Peter Murphy, Board Member of the Auburn business Association (attached) as long as their placement does not affect sight distance for streets or adjacent driveways.

**Passage on 4/16/2013, 5-1 (Councilor Walker opposed, Councilor Hayes absent).**

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 25-04162013

ORDERED that the City Council hereby adopts the attached Complete Streets Policy and directs the City Manager to initiate development of the appropriate supporting ordinances and designed guidelines for review and adoption no later than October 31, 2013.

#### COMPLETE STREETS POLICY

##### 1. Vision

Promoting pedestrian, bicycle, and public transportation travel reduces negative environmental impacts, promotes healthy living, advances the well being of travelers, supports the goal of compact development, and meets the needs of the diverse populations that comprise our communities. The vision of the Cities of Lewiston Auburn (Cities) is of a community in which all residents and visitors, regardless of their age, ability, or financial resources, can safely and efficiently use the public right-of-way to meet their transportation needs regardless of their preferred mode of travel.

##### 2. Policy

The Cities will plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles and riders, freight haulers, emergency responders, and residents of all ages and abilities.

Transportation facilities that support the concept of complete streets include, but are not limited to pavement markings and signs; street and sidewalk lighting; sidewalk and pedestrian safety improvements; Americans with Disabilities Act and Title VI compliance; transit accommodations; bicycle accommodations including intersection detection and appropriate signage and markings; and streetscapes that appeal to and promote pedestrian use.

The system's design will be consistent with and supportive of local neighborhoods, recognizing that transportation needs vary and must be balanced in a flexible, safe, and cost effective manner.

##### 3. Projects

Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work. Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation. The L-A Bicycle Pedestrian Committee shall be briefed on potential future projects of this nature during or immediately following the annual development of the city's capital improvement program. This will allow the Committee to provide its views regarding complete streets policy early in the planning and design process.

##### 4. Exceptions

Exceptions to this policy may be made under the circumstances listed below:

- a. Street projects may exclude those elements of this policy that would require the accommodation of street uses prohibited by law;
- b. Ordinary maintenance activities such as mowing, snowplowing, sweeping, spot repair, joint or crack sealing, or pothole filling do not require that elements of this policy be applied beyond the scope of that maintenance activity;
- c. Ordinary maintenance paving projects may only exclude the elements of this policy that would require increasing pavement width. However, when such projects do occur, the condition of existing facilities supporting alternate transportation modes should be evaluated as well as the appropriateness of modifying existing pavement markings and signage that supports such alternate modes. This exception does not apply to street reconstruction projects;
- d. Street reconstruction projects and maintenance paving projects which involve widening pavement may exclude elements of this policy when the accommodation of a specific use is expected to:
  - require more space than is physically available, or
  - be located where both current and future demand is proven absent, or
  - drastically increase project costs and equivalent alternatives exist within close proximity, or
  - have adverse impacts on environmental resources such as streams, wetlands, floodplains, or on historic structures or sites above and beyond the impacts of currently existing infrastructure.

In order for an exception to be granted under the conditions stated above and prior to finalizing the design and budget for the intended project, the City Engineer and Director of Public Works must first consult with the City Planner and City Administrator. If the City Administrator concludes that an exception to the policy is warranted, the Administrator or the staff representative to the L-A Bicycle Pedestrian Committee shall consult with the Committee regarding the project and the requested exception. If, after this consultation, a difference of opinion exists between the Committee and staff regarding an exception that has been granted, the Committee may forward its concerns to the City Council for its consideration.

- e. Street projects may exclude the development of sidewalks in areas falling outside those identified as appropriate for sidewalks on the basis of an adopted sidewalk policy.

## 5. Intergovernmental Cooperation

The Cities will cooperate together and with other transportation agencies including the Maine Department of Transportation (MDOT) and Androscoggin Transportation Resource Center (ATRC) to ensure the principles and practices of complete streets are embedded within their planning, design, construction, and maintenance activities. The two cities will specifically cooperate to ensure the transportation network flows seamlessly between the two communities in accordance with local and regional road, transit, bicycle, and pedestrian plans and mutually agreed upon design criteria.

## 6. Design Criteria

The Cities, through their Public Works and Planning Departments, shall develop and adopt design criteria, standards, and guidelines based upon recognized best practices in street design, construction, and operation. To the greatest extent possible, the Cities shall adopt the same standards with particular emphasis on pedestrian and bicycle markings and wayfinding signage. Resources to be referenced in developing these standards shall include, but not necessarily be limited to, the latest editions of: American Association of State Highway Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, Guide for Planning, Designing, and Operating Pedestrian Facilities, and Guide for the Development of Bicycle Facilities; Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide; U.S. Access Board Public Right-of-Way Accessibility Guidelines; Highway Capacity Manual and Highway Safety Manual; and the Manual on Uniform Traffic Control Devices.

The Cities will be permitted to consider innovative or non-traditional design options that provide a comparable level of safety and utility for users as those listed above.

## 7. Community Context

Implementation of this Policy shall take into account the goal of enhancing the context and character of the surrounding built and natural environments. Transportation facilities, including roads, should be adapted to fit and enhance the character of the surrounding neighborhood.

## 8. Network

Special attention should be given to projects which enhance the overall transportation system and its connectivity. Specifically, high priority should be given to:

- a. Corridors providing primary access to one or more significant destinations such as a parks or recreation areas, schools, shopping/commercial areas, public transportation, or employment centers;
- b. Corridors serving a relatively high number of users of non-motorized transportation modes;
- c. Corridors providing important continuity or connectivity links to existing pedestrian or bicycle networks;
- d. Projects identified in regional or local bicycle pedestrian plans prepared by organizations such as the ATRC, Androscoggin Land Trust (ALT), and other associated groups.

## 9. Performance Measures

The City Administrator/Manager and/or designee shall report to the Planning Boards and City Councils on an annual basis on the transportation projects undertaken within the prior year and planned within the coming year and the extent to which each of these projects has met the objectives of this policy.

## 10. Implementation

This policy will be primarily implemented through developing bike and pedestrian network plans on a regional basis through ATRC and within the Cities through the Joint Bicycle Pedestrian Committee. These plans shall specify the type and location of improvements and shall be implemented as funding becomes available or routine work is completed. Special emphasis shall be placed on those elements of these plans that can be accomplished with little or no additional expense, such as providing bike lanes where existing pavement is adequate or where road shoulders are sufficient to allow for safe bicycle use.

Additional implementation activities will include, but not be limited to: developing project checklists that incorporate complete streets elements in the Cities' overall design processes; establishing design manuals that clearly set forth the standards to be followed for bike and pedestrian installations including signs and markings; and directing the Planning Boards to evaluate changes to the Cities' respective land development codes that will extend the complete streets concept into private developments through appropriate subdivision and site plan regulations.

Projects that are located within the public right-of-way and also included within the Cities' annual or multi-year capital improvement plans shall specifically reference how the project addresses complete streets issues.

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 26-04162013**

ORDERED, that the following individuals be appointed to the Water District Board each with a term expiration of 03/01/2017.

1. Robert Cavanagh
2. Richard S. Whiting

**Passage on 4/16/2013, 4-2 with Councilors Crowley and Walker opposed.**

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 27-05062013

ORDERED, that Safe Voices (formerly the Abused Women's Advocacy Project) may place temporary signs for its 2013 Walk to End Domestic Violence to be held on Saturday June 15, 2013 at the locations listed below so long as their placement does not affect sight distance for streets or adjacent driveways.

- Corner of Minot Ave. and Hotel Rd.
- Corner of Court St. and Minot Ave.
- Corner of Academy and Main St.
- Corner of Court St. and Union St.
- Corner of Court St. and Mount Auburn Ave.
- Corner of Turner St. and Mount Auburn Ave.
- Corner of Turner St. and Center St.
- Overpass entrance and exit from Center St.
- Auburn Turnpike exit onto Washington Ave.
- Rotary Way (Island)

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 28-05062013**

ORDERED, that the City Council hereby sets the time for opening the polls at 7:00 A.M. for the June 11, 2013 School Budget Validation Referendum Election that will be held at Auburn Hall.

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 29-05062013**

ORDERED, that Howard Kroll, Assistant City Manager be and hereby is appointed to the Lewiston-Auburn Transit Committee with a term expiration of 1/1/2015.

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 30-05062013

ORDERED, that Nicholas J. Kyllonen and Krista M. Lee be named as Constables with firearm for the Auburn Police Department.

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 31-05062013

**ORDERED**, that those certain proposed amendments to the Waste Handling Agreement between the City and Mid-Maine Waste Action Corporation, dated July 1, 1986, as amended December 1, 1987 (the "Waste Handling Agreement"), to provide that the Waste Handling Agreement shall remain in effect until the later of May 1, 2035 or termination of the MMWAC Interlocal Solid Waste Agreement, except that upon on (1) year's prior written notice, the City may terminate the Waste Handling Agreement at the end of a fiscal year, be, and hereby are, approved; and

**BE IT FURTHER ORDERED**, that the City Manager be, and hereby is, authorized and directed to execute the same on behalf of the City.

#### AMENDMENTS TO THE MMWAC/CITY OF AUBURN WASTE HANDLING AGREEMENT

Delete Article XI in its entirety and replace it with the following:

##### Article XI Term of Agreement

This Agreement shall remain in effect until the later of (i) May 1, 2035, or (ii) the expiration of the term of the Interlocal Agreement; provided, however, that this Agreement may be further extended by mutual agreement of the Parties evidenced by a duly executed instrument in writing attached hereto.

The Municipality may terminate this Agreement at the end of a fiscal year, provided that it has given MMWAC at least one (1) year's written notice of such intent to terminate the agreement.

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 32-05062013**

ORDERED, that the City Manager is authorized to sign the Auburn-Lewiston Consortium Mutual Cooperation Agreement to extend the consortium between the City of Auburn and City of Lewiston under the HOME Investment Partnerships Program for a three-year period.

**Passage on 5/6/2013, 7-0.**

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 33-05062013

Whereas, the FY 2014 property tax commitment calculated revenue from BETE/BETR and Homestead twice;

Whereas, this error inflated non-property tax revenue, reducing tax commitment by \$1,732,413 dollars;

Whereas, it is the decision of the City to not issue a supplemental tax bill, and adopt all measures in remaining expenses in FY 2014;

Whereas, use of Emergency Reserve requires Council action pursuant to Charter Section 8.7 and 8.12;

Therefore, be it hereinafter ordered that the City Council of the City of Auburn authorize the use of overlay in the amount of \$228,055 and Emergency Reserve, that otherwise would pass to undesignated general fund balance, in the amount of \$300,000 to reduce the tax commitment shortfall.

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 34-05062013

Amend Order 95-11192012 to add language to authorize the City Manager to sign all documents and agreements on behalf of the City of Auburn in regards to the construction of a transit station in downtown Auburn.

ORDERED that the City Council approves the construction of a Transit Station in Downtown Auburn and authorizes the City Manager to allocate up to \$250,000 to complete the project.

FURTHER ORDERED that the City Council authorize the City Manager to sign all agreements and appropriate documents on behalf of the City of Auburn related to the Construction of a Transit Station in Downtown Auburn.



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	\$1,250,000
Engineering	Reconstruction	Bond	CIP	\$1,000,000
Engineering	Bridge Repairs	Bond	CIP	\$125,000
ICT	Network Security	Bond	CIP	\$40,000
Parks & Recreation	Holder Tractor	Bond	CIP	\$165,000
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	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	Vehicles	Bond	CIP	\$38,000
Contingency	Retained earnings for bid variances			\$66,128
<b>TOTALS</b>				<b>\$5,900,000</b>

**Passage on 6/3/2013, 5-2 (Councilors Gerry and Crowley opposed).**

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	Repair & Replace Playground Equipment City Wide	Unallocated Bonds	CIP 2	\$38,000
Parks & Rec	Hasty Window Replacement	Unallocated Bonds	CIP 2	\$46,000
Parks & Rec	Hasty Kitchen Upgrade	Unallocated Bonds	CIP 2	\$3,500
Planning	Androscoggin Greenway Signage and Wayfinding Pilot Program	Downtown TIF	CIP 2	\$75,000
Public Works	Trench Box	Unallocated Bonds	CIP 2	\$17,000
Public Works	Festival Plaza Canopies	Downtown TIF	CIP 2	\$20,000
Public Works	Oak Hill Cemetery Building Improvements	Unallocated Bonds	CIP 2	<u>\$24,000</u>
<b>TOTALS</b>				<b>\$418,272</b>

Passage on 6/3/2013, 7-0.

April 18, 2013

MAY 13 2013

Auburn City Councilors  
Auburn, Maine

To All,

This letter is being respectfully submitted with a highlighted map for your consideration for the permission to locate temporary signs at those indicated locations for the Great Falls Model Rail Road Club (GFMRRRC).

The GFMRRRC has been in existence since 1987, has a membership of 120 people and is located at 144 Mill St in New Auburn, Maine. The members bought the building April 5, 2007 and renovated it from the formally known Jake & Andy's Donut Shop into the home of our club. Our members all volunteer their time in many ways to make everything work at our events that we put on several times a year. The schedule of events are as follows:

Hobo Holiday - May 18, 2013, May 17, 2014, May 16, 2015

Train fest - Aug 17, 2013, Aug 16, 2014, Aug 15, 2015

Train Show at Auburn Middle School - First Saturday of November every year.

Ex-TRAIN-aganza - The weekend before and after Thanksgiving in November every year.

We have two types of signs, the first one is the **Ten Day Sign**. This sign is used as advertisement for our previously mentioned events and will be taken down at the end of the day upon completion of the event.

The second type of sign is our **One Day Sign**. This sign is used as a directional sign on the day of the event to the exact location of the event.

Just for your information. The Auburn Middle School Music Boosters depend on our November Train Show as their largest fundraiser for the year. We bring in approximately 650 people through the gate during our one day event at the school of which people will buy coffee, hot dogs and other goodies being served by the Boosters. Also, several of our Vendors come to the November Train show from as far away as Connecticut and Massachusetts.

Thank you for your time and consideration in this matter at hand.

Respectfully Submitted ,



Stephen J. Martelli  
Assistant Chairman  
Sign Committee

## Location of the Signs

### TEN DAY SIGNS

These signs advertise the event ahead of the event's time

1. Mt Auburn Av. - before Center St. exit coming from Lewiston
2. Bill Hamilton's house at the corner of Lake & Court St. (in the Y of the road)
3. Next to Rolly's Diner in the City owned Park
4. On Court St across from the Auburn Middle School
5. At the exit/intersection of the Turnpike and Washington St. on Washington St.

### ONE DAY SIGNS

These signs are directional signs, the day of the event to show the customer which way to go.

1. Along Center St.
2. Along Turner St.
3. Along Washington St.
4. Along Main St.
5. Along Mill St.
6. Along Court St.

# GREAT FALLS MODEL RAILROAD CLUB

X - 10 DAY SIGNS

O - 1 DAY SIGNS

① HOBO HOLIDAY  
ONE DAY  
3RD SAT OF MAY

② TRAIN FEST  
ONE DAY  
SAT OF BALLOON FEST.  
IN AUGUST

③ EX-TRAVAGANZA  
5 DAYS  
SAT-SUN-MON BEFORE  
THANKS GIVING &  
FRI-SAT AFTER

④ AUBURN MIDDLE SCHOOL  
ANNUAL ONE DAY SHOW  
FIRST SAT OF NOVEMBER



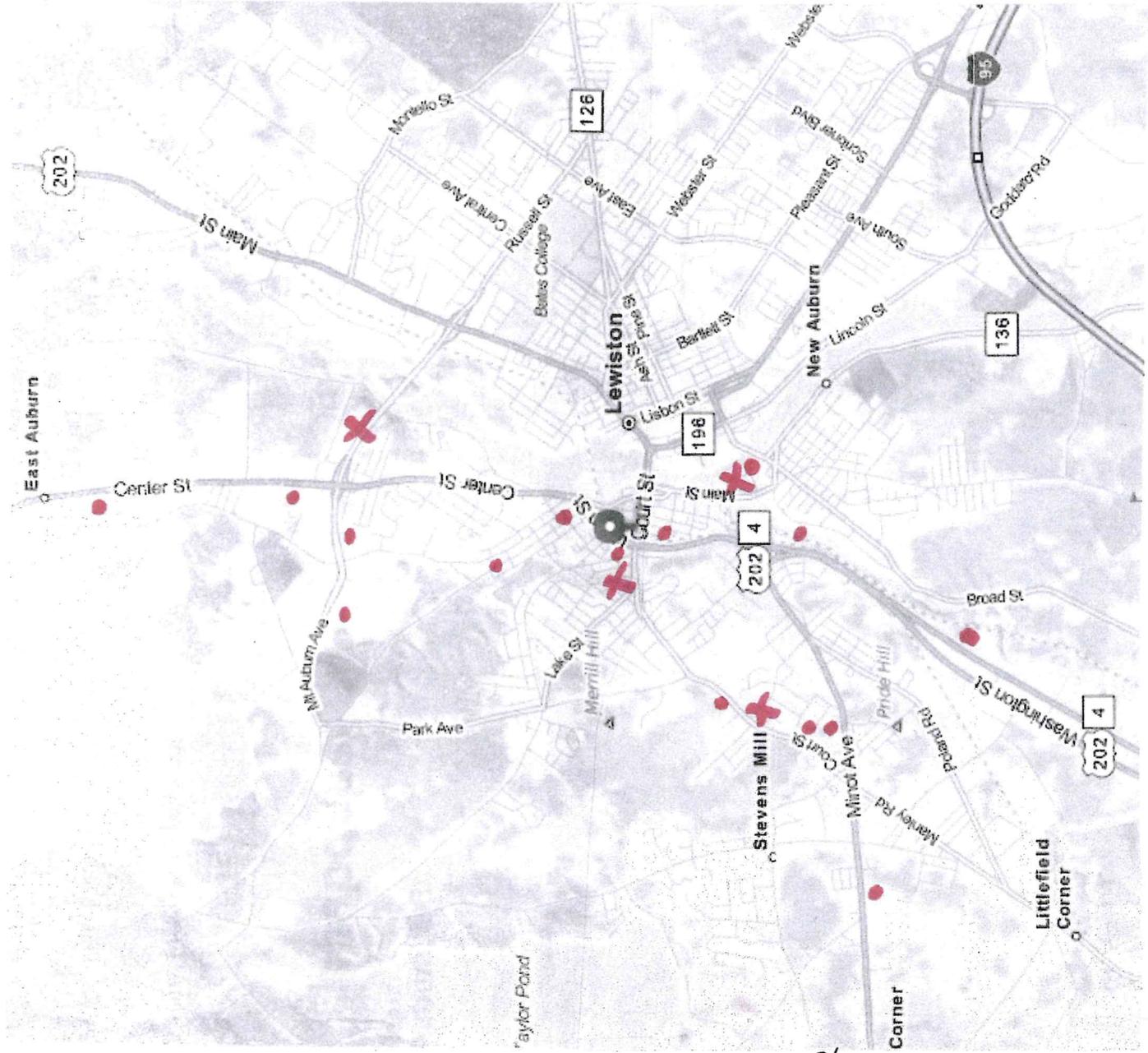
X

# GREAT FALLS MODEL RAILROAD CLUB

X - 10 DAY SIGNS

O - 1 DAY SIGNS

- ① HOBO HOLIDAY  
ONE DAY  
3RD SAT OF MAY
- ② TRAIN FEST  
ONE DAY  
SAT OF BALLOON FEST.  
IN AUGUST
- ③ EX-TRAVAGANZA  
5 DAYS  
SAT-SUN-MON BEFORE  
THANKS GIVING &  
FRI-SAT AFTER
- ④ AUBURN MIDDLE SCHOOL  
ANNUAL ONE DAY SHOW  
FIRST SAT OF NOVEMBER



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 37-05202013**

ORDERED, that the City Council hereby approves the request to place temporary signs as noted in the letter of request as long as their placement does not affect sight distance for streets or adjacent driveways.

Passage on 5/20/2013, 7-0

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 38-05202013**

ORDERED, that the City Council hereby accepts the money awarded to the Auburn Fire Department through the Assistance Firefighters Grant (AFG) totaling \$95,637 with the Federal share of 90% or \$86,074 and Auburn's share of 10% or \$9,563.

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 39-05202013

**ORDERED** that the City Manager is hereby authorized to execute any and all documents necessary to complete the transfer and acquisition of land to and from R&K Properties, LLC as shown on the attached map and pursuant to the attached legal description. This Order is an amendment to Order 37-06042012 that was passed on June 4, 2012.

Tizz 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 40-05202013

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2013/2014.

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 or non-state-funded portions of school construction 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 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, §15690;

***Explanation:** The additional local funds are those locally raised funds over and above the municipality's local 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 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 and 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 amounts 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;

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 41-05202013

ORDERED, that Weaver Street, as described in a deed from MSH, LLC to the City of Auburn, dated May 1, 2013 and recorded in the Androscoggin County Registry of Deeds in Book 8661, Page 165, is hereby accepted as a City Street.

Said Weaver Street being fifty (50) feet in width and extending southeasterly from the end of the street as accepted by the Auburn City Council on October 6, 1902, two hundred and fourteen (214') feet, more or less, to the land of Mohamed G. Farah and Zeinab M. Ali, and an additional fifty (50) feet in width on the southwesterly side for the last one hundred feet for use as a turnaround.

Passage on 5/20/2013, 6-1 (Councilor Crowley opposed).

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 42-05232013

ORDERED, that the City Manager is authorized to sign documents granting an access easement to GFDG One, LLC.

#### Access Easement Description for 15 Broad Street

An easement for travel by vehicle and foot over and across publicly owned land as acquired by the City of Auburn by virtue of a Municipal Tax Lien dated May 15, 1992 and recorded at the Androscoggin County Registry of Deeds in Book 2848, Page 110: said easement location to follow the parking lot aisles as laid out on said property and as may be altered from time to time.

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.

Passage on 6/3/2013 6-1 (Councilor Crowley opposed).

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

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 45-06172013

ORDERED, that the City Council hereby adopts the attached Post-Issuance Compliance Policy For Tax-Exempt Obligations.

#### 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 finance was

- placed in service. Notwithstanding the forgoing, the final allocation shall be made not later than the earlier of five years after the particular Tax-Exempt or Tax Credit Obligations 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.

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 46-06172013**

ORDERED, that the City Manager is hereby authorized to sign any and all documents needed to initiate a new agreement with Lewiston-Auburn Canoe and Kayaks, a division of Bethel Outdoor Adventures, Inc. for 2 additional years and to reevaluate for a possible proposal process.

Passage on 6/17/2013, 5-1-1 (Councilor Crowley opposed, Councilor Walker abstained).

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 47-06172013**

ORDERED, that the City Council hereby approves the request for a Special Amusement Permit for Eddy's Drive-in Diner, dba The Village Inn located at 165 High Street, Auburn, Maine.

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 48-06172013**

ORDERED, that the City Manager is hereby authorized to provide as budgeted in the current Fiscal Year 2% wage adjustments for the members of the new MSEA union subsequent to their anniversary date and tht staff are further directed to continue labor negotiations.

Passage on 6-17-2013, 6-0-1 (Councilor Walker abstained).

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 49-07012013**

ORDERED, that the City Council hereby approves the Special Event application for the 2013 Great Falls Balloon Festival.

**This item was pulled from the agenda on 7/1/2013. No vote taken.**

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 50-07012013**

ORDERED, by the Auburn City Council that the 2013 Action Plan be adopted as recommended by Community Development staff.

Passage on 7/1/2013, 6-1 Councilor Crowley opposed.



Tizz 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 51-07012013

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2013/2014.

1. That \$14,998,045.00 be authorized to be expended for Regular Instruction;
2. That \$7,524,558.00 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$667,705.00 be authorized to be expended for Other Instruction;
5. That \$4,514,948.00 be authorized to be expended for Student and Staff Support;
6. That \$847,935.00 be authorized to be expended for System Administration;
7. That \$1,266,449.00 be authorized to be expended for School Administration;
8. That \$1,294,390.00 be authorized to be expended for Transportation and Buses;
9. That \$3,472,594.00 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 \$34,311,787.00 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 \$14,369,821.00 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 \$1,510,976.00 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 or non-state-funded portions of school construction 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 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, §15690;

***Explanation:** The additional local funds are those locally raised funds over and above the municipality's local 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 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 \$37,258,610.00 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 and 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 amounts 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;

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 52-07012013**

**ORDERED**, that the City Council hereby sets July 23, 2013 as the date for the School Budget Validation Referendum, and that voting for all wards for that election will be held at Auburn Hall.

**Passage on 7/1/2013, 6-1 (Councilor Gerry opposed).**

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 53-07152013**

ORDERED, that the City Council hereby approves the Special Event and in kind services request for the 2013 Dempsey Challenge.

Passage on 7/15/2013, 5-1-1 (Councilor Crowley opposed, Councilor Shea was out of the room during the vote).

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 54-07152013**

ORDERED, that the City Council hereby approves the Special Event and in kind services request for the 2013 Great Falls Balloon Festival.

Passage on 7/15/2013, 5-1-1 (Councilor Crowley opposed, Councilor Shea was out of the room during the vote).

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 55-07152013**

ORDERED, that the City Council hereby sets the time for opening the polls at 7:00 A.M. for the July 23, 2013 School Budget Validation Referendum Election that will be held at Auburn Hall.

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 56-07152013**

**ORDERED**, that the City Council of the City of Auburn hereby authorizes the City Manager and Mayor Jonathan P. LaBonte to be its representatives for negotiations regarding the contract between Auburn and the City of Lewiston for water rights from the Androscoggin River into the canal system. This authorization extends to any necessary ancillary agreements, permits or contracts relating to the Lewiston Falls Hydro Project.

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 57-07152013

ORDERED, that the City Council hereby:

- upholds the decision of the City Clerk denying B.A.M.B.I.N.O.S's (owner Crystal Palmer) application for a Second Hand Dealer based on the following findings:
  1. Section 24-34 of the Auburn Code of Ordinances requires that, as a condition of approval of a business license, "[t]he Police Chief shall certify that the applicant has not had a history of complaints or problems on the proposed business, applicants, owners or managers; where the approval of the license would be adverse to the public health, safety and welfare of the citizens of the City of Auburn."
  2. Crystal Palmer, the owner and manager of the applicant B.A.M.B.I.N.O.S., has the following criminal charges and complaints pending against her:
    - A. On or about May 9, 2013, the Sagadahoc County Sheriff's Department summonsed Ms. Palmer for a charge of Theft, a Class C felony. This charge arises from an allegation that Ms. Palmer listed for sale on Craigslist, a lawn tractor that belonged to her landlord and that Det. Reed of the Sagadahoc County Sheriff's Department, pretending to be an interested buyer, purchased the tractor for \$1,800.
    - B. On or about May 9, 2013, the Sagadahoc County Sheriff's Department summonsed Ms. Palmer for a charge of Violation of Conditions of Release, a Class C misdemeanor .
    - C. On or about June 18, 2013, the Sagadahoc County Sheriff's Department summonsed Ms. Palmer for two charges of Forgery, Class D misdemeanors. These charges arise from allegations that Ms. Palmer stole checks from her former mother-in-law, and forged them to herself in amounts totaling \$800.
    - D. On July 9, 2013, the Androscoggin County Grand Jury indicted Ms. Palmer on a charge of Forgery, a Class C felony, alleging that on or about May 31, 2013, in Auburn, Maine, she, "with intent to defraud or deceive another, did falsely make, complete, endorse or alter, or knowingly utter or possess a check, a written instrument with a face value exceeding \$1,000." This charge arises from allegations that Ms. Palmer stole a check from her former landlord and forged the check payable to her business and herself, "Bambinos/Palmer," in the amount of \$2,000.
    - E. On July 9, 2013, the Androscoggin County Grand Jury indicted Ms. Palmer on a charge of Theft by Unauthorized Taking, a Class C felony, alleging that on or about May 31, 2013, in Auburn, Maine, she committed "theft by obtaining or exercising unauthorized control over money, property of Beth Schultz, of a value more than \$1,000, with intent to deprive Beth Schultz of the property". This charge arises from allegations that Ms. Palmer stole a check from her former landlord and forged the check payable to her business and herself, "Bambinos/Palmer," in the amount of \$2,000.

- F. On July 9, 2013, the Androscoggin County Grand Jury indicted Ms. Palmer on a charge of Violation of Condition of Release, a Class E misdemeanor, alleging that she, having been granted pre-conviction bail on condition that she not commit new criminal conduct, violated that condition.
3. The pending criminal charges demonstrate that Ms. Palmer, the owner and manager of the applicant B.A.M.B.I.N.O.S., has a history of complaints and problems related to theft, forgery and violation of conditions of release, which bear directly on the operation of a business for a Second Hand Dealer.
  4. Based on this history of complaints and problems, approval of the application for a Second Hand Dealer license would be adverse to the public health, safety and welfare of the citizens of the City of Auburn.

A TRUE COPY

ATTEST \_\_\_\_\_  
Susan Clements-Dallaire, City Clerk

## IN CITY COUNCIL

### ORDER 57-07152013

ORDERED, that the City Council hereby (choose one):

• upholds the decision of the City Clerk denying B.A.M.B.I.N.O.S.'s (owner Crystal Palmer) application for a Second Hand Dealer based on the following findings:

1. Section 24-34 of the Auburn Code of Ordinances requires that, as a condition of approval of a business license, “[t]he Police Chief shall certify that the applicant has not had a history of complaints or problems on the proposed business, applicants, owners or managers; where the approval of the license would be adverse to the public health, safety and welfare of the citizens of the City of Auburn.”
2. Crystal Palmer, the owner and manager of the applicant B.A.M.B.I.N.O.S., has the following criminal charges and complaints pending against her:
  - A. On or about May 9, 2013, the Sagadahoc County Sheriff’s Department summonsed Ms. Palmer for a charge of Theft, a Class C felony. This charge arises from an allegation that Ms. Palmer listed for sale on Craigslist, a lawn tractor that belonged to her landlord and that Det. Reed of the Sagadahoc County Sheriff’s Department, pretending to be an interested buyer, purchased the tractor for \$1,800.
  - B. On or about May 9, 2013, the Sagadahoc County Sheriff’s Department summonsed Ms. Palmer for a charge of Violation of Conditions of Release, a Class C misdemeanor .
  - C. On or about June 18, 2013, the Sagadahoc County Sheriff’s Department summonsed Ms. Palmer for two charges of Forgery, Class D misdemeanors. These charges arise from allegations that Ms. Palmer stole checks from her former mother-in-law, and forged them to herself in amounts totaling \$800.
  - D. On July 9, 2013, the Androscoggin County Grand Jury indicted Ms. Palmer on a charge of Forgery, a Class C felony, alleging that on or about May 31, 2013, in Auburn, Maine, she, “with intent to defraud or deceive another, did falsely make, complete, endorse or alter, or knowingly utter or possess a check, a written instrument with a face value exceeding \$1,000.” This charge arises from allegations that Ms. Palmer stole a check from her former landlord and forged the check payable to her business and herself, “Bambinos/Palmer,” in the amount of \$2,000.
  - E. On July 9, 2013, the Androscoggin County Grand Jury indicted Ms. Palmer on a charge of Theft by Unauthorized Taking, a Class C felony, alleging that on or about May 31, 2013, in Auburn, Maine, she committed “theft by obtaining or exercising unauthorized control over money, property of Beth Schultz, of a value more than \$1,000, with intent to deprive Beth Schultz of the property”. This charge arises from allegations that Ms. Palmer stole a check from her former landlord and forged the check payable to her business and herself, “Bambinos/Palmer,” in the amount of \$2,000.
  - F. On July 9, 2013, the Androscoggin County Grand Jury indicted Ms. Palmer on a charge of Violation of Condition of Release, a Class E misdemeanor, alleging that she, having been granted pre-conviction bail on condition that she not commit new criminal conduct, violated that condition.
3. The pending criminal charges demonstrate that Ms. Palmer, the owner and manager of the applicant B.A.M.B.I.N.O.S., has a history of complaints and problems related to theft,

forgery and violation of conditions of release, which bear directly on the operation of a business for a Second Hand Dealer.

4. Based on this history of complaints and problems, approval of the application for a Second Hand Dealer license would be adverse to the public health, safety and welfare of the citizens of the City of Auburn.
- 
- overrules the decision of the City Clerk and approves B.A.M.B.I.N.O.S's (owner Crystal Palmer) application for a Second Hand Dealer permit, subject to strict observance of all laws, ordinances, and regulations enacted for the protection of the City of Auburn so far as they may apply and is to continue in force until the license expires unless sooner revoked.

Passage to uphold decision of City Clerk on 07/15/2013, 4-3 (Councilor LaFontaine, Councilor Walker, Councilor Shea opposed)

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 58-07152013

ORDERED, that the Building permit Fee Schedule be amended as shown on the attached Proposed Fee Schedule updated 6.18.13 and incorporated into the City of Auburn Fee Schedule effective August 1, 2013.

**Passage on 7/15/2013, 6-0-1 (Councilor Shea was out of the room during this vote).**

# BUILDING PERMIT FEE SCHEDULE

In accordance with the provisions of the Code of Ordinances of the City of Auburn, the City Council hereby establishes the following fees:

## Single Family

New construction/Additions	<del>\$20-25</del> base + \$0. <del>21-25</del> sf
Accessory Structure	<del>\$20-25</del> base + \$0. <del>05-07</del> sf
Renovation < \$2,500	<del>\$20-25</del>
Renovation > \$2,500	<del>\$20-25</del> base + \$5.00 per \$1,000 value

## Multi-family

New Construction/Additions	<del>\$20-25</del> base + \$0. <del>25-30</del> sf
Renovations	<del>\$20-25</del> base + \$5.00 per \$1,000 value

## Mobile Home

New or Used	<del>\$20-25</del> base + \$0. <del>14-15</del> sf
Additions	<del>\$20-25</del> base + \$0. <del>21-25</del> sf

## Commercial

New Construction	<del>\$20-25</del> base + \$0. <del>30-35</del> sf (per floor)
Renovation	<del>\$20-25</del> base + \$7.00 per \$1,000 value

## Swimming Pools

Above Ground Swimming Pool	<del>\$30-35</del>
In-ground Swimming Pool	<del>\$75-80</del>

## All Structures

Fences	<del>\$20-25</del>
Underground Storage Tank	<del>\$32-50</del> (first tank) + \$ <del>11-15</del> (additional tanks)
Moving Building	\$100
Driveways	<del>\$21-25</del>
Foundation Only	<del>\$20-25</del> base + \$5.00 per \$1,000 value
Change of Use	<del>\$32-40</del>
Certificate of Occupancy	Included in Permit (\$260 penalty)
Signs	\$25 base + \$0.50 sf

## Demolition

Interior demolition not in conjunction with a construction project	\$50
--	------

## BUILDING PERMIT FEE SCHEDULE

Less than 1,000 sf	\$27
Greater than 1,000 sf and less than 5,000 sf	\$80 + \$0.02 sf
Greater than 5,000 sf	\$210 + \$0.02 sf

### **Belated Fee**

The customary permit fee shall double where work commences prior to the issuance of the appropriate permits.

### **Building Permit Fee Reimbursement Policy**

In the event that the recipient of a building permit does not undertake any of the building activity associated with a given permit, he/she may submit a written request to the Director of Planning and Permitting for the reimbursement of the permit fee paid for said permit. If the request for reimbursement is made within six months of the issuance of said permit, and if no work associated with said permit was commenced, 75% of the permit fee will be reimbursed. The City shall retain 25% of the permit fee to provide compensation for the costs associated with issuance of said permit and to process reimbursement.

**Note: sf - square feet**



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 59-08052013

**Ordered** that the City Council hereby authorizes the City Manager to cast a ballot in favor of the proposed candidates for the Maine Municipal Association's Vice President (Marston Lovell), and Executive Committee (James Chaousis, Linda Cohen, and Mary Sabins).

Passage on 8/5/2013, 5-0 (Councilors Hayes and Young were absent).

Passage on 8/5/2013, 5-0 (Councilors Hayes and Young absent).

Tizz 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 60-08052013

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2013/2014.

1. That \$14,578,636.00 be authorized to be expended for Regular Instruction;
2. That \$7,429,052.00 be authorized to be expended for Special Education;
3. That \$-0- be authorized to be expended for Career and Technical Education;
4. That \$665,267.00 be authorized to be expended for Other Instruction;
5. That \$4,486,566.00 be authorized to be expended for Student and Staff Support;
6. That \$847,935.00 be authorized to be expended for System Administration;
7. That \$1,266,449.00 be authorized to be expended for School Administration;
8. That \$1,294,390.00 be authorized to be expended for Transportation and Buses;
9. That \$3,472,594.00 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 \$33,762,245.00 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 \$13,625,217.00 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 \$1,510,976.00 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 or non-state-funded portions of school construction 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 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, §15690;

***Explanation:** The additional local funds are those locally raised funds over and above the municipality's local 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 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 \$36,712,875.00 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 and 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 amounts 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;

Passage on 8/5/2013, 4-1 (Councilor Gerry opposed, Councilors Young and Hayes absent).

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 61-08052013**

ORDERED, that the City Council hereby sets the date of the School Budget Validation Referendum for August 20, 2013, with voting for all Wards to be consolidated to one polling place, Auburn Hall, and polls will open at 7:00 A.M.

Passage on 8/5/2013, 5-0 (Councilors Hayes and Young absent).

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 62-08052013

ORDERED, that fifty percent (50%) of all real estate taxes assessed as in the annual commitment, committed to the Tax Collector, shall be due proportionately from each tax payer on September 25, 2013 and the remaining fifty percent (50%) shall be due on March 15, 2014.

Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any real estate taxes remaining uncollected on September 26, 2013 and March 16, 2014 respectively shall bear interest at a rate of 7% per annum from and after such dates.

Personal property taxes shall be due and payable on or before September 25, 2013. Any personal property taxes remaining unpaid on September 26, 2013 shall bear an interest rate of 7% per annum from and after such date. Interest on all delinquent taxes shall be computed on a daily basis and shall be collected by the Tax Collector. The Tax Collector is authorized to accept tax prepayments.

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



Jonathan LaBonte, Mayor

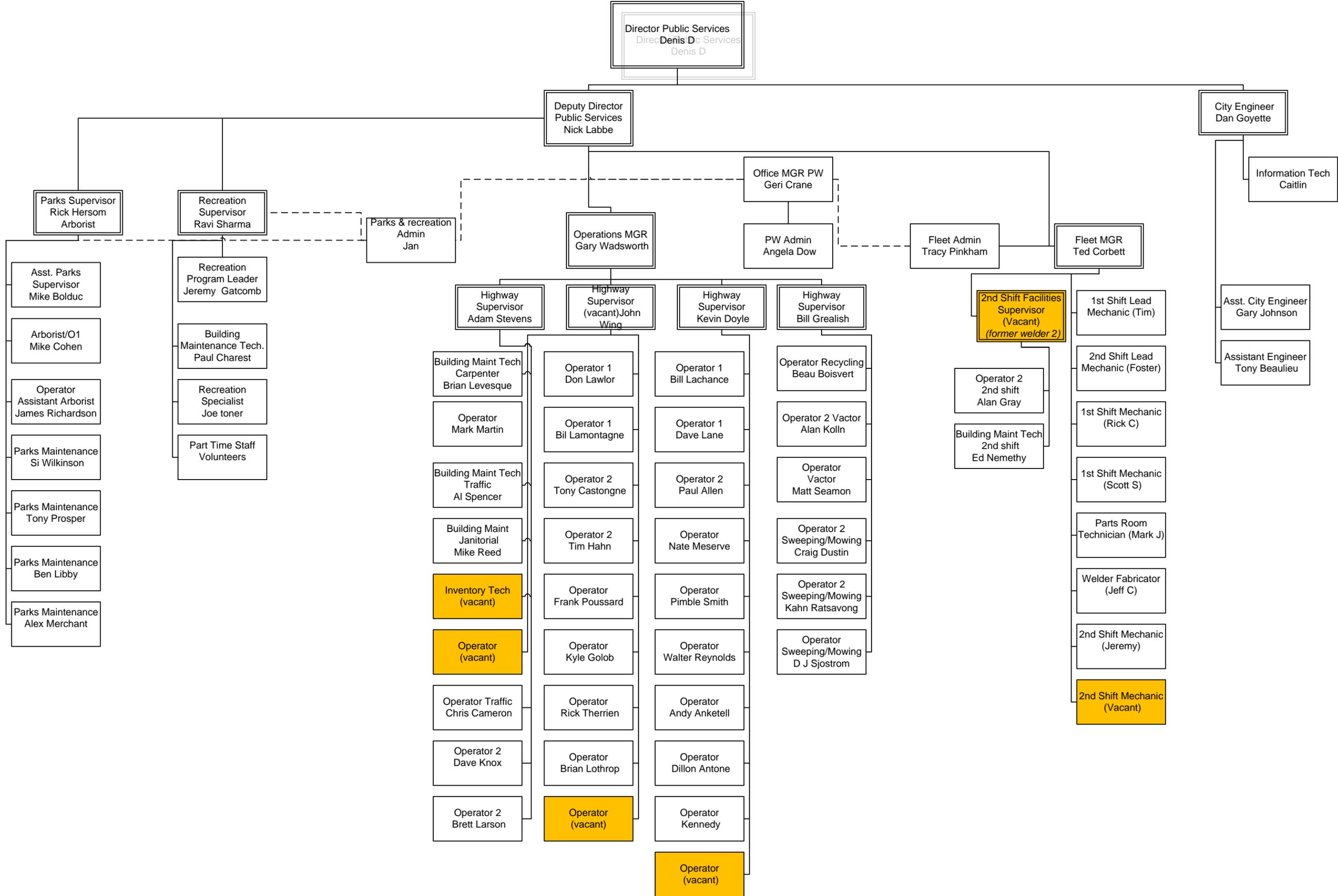
Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

## IN CITY COUNCIL

### ORDER 63-08052013

ORDERED, that pursuant to the City Charter Section 7.1 paragraph A, that it be hereby established a Public Services Department including Public Works, Parks and Recreation, and Engineering with no budget impact to the current fiscal year FY13/14. Be it also provided that City Staff are to work with the Mayor for the implementation of committee restructuring to be reviewed by the City Council and that the City Manager will report back to the Council within 90 days a recommendation which shows the reporting structure of the Recreation Supervisor. See attached organizational chart.

Passage on 8/5/2013, 4-1 (Councilor Gerry opposed,  
Councilors Hayes and Young absent).



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 64-08052013**

**Title:** 2013 Community Development Program Amendment

Be it Resolved by the Auburn City Council that the Community Development Program Amendment to the 2013 Annual Action Plan be adopted as recommended by Community Development staff.

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 65-08052013**

ORDERED, that the City Council hereby denies the abatement pursuant to Title 36 M.R.S.A. §841 (2).

Passage on 8/5/2013, 5-0 (Councilors Hayes and Young absent).

Tizz 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 66-08192013

ORDERED, that Katherine D. Avery, Joseph M. Correia and Joseph T. Miville be named Constables with a firearm for the Auburn Police Department.

Passage on 8/19/2013, 7-0.

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 68-08192013**

ORDERED, that the City Council hereby approves the request for a Liquor License and Special Amusement Permit for Maine Billiards League d/b/a Legend's Sports Bar and Grill located at 128 Center Street.

Passage on 8/19/2013, 7-0.

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

**Order 69-08192013**

**TITLE: ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR**

**Be It Ordered by the Auburn City Council**, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, that there be and hereby is authorized the issuance and sale of the City's general obligation bonds on either a taxable or a tax-exempt basis in the amount of \$5,900,000, the proceeds of which, including premium, if any, and investment earnings thereon, are hereby appropriated to finance the following capital equipment and capital improvements (including costs of issuance for the bonds), 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>FY 2014 CIP Bond</b>
School	Building and Equipment Improvements	\$1,500,000
Engineering	Major Drainage	\$60,000
Engineering	MDOT Match	\$500,000
Engineering	Reclaim/Resurface	\$1,250,000
Engineering	Reconstruction	\$1,000,000
Engineering	Bridge Repairs	\$125,000
Parks & Recreation	Holder Tractor	\$165,000
Planning & Code	Municipal Street Light Purchase	\$750,000
Planning & Code	Street Light Pole Replacement	\$25,000
Planning & Code	Replace Existing HPS Fixtures and Poles	\$26,000
Library	Building Improvements	\$24,136
Public Works	Heavy Equipment-Dump Trucks	\$320,000
Contingency	Retained earnings for bid variances	\$54,864
<b>TOTAL</b>		<b>\$5,800,000</b>

THAT the bonds shall be issued as authorized hereunder and shall be signed by the City's Finance Director and its Treasurer, attested by the City Clerk under the seal of the City. A tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year. The bonds may be issued at one time or from time to time, either singly or in series, and the authority and discretion to fix method of sale, issue date, maturities, denominations, interest rate, place of payment, form and other details of said

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



Leroy Walker, Ward Five  
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Joshua Shea, At Large

Jonathan LaBonte, Mayor

bonds and notes, and to take all other actions and to sign and deliver all other documents, certificates and agreements in order to provide for the sale thereof is hereby delegated to the City's Finance Director.

THAT in order to finance temporarily the projects described above, the Finance Director is authorized to expend up to \$5,600,000 either from available funds of the City or from the proceeds of BAN's which would be reimbursed or refinanced from bond proceeds.

THAT in order to finance temporarily the projects described above, the Finance Director is authorized to expend up to \$5,900,000 either from available funds of the City or from the proceeds of BAN's which would be reimbursed or refinanced from bond proceeds.

THAT the bonds authorized hereunder may be made subject to call for redemption, either with or without premium, on such terms as may be determined by the Finance Director.

THAT the authority and discretion to designate the bond or notes, or a portion thereof, as qualified tax-exempt obligations under Section 265 of the Internal Revenue Code of 1986, as amended, is hereby delegated to the Finance Director.

THAT the City's Finance Director, Treasurer, Clerk, and other proper officials of the City be, and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all financing documents, contracts, agreements, certificates, preliminary and final official statements, tax certificates and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this order, as may be necessary or desirable.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT this order is a declaration of official intent pursuant to Treas. Reg. § 1.150-2 and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

A Public Notice describing the general purpose of the borrowing and the terms thereof was published on or before August 5, 2013, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on August 19, 2013.

Passage of first reading on 8/19/2013,  
5-2 (Councilors Walker and Crowley  
opposed). Passage of second reading on  
9/3/2013, 7-0.

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



Jonathan LaBonte, Mayor

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

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 70-09032013

**ORDERED**, that the Community Development Director is authorized to submit a request for an exception to the U. S. Department of Housing and Urban Development regulations of the Community Development Block Grant Program on behalf of Councilor Leroy Walker.

**WHEREAS**, Title 24, Part 570, Section 570.611 of the Community Development Block Grant Program regulation contains a conflict of interest provision that identifies elected officials as a person covered by the regulation;

**WHEREAS**, the regulation states that no persons who are in a position to participate in a decision making process or gain inside information with regard to such activities may obtain a benefit for themselves or those with whom they have business or immediate family ties during their tenure or for one year thereafter.

**WHEREAS**, Councilor Leroy Walker was a City Councilor at the time the 2012-13 and 2013-14 budget of the Community Development Block Grant Program was adopted;

**WHEREAS**, Councilor Leroy Walker was a City Councilor at the time the Curb Appeal Program guidelines were adopted by the City Council;

**WHEREAS**, upon written request, the U. S. Department of Housing and Urban Development may grant an exception to the provision on a case-by-case basis when it has satisfactorily met threshold requirements.

**WHEREAS**, one of the threshold requirements is a public disclosure of the nature of the conflict.

**NOW THEREFORE**, be it Ordered by the City Council that the Community Development Director is authorized to submit a request for an exception to the U. S. Department of Housing and Urban Development regulations of the Community Development Block Grant Program on behalf of Councilor Leroy Walker.

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 71-09032013**

ORDERED that the Auburn City Council hereby adopts the Analysis of the Impediments to Fair Housing Choice as recommended by Community Development staff.

A TRUE COPY

ATTEST \_\_\_\_\_  
Susan Clements-Dallaire, City Clerk

Passage on 9/3/2013, 6-1 (Councilor Crowley opposed).

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 72-09032013

ORDERED, that the City Council hereby casts their votes for the following individuals to serve on the Androscoggin County Budget Committee;

#### District 5

1. Tizz Crowley
2. Andrew Titus

#### District 6

1. Stanwood Gray
2. Robert Hayes

Passage on 9/3/2013 7-0.

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 73-09032013**

ORDERED, that the City Council hereby denies the poverty abatement pursuant to Title 36 M.R.S.A. §841 (2).

Passage on 9/3/2013, 6-0-1 (Councilor  
LaFontaine abstained).

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 74-09032013

ORDERED, that City Council hereby approves the request from The Holy Trinity Greek Orthodox Church to place temporary signs advertising its 2013 Greek Festival to take place on September 5, 6, and 7, 2013 at the locations listed below as long as their placement does not affect sight distance for streets or adjacent driveways.

Be it further ordered, that the City Council also hereby approves the request from The Holy Trinity Greek Orthodox Church to place temporary signs advertising its annual Greek Festival three weeks prior to the event to take place on September 4, 5, and 6, 2014; September 10, 11, and 12, 2015; September 8, 9, and 10, 2016; and September 7, 8, and 9, 2017 at the locations listed below as long as their placement does not affect sight distance for streets or adjacent driveways.

Sign locations:

Mount Auburn Avenue and Turner Street intersection  
Washington Avenue, near Ness Oil  
Center Street across from the Auburn Mall  
Auburn Plaza

Passage on 9/3/2013 7-0.

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 75-09032013**

ORDERED, that the City Council hereby authorizes the Finance Director to move forward with the auction of City surplus property per the proposal from Keenan Auction.

**Passage on 9/3/2013, 4-3 (Councilors Gerry, Crowley, and Walker opposed).**

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 76-09162013**

ORDERED, that the City Council hereby sets the time for opening the polls at 7:00 A.M. for the November 5, 2013 State Referendum/Municipal Election.

Passage on 09/16/2013, 5-0 (Councilors LaFontaine and Hayes absent).

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 77-09162013

ORDERED, that the City Council hereby adopts the addendum to the City's Joint Purchasing and Procurement Policy that addresses the Sale of City Property (below).

#### **Addendum to the City of Auburn's Joint Purchasing and Procurement Policy Adopted by City Council on January 2, 2013**

**SALE OF PROPERTY:** The Finance Director or his/her designee shall be responsible for the sale of all municipal property (real or personal) which is no longer used or has become obsolete, worn out or scrapped.

**NOTICE:** Department heads of all using agencies shall notify the Finance Director or his/her designee, at such times and in such form as he/she may prescribe, reports of all surplus material available in their respective departments.

**TRANSFER:** The Finance Director shall have the authority to transfer surplus property to other agencies after being offered to all City Departments.

**SALE PROCEDURE:** All sales which have an estimated dollar value over \$5,000 shall be sold at a public auction or through the formal competitive bid process. Stand alone sales from \$1,000 to \$5,000 shall be supported by price quotations from three (3) competitive sources or adequate explanation justifying the absence of such competition. Sales under \$1,000 and all other sales shall be conducted in the most economical manner and in the best interest of the City. All sales shall be posted to the City's website and an e-alert will be set up for anyone who is interested in such sales, to subscribe to.

**DONATION:** All items which might be donated to another town, municipality or non-profit organization shall require prior approval of the City Council.

In accordance with the City Charter, this policy applies to **all** City Departments, which includes the School Department.

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 78-09162013**

ORDERED, that the City Council hereby appoints Charles Morrison to the L/A Cable TV Advisory Board with a term expiration of January 1, 2015.

**Passage on 10/07/2013, 6-0 (Councilor Crowley absent).**

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 79-09162013**

ORDERED, that the City Council hereby appoints Michael Dixon to the Zoning Board of Appeals as a full member with a term expiration of October 1, 2016.

**Passage on 10/07/2013, 6-0 (Councilor Crowley absent).**

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 80-09162013**

ORDERED, that the City Council hereby appoints Judith Webber to the Auburn Housing Authority with a term expiration of October 1, 2018.

**Passage on 10/07/2013, 6-0 (Councilor Crowley absent).**

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 81-09162013**

ORDERED, that the City Council hereby appoints Robert Bowyer to the Planning Board with a term expiration of January 1, 2016.

**Passage on 10/07/2013, 6-0 (Councilor Crowley absent).**

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 82-09162013**

ORDERED, that the City Council hereby appoints Ann Parker to the Community Development Block Grant (CDBG) Loan Committee with a term expiration of October 1, 2016.

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 83-10072013**

ORDERED, that the City Council hereby authorizes the City Manager to use funds in the amount \$61,000 from an inactive special revenue account to fund ICT's Network Security project and Planning and Permitting's Traffic Pole projects with any unused funds being transferred to the facilities CIP for FY13/14.

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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 83-10072013**

ORDERED, that the City Council hereby authorizes the City Manager to use funds in the amount \$61,000 from an inactive special revenue account to fund ICT's Network Security project and Planning and Permitting's Traffic Pole projects with any unused funds being transferred to the facilities CIP for FY 13/14.

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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 84-10072013A**

ORDERED, that the City Council hereby authorizes the Finance Director to reallocate \$18,000 originally allocated for Public Works Security Cameras and \$51,000 originally allocated for Auburn Hall Roof , for a total of \$69,000, to the Public Works natural gas conversion project at the Public Works Facility.

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 84-10072013B

ORDERED, that the City Council hereby authorizes the Finance Director to reprioritize the use of CIP funds dedicated to Hasty building improvements are as follows:

1. Asbestos Removal (**see attached**) related to the mechanical equipment ( \$24,500)
2. Heating System upgrades (\$83,050), plus \$15,000 for engineering and design specifications
3. Window Replacement (\$56,000.00 = \$46,000 + \$10,000 abatement cost)
4. Kitchen upgrades (\$3,500)

We will complete the projects in the above order as the allocated dollars allow.

# City of Auburn, Maine

"Maine's City of Opportunity"

## Finance Department



**To: Clinton Deschene, City Manager  
Honorable Mayor and City Council**  
**From: Derek Boulanger, Facilities Manager/Purchasing Agent**  
**Date: September 24, 2013**  
**RE: Request for the reallocation and prioritization of 2014 CIP funds related to City Buildings.**

In the summer of 2013, Unitil provided natural gas service to three city buildings at no cost to the City. The agreement states that the City would be utilizing Natural Gas as its primary fuel source by the 2013 heating season. New Natural Gas Locations: *Auburn Public Works Facility, Hasty Memorial Armory, Auburn Central Fire*

Cordjia Capital Projects Group was selected this spring to audit these three facilities for energy usage and to provide recommendations for equipment upgrades and repairs, with a focus on the conversion to Natural Gas. The Draft Report outlines the most optimal improvements to achieve the most savings.

The results for the Public Works facility are as follows:

- An estimated project cost of \$249,200( +/- 10% In Engineering Design Costs)
- \$48,056.00 in annual savings (66% fuel reduction), (37% electrical reduction)
- Return on Investment 4.4 years. (Summary Attached)

The Public Works facility has \$169,700 remaining in the budget for Heating System Replacement. The Budget estimate for the Heating System Repairs/Replacement is \$249,200.00 creating a potential short fall of \$79,500

The estimated project costs are based on conservative budget estimates. Actual costs will be determined through the formal bid process. If it is determined that the City does not have the funds to cover the full scope, certain measures will have to be value engineered from the project to be completed at a later date.

Staff is proposing the following solutions to address the shortfall:

- Reallocate \$18,000 currently designated for Security Cameras at the Public Works to the heating system replacement.
- Reallocation of excess funds in the Auburn Hall Roof project, due to a more economical solution. Balance remaining in the project to reallocate is \$51,000.
- The balance of \$10,500 will come from the fuel and electrical savings.

The results for Hasty Memorial Armory are as follows:

- **An estimated project cost \$83,050**
- **Annual savings of \$24,918**
- **Return on investment 3.0 years. (See attached)**

The Hasty Memorial Armory currently has \$30,000 budgeted for boiler conversion. Upon further review of the boiler and heating system by Cordjia Capitol Projects, it was determined that the boiler should be replaced rather than retrofitted. The projected cost of replacement and system upgrades is approximately \$83,050. Therefore there is a shortfall of \$53,050.

A total of \$164,500 has been allocated for projects at Hasty. \$85,000 for Asbestos Removal, \$46,000 for Window replacement, \$30,000 for heating system upgrades \$3,500 for Kitchen upgrades.

Staff is proposing the reprioritization of CIP funds dedicated to Hasty building improvements as follows:

1. Asbestos Removal (**see attached**) related to the mechanical equipment ( \$24,500)
  2. Heating System upgrades (\$83,050), plus \$15,000 for engineering and design specifications
  3. Window Replacement (\$56,000.00 = \$46,000 + \$10,000 abatement cost)
  4. Kitchen upgrades (\$3,500)
- 
5. Asbestos floor tile and mastic removal can be incorporated in to flooring replacement projects.(\$17,500)
  6. Asbestos soffits can be replaced as part of a comprehensive exterior rehabilitation. (\$8,000)

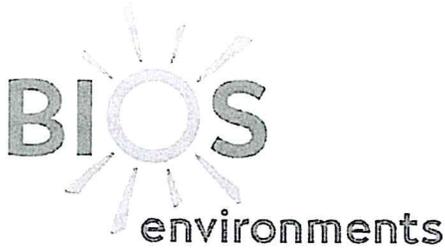
The urgency of this request is because the heating season is fast approaching. We are ready to put these projects out to bid but, the scope of work defined in the bid specifications will be determined by the budget available for each project. Based on the individual needs for each location, reduced maintenance costs, improved occupant comfort, and the substantial savings to be realized by reducing energy costs, we believe the available money would be best utilized on mechanical system improvements.

## Public Works Facility

ID	Task	Annual Electric Cost Savings	Annual Fuel Cost Savings	Estimated Cost to Implement	Avoided Repairs & Incentives	Simple Payback (years)
1	Retro-Commissioning Repairs (Immediate Implementation)					
	a. All recommended repairs were deferred at the request of the owner.	-	-	-	-	-
2	Energy Conservation Measures (Immediate Implementation)					
	a. Office/Locker area: New boiler, controls, demo, pumps, piping, venting, elec. Wiring, N.G. supply, pipe mains, pipe insulation, zone valves, t-stats. Excludes abatement.	\$7,986	\$40,070	\$120,000	\$25,000 (Avoided Repairs)  \$12,300 (Efficiency Maine Incentive)	4.4
	b. Garage Bay: New radiant heating system. Excludes demo of existing heating system.			\$68,000		
	c. Mechanics', Welding, and Sign Shop: New radiant heating system, gas fired unit heaters, overhead crane protection. Excludes demo of existing heating system.			\$58,000		
	d. Carpentry Shop: New electric heater.			\$2,000		
	e. Locker Room: Occupancy sensors and thermostats.			\$1,200		
<b>Totals</b>		<b>\$7,986</b>	<b>\$40,070</b>	<b>\$249,200</b>	<b>\$37,300</b>	<b>4.4</b>
		<b>\$48,056</b>				
		<b>37%</b> <b>Electrical</b> <b>Reduction</b>	<b>66%</b> <b>Fuel</b> <b>Reduction</b>			
		<b>58%</b> <b>Aggregate Reduction</b>				

## Hasty Community Center

ID	Task	Annual Electric Cost Savings	Annual Fuel Cost Savings	Estimated Cost to Implement	Avoided Repairs & Incentives	Simple Payback (years)
1	Retro-Commissioning Repairs (Immediate Implementation)					
	a. All recommended repairs were deferred at the request of the Owner.	-	-	-	-	-
2	Energy Conservation Measures (Immediate Implementation)					
	a. New natural gas fired steam boiler, housekeeping pad, controls, demo, piping, venting, flue liner, elec. wiring, N.G. supply, pipe insulation, zone valves, t-stats, and steam trap repairs. Excludes abatement and fuel oil tank removal.	\$97	\$24,821	\$67,000	\$7,000 (Avoided Repairs)  \$875 (Efficiency Maine Incentive)	3.0
	b. New natural gas fired domestic hot water heater and pump timer.			\$7,500		
	c. Thermostatically controlled zone valves for unit heaters, AHU-1, and fin tube radiation.			\$8,550		
<b>Totals</b>		<b>\$97</b>	<b>\$24,821</b>	<b>\$83,050</b>	<b>\$7,875</b>	<b>3.0</b>
<b>\$24,918</b>						
		<b>3% Electrical Reduction</b>	<b>66% Fuel Reduction</b>			
<b>61% Aggregate Reduction</b>						



*For Life*

September 12<sup>th</sup>, 2013

Mr. Derek Boulanger  
Facilities Manager  
City of Auburn  
60 Court Street  
Auburn, Maine 04210

Dear Mr. Boulanger;

BIOS Environments (BIOS) has completed an assessment for Asbestos Containing Building Materials (ACBM's) at the Hasty Building located at 48 Pettingill Park Road, Auburn, Maine.

On September 12<sup>th</sup>, 2013 you inquired about the possible budgetary cost estimates to remove the identified asbestos materials identified in our report. Based on our phone conversation and the need to establish budgets for planning purposes BIOS has developed the following budgetary cost estimates for your consideration.

### **Budgetary Cost Estimates**

The objective of this facility assessment was to develop and document the presence of accessible Presumed Asbestos Containing Materials (PACM) within the boundaries of the facility that may be impacted by building demolition or demolition. BIOS is providing the following budgetary cost estimates for the sole purpose of *illustrating the potential cost impact* to remove the asbestos containing building materials outlined in this report only.

The budgetary cost estimates have also been prepared to provide projected costs for removal and disposal of various hazardous building components in accordance with the MDEP, USEPA, NESHAP's, and OSHA.

The budgetary cost estimates are based on the assumption that the building owner will remove the asbestos containing building materials outlined in this report in large phases by building level and common functional spaces and do not take into consideration or reflect any proposed phasing, encapsulation, or selective asbestos removals. In addition, the budgetary cost estimates reflect our professional opinion as it relates to anticipated costs to remove the asbestos identified in this report. Furthermore, the estimates should not be used to compare or support any estimate or opinion provided by others and is not a formal bid or cost estimate to conduct the work.

Mr. Derek Boulanger  
Facilities Manager  
Page Two

The budgetary cost estimates for the ACMs identified in this building are summarized below.

BUILDING AREA	MATERIAL	APPROX> QUANTITY	BUGETARY COST
Boiler room	Accessible asbestos pipe cover	175 l/f	\$4,500.00
Throughout interior	Accessible asbestos pipe cover	750 l/f	\$20,000.00
Throughout interior	Asbestos floor tiles and adhesives	1,750 s/f	\$10,000.00
Throughout interior	Asbestos adhesives – None asb. tiles	2,500 s/f	\$7,500.00
Exterior	Windows – caulking / glazing	43 sash units	\$10,000.00
Exterior	Asbestos soffits	1,800 s/f	\$8,000.00
<i>TOTAL</i>			<i>\$60,000.00</i>

Closing

The budgetary cost estimates illustrated above are based on using the most stringent removal methods as mandated by the USEPA and the MDEP. There may be other options for removal methods that could reduce costs but must be designed by a Maine certified Asbestos Designer and approved by the Maine DEP.

BIOS can assist you with development of alternative removal methods, should you have any additional questions or needs please don't hesitate to call.

Sincerely

  
Mark P. Coleman CIE, CMR  
President

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 85-10072013**

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Buck's Auto, 249 Merrow Road.

**Passage on 10/07/2013, 6-0 (Councilor Crowley absent).**

**The Auburn City Council finds the following facts regarding the operation of Morris Auto Parts Junkyard and Auto Graveyard:**

1. City Staff, specifically Eric J. Cousens, Director of Planning and Permitting, conducted 3 inspections of Morris Auto Mart at 940 Washington Street, Auburn Maine 04210, acting as an agent of the City Council in carrying out their responsibilities spelled out in MRSA 30-A §3754-A. Limitations on Graveyard, Automobile Recycling Businesses and Junkyard Permits.
2. Inspection 1 was conducted on September 9, 2013 and confirmed that the operator was storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B.
3. Pursuant to MRSA 30-A, 3754-A,10. Standard for permit. The municipal officers or county commissioners may issue a permit to an automobile graveyard or junkyard if that automobile graveyard or junkyard meets the operating standards set forth in subsection 5.
4. Inspection 2 was conducted on October 1, 2013 and confirmed that the operator was storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B. As an alternative to denying the permit, the Auburn City Council attempted to allow additional time for the business to remedy violation of the MRSA 30-A, 3754-A, 5B by tabling action to the November 4, 2013 Council Meeting.
5. Inspection 3 was conducted on October 28, 2013 and confirmed that the operator was storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B. As an alternative to denying the permit, the Auburn City Council attempted to allow additional time for the business to remedy violation of the MRSA 30-A, 3754-A, 5B by delaying action to the December 16, 2013 Council Meeting.
6. Inspection 4 was conducted on December 10, 2013 and confirmed that the operator continues to store vehicles within the floodplain and within 100' of inland waters that still contain batteries and/or fluids which is a violation of MRSA 30-A, 3754-A, 5B.
7. The Council further concludes that they may not approve the license/permit renewal for Morris Auto Mart at 740 Washington Street North unless the junkyard meets the operating standards set forth in subsection 5 of MRSA 30-A, 3754-A.

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Tizz E.H. Crowley

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Robert Hayes

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Mary LaFontaine

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Adam Lee

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Leroy Walker

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Belinda Gerry

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David Young

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 86-10072013

ORDERED, that the City Council hereby ~~approves~~denies the annual renewal request for an Auto Graveyard/Junkyard permit for Morris Auto Parts, 940 Washington Street North based on the findings of fact and conclusions (attached).

Passage on the order as amended on 12/16/13, 7-0.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
Adam Lee, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
David Young, At Large

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 86-10072013

ORDERED, that the City Council hereby denies the annual renewal request for an Auto Graveyard/Junkyard permit for Morris Auto Parts, 940 Washington Street North based on the attached findings of fact and conclusions.

#### **The Auburn City Council finds the following facts regarding the operation of Morris Auto Parts Junkyard and Auto Graveyard:**

1. City Staff, specifically Eric J. Cousens, Director of Planning and Permitting, conducted 3 inspections of Morris Auto Mart at 940 Washington Street, Auburn Maine 04210, acting as an agent of the City Council in carrying out their responsibilities spelled out in MRSA 30-A §3754-A. Limitations on Graveyard, Automobile Recycling Businesses and Junkyard Permits.
2. Inspection 1 was conducted on September 9, 2013 and confirmed that the operator was storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B.
3. Pursuant to MRSA 30-A, 3754-A, 10. Standard for permit. The municipal officers or county commissioners may issue a permit to an automobile graveyard or junkyard if that automobile graveyard or junkyard meets the operating standards set forth in subsection 5.
4. Inspection 2 was conducted on October 1, 2013 and confirmed that the operator was storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B. As an alternative to denying the permit, the Auburn City Council attempted to allow additional time for the business to remedy violation of the MRSA 30-A, 3754-A, 5B by tabling action to the November 4, 2013 Council Meeting.
5. Inspection 3 was conducted on October 28, 2013 and confirmed that the operator was storing vehicles within the floodplain and within 100' of inland waters that still contain batteries and fluids which is a violation of MRSA 30-A, 3754-A, 5B. As an alternative to denying the permit, the Auburn City Council attempted to allow additional time for the business to remedy violation of the MRSA 30-A, 3754-A, 5B by delaying action to the December 16, 2013 Council Meeting.
6. Inspection 4 was conducted on December 10, 2013 and confirmed that the operator continues to store vehicles within the floodplain and within 100' of inland waters that still contain batteries and/or fluids which is a violation of MRSA 30-A, 3754-A, 5B.

7. The Council further concludes that they may not approve the license/permit renewal for Morris Auto Mart at 740 Washington Street North unless the junkyard meets the operating standards set forth in subsection 5 of MRSA 30-A, 3754-A.

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Tizz E.H. Crowley

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Robert Hayes

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Mary LaFontaine

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Adam Lee

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Leroy Walker

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Belinda Gerry

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David Young

Passage on 12/16/2013, 7-0.

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 87-10072013**

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for M & P Auto Mart, 227 Merrow Road.

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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 88-10072013**

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Randy's Auto Parts, 899 Broad Street.

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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 89-10072013**

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Isadore T. Miller, a Division of Schnitzer NE, 78 & 80 Old Hotel Road.

**Passage on 10/07/2013, 6-0 (Councilor Crowley absent).**

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 90-10072013**

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC, 522 Washington Street North.

Passage on 10/07/2013, 6-0 (Councilor Crowley absent).

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 91-10072013**

ORDERED, that the City Council hereby authorizes a \$2,000 wage adjustment for the City Manager pursuant to the employment contract of the City Manager.

Passage 4-2 (Councilors Walker and Gerry opposed).

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 92-10212013

**ORDERED**, that the City Council hereby appoints the following individuals as Wardens and Ward Clerks for the November 5, 2013 Election:

Peter Letourneau	Warden	Ward 1	Washburn School
Jane Audet	Warden	Ward 4	Fairview School
Norman McKeone	Warden	Ward 5	Sherwood Heights School

Passage on 10/21/2013, 5-0 (Councilors Young and Shea absent).



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 93-10212013**

ORDERED, that the City Council hereby authorizes the Finance Director to transfer from Salary Reserve to LA911 an amount to cover donated sick time to a LA911 employee.

**Passage on 10/21/2013 5-0 (Councilors Young and Shea absent).**

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 94-10212013**

ORDERED, that City Council hereby approves the Auburn Ski Association request to place two temporary signs for their Annual Ski Swap which will be held on Sunday, November 17<sup>th</sup> and 11<sup>th</sup>, 2012. One will be placed across the street from Auburn Hall next to the Advanced Orthodics sign and the other at the intersection of Turner Street and Lake Auburn Avenue below Starbucks. The signs are both 4' x 8' and are the same that they have been using for over a decade.

**Passage on 10/21/2013, 5-0 (Councilors Young and Shea absent).**

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 95-10212013**

ORDERED, that the City Council hereby approves the request for Saint Dominic Academy to place a temporary sign for its Holiday Festival to be held on Saturday November 9, 2013, be placed on Mount Auburn Avenue beside Starbucks from October 28<sup>th</sup> through November 10<sup>th</sup>, 2013.

Passage on 10/21/2013, 5-0 (Councilors Young and Shea absent).

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 96-10212013**

ORDERED, that the City Council authorize the City Manager to enter into negotiations to purchase property at 88 Newbury Street, Auburn, Maine to improve public river access and long term connectivity of recreational assets along the Little and Big Androscoggin Rivers.

Passage on 10/21/2013, 4-1  
(Councilor Crowley opposed, Councilors Shea and  
Young absent).

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 97-11042013

**ORDERED**, that the City Council hereby appoints the following individuals as Wardens and Ward Clerks for the November 5, 2013 Election:

Stella Doyon	Ward Clerk	Ward 1	Washburn School
Lynn Bulmer	Warden	Ward 3	Auburn Hall
Roland Jordan	Ward Clerk	Ward 5	Sherwood Heights School

Passage on 11/04/2013, 7-0.



Tizz 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 98-11042013

RESOLVED, that Katherine D. Avery, Joseph M. Correia and Joseph T. Miville be named a Constable with a firearm for the Auburn Police Department.

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 99-11182013

ORDERED, that the City Council Authorize the City Manager to purchase property at 88 Newbury Street, for a purchase price of \$38,900 plus reasonable closing costs funded from Downtown TIF District #10.

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 100-11182013**

ORDERED that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with M.S.E.A. (Maine State Employees Association) Local 1989 for July 1, 2013 through June 30, 2016.

**Passage on 11/18/2013, 6-1 (Councilor Crowley opposed).**

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 101-11182013**

ORDERED, that the City Council hereby denies the poverty abatement for case #1478 pursuant to Title 36 M.R.S.A. §841 (2).

Passage on 11/18/2013 5-2 (Councilors Gerry and Walker opposed).

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 102-12022013

ORDERED, that the City Council hereby appoints the following individuals as Wardens and Ward Clerks for December 2013 through December 2015;

Peter Letourneau	Warden	Ward 1	Washburn School
Stella Doyon	Ward Clerk	Ward 1	
Connie Bilodeau	Warden	Ward 2	Auburn Middle School
Beverly Ouellette	Ward Clerk	Ward 2	
Lynn Bulmer	Warden	Ward 3	Auburn Hall
Sherri Flaherty	Ward Clerk	Ward 3	
Jane Audet	Warden	Ward 4	Fairview School
Sheila Desgrosseilliers	Ward Clerk	Ward 4	
Norman McKeone	Warden	Ward 5	Sherwood Heights School
Roland Jordan	Ward Clerk	Ward 5	

Passage on 12/02/2013, 7-0.

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



Jonathan LaBonte, Mayor

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

## IN CITY COUNCIL

ORDER 103-12022013

**ORDERED**, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Kourtney Francoeur), or any portion thereof (\$2,464.00 U.S. Currency) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Kourtney Francoeur), or any portion thereof (\$2,464.00 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about December 2, 2013.

Passage on 12/02/2013, 7-0.

Tizz 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 104-12022013

**ORDERED**, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Ashley Gleason), or any portion thereof (\$6,341.00 U.S. Currency) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Ashley Gleason), or any portion thereof (\$6,341.00 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about December 2, 2013.

Passage on 12/02/2013, 7-0.

Tizz 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 105-12022013

**ORDERED**, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Erick Estrada), or any portion thereof (\$1,851.00 U.S. Currency) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Erick Estrada), or any portion thereof (\$1,851.00 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about December 2, 2013.

Passage on 12/02/2013, 7-0.

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 106-12022013

WHEREAS, the Auburn City Council adopted a position in the 2014 budget, “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.”;

WHEREAS, the City Manager and Mayor delivered to the Auburn City Council a proposed scope of service and contract at the October 21, 2013 City Council Meeting;

WHEREAS, the Lewiston Auburn Economic Growth Council presented a revised scope of services to the Auburn City Council on November 18, 2013;

THEREFORE, BE IT ORDERED that the City Council of the City of Auburn hereby extends funding to the Lewiston Auburn Economic Growth Council through June 30, 2014 and be it further ordered that the City Council accepts the revised scope of services as a basis of framework for continued negotiation contingent upon:

The City of Lewiston and the Board of LAEGC will join Auburn in a joint workshop and presentation on economic development models targeted for January 27<sup>th</sup>, 2014;

That the joint workshop marks the initiation of strategy development for economic development work between partner and that a Joint Economic Development Committee will be established not long after said joint workshop to advise on the strategy development process and the finalization of a proposed scope of services.

Passage on 12/02/2013, 4-3 (Councilors Walker, Shea, and Crowley opposed).

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 107-12022013

**WHEREAS**, the City of Auburn, Maine ("City") is considering whether to amend the Downtown Area Municipal Development and Tax Increment Finance District #10 and adopt the Development Program for the District presented to the City Council, designation in adoption to be pursuant to the following terms and provisions; and

**WHEREAS**, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the City as a Municipal Development and Tax Increment Finance District (the "District") and to adopt a development program and financing plan for such a district; and

**WHEREAS**, the City has exercised this authority by adopting an activating Downtown Area Municipal Development and Tax Increment Finance District #10; and

**WHEREAS**, the City continues to recognize the need for more commercial and mixed-use development in the City; and

**WHEREAS**, the City finds that there are three downtown neighborhoods adjacent to the "District" that have potential to provide continued employment opportunities for the citizens of Auburn, to improve and broaden the tax base of the City and are designated in the City's adopted plans for new downtown development and redevelopment; and

**WHEREAS**, the Public Improvements contemplated by the Development Program will enable the City to expand its tax base, improve the economic climate and environmental quality within the City; and

**WHEREAS**, on Decembers 2, 2013 the City will hold a public hearing on amending the "District" in accordance with the requirements of Maine Revised Statutes upon at least ten (10) days prior notice published in newspaper of general circulation within the City;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF AUBURN:**

That the Downtown Area Municipal Development and Tax Increment Financing District #10, Development Program and Financial Plan be amended to add the three downtown neighborhoods depicted on Exhibit A in the Development Program and Financial Plan; and

The City Manager is authorized to execute documents and to submit this amendment to the Maine Department of Economic and Community Development.

Passage on 12/2/2013, 6-1 (Councilor Gerry opposed).

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 108-12022013

**WHEREAS**, the City of Auburn, Maine ("City") is considering whether to amend the Auburn Mall Revitalization and Tax Increment Financing District #14 Development Program and adopt the proposed amendments presented to the City Council, designation and adoption to be pursuant to the following terms and provisions; and

**WHEREAS**, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to remove a specified parcel of land from the previously approved (October 30, 2006) Tax Increment Finance District #14 - Auburn Mall Revitalization in Mall area as amended (July 20, 2009); and

**WHEREAS**, on December 2, 2013, continued on December 16, 2013 the City will hold a public hearing on the question of amending the previously approved district in accordance with the requirements of 30-A M.R.S.A. 5253, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

**WHEREAS**, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development approving the amendment of the district;

**NOW, THEREFORE BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF AUBURN:**

Tax Increment Finance District #14 - Auburn Mall revitalization be amended to remove tax parcel 290-010-001 from the district and the baseline valuation be adjusted to recognize that removal and the City Manager be authorized to submit this amendment to the Maine Department of Economic and Community Development.

A TRUE COPY

ATTEST \_\_\_\_\_  
Susan Clements-Dallaire, City Clerk

Passage on 12/16/2013 5-2 (Councilors Crowley and Gerry opposed).

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 109-12022013

**WHEREAS**, the City of Auburn, Maine ("City") is considering whether to designate Auburn Municipal Tax Increment Finance District #18 and adopt the Development Program for the District presented to the City Council, designation and adoption to be pursuant to the following terms and provisions; and

**WHEREAS**, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the City as a Municipal Development and Tax Increment Finance District (the "District") and to adopt a development program and financing plan for such a district; and

**WHEREAS**, the City continues to recognize the need for more commercial development in the City; and

**WHEREAS**, the City finds that there is a need to provide expanded employment opportunities for the citizens of Auburn, to improve and broaden the tax base of the City and to improve the general economy of the City, the surrounding region and the State of Maine; and

**WHEREAS**, the expansion of commercial development will enable the City to expand its tax base, improve the economic climate in order to attract additional businesses to the City; and

**WHEREAS**, there is a need to encourage the expansion, improvement and continuation of commercial facilities through the establishment of the Auburn Municipal Tax Increment Finance District #18 in accordance with the provisions of Chapter 206 of Title 30 - A; and

**WHEREAS**, on December 2, 2013 and continued on December 16, 2013, the City held a public hearing creating the "District" in accordance with the requirements of Maine Revised Statutes upon at least ten (10) days prior notice published in newspaper of general circulation within the City; and

**WHEREAS**, the City desires to designate the Auburn Municipal Tax Increment Financing District #18 and adopt the development program for such a district; and

**WHEREAS**, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development approving the designation of the District and the adoption of the Development Program for the District;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF AUBURN:**

Section 1. The City hereby finds and determines that:

- A. At least 25%, by area, of the real property within the district, as hereby designated, is suitable for commercial development; and
- B. The total area of the District does not exceed 2% of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed 5% of the total acreage of the City; and
- C. The total equalized value of taxable property within the District as of April 1, 2013 together with equalized value of taxable property in other existing districts does not exceed 5% of the total equalized value of taxable property within the City; and
- D. The designation of the District and pursuant to the development program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadening in improving the tax base and serve as an economic stimulus and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30 - A of the Maine Revised Statutes, as amended, the City hereby designates Auburn Municipal Tax Increment Financing District #18 Development Program, designated and described as more particularly set forth in the form attached hereto and presented to the City Council and such development program is hereby incorporated by reference into the Development Program for the District.

Section 3. The City Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval pursuant to statutory requirements.

Section 4. The City Manager be, and hereby is, authorized and empowered, at his discretion, from time to time, to make such technical revisions to the Development Program for the District as may be reasonably necessary or convenient in order to facilitate the process for review and approval of the District by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.

Section 5. The foregoing designation of the District and the adoption of the Development Program for the District shall become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by the Department of Economic and Community Development, without requirements of further action by the City, the City Council, or any other party.

Section 6. The City Manager be, and hereby is, authorized and directed to enter into the Credit Enhancement Agreement contemplated by the Development Program, and in the name of and on behalf of the City, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, such approval to be conclusively evidenced by such execution thereof.

A TRUE COPY

ATTEST \_\_\_\_\_  
Susan Clements-Dallaire, City Clerk

Passage on 12/16/2013, 5-2 (Councilors Crowley and Gerry opposed).

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 110-12022013

ORDERED that the lease agreement between Slap Shot, LLC and the City of Auburn (executed on October 25, 2012) is amended to: 1) establish the occupancy date for tenant at November 15, 2013; 2) establish the date for the accrual of interest, to be added to the cost of the facility, at December 1, 2013; and 3) define the formula for computing the amount subject to a 30 year amortization at 4.5% (thereby determining the rent amount).

A TRUE COPY

ATTEST \_\_\_\_\_  
Susan Clements-Dallaire, City Clerk

Passage on 12/2/2014, 6-1 (Councilor Gerry opposed).

Tizz E.H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
Adam Lee, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
David Young, At Large

Jonathan P. LaBonte, Mayor

## IN CITY COUNCIL

### ORDER 112-12162013

**ORDERED**, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Philip Moser), or any portion thereof (one - Rossi .357 Revolver) on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant(s) in Rem (Philip Moser), or any portion thereof (one – Rossi .357 Revolver), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about December 16, 2013.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
Adam Lee, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 113-12162013

ORDERED, that David K. Brown II be named a Constable with a firearm for the Auburn Police Department.

Passage on 12/16/2013, 7-0.

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 114-12162013

WHEREAS, Environmental issues require best management practices that consider all stakeholders; and

WHEREAS, Tree harvesting operations are important to the preservation of green spaces and community forests; and

WHEREAS, City staff recommends that all future tree harvesting operations, allocation of revenues generated and implementing a new permit process be carefully reviewed by, at a minimum, the City Planner, Code Enforcement Officer and the Public Services Department; and

WHEREAS, Elected officials have considered implementing a Park's Commission that would review tree harvesting operations on City owned parcels; and

WHEREAS, Staff recommends a moratorium of 180 days on all tree harvesting activities within the City until this review is completed; and

NOW, THEREFORE, BE IT ORDERED, that the Auburn City Council, on behalf of the Citizens of Auburn, herewith impose a 180 day moratorium on tree harvesting operations on all city owned property and direct the City Clerk to notify all potential parties of this moratorium.

Passage on 12/16/2013, 7-0.

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
Adam Lee, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
David Young, At Large

Jonathan P. LaBonte, Mayor

## **IN CITY COUNCIL**

### **ORDER 115-12162013**

ORDERED, that the Auburn City Council accept the Fiscal Year 2013 Comprehensive Annual Financial Report as presented by Casey Leonard of Runyon Kersteen Ouellette on December 16, 2013.

Passage on 12/16/2013, 5-1-1 (Councilor Gerry opposed, Councilor Crowley abstained).

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
Adam Lee, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
David Young, At Large

Jonathan P. LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 116-12162013**

ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with MAP (Maine Association of Police) Command Unit for July 1, 2013 through June 30, 2014.

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with MAP (Maine Association of Police) Command Unit for July 1, 2014 through June 30, 2017.

Passage on 12/16/2013, 4-3 (Councilors Crowley, Walker, and Gerry opposed).