



# City Council Meeting and Workshop

## March 5, 2012

### Agenda

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

- A. Massage Therapist Licensing Ordinance – Don Gerrish and Sue Clements-Dallaire
- B. Business licensing reclassification – Sue Clements-Dallaire
- C. L&A Transit Committee Funding Request – Don Gerrish and Phil Nadeau

#### 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.

**II. Minutes** – February 21, 2012 City Council Meeting minutes.

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

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

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

- **Transportation**
  - Androscoggin Transportation Resource Center – Mayor LaBonte
  - Lewiston Auburn Transit – Councilor Gerry
  - Airport, Railroad – Councilor Hayes
- **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
- **Environmental Services**
  - Auburn Water District, Auburn Sewerage District – Councilor Crowley
  - Mid-Maine Waste Action Corp. – Councilor Walker
- **Recreation**
  - Recreation Advisory Board – Councilor Walker

###### **City Councilors' Reports**

###### **Interim City Manager's Report**

- Proposed Meeting Schedule for March, April, May, and June.
- Update on Spring Clean Up.

##### **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**

**VII. New Business**

**1. Ordinance 02-03052012**

Amending Code of Ordinances Chapter 24 Section 24-8 “Definitions” regarding Food Service License Classifications. First Reading.

**2. Order 11-03052012**

Authorizing the L & A Transit Committee District to apply for Federal Funds for a bus wash.

**3. Executive Session** - Discussion about a real estate matter, pursuant to 1 M.R.S.A. §405(6)(C). No action will be taken at this meeting.

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

**IX. Future Agenda/Workshop Items**

**X. Adjournment**

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

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension of 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

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**Council Meeting Date:** March 5, 2012      **Workshop item A**

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

**Subject:** Massage Therapists Licensing Ordinance

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**Information:** Chapter 24, section 24-383, Exemptions:

The following persons shall be exempt from this article while licensed and practicing in accordance with the laws of this state: physicians, physician's assistants, surgeons, osteopaths, nurses, chiropractors, physical therapists, and persons holding said licenses issued by the State of Maine Department of Professional and Financial Regulations, Division of Licensing and Enforcement. Students enrolled in a recognized school who are required to give massages as part of their training shall be exempt from these licensing requirements.

Further on, it states under section 24-386, Required (b) Massage Therapist License:

No person shall work as a massage therapist without a valid massage therapist license or a combined massage establishment/therapist license issued by the City.

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**Financial:** We are currently requiring Massage Therapists be licensed by the City even if they hold a license issued by the State of Maine Department of Professional and Financial Regulations, Division of Licensing and Enforcement. The fee for the City license is \$150.00.

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**Action Requested at this Meeting:** Discussion with recommendation to change the wording of our ordinance exempting Massage Therapists with a license issued by the State.

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**Previous Meetings and History:**

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**Attachments:** Copy of Article XII. Massage Establishments and Massage Therapists from Chapter 24 Business Licensing.

Department of Environmental Health, Health Inspection Program established rules and regulations,

## **Article XII. Massage Establishments and Massage Therapists**

### **Sec. 24-382. Purpose**

The City recognizes that the practice of legitimate massage therapy by trained and experienced therapists is a valuable component of our health care system. The City also recognizes that persons without legitimate massage training or experience may masquerade as massage therapists as a facade for unlawful purposes such as prostitution. It is the purpose of this Article to clearly distinguish between these persons and to promote the public health, safety and general welfare by simultaneously acknowledging and permitting legitimate massage therapy practices.

### **Sec. 24-383. Exemptions**

The following persons shall be exempt from this article while licensed and practicing in accordance with the laws of this state: physicians, physician's assistants, surgeons, osteopaths, nurses, chiropractors, physical therapists, and persons holding said licenses issued by the State of Maine Department of Professional and Financial Regulations, Division of Licensing and Enforcement. Students enrolled in a recognized school who are required to give massages as part of their training shall be exempt from these licensing requirements.

### **Sec. 24-384. General Provisions to Apply**

Except to the extent that this Article contains a contrary provision, all provisions of chapter 24 shall apply to this Article.

### **Sec. 24-386. Required**

- a. *Therapeutic Massage Establishment License:* No person shall operate a therapeutic massage establishment without a valid therapeutic massage establishment license issued by the City. A separate license shall be required for each such establishment.
- b. *Massage Therapist License:* No person shall work as a massage therapist without a valid massage therapist license or a combined massage establishment/therapist license issued by the city.
- c. *Combined Massage Establishment/Massage Therapist License:* A sole practitioner who employs no massage therapist other than himself/herself may apply for a combined massage establishment/massage therapist license in lieu of both a therapeutic massage establishment license and a massage therapist license.

### **Sec. 24-387. Compliance of Existing Therapists and Massage Establishments**

Any person presently operating as a massage therapist and/or operating a massage establishment in the City as defined herein on the effective date of this article shall comply with the terms of this article by obtaining a license hereunder within three months of the effective date of this Article.

### **Sec. 24-389. Application and Information**

Each applicant for a license shall:

- a. Complete all information upon and file an application on a form prescribed by the City Clerk;
- b. Pay a nonrefundable application fee in accordance with the City's fee schedule as approved by the City Council in advance to the City Clerk;
- c. Submit the completed application to the City Clerk, together with attested copies of the articles of incorporation and bylaws, if the applicant is a corporation, evidence of partnership, if a partnership, or Articles of association and bylaws, if the applicant is an association, as well as a list of all officers and directors;
- d. File an affidavit with the City Clerk or designee which will identify all owners, officers, managers or partners of the applicant and their places of residence at the time of the application and for the immediately preceding five years;
- e. The application for a license under this Article shall be accompanied by a photograph, in duplicate, of the applicant, which meets specifications for a passport photograph and is current within 30 days annually. Along with a copy of a government issued identification.
- f. File the release authorized by 16 M.R.S.A. § 620(6), Criminal History Record Information Act, with the application for each applicant and for each officer, owner, manager or partner of an applicant seeking a therapeutic massage establishment or combined massage establishment/massage therapist license; and
- g. A copy of a criminal background check not more than 3 days prior to submission of application.
- h. File any information not set forth above which is required by section 24-32.

**Sec. 24-390. Qualifications of Applicant, Officers**

Within the five years immediately preceding the date of application, no applicant nor, for a massage establishment or combined massage establishment/massage therapist license, any owner, officer, manager or partner of an applicant shall have been convicted of a crime now classified under Maine Statute as a Class A, B, or C crime, a crime involving moral turpitude, the crimes of engaging in prostitution or promotion of prostitution, nor of violating any of the gambling, drug or prohibitive liquor laws under the laws of the United States or the State of Maine or any other state. Hereinafter any one of the foregoing convictions or violations may be referred to as a "disqualifying criminal conviction."

**Sec. 24-391. Investigation of Applicant, Officers**

Upon receipt of an application or notice of a change of the owners, officers, managers or partners of the applicant:

- a. The Building Inspector shall verify that the premises at which the establishment will be located complies with all applicable ordinances of the City including, but not limited to, the building code, electrical code, plumbing code and zoning ordinance and shall report his/her findings in writing to the City Clerk;
- b. The City Clerk or designee shall review the application and other documents and determine whether such documents comply with all of the requirements of this Article;

- c. The Code Enforcement Officer shall inspect the location or proposed location to determine whether the applicable ordinances relating to health and safety have been satisfied and shall report his/her findings in writing to the City Clerk;
- d. The Fire Chief or designee shall inspect the location or proposed location to determine if all City ordinances concerning fire and safety have been satisfied and shall submit his/her report in writing to the City Clerk; and
- e. The Police Chief or designee shall investigate the application, including the criminal history record information and shall report his/her findings in writing to the City Clerk.

**Sec. 24-392. Basic Proficiency**

Each applicant for a massage therapist license or combined massage establishment/therapist license shall show proof of basic proficiency in the field of massage therapy which may be satisfied by:

- a. Evidence of the satisfactory completion of all formal course work and training in massage therapy required for graduation from a recognized school, which shall be in the form of a diploma or certificate of graduation or equivalent documentation; or
- b. A written statement from a physician, nurse, osteopath, chiropractor, physical therapist, or member of the AMTA stating that that person refers clients to the applicant for therapeutic massage.

**Sec. 24-393. Obtaining License by Fraud**

No person shall make any false, untruthful or fraudulent statement, either written or oral, or in any way conceal any material fact, or give or use any fictitious name in order to secure or aid in securing a license required by this Chapter. All names, including, but not limited to maiden name, ever used by the applicant must be noted on the application. Any license so secured shall be void.

**Sec. 24-394. Use of License**

No person shall make use of, in any manner, to his/her own or another's benefit, any license which has not been duly issued to him/her in accordance with this Chapter.

**Sec. 24-395. Standards for Denial**

A license under this division shall be denied to the following persons:

- a. Therapeutic Massage Establishment license:
  - 1) To a corporation not registered to do business in this State; or
  - 2) To a corporation if any principal officer thereof or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction within the immediately preceding five years; or
  - 3) To an applicant, other than a corporation, if such applicant or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction within the immediately preceding five years.
- b. Massage Therapist license, or combined massage establishment/massage

therapist license:

- 1) To an applicant who has a disqualifying criminal conviction at any time during the five years immediately preceding application; or
- 2) To an applicant who is not at least 18 years of age.

c. All licenses:

- 1) To an applicant who has submitted an incomplete application, knowingly made an incorrect statement of a material nature, or failed to supply additional information required by the City Clerk or designee or reasonably necessary to determine whether the license is issuable; or
- 2) To an applicant, if such applicant or any person having an actual ownership interest or management authority therein has been denied a license for knowingly making an incorrect statement of a material nature within the immediately preceding five years; or
- 3) To an applicant, if such applicant or any person having an actual ownership interest or management authority therein has had a license granted pursuant to this article revoked for any reason within the immediately preceding five years.

**Sec. 24-396. Grounds for Suspension or Revocation**

- a. All licenses. In addition to the grounds of denial set forth in section 24-395, any license may be suspended or revoked upon a determination that the licensee:
  - 1) Failed to notify the Clerk of any change in material fact set forth in the application for such license; or
  - 2) Violated any provision of this article.
- b. Therapeutic Massage Establishment Or Combined Establishment/Therapist License: In addition to the provisions of subsection (a) hereof, either a massage establishment license or combined establishment/therapist license may be suspended or revoked upon a determination that the licensee:
  - 1) Permitted any person to perform therapeutic massage without a valid license to do so;
  - 2) Permitted or allowed an employee, massage therapist or conditional massage therapist, to violate any provision of this Chapter on the premises of the establishment or in the course of conduct of the business of the establishment; or
  - 3) Knowingly permitted any violation of 17-A M.R.S.A. §§ 851 through 855. Such knowledge shall be presumed if there has been a conviction of any such offense within the immediately preceding five years. The applicant or licensee may rebut said presumption by showing that:
    - a) Due diligence was exercised to prevent the recurrence of any such offense; and
    - b) Despite such diligence, he or she did not know and could not reasonably have known of any subsequent offense.

**Sec. 24-398. Age Restrictions**

No massage or therapeutic massage shall be practiced on a minor without the written consent of a parent or guardian.

**Sec. 24-399. Massage Tables**

All therapeutic massage shall be administered on a massage table, treatment table, treatment mat, or treatment chair.

**Sec. 24-400. Maintenance and Cleaning**

Every person who conducts or operates a therapeutic massage establishment shall keep the same at all times in a clean and sanitary condition. All instruments, supplies and devices of any kind, or parts thereof, that come into contact with the human body shall be kept clean by a modern and approved method of cleaning, in accordance with state rules and regulations.

**Sec. 24-401. Prohibited Activities**

- a. No massage therapist shall administer a massage to a client whose genitals are exposed.
- b. No massage therapist shall administer or agree to administer a massage to the genitals or anus of a client.
- c. No massage therapist shall administer a massage unless he or she is fully clothed with nontransparent clothing.
- d. No massage therapist shall perform any sexual act or make sexual contact as defined in 17-A M.R.S.A. § 251, in the commission of their professional activities.

**Sec. 24-402. Operation Hours**

At all times when open for business, a therapeutic massage establishment shall have upon the premises a licensed massage therapist or person who possesses a combination massage establishment/massage therapist license who shall be available to supervise the operation of the establishment and assure that no violations of this Article occur.

**Sec. 24-403. List of Employees**

The therapeutic massage establishment shall keep a written list of the names and current addresses of all employees, both on duty and off duty. Such list shall be shown to the Chief of Police or designee, the City Clerk or designee, upon request.

**Article XIII. Outpatient Addiction Treatment Clinics****Sec 24-406. Purpose**

The City Council recognizes that an outpatient addiction treatment clinic can be a valuable component of our health care system. The City Council finds that with the reasonable and necessary siting restrictions listed herein, there remain sufficient suitable areas within the city to site outpatient addiction treatment clinics. Licensing of these facilities will enhance community relations with the providers of such clinics and will establish lines of communications with the clinics. Licensing of these facilities is appropriate and consistent with the City's policies and practices to review and license business activities that impact its citizens. The licensing is not meant to duplicate the licensing done at the state level pursuant to 14-118 CMR Ch. 4 *Regulations for*



## City Council Workshop Information Sheet

City of Auburn

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**Council Meeting Date:** March 5, 2012      **Workshop item B**

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

**Subject:** Business licensing reclassification

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**Information:** Recommending that the City's liquor classifications in Chapter 24 mirror State Statute to eliminate confusion on the part of applicants for City licenses and on the part of City staff in administering the licensing function.

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**Financial:** N/A

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**Action Requested at this Meeting:** Recommend amendment of ordinance and passage of first reading.

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**Previous Meetings and History:** This item was discussed on February 21, 2012 during the Council Workshop.

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**Attachments:** Under Agenda item #1 (tab #1 in notebooks)

- Comparison chart showing the State classifications and the City classification codes.
- Fee schedule (Auburn and Lewiston).
- Proposed Ordinance 02-03052012



## City Council Workshop Information Sheet

City of Auburn

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**Council Meeting Date:** March 5, 2012

**Workshop item C**

**Author:** Don Gerrish, Acting City Manager

**Subject:** Request from the Lewiston and Auburn Transit Committee

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**Information:** The Lewiston and Auburn Transit Committee is requesting authorization to apply for Federal Funds (80% Federal and 20% Local) to construct a bus/truck wash that would be used by the Transit District and by both Auburn & Lewiston to wash large equipment. Discussion would be held to see if private companies could be part of the project. Deadline to have materials to the Transit Chair is March 9, 2012.

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**Financial:** Commitment from Auburn to fund ½ of the local cost. It is estimated that the Auburn share will be \$50,000 if the project is approved. These funds would be budgeted as part of the Capital Improvement Program in the 2012/13 Budget if approved by Council.

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**Action Requested at this Meeting:** Authorization for the Lewiston and Auburn Transit District to apply for Federal Funds for a bus/truck wash.

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**Previous Meetings and History:**

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**Attachments:** A Memo from Phil Nadeau Chair of the Lewiston Auburn Transit Committee will be sent to you as soon as it is received.

## **IN COUNCIL REGULAR MEETING FEB. 21, 2012 VOL 33 PAGE 10**

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

### **I. Consent Items – None**

### **II. Minutes of February 6, 2012 Council Meeting**

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to approve the February 6, 2012 Council Meeting Minutes. Passage 7-0.

### **III. Reports**

#### **Mayor's Report – Reported**

#### **Committee Reports**

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

#### **Councilor Reports**

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

## IN COUNCIL REGULAR MEETING FEB. 21, 2012 VOL 33 PAGE 11

### Interim City Manager, Don Gerrish – Reported

**Finance Director, Jill Eastman** - Motion was made by Councilor Gerry and seconded by Councilor Young to accept the January 2012 Finance Report. Passage 7-0.

#### IV. Communications, Presentations and Recognitions

Charles Morrison, President of the Androscoggin Chamber of Commerce, presented Chief Phil Crowell, Jr. with the 2012 Public Service Leadership Award.

#### V. Open Session

The following people addressed the Council:

Larry Morrissette, PO Box 3036, Auburn  
Steve Martelli, Auburn  
Joe Gray, Sopers Mill Road

#### VI. Unfinished Business - None

#### VII. New Business

1. Order 04-02212012 Approving a new Liquor License application for GPG, LLC, DBA: Mac's Grill, 1052 Minot Avenue, Food Service Establishment – Class A Restaurant with Liquor.

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

2. Order 05-02212012 Approving a property abatement for tax years 2009 and 2010 for Map 57 Lot 52-1 in the amount of \$2700 of assessed value for each year.

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

3. Order 06-02212012 Appointing the Registration Appeals Board Members.

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

4. Order 07-02212012 Authorizing the Mayor to correspond with Maine State Housing Authority concerning the time frame placed on projects to receive Low Income Housing Tax Credits.

## **IN COUNCIL REGULAR MEETING FEB. 21, 2012 VOL 33 PAGE 12**

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

5. Order 08-02212012 Approving a Joint Agency Budget Committee.

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine for passage of the order with changes. Passage 5-2 (Councilors Young and Walker).

6. Order 09-02212012 Appointing the second City Councilor to the Joint Agency Budget Committee.

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

7. Executive Session Discussion about a real estate matter, pursuant to 1 M.R.S.A. §405(6)(C) with possible Council action.

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to enter into Executive Session. Passage 7-0, 8:40 P.M.

The Mayor declared the Executive Session over at 9:05 P.M.

8. Order 10-02212012 Authorizing the Acting City Manager to execute an Option Agreement for the acquisition of land and buildings at 1 Minot Avenue, known as the former Auburn Police Department building (PID: 240-272).

Motion was made by Councilor Shea and seconded by Councilor Walker for passage. Passage 6-0 (Councilor Hayes abstaining).

### **VIII. Open Session**

Larry Morrissette, PO Box 3036, Auburn

### **IX. Future Agenda/Workshop Items**

- Councilor Shea would like to discuss the City's Massage Therapist Ordinance. He also commented that the Chamber's Regional Image Committee was taking off with their Imaging Campaign and he expressed that he feels the City Council should be involved and updated on this and would like to invite the Committee to a Council Workshop.
- Councilor Gerry would like to discuss the naming of the Park by Rolly's Diner in New Auburn.

### **X. Adjournment**

**IN COUNCIL REGULAR MEETING FEB. 21, 2012 VOL 33 PAGE 13**

Motion was made by Councilor LaFontaine and seconded by Councilor Young to adjourn the meeting. Passage 7-0, 9:20 P.M.

A TRUE COPY.

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



## City Council Agenda Information Sheet

City of Auburn

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**Council Meeting Date:** March 5, 2012      **Ordinance 02-03052012**

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

**Subject:** Business licensing reclassification

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**Information:** Recommending that the City's liquor classifications in Chapter 24 mirror State Statute to eliminate confusion on the part of applicants for City licenses and on the part of City staff in administering the licensing function.

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**Financial:** N/A

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**Action Requested at this Meeting:** Recommend amendment of ordinance and passage of first reading.

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**Previous Meetings and History:** This item was discussed on February 21, 2012 during the Council Workshop.

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**Attachments:** Under Agenda item #1 (tab #1 in notebooks)

- Comparison chart showing the State classifications and the City classification codes.
- Fee schedule (Auburn and Lewiston).
- Proposed Ordinance 02-03052012

<b>State Classifications</b>	<b>Auburn Classifications</b>
Food Establishment	FSE Class D (includes liquor) sq ft 1-2999 Reference to alcohol 3000-5999 incorrect 6000-up
Temporary Food Service Establishment	FSE Class F Per event/maximum of 7 days
Class I Spirituous, Vinous and Malt	FSE Class A (based on square footage) sq ft 1-2999 3000-5999 6000-up
Class III Vinous Only Class III/IV Malt and Vinous	FSE Class B (based on square footage) sq ft 1-2999 (includes liquor) 3000-5999 6000-up
Class IV Malt Liquor Only	FSE Class C (based on square footage) sq ft 1-2999 (includes liquor) 3000-5999 6000-up
Class V Spirituous, Vinous and Malt Clubs Without Catering Privileges	No Classification
Class X Spirituous, Vinous and Malt Class A Lounge	FSE_Class A Lounge (based on square footage) sq ft 1-2999 (includes liquor) 3000-5999 6000-up
Class XI Spirituous, Vinous and Malt Restaurant/Lounge	No Classification
Bottle Club/BYOB	FSE Class E  sq ft 1-2999 3000-5999 6000-up
Off-Premise Retailer – Malt Liquor Off-Premise Retailer – Table Wine	FSE Class G Take Out sq ft 1-2999 3000-5999 6000-up

License Type		Previous Fee Auburn	Current Fee Auburn	Current Fee Lewiston
Class A Lounge (based on square footage) (includes liquor)	sq ft 1-2999 3000-5999 6000-up	N/A	\$1000 \$1300 \$1500 (plus hearing ad)	Sq ft 1-1200 \$1400 1201-2000 \$1725 2001-3000 \$1945 3001+ \$2165
Food Service Establishment Class A (based on square footage)	sq ft 1-2999 3000-5999 6000-up	\$300 \$350 \$400	\$500 \$600 \$700	Sq ft 1-3000 \$325 3001-6000 \$430 6001+ \$536
Food Service Establishment Class B (based on square footage) (includes liquor)	sq ft 1-2999 3000-5999 6000-up	\$300 \$350 \$400	\$300 \$400 \$500	\$163
Food Service Establishment Class C (based on square footage) (includes liquor)	sq ft 1-2999 3000-5999 6000-up	\$300 \$350 \$400	\$300 \$400 \$500	\$163
Food Service Establishment Class D (no liquor)	sq ft 1-2999 3000-5999 6000-up	\$125 - \$225	\$150 \$200 \$250	\$116
Food Service Establishment Class E (Bottle Club/ BYOB)	sq ft 1-2999 3000-5999 6000-up	N/A	\$150 \$200 \$250	\$337
Food Service Establishment Class F Per event/maximum of 7 days		N/A	\$60	\$58 for 30 days \$27 for 3 days
Food Service Establishment Class G Take Out	sq ft 1-2999 3000-5999 6000-up	\$125 - \$225	\$150 \$200 \$250	\$42 Prepackaged \$84 Processing

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

ORDINANCE #02-03052012

ORDERED, that the Code of Ordinances be and hereby is amended as follows, replacing current City of Auburn classifications with classifications used by the State of Maine:

<b>State Classifications</b>	<b>Auburn Classifications</b>
Food Establishment On or Off Premises	FSE Class D (includes liquor) incorrect reference to alcohol
Temporary Food Service Establishment	FSE Class F Per event/maximum of 7 days
Class I Spirituous, Vinous and Malt	FSE Class A (based on square footage)
Class III Vinous Only Class III/IV Malt and Vinous	FSE Class B (includes liquor)
Class IV Malt Liquor Only	FSE Class C (includes liquor)
Class V Spirituous, Vinous and Malt Clubs Without Catering Privileges	No Classification
Class X Spirituous, Vinous and Malt Class A Lounge	FSE Class A Lounge (includes liquor)
Class XI Spirituous, Vinous and Malt Restaurant/Lounge	No Classification
Bottle Club/BYOB	FSE Class E
Off-Premise Retailer – Malt Liquor Off-Premise Retailer – Table Wine	FSE Class G Take Out



## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** March 5, 2012

**Order 11-03052012**

**Author:** Don Gerrish, Acting City Manager

**Subject:** Request from the Lewiston and Auburn Transit Committee

**Information:** The Lewiston and Auburn Transit Committee is requesting authorization to apply for Federal Funds (80% Federal and 20% Local) to construct a bus/truck wash that would be used by the Transit District and by both Auburn & Lewiston to wash large equipment. Discussion would be held to see if private companies could be part of the project. Deadline to have materials to the Transit Chair is March 9, 2012.

**Financial:** Commitment from Auburn to fund ½ of the local cost. It is estimated that the Auburn share will be \$50,000 if the project is approved. These funds would be budgeted as part of the Capital Improvement Program in the 2012/13 Budget if approved by Council.

**Action Requested at this Meeting:** Authorization for the Lewiston and Auburn Transit District to apply for Federal Funds for a bus/truck wash.

**Previous Meetings and History:**

**Attachments:** A Memo from Phil Nadeau Chair of the Lewiston Auburn Transit Committee will be sent to you as soon as it is received.

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 #11-03052012**

ORDERED, that the City Council hereby authorizes the Lewiston and Auburn Transit District to apply for Federal funds (80% Federal and 20% Local) to construct a bus/truck wash to be used by the Transit District and by both Auburn and Lewiston to wash large equipment.



## City Council Information Sheet

City of Auburn

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**Council Meeting Date:** March 5, 2012

### **Subject: Executive Session**

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**Information:** Discussion about a real estate matter, pursuant to 1 M.R.S.A. §405(6)(C).

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

- A. Discussion 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.
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