



# City Council Meeting and Workshop

## July 2, 2012

### Agenda

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

- A. Ice Arena, Memorandum of Understanding – Roland Miller
- B. Consent item discussion – Clint Deschene
- C. FY12-13 Apendices A, General Assistance Maximums – Dot Meagher
- D. Poverty Abatement – Dot Meagher

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

##### Pledge of Allegiance

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

- 1. **Order 48-07022012\***  
Waiving the business licensing fee for the High Street Congregational Church.
- 2. **Order 49-07022012 \***  
Waiving the business licensing fee for Saint Dominic Academy.

- II. Minutes** – June 18, 2012 and June 25, 2012

##### **III. Reports**

###### **Mayor's Report**

###### **Committee Reports**

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

# Auburn City Council Meeting & Workshop

July 2, 2012

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- **Recreation**
  - Recreation Advisory Board – Councilor Walker
- **Public Safety**
  - LA 911 – Councilor Walker

## City Councilors' Reports

### City Manager's Report

- FEMA floodplain map update
- Website update
- Update on Fire Chief hiring

## IV. Communications, Presentations and Recognitions

V. **Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*. Time limit for open sessions, by ordinance, is 45 minutes.

## VI. Unfinished Business

### 3. Order 41-06182012

Authorizing the issuance and sale of the City's general obligation bonds in the amount of \$5,600,000, second reading and final reading.

### 4. Order 45-06252012

Authorizing the issuance and sale of general obligation Qualified Zone Academy Bonds for the city school capital equipment and improvements in the amount of \$1,057,323, second and final reading.

## VII. New Business

### 5. Order 50-07022012

Authorizing the City Manager to execute a Memorandum of Understanding.

## VIII. Executive Session

Discussing a Poverty Abatement, pursuant to 36 M.R.S.A. Sec. 841 (2).

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

## X. Future Agenda/Workshop Items

## XI. Adjournment

**Executive Session:** On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session

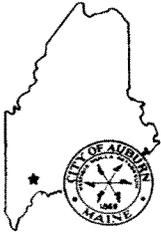
# Auburn City Council Meeting & Workshop

July 2, 2012

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are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

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



## City Council Workshop Information Sheet

City of Auburn

**Council Meeting Date:** July 2, 2012

**Item** A

**Author:** Keith McBride, Economic Development Asst.

**Subject: Execution of the Memorandum of Understanding with George Schott**

**Information:** At the June 25, 2012 meeting, the Council passed an order authorizing the City Manager to negotiate an agreement with George Schott which would detail some of the duties and responsibilities of both parties. The attached Memorandum of Understanding is presented to the council pursuant to that order.

**Financial:** The Memorandum of Understanding does not impose any new costs above those already discussed related to ice arena project except that it confirms that the city agrees to share in some of the planning, permitting, design and site preparation costs if the city decides ultimately not to pursue the project.

**Action Requested at this Meeting: Pass an Order authorizing the City Manager to execute the Memorandum of Understanding with George Schott.**

**Previous Meetings and History:** June 25, 2012

**Attachments:** Under item #5 (tab #5 in notebooks)

- Memorandum of Understanding
- Order 50-07022012



## City Council Workshop Information Sheet

City of Auburn

**Council Workshop Date:** 7/2/2012

**Item** B

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

**Subject:** Consent Items on the Agenda

**Information:** To review the process of approving consent items on the Agenda.

**Financial:**

**Action Requested at this Meeting:** Discussion

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

**Attachments:** N/A



## City Council Workshop Information Sheet

City of Auburn

**Council Meeting Date:** July 2, 2012

**Item** C

**Author:** Dorothy Meagher, Health & Social Services

**Subject:** General Assistance maximums for FY 12-13

**Information:** I'm seeking to have the FY 12-13 appendices A, approved by council for the upcoming fiscal year to reflect the new law change and required by statute.

**Financial:** The new appendices is a reduction of 10% to reflect the changes to Title 22, section 4308, subsections 1-A and 1-B.

**Action Requested at this Meeting:** Discussion only

**Previous Meetings and History:** Yearly approval needed by council.

**Attachments:**

- LD 1903 22 MRSA, §4305, sub-3
- Appendix A

Proposed Amendment to LD 1903

Sponsor: \_\_\_\_\_

Replace Part R of LD 1903 with the following:

Revis  
42

Part R

Sec. R - \_\_. 22 MRSA §4305, subsection 3-A is amended to read:

3-A. Maximum levels of assistance. Municipalities may establish maximum levels of assistance by ordinance. The maximum levels of assistance must set reasonable and adequate standards sufficient to maintain health and decency. A maximum level of assistance established by municipal ordinance is subject to a review by the department, upon complaint, to ensure compliance with this chapter. For the period beginning July 1, 2012, until June 30, 2013, the maximum level of assistance is 90% of the maximum level of assistance in effect on April 1, 2012.

Sec. R- \_\_. 22 MRSA §4308, sub-§1- A and sub-§2-B, are enacted to read:

1-A. Limit on Housing Assistance. For the period beginning July 1, 2012, until June 30, 2013, except as provided in sub-sections (1-B) and (2), housing assistance shall be limited to a maximum of nine months.

1-B. Hardship Extensions to the Housing Limit. The applicant shall be eligible for housing assistance benefits beyond the nine month limit established in sub section (1-A) when the person has a severe and persistent mental or physical condition, or has an application pending with the Social Security Administration.

Sec. R-\_\_ Temporary reduction in in 90% General Assistance reimbursement. For the period July 1, 2012 until June 30, 2013 the state reimbursement rate pursuant to 22 MRSA §4311 sub-§1 for municipalities that incur net general assistance costs in a fiscal year in excess of .0003 of that municipality's most recent state valuation is reduced to 85%.

Sec. R- \_\_. General Assistance Workgroup. The Commissioner of the Department of Health and Human Services or the Commissioner's designee shall convene and make appointments to a working group to review and make recommendations related to the General Assistance program under Maine Revised Statutes, Title 22, Chapter 1161. The Commissioner or the Commissioner's designee shall convene the first meeting of the working group no later than June 1, 2012.

The Commissioner's appointments shall include nine members, seven of whom shall be voting members. The seven voting members shall include: the Commissioner of the Department of Health and Human Services or their designee; the Director of the Office of Family Independence; one member of a statewide organization representing Maine municipalities; one

Amend the Town/City of \_\_\_\_\_ General Assistance Ordinance to incorporate the following maximum levels of assistance to be effective on and after July 1, 2012, as follows:

## GA Overall Maximums

### Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
<b>Bangor HMFA:</b> Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	550	641	818	1040	1174
<b>Penobscot County HMFA:</b> Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	561	563	676	845	1036
<b>Lewiston/Auburn MSA:</b> Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	471	590	720	912	1010
<b>Portland HMFA:</b> Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	731	868	1124	1416	1517
<b>York/Kittery/S.Berwick HMFA:</b> Berwick, Eliot, Kittery, South Berwick, York	912	918	1100	1603	1746
<b>Cumberland County HMFA:</b> Baldwin, Bridgton, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	607	715	922	1101	1410
Brunswick	608	727	939	1190	1427

COUNTY	1	2	3	4	5*
<b>Sagadahoc HMFA:</b> Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	723	724	869	1095	1504
<b>York County HMFA:</b> Acton, Alfred, Arundel, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Shapleigh, Waterboro, Wells Biddeford, Saco, Sanford	661	688	873	1045	1141
	668	744	938	1190	1407

\*Note: Add \$68 for each additional person.

**Non-Metropolitan Areas**

**Persons in Household**

COUNTY	1	2	3	4	5*
<b>Aroostook County</b>	428	527	631	824	912
<b>Franklin County</b>	530	572	696	832	1079
<b>Hancock County</b>	579	668	822	1094	1125
<b>Kennebec County</b>	459	550	684	933	996
<b>Knox County</b>	524	693	791	1071	1236
<b>Lincoln County</b>	633	680	821	991	1118
<b>Oxford County</b>	442	588	678	902	1130
<b>Piscataquis County</b>	550	627	775	984	1053
<b>Somerset County</b>	440	547	632	914	970
<b>Waldo County</b>	617	662	798	979	1041
<b>Washington County</b>	530	572	683	846	923

\* Please Note: Add \$68 for each additional person.



## City Council Workshop Information Sheet

City of Auburn

**Council Workshop Date:** July 2, 2012

**Item D**

**Author:** Dorothy Meagher

**Subject: Title 36 § 841 (2) Infirmity or poverty tax abatement**

**Information:** Title 36 § 841 (2)

**Infirmity or Poverty:** The municipal officers or the State Tax Assessor for the unorganized territory, within 3 years from commitment, may, on their own knowledge or on written application there for, make such abatements as they believe reasonable on the real and personal taxes on the primary residence of any person who, by reason of infirmity or poverty, is in their judgment unable to contribute to the public charges. The municipal officers or the State Tax Assessor for the unorganized territory may extend the 3-year period within which they may make abatements under this subsection.

Maine law permits the municipal officers to make such abatements as they believe reasonable on the real or personal taxes of persons, by reason of poverty, are in their judgment unable to contribute to the public charge. The obvious purpose of 36 MRSA § 841 (2) is to prevent towns from forcing the sale of property in order to collect taxes from those otherwise unable to pay. The municipality must look at an applicant's realistic financial capacity to pay his or her taxes. Understanding the vast majority of impoverished homeowners manages to meet their public charge.

**Financial:**

**Action Requested at this Meeting:** Informative

**Previous Meetings and History:** None

**Attachments:**

- Title 36 part 2 Property Taxes Chapter 105: Cities and Towns, Subchapter 8: Abatement 841-843.

# Maine Revised Statutes

- §841 PDF
- §841 WORD/RTE
- STATUTE SEARCH
- CH. 105 CONTENTS
- TITLE 36 CONTENTS
- LIST OF TITLES
- DISCLAIMER
- MAINE LAW
- REVISOR'S OFFICE
- MAINE LEGISLATURE

§803

**Title 36: TAXATION**  
**Part 2: PROPERTY TAXES**  
**Chapter 105: CITIES AND TOWNS**  
**Subchapter 8: ABATEMENT**

§841-A

## §841. Abatement procedures

**1. Error or mistake.** The assessors, either upon written application filed within 185 days from commitment stating the grounds for an abatement or on their own initiative within one year from commitment, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided that the taxpayer has complied with section 706.

The municipal officers, either upon written application filed after one year but within 3 years from commitment stating the grounds for an abatement or on their own initiative within that time period, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided the taxpayer has complied with section 706. The municipal officers may not grant an abatement to correct an error in the valuation of property.

[ 1993, c. 133, §1 (RPR) .]

**2. Infirmary or poverty.** The municipal officers or the State Tax Assessor for the unorganized territory, within 3 years from commitment, may, on their own knowledge or on written application therefor, make such abatements as they believe reasonable on the real and personal taxes on the primary residence of any person who, by reason of infirmity or poverty, is in their judgment unable to contribute to the public charges. The municipal officers or the State Tax Assessor for the unorganized territory may extend the 3-year period within which they may make abatements under this subsection.

Municipal officers or the State Tax Assessor for the unorganized territory shall:

- A. Provide that any person indicating an inability to pay all or part of taxes that have been assessed because of poverty or infirmity be informed of the right to make application under this subsection; [2005, c. 169, §1 (AMD).]
- B. Assist individuals in making application for abatement; [1987, c. 772, §15 (NEW).]
- C. Make available application forms for requesting an abatement based on poverty or infirmity and provide that those forms contain notice that a written decision will be made within 30 days of the date of application; [2005, c. 169, §1 (AMD).]
- D. Provide that persons are given the opportunity to apply for an abatement during normal business hours; [1987, c. 772, §15 (NEW).]
- E. Provide that all applications, information submitted in support of the application, files and communications relating to an application for abatement and the determination on the application for abatement are confidential. Hearings and proceedings held pursuant to this subsection must be in executive session; [2005, c. 169, §1 (AMD).]
- F. Provide to any person applying for abatement under this subsection, notice in writing of their decision within 30 days of application; and [1987, c. 772, §15 (NEW).]
- G. Provide that any decision made under this subsection include the specific

reason or reasons for the decision and inform the applicant of the right to appeal and the procedure for requesting an appeal. [2005, c. 169, §1 (AMD) .]

[ 2005, c. 169, §1 (AMD) .]

**3. Inability to pay after 2 years.** If after 2 years from the date of assessment a collector is satisfied that a tax upon real or personal property committed to him for collection cannot be collected by reason of the death, absence, poverty, insolvency, bankruptcy or other inability of the person assessed to pay, he shall notify the municipal officers thereof in writing, under oath, stating the reason why that tax cannot be collected. The municipal officers, after due inquiry, may abate that tax or any part thereof.

[ 1979, c. 73, (RPR) .]

**4. Veteran's widow or widower or minor child.** Notwithstanding failure to comply with section 706 or section 1181, the assessors, on written application within one year from the date of commitment, may make such abatement as they think proper in the case of the unmarried widow or widower or the minor child of a veteran, if the widow, widower or child would be entitled to an exemption under section 653, subsection 1, paragraph D, except for her or his failure to make application and file proof within the time set by section 653, subsection 1, paragraph G, provided that the veteran died during the 12-month period preceding the April 1st for which the tax was committed.

[ 2005, c. 218, §10 (AMD) .]

**5. Certification; record.** Whenever an abatement is made, other than by the State Tax Assessor, the abating authority shall certify it in writing to the collector, and that certificate shall discharge the collector from further obligation to collect the tax so abated. When the abatement is made, other than an abatement made under subsection 2, a record setting forth the name of the party or parties benefited, the amount of the abatement and the reasons for the abatement shall, within 30 days, be made and kept in suitable book form open to the public at reasonable times. A report of the abatement shall be made to the municipality at its annual meeting or to the mayor and aldermen of cities by the first Monday in each March.

[ 1987, c. 772, §16 (RPR) .]

**6. Appeals.** The decision of a chief assessor of a primary assessing area or the State Tax Assessor shall not be deemed "final agency action" under the Maine Administrative Procedure Act, Title 5, chapter 375.

[ 1979, c. 73, (NEW) .]

**7. Assessors defined.** For the purposes of this subchapter the word "assessors" includes assessor, chief assessor of a primary assessing area and State Tax Assessor for the unorganized territory.

[ 2001, c. 396, §15 (AMD) .]

**8. Approval of the Governor.** The State Tax Assessor may abate taxes under this section only with the approval of the Governor or the Governor's designee.

[ 1999, c. 521, Pt. A, §4 (AMD) .]

#### SECTION HISTORY

1973, c. 66, §15 (AMD). 1975, c. 765, §§14-A (AMD). 1977, c. 44, §1 (AMD). 1977, c. 479, §15 (AMD). 1977, c. 509, §16 (RPR). 1977, c. 694, §§688-692 (AMD). 1979, c. 73, (RPR). 1987, c. 70, (AMD). 1987, c. 772, §§15,16 (AMD). 1989, c. 508, §10 (AMD). 1991, c. 16, §1 (AMD). 1991, c. 16, §2 (AFF). 1993, c. 133, §1 (AMD). 1999, c. 521, §A4 (AMD). 2001, c. 396, §15 (AMD). 2005, c. 169, §1 (AMD). 2005, c. 218, §10 (AMD).

# Maine Revised Statutes

[§843 PDF](#)

[§842](#)

**Title 36: TAXATION**

[§843-A](#)

[§843WORD/RTE](#)

**Part 2: PROPERTY TAXES**

[STATUTE SEARCH](#)

**Chapter 105: CITIES AND TOWNS**

[CH. 105 CONTENTS](#)

**Subchapter 8: ABATEMENT**

[TITLE 36 CONTENTS](#)

[LIST OF TITLES](#)

## §843. Appeals

[DISCLAIMER](#)

[MAINE LAW](#)

[REVISOR'S OFFICE](#)

[MAINE LEGISLATURE](#)

**1. Municipalities.** If a municipality has adopted a board of assessment review and the assessors or the municipal officers refuse to make the abatement asked for, the applicant may apply in writing to the board of assessment review within 60 days after notice of the decision from which the appeal is being taken or after the application is deemed to have been denied, and, if the board thinks the applicant is over-assessed, the applicant is granted such reasonable abatement as the board thinks proper. Except with regard to nonresidential property or properties with an equalized municipal valuation of \$1,000,000 or greater either separately or in the aggregate, either party may appeal from the decision of the board of assessment review directly to the Superior Court, in accordance with Rule 80B of the Maine Rules of Civil Procedure. If the board of assessment review fails to give written notice of its decision within 60 days of the date the application is filed, unless the applicant agrees in writing to further delay, the application is deemed denied and the applicant may appeal to Superior Court as if there had been a written denial.

[ 1995, c. 262, §4 (AMD) .]

**1-A. Nonresidential property of \$1,000,000 or greater.** With regard to nonresidential property or properties with an equalized municipal valuation of \$1,000,000 or greater either separately or in the aggregate, either party may appeal the decision of the local board of assessment review or the primary assessing area board of assessment review to the State Board of Property Tax Review within 60 days after notice of the decision from which the appeal is taken or after the application is deemed to be denied, as provided in subsections 1 and 2. The board shall hold a hearing de novo. If the board thinks that the applicant is over-assessed, it shall grant such reasonable abatement as the board thinks proper. For the purposes of this section, "nonresidential property" means property that is used primarily for commercial, industrial or business purposes, excluding unimproved land that is not associated with a commercial, industrial or business use.

[ 1995, c. 262, §4 (AMD) .]

**2. Primary assessing areas.** If a primary assessing area has adopted a board of assessment review and the assessors or municipal officers refuse to make the abatement asked for, the applicant may apply in writing to the board of assessment review within 60 days after notice of the decision from which the appeal is being taken or after the application is deemed to have been denied, and if the board thinks the applicant is over-assessed, the applicant is granted such reasonable abatement as the board thinks proper. Except with regard to nonresidential property or properties with an equalized municipal valuation of \$1,000,000 or greater, either separately or in the aggregate, either party may appeal the decision of the board of assessment review directly to the Superior Court, in accordance with the Maine Rules of Civil Procedure, Rule 80B. If the board of assessment review fails to give written notice of its decision within 60 days of the date the application was filed, unless the applicant agrees in writing to further delay, the application is deemed denied and the applicant may appeal to the Superior Court as if there had been a written denial.

[ 2001, c. 396, §17 (AMD) .]

**3. Notice of decision.** Any agency to which an appeal is made under this section is subject to the provisions for notice of decision in section 842.

[ 1991, c. 546, §12 (NEW) .]

**4. Payment requirements for taxpayers.** If the taxpayer has filed an appeal under this section without having paid an amount of current taxes equal to the amount of taxes paid in the next preceding tax year, as long as that amount does not exceed the amount of taxes due in the current tax year or the amount of taxes in the current tax year not in dispute, whichever is greater, by or after the due date or according to a payment schedule mutually agreed to in writing by the taxpayer and the municipal officers, the appeal process must be suspended until the taxes, together with any accrued interest and costs, have been paid. If an appeal is in process upon expiration of a due date or written payment schedule date for payment of taxes in a particular municipality, without the appropriate amount of taxes having been paid, whether the taxes are due for the year under appeal or a subsequent tax year, the appeal process must be suspended until the appropriate amount of taxes described in this subsection, together with any accrued interest and costs, has been paid. This subsection does not apply to property with a valuation of less than \$500,000.

[ 2009, c. 434, §16 (AMD) .]

SECTION HISTORY

1973, c. 536, §24 (AMD). 1973, c. 625, §246 (AMD). 1977, c. 509, §18 (RPR). 1977, c. 694, §693 (AMD). 1981, c. 30, §§3,4 (AMD). 1981, c. 364, §21 (AMD). 1981, c. 698, §180 (AMD). 1985, c. 764, §17 (AMD). 1991, c. 546, §12 (AMD). 1993, c. 242, §1 (AMD). 1993, c. 395, §12 (AMD). 1995, c. 262, §4 (AMD). 2001, c. 396, §17 (AMD). 2001, c. 436, §1 (AMD). 2001, c. 436, §2 (AFF). 2009, c. 434, §16 (AMD).

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Maine law to the public.**

**If you need legal advice, please consult a qualified attorney.**

Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

# Maine Revised Statutes

- §842 PDF
- §842 WORD/RTF

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- STATUTE SEARCH

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- CH. 105 CONTENTS
- TITLE 36 CONTENTS
- LIST OF TITLES
- DISCLAIMER
- MAINE LAW
- REVISOR'S OFFICE
- MAINE LEGISLATURE

§841-C

§843

**Title 36: TAXATION**  
**Part 2: PROPERTY TAXES**  
**Chapter 105: CITIES AND TOWNS**  
**Subchapter 8: ABATEMENT**

## §842. Notice of decision

The assessors or municipal officers shall give to any person applying to them for an abatement of taxes notice in writing of their decision upon the application within 10 days after they take final action thereon. The notice of decision must state that the applicant has 60 days from the date the notice is received to appeal the decision. It must also identify the board or agency designated by law to hear the appeal. If the assessors or municipal officers, before whom an application in writing for the abatement of a tax is pending, fail to give written notice of their decision within 60 days from the date of filing of the application, the application is deemed to have been denied, and the applicant may appeal as provided in sections 843 and 844, unless the applicant has in writing consented to further delay. Denial in this manner is final action for the purposes of notification under this section but failure to send notice of decision does not affect the applicant's right of appeal. This section does not apply to applications for abatement made under section 841, subsection 2. [2001, c. 396, §16 (AMD).]

### SECTION HISTORY

1977, c. 509, §17 (AMD). 1985, c. 764, §16 (AMD). 1987, c. 772, §17 (AMD). 1991, c. 546, §11 (AMD). 2001, c. 396, §16 (AMD).

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Office of the Revisor of Statutes  
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State House Room 108  
Augusta, Maine 04333-0007



## City Council Agenda Information Sheet

City of Auburn

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**Council Meeting Date:** July 2, 2012      **Order** 48-07022012

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

**Subject: Waiving the business licensing fee for the High Street Congregational Church**

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**Information:** The High Street Congregational Church is requesting the City waive the fee for a Food Service License. They are a non-profit organization and will conduct less than 12 events during the year. The licensing fee is \$150.00.

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**Financial:** \$150.00

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**Action Requested at this Meeting:** Passage of order

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

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**Attachments:**

- Letter of request
- Business license Application



# High Street Congregational Church

United Church of Christ

Rev. Stephen R. Carnahan, Pastor



June 11, 2012

To: Sue Clements-Dellaire  
Auburn City Clerk

This is a request for a wavier of the fee for a business license to sell food. It is our understanding that this is a possibility for non-profit organizations like us.

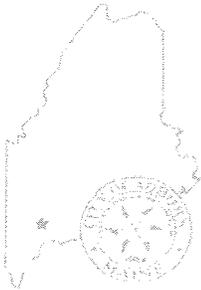
Thank you for your consideration.

Stephen Carnahan, pastor

106 Pleasant Street, Auburn, Maine 04210

Phone: 207-784-1306 Fax: 207-784-1307

E-mail: [office@highstreetucc.org](mailto:office@highstreetucc.org) Website: [highstreetucc.org](http://highstreetucc.org)



CITY OF AUBURN
FOOD LICENSE APPLICATION

Police - OK
Code - OK
Tax - OK

New [checked] Renewal Change

Application date 6/11/12 Opening date 6/13/12 Expiration date

License applied for Food Establishment on Premises
List changes from last license

Business Hours of operation
Fee \$ 150.00 (Based on square footage and type of service)

Please attach a copy of the following: Floor Plan/facility diagram, menu or draft menu, certified food handler certificate with date of certification, and a copy of all state licenses applicable to this application or date of application.

ALL QUESTIONS MUST BE ANSWERED IN FULL
(Use back of application if necessary)

\*\*\*\*\*

BUSINESS

APPLICANT

Business name High Street Congregational Church Owner's name High Street Congregational Church

Business address 106 Pleasant Street Maiden name/A/K/A Contact: Sec. Jeanne Morrillhot Pastor Stephen Carshaw

City Auburn State ME Zip 04210 Date of birth Ruth Burke (Whitman, Bernard) 11/26/1961

Mailing address Same as above Home address 38 Hermine Corner Rd

City State Zip City Auburn State Me Zip 04210

Business phone 207 784-1306 Mailing address Same as above

Email City State Zip

Please indicate address to mail license: Business / Applicant Home phone 207-233-2652

\*\*\*\*\*

Is applicant a corporation in the State of Maine? Yes No [checked]
(If answer is "Yes", complete Supplementary Questionnaire for Corporate Applicants)

List all residences, including all places of business, within the last 5 years:

- Address City State How long
Address City State How long
Address City State How long



**ADDITIONAL COMMENTS OR CONDITIONS:**

*Non-Profit - High Street Congregational Church -  
for Public Suppers x 2 per year  
for Selly Sandwiches and Prepackaged Concessions on Auburn Plaza  
on Wednesday evenings when Auburn Community Band has Concerts  
on The Plaza ≈ 9 times during the Summer - June 13 - Aug 22 2012*

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

AUTHORIZED SIGNATURES	OCCUPANCY LOAD	APPROVED	DISAPPROVED
CODE DEPT. ....	_____	_____	_____
FIRE DEPT. ....	_____	_____	_____
RECOMMENDATION _____			



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

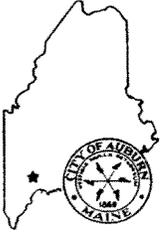
Joshua Shea, At Large

Jonathan LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 48-07022012**

**ORDERED** that the City Council hereby waives the 2012 licensing fee for the High Street Congregational Church.



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** July 2, 2012

**Order** 49-07022012

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

**Subject:** Waiving the business licensing fee for Saint Dominic Academy

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**Information:** The principal of Saint Dominic Academy is requesting the City waive the business license fee for the snack shack they operate when hosting home sports games. They are a non-profit organization. The licensing fee would be \$150.00

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**Financial:** \$150.00

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**Action Requested at this Meeting:** Recommend passage

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

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**Attachments:**

- Letter of request
- Business license application



# SAINT DOMINIC ACADEMY JUN 25 2012

*Donald Fournier, Principal*

*Donald Bilodeau, Assistant Principal*  
Grades Pre K-6  
17 Baird Avenue  
Lewiston, Maine 04240  
783-9323 fax: 783-9491

*Joline Girouard, Assistant Principal*  
Grades 7-12  
121 Gracelawn Road  
Auburn, Maine 04210  
782-6911 fax: 795-6439

---

June 20, 2012

Sue Clements-Dallaire  
City Clerk  
60 Court Street Suite 150  
Auburn, Maine 04210

Dear Ms. Clements-Dallaire:

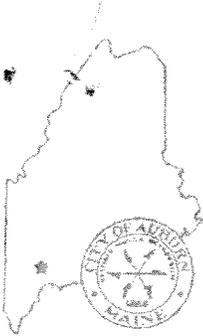
Saint Dominic Academy operates a snack shack when we host home sports games. This is a non-profit operation.

We are, therefore, asking the City Council to waive the fee for the business license application of this snack shack.

Thank you in advance for your cooperation.

Sincerely,

Donald Fournier  
Principal



# CITY OF AUBURN FOOD LICENSE APPLICATION

Renewal Application \_\_\_\_\_ Expiration date \_\_\_\_\_

License applied for Food Service Establishment (FSE) – no liquor

List changes from last license SAINT DOMINIC Academy

Business Hours of operation \* Sq Footage 16 X 32

Fee \$ 150- (Based on square footage and type of service)

Please attach a copy of the following: Floor Plan/facility diagram, menu or draft menu, certified food handler certificate with date of certification, and a copy of all state licenses applicable to this application or date of application.

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

**(Use back of application if necessary)**

\*\*\*\*\*

BUSINESS

APPLICANT

Business name SAINT DOMINIC Academy Owner's name Roman Catholic Bishop of Portland

Business address 121 GRACELAWN ROAD Maiden name/ A/K/A \_\_\_\_\_

City Auburn State ME Zip 04210 Date of birth \_\_\_\_\_

Mailing address 121 GRACELAWN ROAD Home address 121 GRACELAWN ROAD

City Auburn State ME Zip 04210 City Auburn State ME Zip 04210

Business phone 207 795-0167 Mailing address SAME

Email doris.LITTLE@portlanddiocese.org City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Please indicate address to mail license: Business Applicant Home phone 207 782-6911

\*\*\*\*\*

Is applicant a corporation in the State of Maine? Yes No \_\_\_\_\_ CORPORATION SOLE.  
(If answer is "Yes", complete Supplementary Questionnaire for Corporate Applicants)

List all residences, including all places of business, within the last 5 years:

Address 121 GRACELAWN Rd City Auburn State ME How long 11 1/2 years

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ How long \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ How long \_\_\_\_\_

\* SEASONAL OPERATION.

AFTER School 2:00 - 6:30.

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

Name \_\_\_\_\_ Date of conviction \_\_\_\_\_

Offense \_\_\_\_\_ Location \_\_\_\_\_

Disposition \_\_\_\_\_

If manager is to be employed, complete the following:

Name \_\_\_\_\_ Home address \_\_\_\_\_ Phone \_\_\_\_\_ Date of birth \_\_\_\_\_

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

Name \_\_\_\_\_ Date of conviction \_\_\_\_\_

Disposition \_\_\_\_\_ Location \_\_\_\_\_

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

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

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

\*\*\*\*\*

Food Service Establishment, Seating \_\_\_\_\_ Occupancy load \_\_\_\_\_

Criminal record and/or revocation of driver's license (include driving violations) during the last 5 years:

<u>Date</u>	<u>Charge</u>	<u>Court</u>	<u>Disposition</u>
<i>NONE</i>			

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

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

\*\*\*READ CAREFULLY BEFORE SIGNING\*\*\*

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



Signature of Applicant

Date *6/21/12*

IF A CORPORATION, MUST FILE A COPY OF CORPORATE PAPERS



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 49-07022012**

**ORDERED** that the City Council hereby waives the 2012 licensing fee for Saint Dominic Academy.

## **IN COUNCIL REGULAR MEETING JUNE 18, 2012 VOL. 33 PAGE 39**

Mayor LaBonte called the meeting to order at 7:05 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

### **I. Consent Items**

None

### **II. Minutes of June 4, 2012 City Council Meeting.**

Motion was made by Councilor LaFontaine and seconded by Councilor Gerry to approve the June 4, 2012 Council Meeting Minutes. Passage 7-0.

### **III. Reports**

**Mayor's Report** – reported

#### **Committee Reports**

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

#### **Councilor Reports**

- Tizz Crowley reported
- Mary LaFontaine reported
- David Young reported
- Leroy Walker reported

- Joshua Shea reported

**City Manager** - reported

**IV. Communications, Presentations and Recognitions**

Mayor LaBonté presented Mayoral Portraits to previous Mayors John Cleveland, Richard Trafton, and Richard Gleason.

Mayor LaBonté recognized Public Works Director, Bob Belz, who will be retiring at the end of the month, for 43 years of dedicated service to the City of Auburn.

**V. Open Session**

Ron Dubois, Executive Director of the YMCA  
Gary Simard, 157 Cook Street  
Savannah, Cassidy, and Parker  
Joanne Shaw, Lake Street  
Dennis Berube  
Scott Bussiere, 205 Lake Street  
Jake  
Laura Garcia, Lewiston  
Eric Chadborne  
Tom Labrie

**VI. Unfinished Business**

1. Resolve 05-06042012 – Adopting the Municipal Budget (Annual Appropriation Resolve). Second and final reading.

Motion was made by Councilor LaFontaine and seconded by Councilor Shea for passage. Passage 5-2 (Councilors Crowley and Gerry).

**VII. New Business**

1. Order 39-06182012 – Adopting the 2012-2013 Capital Improvement Program (CIP) Bond Projects.

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

2. Order 40-06182012 – Adopting the 2012-2013 Capital Improvement Program (CIP2) Other Funding Projects.

Motion was made by Councilor Shea and seconded by Councilor Crowley for passage. Passage 7-0.

**IN COUNCIL REGULAR MEETING JUNE 18, 2012 VOL. 33 PAGE 41**

3. Order 41-06182012 – Authorizing the issuance and sale of the City’s general obligation bonds in the amount of \$5,600,000. Public Hearing and first reading.

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

4. Order 42-06182012 – Establishing the property tax payment due dates and the property tax delinquency and overpayment interest rates for Fiscal Year 2012-2013.

Motion was made by Councilor Shea and seconded by Councilor Walker for passage.

Motion by Councilor Gerry and seconded by Councilor Walker to amend the order by changing the interest rate from 7% to 5%. Motion failed 2-5 (Councilors Crowley, Hayes, LaFontaine, Young, and Shea).

Passage of order 5-2 (Councilor Gerry and Walker).

5. Order 43-06182012 – Designating the city-owned parcel at 8 S. Main Street (PID; 221-074) as a public easement (as defined by 23 M.R.S.A. §3021); and authorizing the City Manager to execute any documents necessary to complete this designation.

Motion was made by Councilor Shea and seconded by Councilor LaFontaine for passage. Passage 7-0.

**VIII. Open Session**

Gary Simard, Cook Street  
Steve Martelli, Main Street  
Bob Belz, Director of Public Works, City of Auburn

- IX. Future Agenda Items** – Councilor Gerry – disposal of needles, recycling, litter issues.

**X Adjournment**

Motion was made by Councilor LaFontaine and seconded by Councilor Crowley to adjourn. Passage 6-1 (Councilor Shea), 9:40 P.M.

A TRUE COPY.

ATTEST   
Susan Clements-Dallaire, City Clerk

## IN COUNCIL SPECIAL MEETING JUNE 25, 2012 VOL. 33 PAGE 42

Mayor LaBonte called the meeting to order at 7:05 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

The City Council took a few minutes at the beginning of the public meeting to let the members of the public continue to comment on the Ice Arena which was discussed in workshop.

The following individuals addressed this item in workshop and in the regular meeting:

Tom Labrie, Greene  
Paul Bonenfant, 36 Mayfield Road  
Kevin Pratt, Hersey Hill Road, Minot  
Mike Keene, Nottingham Hill Road  
Mark Sampson, 34 Musket Drive, Auburn  
Darren Chadborne  
Dennis Berry, 26 Crest Avenue  
Jackie Moreau  
Brian Dubois, Executive Director of the YMCA  
Al Hannel, New Gloucester  
Larry Pelletier, 129 Second Street, Auburn  
Paul Landry, Minot Avenue  
Dan D'Auteuil, Pinewoods Road

Motion was made by Councilor Shea and seconded by Councilor Walker to enter into Executive Session, pursuant to 1 M.R.S.A. §405(6)(C).

Motion was made by Councilor Gerry to table the Executive Session to the end of the meeting. Motion failed, 3-4 (Councilors LaFontaine, Shea, Walker, Hayes).

Council went into executive session at 7:15 P.M. by a vote of 6-1 (Councilor Gerry).

The Mayor declared executive session over at 8:35 P.M.

The following items were added to the agenda.

Order 46-06252012 - Authorizing staff to conduct due diligence and pursue site control for the land at 985 Turner Street owned by George Schott/Auburn Plaza, Inc., for the purpose of building a double-sheet ice arena at that location.

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

Order 47-06252012 - Authorizing the City Manager to negotiate and execute an agreement under which the City of Auburn will be responsible for a portion of certain planning, permitting and site preparation costs associated with the construction of a double-sheet ice arena incurred by the developer in the event that the City decides ultimately not to pursue the ice arena project.

Motion was made by Councilor LaFontaine and seconded by Councilor Young for passage.

**IN COUNCIL SPECIAL MEETING JUNE 25, 2012 VOL. 33 PAGE 43**

Motion was made by Councilor Gerry and seconded by Councilor Crowley to amend the order to hold a referendum vote within 3 weeks from this meeting. Motion failed 2-5 (Councilors LaFontaine, Hayes, Young, Shea, and Walker).

Passage 5-2 (Councilors Gerry and Crowley).

**I. New Business**

1. Order 44-06252012 – Granting a mass gathering permit and in kind services to the Liberty Festival 2012.

There was no public comment.

Motion was made by Councilor Shea and seconded by Councilor LaFontaine for passage. Passage 7-0.

2. Order 45-06252012 – Authorizing the issuance and sale of general obligation Qualified Zone Academy Bonds for the city school capital equipment and improvements in the amount of \$1,057,323. Public hearing and first reading.

There was no public comment.

Motion was made by Councilor LaFontaine and seconded by Councilor Walker for passage. Passage 7-0.

**VII. Open Session – There was no public comment**

**X Adjournment**

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine to adjourn. Passage 6-1 (Councilor Shea), 9:15 P.M.

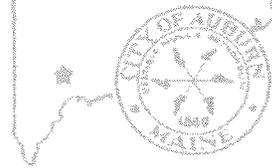
A TRUE COPY.

ATTEST *Susan Clements Dallaire*  
Susan Clements-Dallaire, City Clerk

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting



June 21, 2012

Dear Property Owner,

The Federal Emergency Management Agency (FEMA) recently published revised floodplain maps for Androscoggin County. As a result, floodplain designations for some properties in Auburn have been reclassified. Some properties may now fall within a more stringent floodplain zone, while others may have been removed from previously identified floodplain areas. One substantial change is a lower flood elevation around Taylor Pond (246').

This letter has been sent to 1,400 owners of land in Auburn either currently mapped within or proposed to be mapped within the 100-year flood zone. Due to this large number of property owners, we have created a webpage to help you access the information needed to determine how the map changes may affect your property.

The proposed FEMA Flood Insurance Rate maps (FIRM) are posted for viewing on the City's website at <http://auburnmaine.org/> and by clicking the link under News, entitled: [FEMA Flood Map Update & 90 Day Appeal Process Beginning June 7, 2012 - More Info](#). The directions on that site will help you search for your property and compare the current flood map to the proposed flood map. There is also a spreadsheet with the changes to each property estimated based on mapping information. The City has striven to provide an accurate analysis on that list, but property owners should view the maps to be sure of any changes. Additional information and resources are also linked to the webpage to help answer any questions.

The FIRMs may also be accessed in the City's Planning and Permitting Department, located on the 1st floor of Auburn City Hall.

June 7<sup>th</sup>, 2012 marked the beginning of a ninety-day period for property owners to appeal FEMA's proposed floodplain designations if they disagree with the map boundaries or Base Flood Elevations (BFEs). FEMA published the notice in the local newspaper as required by law, but the City Council and staff are mailing this notice to ensure awareness of the changes. FIRMs are used to determine if flood insurance is required for loans and to set insurance rates. By federal rule, any appeal must be based on scientific and/or technical information. The criteria for appeals are in a document entitled "[Criteria for Appeals of FIRMs](#)" which is available on the above-listed website.

If you determine your property may have been inappropriately included within a floodplain designation, it is incumbent upon you to file an appeal with the City of Auburn no later than

August 22, 2012, and earlier filings are strongly encouraged. For filing an appeal, please click on the Flood Appeal Form on the website. Completed appeal forms should be filed with:

Eric Cousens  
City of Auburn  
60 Court Street  
Auburn, Maine 04210  
(207) 333-6601, ext. 1154

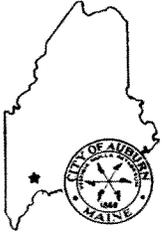
[ecousens@auburnmaine.gov](mailto:ecousens@auburnmaine.gov)

While the City will continue to attempt to determine if FEMA's floodplain designations are accurate, it is critical for individual property owners to assess their own situation in order for any desired appeal to be filed in a timely fashion. Therefore, in order to protect your interests adequately, it is important to identify and review your property's floodplain designation according to the method outlined above.

A **public informational meeting is scheduled for July 11, 2012** in the City Council Chambers of Auburn City Hall, located at 60 Court Street, Auburn, Maine, to discuss FEMA's proposed changes as well as the appeal process. State Officials and FEMA Staff will be in attendance to explain their map changes and how the City and its property owners can ensure that the appeal process meets local needs as based on local knowledge. Please feel free to call or email with questions.

Sincerely,

Eric Cousens, City Planner / Director of Planning and Permitting



**City Council  
Agenda Information Sheet**

**City of Auburn**

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**Council Meeting Date:** July 2, 2012

**Order**

41-06182012

**Author:** Sue Clements-Dallaire

**Subject:** Authorizing the issuance and sale of the City's general obligation bonds in the amount of \$5,600,000.

---

**Information:** This is an order to allow the bonding of the Capital Improvement Plan for the year as discussed in previous workshops.

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**Financial:**

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**Action Requested at this Meeting:** Recommend passage of second reading.

---

**Previous Meetings and History:** Public hearing and passage of first reading on 6/18/2012.

---

**Attachments:** Order 41-06182012



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 41-06182012

**ORDERED**, 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 in the amount of \$5,600,000, the proceeds of which are hereby appropriated to fund the costs of the following Capital Improvements (including costs of issuance, capitalized interest, and any other costs related or ancillary thereto):

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 FY13 Capital Improvement Program:

<b>Department</b>	<b>FY13 Projects Only (See CIP for full description)</b>	<b>Proposed Financing</b>	<b>CIP</b>	<b>FY 2013 CIP Bond</b>
School	Building and Equipment Improvements	Bond	CIP	\$1,675,000
City Clerk	Fireproof Storage	Bond	CIP	\$44,000
Engineering	Major Drainage	Bond	CIP	\$60,000
Engineering	MDOT Match	Bond	CIP	\$125,000
Engineering	Reclaim/Resurface	Bond	CIP	\$1,500,000
Engineering	Reconstruction	Bond	CIP	\$1,000,000
Engineering	Sidewalk Program	Bond	CIP	\$100,000
LATC	Bus Replacement	Bond	CIP	\$40,000
Parking Facilities	Drainage Mechanics Row Garage	Bond	CIP	\$25,000
Planning	Main Street Electrical Service	Bond	CIP	\$36,000
Public Works	Boiler Conversion	Bond	CIP	\$200,000
Public Works	Building and Ground Improvements	Bond	CIP	\$200,000
Public Works	Heavy Equipment	Bond	CIP	\$550,000
Contingency	Retained earnings for bid variances			\$45,000
<b>TOTALS</b>				<b>\$5,600,000</b>

THAT the bonds, which term shall be deemed to include any Bond Anticipation Notes (BAN's) as described below, shall be issued as authorized hereunder and shall be signed by the Finance Director and 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 and 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.

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 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 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 the same on June 4, 2012, in the Lewiston Sun-Journal, a daily newspaper published in Androscoggin County, and posted on the City's website.

**First reading on 6/18/2012, 6-1 (Councilor Gerry).**



**City Council  
Agenda Information Sheet**

**City of Auburn**

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**Council Workshop Meeting Date:** July 2, 2012

**Order** 45-06252012

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

**Subject: Order adopting the 2012-2013 Qualified Zone Academy Bonds (QZAB) (First Reading)**

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**Information:** See Attached

---

**Financial:** This bond proposal suggests bonding \$1,057,323 for School Department Capital Improvement Projects

---

**Action Requested at this Meeting:** Recommend passage of second reading.

---

**Previous Meetings and History:** Public hearing and first reading on 6/25/2012.

---

**Attachments:**

- Order for the 2012-2013 Qualified Zone Academy Bonds. (QZAB)

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 45-06252012

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 in the principal amount of \$1,057,323, and notes in anticipation thereof (the "Bonds"), the proceeds of which, including any investment earnings thereon, are hereby appropriated to fund the costs of the following capital equipment for and capital improvements to City schools, including costs of issuance, capitalized interest, and any other costs related or ancillary thereto (the "Project"):

The Project include acquisition of the following capital equipment for, and the design, construction, renovation, and rehabilitation of the following capital improvements to, City Schools:

<u>Project Element</u>	<u>Estimated Cost</u>
<u>Walton Elementary School</u> New shingled roof and exterior parking lot security lights	\$195,720
<u>Auburn Middle School</u> Skylight replacement.	\$30,030
<u>Edward Little High School</u> New boilers, domestic hot water, and natural gas conversion. Remove and dispose of existing asphalt of tennis courts, install new gravel and asphalt, paint and stripe court, reinstall fence and posts.	\$596,898
<u>Franklin Alternative High School</u> New HVAC system.	\$234,675
<b>Total:</b>	<b>\$1,057,323</b>

THAT under and pursuant to sections 54A and 54E of the Internal Revenue Code of 1986, as amended (the "Code") and regulations promulgated thereunder, the Bonds be issued and designated as a qualified zone academy bonds;

THAT pursuant to section 6431 of the Code, as amended by the Hiring Incentives to Restore Employment Act (Pub. L. No. 111-147), an irrevocable election be and is hereby made to have Section 6431(f) of the Code apply to the Bonds, and to receive subsidy payments from the Department of the Treasury in lieu of allowing a taxpayer that owns the Bonds to qualify for credits against that taxpayer's federal income tax liability to the extent otherwise allowable under the Code;

THAT a segregated project fund is established and shall be maintained for proceeds of the Bonds, including all investment proceeds, pending expenditure pursuant to this Order, and that to the extent required by the purchasers of the Bonds the Finance Director is authorized to establish an escrow account for proceeds of the Bonds pending disbursement, and to execute and deliver an escrow agreement and such other documents and instruments as may be required to establish and to disburse funds from such escrow account upon requisitions of the school department for the Project;

THAT the Bonds shall be issued as authorized hereunder and shall be executed and delivered by the Finance Director, and attested by the City Clerk under the seal of the City;

THAT a tax levy is hereby provided for each fiscal year that the Bonds authorized hereunder remain outstanding to meet the installments of principal of the Bonds and such interest as may accrue in each respective year;

THAT 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 the issue date, maturities, denominations, interest rates, place of payment, form and other details of said Bonds, 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; and that the retention of McLiney & Company as the City's agent for the sale of the Bonds is hereby ratified and approved.

THAT without limitation of the foregoing, the Finance Director is authorized to accept a proposal for the purchase of the Bonds, and that pursuant to Section 54A of the Code, and regulations thereunder, said written acceptance shall constitute a binding written contract for the sale of the Bonds for purposes of establishing the applicable federal credit rate and maximum term of the Bonds;

THAT without limitation of the foregoing, the Bonds may be issued as one or more term bonds payable as to principal on or before the date that is not later than ten (10) years from the date of issue, provided, however, that such term bond(s) shall be subject to mandatory annual redemption of substantially equal principal installments, with interest payable semi-annually.

THAT the Bonds authorized hereunder may otherwise be made subject to call for redemption, either with or without premium, on such terms not inconsistent herewith as may be determined by the Finance Director.

THAT the Finance Director is authorized to covenant on behalf of the City that no part of the proceeds of the Bonds shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and to covenant on behalf of the City to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds;

THAT the Finance Director establish written procedures with respect to the Bonds for the purpose of ensuring timely "remedial action" for any portion of the Bonds that may become "non-qualified bonds," as those terms are defined in the Code and regulations thereunder; and monitoring the City's compliance following the issuance of the Bonds with the arbitrage, yield restriction and rebate requirements of the Code and regulations thereunder; and that the Finance Director is designated to implement and follow these written procedures;

THAT the Finance Director is authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, to the extent applicable, are met;

That the Finance Director is authorized to execute and deliver such tax certificates, arbitrage and use of proceeds certificates and other documents and certificates as may, in the Finance Director's opinion, be

necessary or convenient to effect the transactions herein authorized, to be in such form not inconsistent with this Order as the Finance Director may approve;

THAT the Finance Director is authorized to enter into an agreement with UMB Bank, N.A. or other financial institution for transfer agent, registration agent, and/or paying agent services, which may include, among other things, services related to the completion and periodic filing of IRS Form 8038-CP or such other forms and submissions as may be required for the City to receive direct federal subsidy of the interest payments under the Bonds;

THAT the Finance Director and other appropriate officials of the City, acting singly, be authorized to execute and deliver on behalf of the City such other documents and certificates and to take such other actions as they may deem necessary to effect to the issuance, sale and delivery of the Bonds in accordance herewith and otherwise for the Bonds to comply with all requirements for qualified zone academy bonds within the meaning of Sections 54A and 54E of the Code, and any such prior action by them is hereby ratified and confirmed;

That if the Finance Director, Clerk or any other City officer or official is for any reason unavailable to, as applicable, approve, execute or attest the Bonds or any related documents or certificates, the person or persons 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/himself 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 in order to finance temporarily the Project, the Finance Director is authorized to expend up to \$1,057,323 from the general fund of the City and to reimburse said expenditures from proceeds of the Bonds; and

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 June 11, 2012 in the *Lewiston Sun-Journal*, a daily newspaper published in Androscoggin County.



## City Council Agenda Information Sheet

City of Auburn

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**Council Meeting Date:** July 2, 2012

**Order** 50-07022012

**Author:** Keith McBride, Economic Development Asst.

**Subject:** Execution of the Memorandum of Understanding with George Schott

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**Information:** At the June 25, 2012 meeting, the Council passed an order authorizing the City Manager to negotiate an agreement with George Schott which would detail some of the duties and responsibilities of both parties. The attached Memorandum of Understanding is presented to the council pursuant to that order.

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**Financial:** The Memorandum of Understanding does not impose any new costs above those already discussed related to ice arena project except that it confirms that the city agrees to share in some of the planning, permitting, design and site preparation costs if the city decides ultimately not to pursue the project.

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**Action Requested at this Meeting:** Pass an Order authorizing the City Manager to execute the Memorandum of Understanding with George Schott.

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**Previous Meetings and History:** June 25, 2012

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**Attachments:**

- Memorandum of Understanding
- Order 50-07022012

## MEMORANDUM OF UNDERSTANDING

The following is a breakdown of duties and responsibilities of the partners involved in the construction, operation and maintenance of a double ice sheet arena in Auburn, Maine. The purpose of producing this description is so the parties involved in this process, and the general public, understand the approach being taken to successfully complete this project. This project is being pursued on the basis of being designed, permitted and built by a private party and leased to the City of Auburn with options for a municipal purchase after 10 years, and every five years thereafter, for the remaining principal balance on the 30 year amortization schedule.

### **Site Investigation and Selection**

In order to come to a final determination on the site that will accommodate the arena, it is necessary to generate information that will determine the feasibility of the site for the project. All costs associated with this investigation will be the responsibility of the property owner. Studies to be conducted include: survey, geotechnical investigation, environmental conditions that may have to be mitigated and deed research for the purpose of determining if there are any easements potentially affecting this project.

### **Planning Board**

In order for this project to be produced within an acceptable time frame (the facility must be online to accommodate play for the 2013-2014 season) it is necessary to immediately launch the investigations prerequisite to the submission of a planning board package for consideration. City of Auburn has determined it is necessary to have this project ready for review by the Planning Board at their meeting of August 14, 2012. The private owner has the responsibility for producing all of these reports (traffic, storm water management etc.). Costs associated with this process are substantial.

### **Building Design**

The private owner of the facility will be responsible for contracting for professional services to design the arena. Because the City of Auburn will lease and ultimately own the facility the private owners architect and engineers will consult with the designated individual representing the City of Auburn's interest and agreed on final design decisions. The City of Auburn will hire a qualified individual to represent its interest in value engineering the facility.

### **Construction**

The private owner will be responsible for financing the construction of the facility. The private owner also will contract for all services needed to construct the facility. The private owner will cooperatively collaborate with the designated individual representing the City of Auburn's interest on the selection of a general contractor and proposed budgets for construction components.

### **Land**

The private owner will donate the land upon which the double sheet ice arena will be built (conditioned only upon the private owner having naming rights, with Auburn's approval, during the period of private ownership). The donation of the land will occur prior to the execution of a construction contract.

### **Lease Terms**

The lease will be triple net (taxes, insurance and utilities) with the city being responsible for these costs.

### **Operation/Maintenance**

The City of Auburn will be responsible for all costs associated with the operation and maintenance of the facility. The City of Auburn will have the right to subcontract individual operational components within the facility.

 George Schott, Owner \_\_\_\_\_ Clinton Deschene, Auburn 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 #50-07022012**

**ORDERED** that the City Council authorizes the City Manager to execute the Memorandum of Understanding which details the duties and responsibilities of the City of Auburn and George Schott related to the design, permitting and construction of a double-sheet ice arena at 985 Turner Street in Auburn.



## City Council Information Sheet

City of Auburn

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**Council Meeting Date:** July 2, 2012

**Subject:** Executive Session

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**Information:** Discussion on a Poverty Abatement, pursuant to 36 M.R.S.A. Sec. 841 (2).