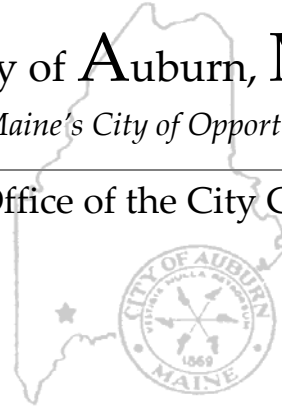


City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

August 21, 2006

This packet contains the City Council Agenda and supporting documents. The items in this packet are bookmarked in Adobe Acrobat .pdf format. You may need to click on the Bookmark tab on the left to open the Bookmark window. If you do not see a Bookmark tab on the left, you may need to select the Show/Hide Navigation Pane button in your icon toolbar above or update your version of the Adobe Reader. You can download the free Adobe Reader application at www.adobe.com.



City Council Meeting and Workshop August 21, 2006

Agenda

Note: *There will be no workshop prior to the Council Meeting. The City Council will be taking a tour of the new elementary school on Park Ave. There will be a tour for the public on Aug. 24.*

7:00 p.m. Council Meeting

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.

Minutes

*082106-00 Minutes of August 7, 2006 Council Meeting

Reports

- **Mayor**
 - HeartSafe Community
- **City Councilors**
- **City Manager**
 - General Assistance Quarterly Report*

Communications and Recognitions

- *082106-00 Communication from New England School of Metalwork Re: Waive fee for Victualers License
- *082106-00 Communication from Acting Police Chief Crowell Re: Constable

Open Session - Members of the public are invited to speak to the Council about any issue which does *not* appear on the agenda

Old Business

082106-01 Public Hearing and action on Liquor License Application and Special Amusement Permit Application for Midnight Blues Club and Restaurant (Tabled 8/7/06)

New Business

- 082106-02 Order – 2005-2006 Tax Commitment
- 082106-03 Resolve - Amendment to the boundary of the Pine Tree Zone
- 082106-04 Set dates for meetings in September

ADJOURNMENT

Executives Sessions: 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. Those applicable to municipal government are:

1. Discussion of personnel issues
2. Discussion or consideration of the condition, acquisition, or the use of real or personal property or economic development if premature disclosure of the information would prejudice the competitive or bargaining position of the body or agency.
3. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators.
4. Consultations between a body or agency and its attorney
5. Discussion 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.
6. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes
7. Consultations between municipal officers and a code enforcement officer relating to enforcement matter pending in District Court.

**CITY OF AUBURN
AUGUST 7, 2006
CITY COUNCIL MEETING**

PRESENT

Mayor Normand W. Guay, Councilors Bethel B. Shields, Robert P. Hayes, Eric G. Samson, Donna L. Rowell, Belinda A. Gerry, Robert C. Mennealy, and M. Kelly Matzen, City Manager Pat Finnigan, Assistant City Manager Laurie Smith and City Clerk Mary Lou Magno. There were 100+ people in the audience.

Mayor Guay called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn Hall with a salute to the flag.

CONSENT AGENDA

Councilor Shields moved to accept, approve and place on file the following item listed with an asterisk. Seconded by Councilor Rowell. Vote: 7 Yeas.

***MINUTES OF JULY 17, 2006**

Approved under consent agenda.

REPORTS OF THE MAYOR

RECOGNITION OF DAVID WEBSTER

Mayor Guay recognized David Webster, a Para transit driver at Western Maine Transportation. For three consecutive years, Mr. Webster has earned the first-play trophy at the Annual Maine State Bus & Van Roadeo. In June of this year, he participated in Orlando, Florida competition and brought home the National Community Transportation Association's Bus Division Title.

Mayor Guay also noted that the filing deadline for candidates for the Municipal Election is August 24th. To date only three residents have taken out nomination papers for seven School Committee openings.

REPORTS OF CITY COUNCILORS

Councilor Rowell noted that she recently attended a function at the Franco Heritage Center, where a 13 year old male performed on the piano recently donated to the center; she also worked (serving hot dogs) at National Night Out and thanked all the City personnel who helped make it a successful event.

Councilor Mennealy reminded the Mayor and Councilors that the Performance Evaluation of the City Manager should be completed soon.

Councilor Samson noted that the Firearms Discharge Committee had their organizational meeting on August 2nd. The Committee has requested that the Acting Police Chief gather material for their consideration before their next meeting. Councilor Gerry suggested

that the notification for the committees' dates and times of meetings be published on the City website.

REPORTS OF THE CITY MANAGER

NATIONAL NIGHT OUT

Acting Police Chief Crowell noted the success of National Night Out which took place on August 1st; over 300 people attended and the Police Department announced their goal for the next year – Neighborhood Watch Groups.

UNIFORM CRIME REPORT

Acting Chief Crowell presented the Uniform Crime Report published annually by the Federal Bureau of Investigation. In 2005 Auburn's clearance rate of crimes was 47%.

COMMUNICATIONS AND RECOGNITIONS

**COMMUNICATION FROM ROBERT PONTBRIAND RE: RESIGNATION
FROM SEWER DISTRICT**

Approved under consent agenda

**COMMUNICATION FROM ACTING POLICE CHIEF CROWELL RE:
CONSTABLE**

Approved under consent agenda

TAKE AGENDA ITEM #3 OUT OF ORDER

Councilor Samson moved that item #3 be taken out of order. Seconded by Councilor Shields. Vote: 7 Yeas.

**3. RESOLVE – AUTHORIZING CITY MANAGER TO EXECUTE
CONTRACT WITH POLICE COMMAND UNIT**

Councilor Matzen moved for passage of the resolve. Seconded by Councilor Samson.

Laurie Smith, Assistant City Manager, gave an overview of the negotiations and the contract.

Vote: 7 Yeas.

OPEN SESSION

The following people spoke during open session: Stanley Hines, 13 Hutchins Street; and Roma Girardin, 667 Court Street.

CLOSED OPEN SESSION

OLD BUSINESS

1. ORDER – AUTHORIZING A CAPITAL IMPROVEMENT BOND TO FUND STREET IMPROVEMENTS (MALL AREA) (2ND READING) (PUBLIC HEARING)

Councilor Matzen moved for acceptance of second reading and final passage.
Seconded by Councilor Rowell.

The following made comments regarding the above order: Brian Demers, 1085 Riverside Drive; Diane McManus, 19 Coachman Avenue; Diane Moreau, 515 Pond Road, Lewiston/Auburn business owner; Bruce Bickford, 64 Cameron Lane; Dan Thayer, 165 West Shore Road and President of Auburn Business Development Corporation; Liz Oken, 28 Gillander Avenue; Cathy Leonard, 142 Fletcher Road; Dick Doucette, 12 Parkway; Dick Bussiere, 9 Winter Street; Cliff Greim, 48 Longbow Court; and Jonathan Labonte, 40 Reginald Street.

Vote for acceptance of second reading and final passage: 5 Yeas with Councilors Gerry and Mennealy voting Nay.

2. ORDER – AUTHORIZING ANNUAL CAPITAL IMPROVEMENT PROGRAM BOND

Councilor Hayes moved for acceptance of second reading and final passage.
Seconded by Councilor Shields.

Mayor Guay opened and closed the public hearing with no public comment.

Vote for acceptance of second reading and final passage: 6 Yeas, with Councilor Gerry voting Nay.

NEW BUSINESS

4. PUBLIC HEARING AND ACTION ON LIQUOR LICENSE APPLICATION FOR MIDNIGHT BLUES CLUB & RESTAURANT, 34 COURT STREET

Mayor Guay opened the public hearing and the following made comments: Paul Morency, owner Midnight Blues Club; Acting Police Chief Crowell; John Reid, 34 Sherry Lane and owner of Black Watch Restaurant; Brian Demers, 1085 Riverside Drive; Gary Dow, Lewiston; Brenda Tarmey, Lisbon; Bob Bernier, 17 Lamplighter Circle; Tammie Grieshaber, 100 Stony Ridge; Dale Blake, 377 South Witham Road; Troy Bernard, 2784 Turner Road; Ralph Stetson, 295 Minot Avenue; Norm Rousseau, Lewiston; Sheryl Bandin, 120 Third Street; Scott Morency, 96 Madison Street; Brenda Lowe, Lewiston; Dusty Bain, Bailey Island; April Turmenne, 14 High

Street; Craig Morency, 96 Madison Street; James Martin, Lewiston; Andrew, Leviathan Rugby Club; and Joe Dunn, Lewiston.

Mayor Guay closed the public hearing

Councilor Matzen moved to extend the Special Amusement Permit until August 21st provided that The Cellar Door closes immediately. Seconded by Councilor Gerry. Vote: 7 Yeas.

Councilor Matzen moved that the Liquor License application be tabled until August 21st. Seconded by Councilor Samson. Vote: 7 Yeas.

5. PUBLIC HEARING AND ACTION ON SPECIAL AMUSEMENT PERMIT APPLICATIONS FOR GREAT FALLS GRILL; CLUB TEXAS; GRITTY MCDUFF'S AND HILTON GARDEN INN

Councilor Shields moved that the Special Amusement Permit applications be approved. Seconded by Councilor Samson.

Mayor Guay opened the public hearing.

Justin Oliver, Manager Great Falls Grill spoke in favor of the above permit.

Mayor Guay closed the public hearing.

Vote: 7 Yeas.

6. RESOLVE – AUTHORIZING CITY MANAGER TO ACCEPT STATE URBAN/RURAL INITIATIVE FUNDS FOR ROAD IMPROVEMENTS

Councilor Gerry moved for passage of the resolve. Seconded by Councilor Mennealy. Vote: 7 Yeas.

ADJOURNMENT – 10:30 p.m.

Councilor Samson moved to adjourn. Seconded by Councilor Mennealy. Vote: 7 Yeas.

A TRUE RECORD

ATTEST: _____
City Clerk



July 12, 2006

Wayne Werts
Auburn Fire Rescue Department
550 Minot Avenue
Auburn, ME 04210

Dear Mr. Werts;

On behalf of the Maine Emergency Medical Services office – Maine Department of Public Safety, and the Maine Cardiovascular Health Program – Maine Center for Disease Control and Prevention, we are pleased to extend our congratulations to you, and Auburn Fire Rescue Department, for your accomplishment in achieving *Maine HeartSafe Communities* recognition.

Your service has successfully met the designation criteria, and will be recognized at the “Gold” level.

We thank you for the excellent work that you are doing to improve cardiovascular health and awareness in your community, and look forward to partnering with you to share your accomplishment with those you serve so well. Again, congratulations on your achievement.

Best Regards,

A handwritten signature in cursive script that reads "Dora Anne Mills".

Dora Anne Mills, MD, MPH
Public Health Director
Maine Center for Disease Control and Prevention

A handwritten signature in cursive script that reads "Jay Bradshaw".

Jay Bradshaw, Director
Maine Emergency Medical Services
Maine Department of Public Safety

Cc: Joann LeBrun, Regional Coordinator.
Auburn, Town Office

Handwritten initials in cursive script, possibly "B.L.", located at the bottom left of the page.

Auburn Health & Social Services Department

General Assistance Summary Report

Fiscal Year 2005-2006

Fourth Quarter April – June 2006

During the fourth quarter of fiscal year 2005-2006, the General Assistance program encountered 158 people of whom 114 requested General Assistance from this office. The applicants, requesting a total of \$47,952.00, were actually assisted with \$9,397.17 or 19%. The amount assisted is based on criteria such as an applicant's need, state maximums, whether the status of the situation is an emergency or non-emergency, and other criteria.

Emergency situations such as loss of housing may not be considered an emergency if a repeat applicant had income that could have been used to prevent all or part of an emergency but they spent that income on items that are not basic necessities, which include shelter, heating costs, electric, food, and non-prescription drugs up to the ordinance maximums. This office saw significant increases in some expenditure.

In the this quarter, the General Assistance program expended:

- 69% on Housing
- 5% on Electric
- 5% on Food
- 4% on Miscellaneous Items
- 14% on Medical

Of the applicants requesting General Assistance this last quarter, 31% were first-time applicants to any GA office. Of all applicants, 48% were granted assistance. Of the remaining applicants:

- 69% did not qualify primarily as a result of lack of information and
- 26% were not income eligible
- 5% were denied for other reasons

To continue significant cost-saving measures, this office refers applicants to other agencies for services and resources to help supplement their needs.

Of the households that applied for General Assistance,

- 44% are involved in extended medical situations
- 12% are employed but do not make enough to meet their basic necessities
- 15% are unemployed
- 18% are receiving State assistance and
- 11% are "others" who may have just been released from jail or are living on other income such as child support

Respectfully Submitted,

Dorothy Meagher

General Assistance Quarterly Report

Apr-Jun 06

TOTAL ENCOUNTERS THIS QUARTER		158	FYTD	682
TOTAL APPLICATIONS FOR THIS QUARTER		114	FYTD	521
TOTAL CASES THIS QUARTER		92	FYTD	433
CASES ASSISTED THIS QUARTER		46	FYTD	236
<i>From GA monthly rpt.</i>				
PERSONS ASSISTED THIS QUARTER	ADULTS	46	FYTD	247
<i>From financial report</i>	CHILDREN	9	FYTD	100
	TOTALS	55	FYTD	347
CASES DENIED THIS QUARTER		59	FYTD	240
<i>From GA monthly rpt.</i>				
REFERRALS THIS QUARTER		39	FYTD	139
<i>From GA monthly rpt.</i>				

FISCAL YEAR

2005-2006

	BUDGETTED	Assistance Paid CURRENT QUARTER	FYTD	EXPENDED FYTD
ELECTRIC	\$2,900.00	\$464.97	\$4,809.52	(\$1,909.52)
MEDICAL	\$600.00	\$0.00	\$9.99	(\$2,544.85)
PRESCRIPTION		\$1,226.97	\$3,134.86	
BURIAL	\$600.00		\$785.00	(\$185.00)
FUEL	\$1,000.00	\$275.15	\$2,603.11	(\$1,603.11)
NON HEAT				
PROVISIONS	\$1,800.00	\$460.89	\$2,638.23	(\$838.23)
RENT	\$23,000.00	\$6,058.00	\$33,877.66	(\$10,877.66)
OTHER	\$1,000.00	\$355.84	\$2,019.53	(\$1,019.53)
TOTALS	\$30,900.00	\$8,841.82	\$49,877.90	(\$18,977.90)

TOTAL ASSISTANCE REQUESTED	\$47,952.00	FYTD	\$211,301.00
TOTAL ASSISTANCE AUTHORIZED	\$9,397.17	FYTD	\$51,029.48

REIMBURSEMENT:

CLIENT	\$869.50	FYTD	\$909.30
SSI	\$1,108.85	FYTD	\$6,032.85
STATE	\$3,986.16	FYTD	\$24,483.46
TOTAL	\$5,964.51	TOTAL	\$31,425.61

PAID FROM TRUST FUND:

CASES	1	TOTAL FYTD:	27
AMOUNT	\$80.00	TOTAL FYTD:	\$5,511.35

Authorized expenses and caseload for the previous quarters.

MONTH	YEAR	EXPENSES	REIMBURSEMENT	CASES Assisted	PERSONS
Jan to Mar	2003	\$ 5,833.26	\$ 2,722.92	40	55
Apr to Jun	2003	\$ 8,260.36	\$ 4,417.74	41	69
Jul to Sept	2003	\$ 8,584.68	\$ 4,292.34	41	81
Oct to Dec	2003	\$ 9,154.95	\$ 9,412.11	46	61
Jan to Mar	2004	\$ 7,314.66	\$ 3,657.77	57	54
Apr to Jun	2004	\$ 7,874.59	\$ 9,012.43	49	69
Jul to Sept	2004	\$ 8,994.44	\$ 5,302.50	49	61
Oct to Dec	2004	\$ 9,430.53	\$ 6,250.87	45	66
Jan to Mar	2005	\$ 10,250.91	\$ 5,198.36	45	55
Apr to Jun	2005	\$ 3,300.76	\$ 4,471.86	20	20
Jul to Sept	2005	\$ 9,430.37	\$ 6,128.11	50	78
Oct to Dec	2005	\$ 14,309.26	\$ 10,942.68	66	98
Jan to Mar	2006	\$ 15,887.69	\$8,391.31	46	55

Trust fund used



New England School of Metalwork

16 Albiston Way, Auburn, Maine 04210
207.777.6211 • Toll-free 888.753.7502
www.newenglandschoolofmetalwork.com

To: Mary Lou Magno
City Clerk of Auburn
60 Court St
Auburn Me 04210

From: Dereck Glaser
New England School of Metalwork Director
7 Albiston Way
Auburn Me 04210

RE: Vending fee waiver

8/8/06

Dear City of Auburn,

On September 24, 2006 the New England School of Metalwork is sponsoring our first annual car show. This event is happening at the school to raise funds for the Pine Tree Society of Maine, a non profit organization which helps disabled children. As apart of the show we will be having a few refreshments available to the attendees. As such, I am asking that you waive the vending fee for this service.

The New England School of Metalwork is a non-profit 501-C3 educational facility, our tax ID # is 200103372.

If you have any further questions please feel free to contact me at 777-3375 or the show chairman Steve Blais at 784-5788.

Thank you for your support,

Dereck Glaser
New England School of Metalwork Director

MEMORANDUM

TO: Honorable Mayor Normand W. Guay and Members of the City Council
FROM: Acting Chief Phillip Crowell, Jr., Auburn Police Department
DATE: August 14, 2006
SUBJECT: CONSTABLE

We request that the following person be named a Constable for the Auburn Police Department.

Andrew L. Feeney

Full Time Officer

With Firearm

City Council

Agenda Information Sheet

Council Meeting Date Aug. 21, 2006 **Agenda Item No.** 1

SUBJECT:

PUBLIC HEARING – RENEWAL OF LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR MIDNIGHT BLUES CLUB AND RESTAURANT, 34 COURT STREET

INFORMATION:

On August 7, the City Council held a Public Hearing on the renewal of the liquor license and special amusement permit for the Midnight Blues Club and Restaurant, The Police Department had recommended denial of both these licenses. The City Council

Councilor Matzen moved to extend the Special Amusement Permit until August 21st provided that The Cellar Door closes immediately. The Council further votes to table the liquor license application until August 21, in order for the owner to work with the Police Department to draft an agreement which would address the issues of concern to the Police Dept and the City Council.

STAFF COMMENTS/RECOMMENDATION:

REQUESTED ACTION:

VOTE: This item was tabled by a 7 to 0 vote on Aug. 7, 2006.

City Council

Agenda Information Sheet

Council Meeting Date: August 21, 2006 **Agenda Item No. 2**

SUBJECT: Order – Authorizing the FY 2006-2007 Tax Commitment

INFORMATION:

During the budget process, the City Council approves the amount of expenditures necessary to fund the approved budget. The budget is funded from several sources including State aid such as aid for education, Revenue Sharing, and Local Road assistance, and fees including building and development fees. The largest source of revenue for municipalities in Maine is the property tax. The City Council must authorize the amount of property taxes that need to be collected (tax Commitment) to fund the approved budget.

Based on the approved budget expenditure level, the amount of property taxes needed to be collected in FY 2007 is: \$39,459,803. Once the City Council votes to set the tax commitment, the tax bills will be sent. The Tax bills are scheduled to be mailed by September 7, 2006. The first half of the property tax payment will be *due October 16, 2006*; the second payment will be due March 15, 2007. Personal Property taxes will be due September 18, 2006. The State Treasurer has established the interest rate that can be charged on late tax payments at 11%.

STAFF COMMENTS/RECOMMENDATION:

REQUESTED ACTION:

Motion for passage of the Order

VOTE:

City of Auburn

CITY COUNCIL, AUBURN MAINE

Date: August 21, 2006

TITLE: ORDER: 2006-2007 TAX COMMITMENT

Be It Ordered by the Auburn City Council, That the Assessor of Taxes of the City of Auburn is directed to assess a tax upon all real estate in Auburn liable to be taxed therein; and to assess the owners of personal property liable to be taxed therein on the first day of April, 2006 and not exempt from taxation, to the aggregate amount of \$39,459,803 in accordance with provisions of the statutes of Maine in such cases made and provided; make perfect lists under her hand of such assessments and commit the same to the Collector of Taxes for the City of Auburn, on or before the twenty-fifth day of August, 2006. Fifty percent (50%) of all real estate taxes assessed as above and committed to the collector, shall be due proportionately from each taxpayer on *October 16, 2006* and the remaining fifty percent (50%) shall be due on *March 15, 2007*. Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any taxes remaining uncollected on October 16, 2006 and March 15, 2007 respectively, shall bear interest at a rate of 11% per annum from and after such dates. Personal property taxes shall be due and payable on or before September 18, 2006. Any personal taxes remaining unpaid after September 25, shall bear an interest rate of 11% per annum from and after such date. Interest on all delinquent taxes shall be computed on a daily basis and shall be collected by the Tax Collector. The Tax Collector is authorized to accept tax prepayments.

Motion for passage:

Seconded by:

Vote:

Action by City Council:

Date: August 21, 2006

ATTEST:

CITY CLERK

City Council

Agenda Information Sheet

Council Meeting Date Aug. 21, 2006 **Agenda Item No.** 3

SUBJECT: RESOLVE - Amendment to the Pine Tree Zone

INFORMATION:

Morse Brothers, a bark mulch production company, is located in Auburn on the West Hardscrabble Road with a portion of the facility in Poland. The company has plans to expand and wishes to have its' Auburn land (25 acres) designated for Pine Tree Zone (PTZ) benefit. The State controls and limits the size of Pine Tree Zones, therefore in order for Morse Brothers to have land designated in the PTZ, some land needs to be transferred from an existing area to the area where Morse Brothers is located. There is some land available in the Pine Tree Zone (corner of Kittyhawk and Washington St) that the owner (Ronald Adamian) has agreed to remove from the PTZ so the acreage can be transferred to Morse Brothers. The purpose of this Resolve is to transfer the Pine Tree Zone designation of 25 acres of Mr. Adamian's land to the Morse Brothers land.

STAFF COMMENTS/RECOMMENDATION:

Staff recommends approval of amending the boundaries of the Pine Tree Zone.

REQUESTED ACTION:

Motion for passage of the Resolve and approval.

VOTE:

City of Auburn

City Council, Auburn, Maine
Date: August 21, 2006

TITLE: RESOLVE – Amendment to the Boundary of the Pine Tree Zone

BE IT RESOLVED by the City Council of the City of Auburn, Maine, that the Pine Tree Zone map be amended to transfer 25 acres of land in an existing area in Auburn (corner of Kittyhawk and Washington St) to land owned by Morse Brothers off the Hardscrabble Road, as shown on the attached map.

Motion for passage

By: _____

Seconded by _____

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City of Auburn

Maine

Geographic Information System

GIS Map Print
My Map

Subject Property Data

GIS ID	167001001
Parcel ID	167-001-001
Location	100 BARK MULCH DR
Owner	NO 224 LLC
Co Owner	
Land Value	381900
Building Value	474200
Other Value	0
Total Value as of 4/1/2005	856100
Acres	24.08
Year Built	2001
Building Style	TRANSITR WHSE
Finished Area	12668
Deed Book/Page	
Deed Date	
Land Use	55
Owner Address	224 WEST HARDCRABBLE RD
Owner Address 2	
Owner City	AUBURN, ME 04210



Disclaimer

The City of Auburn makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The City of Auburn shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.