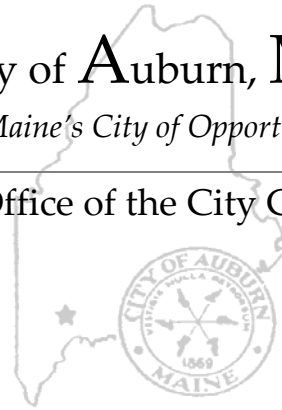


City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

September 18, 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 September 18, 2006

Agenda

5:30 p.m. Workshop

- Economic Development (Amendment to Mall TIF#9)
- Updates

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.

- Appointment of Presiding Officer

Minutes

*091806-00 Minutes of August 21, 2006 Council Meeting

Reports

- Mayor
- City Councilors
- City Manager

Communications and Recognitions

Administration of Oath of Office: Patrol Officers Andrew Feeney and Scott Corey

*091806-00 Communication from Interim Chief Crowell Re: Constable

*091806-00 Communication from Danville Jct. Grange and Danville Union Church
Re: Waive fee for Victualers License

*091806-00 Communication from United Methodist Church Re: Waive fee for Day Care License

*091806-00 Communication from Mayor Guay: Request to be Excused from attending the meeting (Sept. 18 and 25)

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

New Business

091806-01 Appointment to the Sewer District until March 2007

091806-02 Set dates for October Council Meetings

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 21, 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 41 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 Gerry moved to accept, approve and place on file the following items listed with an asterisk. Seconded by Councilor Samson. Vote: 7 Yeas.

***MINUTES OF AUGUST 7, 2006**

Approved under consent agenda.

REPORTS OF THE MAYOR

Mayor Guay thanked the many volunteers that made this weekends' Balloon Festival such a success; he also thanked the city departments that contributed to this success.

HEARTSAFE COMMUNITY

Mayor Guay noted that the Auburn Fire Rescue Department had recently been designated as a Maine HeartSafe Community. Fire Chief Wayne Werts noted that Auburn Fire Rescue had been recognized for its excellent work to improve cardiovascular health and awareness in the City of Auburn.

FIREFIGHTER OF THE YEAR

Mayor Guay awarded Gary Simard, Fire Prevention Officer, the "Firefighter of the Year" Award as sponsored by Liberty Mutual. FPO Simard was nominated by his peers to receive this award.

REPORTS OF CITY COUNCILORS

REPORTS OF THE CITY MANAGER

COMMUNICATIONS AND RECOGNITIONS

***COMMUNICATION FROM NEW ENGLAND SCHOOL OF METALWORK
RE: WAIVE FEE FOR VICTUALERS LICENSE**

Approved under consent agenda.

***COMMUNICATION FROM INTERIM POLICE CHIEF CROWELL**

RE: CONSTABLE

Approved under consent agenda.

TAKE ITEM OUT OF ORDER

Councilor Samson moved to take item #1 out of order. Seconded by Councilor Hayes.
Vote: 6 Yeas, with Councilor Mennealy abstaining.

**1. PUBLIC HEARING AND ACTION ON LIQUOR LICENSE
APPLICATION AND SPECIAL AMUSEMENT PERMIT
APPLICATION FOR MIDNIGHT BLUES CLUB AND
RESTAURANT (Tabled 8/7/06)**

Councilor Shields moved to remove the Liquor License Application from the table. Seconded by Councilor Rowell. Vote: 7 Yeas.

Mayor Guay opened the public hearing and the following people made comments: Tammie Grieshaber, 100 Stony Ridge; Paul Morency, 96 Madison Street; John Reid, 34 Sherry Lane; and Captain Mulherin and Lt. Moen from the Police Department. Mayor Guay closed the public hearing.

Councilor Matzen moved to approve the Liquor License Application. Seconded by Councilor Samson. Vote: 7 Yeas.

Councilor Matzen moved to approve the Special Amusement Permit until August 8, 2007, subject to the terms of the agreement reached by Mr. Morency and the Interim Police Chief Crowell. Seconded by Councilor Samson.

Councilor Hayes moved to amend the agreement by adding at the end of paragraph #2 (outdoor café) "\$250 usage fee be charged per month". Seconded by Councilor Mennealy. Vote: 5 Yeas with Councilors Hayes and Mennealy voting Yea.

Councilor Shields moved to amend the agreement by excluding paragraph #2 (outdoor café) and request that staff draft a policy and fee structure for use of city property as it relates to outdoor cafes/uses. Seconded by Councilor Rowell. Vote: 5 Yeas with Councilors Mennealy and Matzen voting Nay.

Vote on approval of the Special Amusement Permit as amended: 6 Yeas with Councilor Matzen voting Nay.

OPEN SESSION

The following people spoke during open session: Bruce Bickford, 64 Cameron Lane and Brian Demers, 1085 Riverside Drive, presented a written request for information (a copy of the request is on file with the City Council Meeting documents); Pat Holt-Billey, 33

Moose Brook Road, presented a written request (a copy of the request is on file with the City Council Meeting documents); Leo Camire, 9 Eastman Lane; Dan Herrick, 470 Hatch Road; Jonathan Labonte, 40 Reginald Street; and Councilor Gerry.

CLOSED OPEN SESSION

NEW BUSINESS

2. ORDER – 2006-2007 TAX COMMITMENT

Councilor Shields moved for passage of the order. Seconded by Councilor Mennealy.
Vote: 6 Yeas with Councilor Gerry voting Nay.

3. RESOLVE – AMENDMENT TO THE BOUNDARY OF THE PINE TREE ZONE

Councilor Mennealy moved for passage of the resolve. Seconded by Councilor Gerry.

Roland Miller, Director of Economic Development, answered Councilors questions,
Vote: 7 Yeas.

4. SET DATES FOR MEETINGS IN SEPTEMBER

Councilor Gerry moved that the meetings in September be held on the 18th and 25th.
Seconded by Councilor Rowell. Vote: 7 Yeas

ADJOURNMENT – 9:25 p.m.

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

A TRUE RECORD

ATTEST: _____
City Clerk

MEMORANDUM

TO: Honorable Mayor Normand W. Guay and Members of the City Council

FROM: Interim Chief Phillip L. Crowell, Jr., Auburn Police Department

DATE: August 16, 2006

SUBJECT: CONSTABLE

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

Daniel Davis

Full-Time Custodian

WITHOUT Firearm

August 20, 2006

TO: Mayor Guay and the Auburn City Council
C/O City Clerk, Mary Lou Magno
~~45 Spring Street~~ *60 Court Street*
Auburn, ME 04210

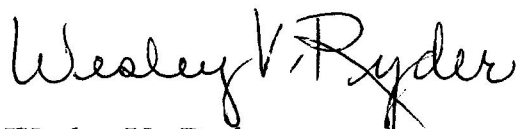
FROM: Wesley V. Ryder, Master of Danville Jct. Grange #65
P.O.Box 128
Danville, ME 04223
Tel: 783-6897

Dear Mayor Guay and the Auburn City Council:

Danville Jct. Grange #65 on behalf of itself and the Danville Union Church request that you waive the Victualer's License fee for the monthly suppers they will jointly hold during the 2006-2007 season. (October - May)

These are two non-profit organizations located in the city of Auburn. We appreciate your cooperation with this matter as you have always done so in the past.

Sincerely,

A handwritten signature in cursive script that reads "Wesley V. Ryder". The signature is written in dark ink and is positioned above the printed name.

Wesley V. Ryder



United Methodist Church of Auburn

439 Park Avenue
AUBURN, MAINE 04210

782-3972

August 16, 2006

OFFICE OF THE CITY CLERK
City of Auburn
45 Spring Street
Auburn, Maine 04210

Dear Madam:

This letter is a request that license be granted and fees waived to The Auburn Preschool which is operated by the United Methodist Church of Auburn, a non-profit organization.

Please do not hesitate to contact me at the number in the letterhead above if you should have any questions. Thank you very much for your help.

Sincerely,

Gladys Chapman

Gladys Chapman,
Director, The Auburn Preschool

GC:dmn

MEMO

#1

TO: Mayor Guay and City Councilors
FROM: Councilors Shields and Matzen
SUBJ: Appointments
DATE: September 14, 2006

APPOINTMENT TO THE SEWER DISTRICT

Appoint Robert G. Cavanagh, 127 Field Avenue, to the Sewer District until March 2007

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the Mayor & City Council



TO: CITY COUNCILORS

FROM: MAYOR NORMAND GUAY

SUBJ: REQUEST EXCUSED ABSENCE

DATE: SEPTEMBER 14, 2006

Because I am unable to be present at the September 18 and 25 Council Meetings, I hereby request to be excused from those meetings.

Thank you.