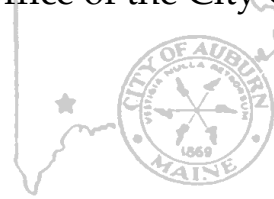


City of Auburn, Maine

"Maine's City of Opportunity"

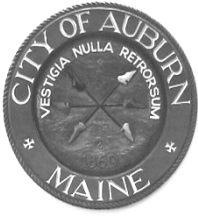
Office of the City Clerk



Council Meeting Agenda Packet

January 5, 2010

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 Tuesday, January 5, 2009

Agenda

5:30 p.m. Workshop

- A. Discussion: Passenger Rail Project (Roland Miller, Lucien Gosselin, Bob Thompson) (20 min)
- B. Discussion: World Harbors Inc and Angostura International Limited (Roland Miller) (10 min) See Item #4
- C. Discussion: Traffic Signs (Glenn Aho) (15 min)
- D. Discussion: Sale of Property on Sherwood Drive (Glenn Aho) (10 min)
- E. Discussion: Sale of Property on 18 Western Prom and 126 Goff Street (Glenn Aho and Reine Mynahan) (15 min)
- F. Discussion: Tax Acquired Property (Glenn Aho) (10 min) See Item #7

7:00 p.m. City Council Meeting

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

* Minutes of December 21, 2009

III. Reports

Mayor

City Councilors

- Michael Farrell: Recreation Adv Bd, Airport, Audit, Lake Auburn Watershed Protection Comm
- Robert Hayes: Planning Bd, Water, Library, and Railroad
- Daniel Herrick: MMWAC, Auburn Housing
- David Young: School Committee, Cable TV Adv Board
- Raymond Berube: Lewiston-Auburn Economic Growth Council, Sewer, Audit, USM-L/A
- Belinda Gerry: LA Transit, Neighborhood Stabilization Program
- Eric Samson: 9-1-1, Auburn Business Development Corp, Andros Valley Council of Gov

City Manager

IV. Communications, Presentations and Recognitions

*010510-00 Communication from Police Chief Crowell Re: Constables

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.

VI. Unfinished Business

010510-01 Resolve – Authorizing City Manager to Provide Dinners for Council Members

010510-02 Resolve – Confirmation of “Auburn The Hub of Maine” as the City’s Marketing Program

VII. New Business

010510-03 Resolve – To Designate Previously Authorized School Bonds to be Issued as Qualified Zone Academy Bonds to be Issued as Qualified Zone Academy Bonds with Sinking Fund for Repayment

010510-04 Resolve – Authorizing Assignment and Amendment to Previously Issued \$2,695,000 City of Auburn, Maine, Revenue Bonds (2007 World Harbors and Angostura International Limited Program) (Public Hearing and action thereon)

010510-05 Resolve – Adoption of Citizen Participation Plan

010510-06 Resolve – Acceptance of Owl Lane as a City Street

010510-07 Resolve – Authorize City Manager to Dispose of Tax Acquired Property

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 the 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. Those applicable to municipal government are:

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- C. Labor contracts
- D. Contemplated litigation
- E. 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;
- F. 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
- G. 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 OF AUBURN
DECEMBER 21, 2009
CITY COUNCIL MEETING**

PRESENT

Mayor Richard D. Gleason, Councilors Michael J. Farrell, Robert P. Hayes, Daniel R. Herrick, David C. Young, Raymond C. Berube, Eric G. Samson and Belinda A. Gerry, City Manager Glenn Aho, Assistant City Manager Laurie Smith, Finance Director Tracy Roy and City Clerk Mary Lou Magno. There were 16 people in the audience.

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

CONSENT AGENDA

Councilor Berube moved to accept, approve and place on file the item marked with an asterisk. Seconded by Councilor Gerry. Vote: 6 Yeas, No Nays.

***MINUTES OF NOVEMBER 16, 2009**

Approved under consent agenda.

REPORTS OF THE MAYOR

Mayor Gleason announced his Council Committee Assignments to the various boards and committees to which each Councilor is appointed. (A copy of the list is on file in the City Clerk's Office).

REPORTS OF CITY COUNCILORS

Councilors reported on their Council Committee Assignments

REPORTS OF THE CITY MANAGER

City Manager Aho distributed the December Monthly Report and also the Supplemental Finance Reports.

FINANCE REPORT – MONTH OF NOVEMBER

Councilor Farrell moved to accept and place on file the Finance Report for the Month of November as presented by Tracy Roy, Finance Director. Seconded by Councilor Berube. Vote: 7 Yeas.

COMMUNICATIONS, PRESENTATIONS, AND RECOGNITIONS

COMMUNICATION FROM POLICE CHIEF CROWELL RE: CONSTABLES

Approved under consent agenda.

OPEN SESSION

Larry Pelletier, 129 Second Street; and Charles Ryan, Federal Agency for Homelessness.

CLOSED OPEN SESSION

UNFINISHED BUSINESS

None

NEW BUSINESS

1. RESOLVE – TAX ABATEMENT – 2207 POWNAL ROAD

Councilor Berube moved for passage of the resolve. Seconded by Councilor Farrell.

Glenn Aho, City Manager, explained the above resolve.

Mary Divine, attorney for the family made comments; Darlene Harris and Ruth White, Pownal Road, requested that the Council approve abatements back to 1998 when the original error occurred.

Vote: 7 Yeas.

2. RESOLVE – CONTRACT FOR THE AUTHORIZATION OF A REAL ESTATE AGENT TO SELL CITY PROPERTY

Councilor Berube moved for passage of the resolve. Seconded by Councilor Hayes.

Laurie Smith, Assistant City Manager, explained the above resolve.

Councilor Berube moved to amend by adding the former Gooseberry Barn property to this resolve.

No Second.

Vote: 7 Yeas.

3. RESOLVE – ACCEPTING CERTAIN FORFEITED FUNDS (\$1,742) AND PROPERTY

Councilor Herrick moved for passage of the resolve. Seconded by Councilor Berube. Vote: 7 Yeas.

4. PUBLIC HEARING – SPECIAL AMUSEMENT PERMIT APPLICATIONS FOR: AMERICAN LEGION, AUBURN FIRESIDE INN & SUITES, LOST VALLEY, WILLIAM J ROGERS POST 153, NEW AUBURN SOCIAL CLUB AND VFW CAPT FRANK HULETT POST #1603

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

Councilor Berube moved to approve all the above-named permits. Seconded by Councilor Young.

Vote: 7 Yeas.

5. RESOLVE – RECOGNITION OF FLAG POLE PROJECT

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

Glenn Aho, City Manager and Ed Desgrosseilliers, Hatch Road made comments regarding the above resolve.

Vote: 7 Yeas.

6. SET DATES FOR COUNCIL MEETINGS IN JANUARY

Councilor Berube moved that the two Council Meetings in January be held on January 5th and 19th.

Seconded by Councilor Gerry. Vote: 7 Yeas.

7. EXECUTIVE SESSION

Councilor Berube moved to go into Executive Session (Title 1 M.R.S.A. Section 405(C)) Fire Labor Negotiations. Seconded by Councilor Herrick. Vote: 7 Yeas.

Councilor Farrell moved to come out of Executive Session. Seconded by Councilor Hayes. Vote: 7 Yeas.

ADD TO THE AGENDA

Councilor Young moved to suspend the rules and add an item to the agenda. Seconded by Councilor Berube. Vote: 6 Yeas with Councilor Gerry voting Nay.

AUTHORIZE CITY MANAGER TO ENTER INTO COLLECTIVE BARGAINING AGREEMENT

Councilor Berube moved that the City Manager be authorized to enter into a collective bargaining agreement with the Local 797 Firefighters. Seconded by Councilor Young. Glenn Aho, City Manager, answered Councilors questions.

OPEN SESSION

Larry Pelletier, 129 Second Street;

CLOSED OPEN SESSION

FUTURE AGENDA/WORKSHOP ITEMS

- Compensation for Councilor serving on School Committee
- Community Little Theater
- Review of Mayor and Council Budget
- Budget Meeting(s) with School Committee

ADJOURNMENT – 8:20 PM

Councilor Berube moved to adjourn. Seconded by Councilor Potvin. Vote: 6 Yeas, No Nays.

A TRUE RECORD

ATTEST: _____ CITY CLERK



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Office Manager

To: Honorable Mayor Gleason and members of the City Council
From: Phillip L. Crowell, Jr., Chief of Police
Date: December 22, 2009
Re: Police Officers - New Hires

The Auburn Police Department was awarded a Federal Stimulus Grant to hire two police officers. We have completed the hiring process and request that the following persons be named Constables.

Meghan J. Fenton	Full Time Officer	With Firearm	New Hire
Donald A. Cousins	Full Time Officer	With Firearm	New Hire

City Council

Agenda Information Sheet

Council Meeting Date 1/5/2010 **Agenda Item No.** 1

SUBJECT:

RESOLVE – AUTHORIZING CITY MANAGER TO PROVIDE DINNERS FOR CITY COUNCIL MEMBERS

INFORMATION:

This resolve would authorize the City Manager to provide dinners, for City Council members, prior to regular City Council Meetings.

This item was discussed at the City Council Workshop on December 21, 2009. Councilors requested that this item be placed on the January 5th City Council agenda for action.

STAFF COMMENTS/RECOMMENDATION:

Estimated cost \$60 per meeting.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: January 10, 2010

TITLE: RESOLVE – AUTHORIZING CITY MANAGER TO PROVIDE
DINNERS FOR CITY COUNCIL MEMBERS

Be It Resolved by the Auburn City Council that the City Manager is authorized to provide dinners, for City Council Members, prior to regular City Council Meetings. (Estimated cost \$60 per meeting)

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City Council

Agenda Information Sheet

Council Meeting Date 1/5/2010 **Agenda Item No.** 2

SUBJECT:

**RESOLVE – CONFIRMING “AUBURN THE HUB OF MAINE” AS THE CITY’S
MARKETING PROGRAM**

INFORMATION:

This item was discussed at the City Council Workshop on December 21, 2009. City Councilors requested that this item be placed on the January 5, 2010 City Council agenda for action.

STAFF COMMENTS/RECOMMENDATION:

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: January 5, 2010

**TITLE: RESOLVE – CONFIRMING “AUBURN THE HUB OF MAINE” AS THE CITY’S
MARKETING PROGRAM**

Be It Resolved by the Auburn City Council that “Auburn The Hub of Maine” is hereby confirmed as the City’s Marketing Program.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City Council

Agenda Information Sheet

Council Meeting Date 1/5/2010 **Agenda Item No.** 3

SUBJECT:

**RESOLVE – TO DESIGNATE PREVIOUSLY AUTHORIZED SCHOOL BONDS
TO BE ISSUED AS QUALIFIED ZONE ACADEMY BONDS WITH
SINKING FUND FOR REPAYMENT**

INFORMATION:

Qualified Zone Academy Bonds (QZABs) are bonds issued by state or local governments to renovate and improve eligible public schools. The federal government subsidizes the bonds by providing tax credits to the holder of the QZABs. The credits are approximately equal to the interest that states and communities would pay the holders of taxable bonds. Therefore, issuers are generally responsible for repayment of just the principal.

On July 16, 2009 the State Department of Education notified the Auburn School Department that the Maine State Board of Education approved the School Department's application for an allocation of (QZABs) to finance the costs of rehabilitating and repairing each of Auburn Middle School, Edward Little High School, Franklin Alternative School, Sherwood Heights Elementary School and Walton Elementary School.

City Council Workshop – December 21, 2009

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: January 5, 2010

**TITLE: RESOLVE – TO DESIGNATE PREVIOUSLY AUTHORIZED
SCHOOL BONDS TO BE ISSUED AS QUALIFIED ZONE
ACADEMY BONDS WITH SINKING FUND FOR REPAYMENT**

Whereas, on June 15, 2009, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, this Council adopted a certain “ORDER – AUTHORIZING THE SALE AND ISSUANCE OF CAPITAL IMPROVEMENT BONDS IN THE AMOUNT OF \$6,500,000” (hereinafter, the “Bond Order”);

Whereas, the Bond Order included the issuance and appropriation of \$1,000,000 in general obligation bonds for School Building and Equipment Improvements (hereinafter, the “School Bonds”);

Whereas the Bond Order delegated the sale of the bonds, including the School Bonds, to the Finance Director and Treasurer;

Whereas, on July 16, 2009 the Department of Education notified the Auburn School Department that the Maine State Board of Education approved the School Department’s application for an allocation of qualified zone academy bonds to finance the costs of rehabilitating and repairing each of Auburn Middle School, Edward Little High School, Franklin Alternative School, Sherwood Heights Elementary School and Walton Elementary School, as more particularly described therein (the “QZAB Projects”);

Whereas, to finance the School Projects, Androscoggin Savings Bank (the “Bank”) has offered to purchase from the City, and the City’s Finance Director has agreed to sell to the Bank, the School Bonds as general obligation qualified zone academy bonds in the principal amount of \$1,000,000 bearing interest at a rate of fourteen one hundredths of one percent (0.14%) per annum, payable at maturity in 10 years with annual sinking fund payments;

Whereas pursuant to sections 54A and 54E of the Internal Revenue Code of 1986, as amended (the “Code”) in order for the School Bonds to be qualified zone academy bonds, the City is required to designate them as such;

Whereas the Code permits the City to establish a sinking fund to repay the School Bonds;

Now therefore, BE IT HEREBY RESOLVED by City Council of the City of Auburn acting as the municipal officers, as follows:

1. That under and pursuant to the Bond Order and sections 54A and 54E of the Internal Revenue Code of 1986, as amended (the "Code"), the School Bonds be issued and designated as a qualified zone academy bonds;
2. That pursuant to the authority delegated by the Bond Order, the Finance Director be authorized to execute and deliver in the name of the City a debt service account funding agreement to provide for annual payments into a sinking fund account to repay the School Bonds at maturity, said debt service funding agreement to be on such terms not inconsistent with this Order as the Finance Director may approve.
3. That the Treasurer, 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 for the issuance of the School Bonds and for the execution and delivery of the debt service funding agreement, and otherwise for the School Bonds to comply with all requirements for qualified zone academy bonds within the meaning of Sections 54A and 54E of the Code;

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Manager



Memorandum

To: Glenn E. Aho, City Manager

Fr: Laurie Smith, City Manager

Re: Qualified Zone Academy Bonds (QZAB) program

Dt: December 17, 2009

Congress first provided authority to issue Qualified Zone Academy Bonds under Section 226 of the Taxpayer Relief Act of 1997. QZABs are bonds issued by state or local governments to renovate and improve eligible public schools. The federal government subsidizes the bonds by providing tax credits to the holder of the QZABs. The credits are approximately equal to the interest that states and communities would pay the holders of taxable bonds. Therefore, issuers are generally responsible for repayment of just the principal. This is a tax credit program, not a grant program. Each state is allotted an amount of money based on state percentages of the national population of individuals with incomes below the poverty line. Maine's current allocation for 2009 is \$5,394,000. QZABs may be used for rehabilitation or repair of school buildings, purchasing equipment, developing course materials and/or training teachers and other school personnel, but not for new construction. The following eligibility criteria must be met:

- Schools must either be located in an empowerment zone or an enterprise community or there must be a reasonable expectation that at least 35% of students will be eligible for free or reduced-cost lunches.
- Eligible schools must have an education program developed in cooperation with business and receive a private business contribution worth at least 10% of the money borrowed using the QZAB.
- Eligible schools must have an education plan that is approved by their school district and in which students are subject to the same standards and assessments as other students in the district.

The Auburn School Department applied for their annual \$1,000,000 Capital Improvement Program funding and were notified of approval on July 16th. In order to receive the tax credit the QZABs must be placed in the market and require a private 10% matching grant.

Auburn's QZAB bonds were advertised in the market with McLinley & Company.

Androscoggin Bank will participate in the purchase of the tax credits. McLinley and Co. will

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charge 2% for their services which is in the average range. The other aspect of their service is that they will find company to provide the 10% contribution without charge. The Auburn City Council will be asked at their first meeting in January to approve a resolution confirming the sale of the tax credit bonds. Although the bonds were to be sold in calendar year 2009, due to the timing of the Council meetings after election we have received an extension to 2010.

City Council

Agenda Information Sheet

Council Meeting Date 1/5/2010 **Agenda Item No.** 4

SUBJECT:

**RESOLVE – AUTHORIZING ASSIGNMENT AND AMENDMENT TO
PREVIOUSLY ISSUED \$2,695,000 CITY OF AUBURN, MAINE
REVENUE BONDS (2007 WORLD HARBORS AND ANGOSTURA
INTERNATIONAL LIMITED PROGRAM)
(PUBLIC HEARING)**

INFORMATION:

Mizkan Americas, Inc. and Mizkan U.S.A. is purchasing the property and all business assets of World Harbors, Inc. and Angostura International Limited which are located in the Kittyhawk Industrial Park. The City of Auburn facilitated the original financing package through the issuance of Industrial Development Bonds. These financing instruments grant the borrower a very favorable interest rate. The action requested of the City Council is to assign the benefits of the existing debt structure Mizkan and release the original borrowers and its grantors from all financial obligations.

Roland Miller has spoken with the chief operations and financial officer of Mizkan and understands that this action is a pre-requisite to completing the purchase. As noted in the resolve, the City of Auburn by this action does *not* assume any financial liability.

City Council Workshop December 21, 2009

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: January 5, 2010

TITLE: RESOLVE – AUTHORIZING ASSIGNMENT AND AMENDMENT TO PREVIOUSLY ISSUED \$2,695,000 CITY OF AUBURN, MAINE, REVENUE BONDS (2007 WORLD HARBORS AND ANGOSTURA INTERNATIONAL LIMITED PROJECT)

WHEREAS, the Finance Authority of Maine Act, 10 M.R.S.A., Ch. 110, §§ 961 et seq. (the “FAME Act”), authorizes and empowers the City of Auburn, Maine (the “City”) to provide financing for eligible projects within the corporate limits of the City, and to make and enter into all financing documents, security agreements, mortgages, contracts, and trust agreements necessary or convenient to carry out each such power; and

WHEREAS, Section 1064(1) of the FAME Act authorizes the City Council of the City to provide by Resolution for the issuance of the City's revenue obligation securities upon receipt of a Certificate of Approval issued by the Finance Authority of Maine (the “Authority”); and

WHEREAS, the City previously executed, issued and delivered to TD Bank (the “Bank”), its revenue obligation securities, designated “City of Auburn, Maine, Revenue Bonds (2007 World Harbors and Angostura International Limited Project) dated March 16, 2007 in the aggregate principal amount of \$2,695,000 (the “Bonds”); and

WHEREAS, the proceeds of such Bonds were loaned to World Harbors, Inc. and Angostura International Limited (the “Borrowers”) pursuant to a Loan and Security Agreement dated as of March 16, 2007 between the City, the Borrowers and the Bank (the “Bond Loan Agreement”) to finance an expansion and renovation of manufacturing and renovation space located at or about 176 First Flight Drive, Auburn, Maine and to refinance a prior City of Auburn, Maine Revenue Bond (2000 C.V. Finer Foods Project) dated December 29, 2000; and

WHEREAS, Mizkan Americas, Inc. and Mizkan U.S.A., Inc. (collectively, “Mizkan”) desire to purchase substantially all of the Borrowers’ assets financed with the Bonds, to be used at the same location; and

WHEREAS, at the request of the Borrowers and the Bank, the City desires to approve the assignment to and the assumption by Mizkan of, and the release of the Borrowers (and its guarantors) from, the Borrowers’ liabilities and obligations under the Bonds and to the related Bond Loan Agreement and other financing documents entered into by the City, the Borrowers and the Bank upon the original issuance of the Bonds;

WHEREAS, the City Council acting as the “applicable elected representatives” of the City have held a public hearing at January 5, 2010 at 7:00 p.m. after reasonable public notice published in the *Sun Journal* on or before December 21, 2009, which

papers is of general circulation in the City, about the proposed amendment to and assignment of the Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and regulations thereunder;

NOW, THEREFORE, following such public hearing held by the City Council of the City of Auburn, Maine, held upon due notice, **THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY RESOLVE:**

1. That the assignment to and the assumption by Mizkan of, and the release of the Borrowers (and its guarantors) from, the Borrowers liabilities and obligations under the Bonds, and to the related Bond Loan Agreement and other financing documents entered into by the City, the Borrowers and the Bank upon the original issuance of the Bonds be and hereby is authorized and approved (as so assigned, assumed and released, the "Assignment").

2. That an Assignment Agreement, an amendment to the Loan Agreement and such other instruments and documents pertaining to the Assignment as may be necessary or desirable with respect to such Assignment be and hereby is authorized and approved (collectively, the "Additional Bond Financing Documents").

3. That the Additional Bond Financing Documents shall be executed in the name of the City by the Finance Director / Treasurer, sealed with the seal of the City, attested to by its Clerk, and be in such form and contain such terms and provisions, not inconsistent herewith, as she may approve, their approval to be conclusively evidenced by their execution thereof.

4. That as specified in Section 1064(6) of the FAME Act, the Additional Bond Financing Documents shall not constitute any debt or liability of the State of Maine or any political subdivision or municipality thereof (including the City) or a pledge of the faith and credit of the State of Maine or of any such political subdivision or municipality (including the City), but shall be payable solely from revenues of the Project for which they are issued; and the Additional Bond Financing Documents shall not directly or indirectly or contingently obligate the State of Maine or any political subdivision or municipality thereof (including the City) to levy or to pledge any form of taxation whatever therefor to make any appropriation for their payment.

5. That if the Finance Director / Treasurer or Clerk are for any reason unavailable to approve and execute the Additional Bond Financing Documents hereinbefore authorized, the person or persons then acting in any such capacity, whether as an assistant, a deputy, on an interim basis or otherwise, is authorized to act for such official with the same force and effect as if such person had herself performed such act.

6. This Resolution shall take effect immediately.

Motion for acceptance: Seconded by:

Vote:

Action by the City Council: Date:

Attest:

City Clerk

City Council

Agenda Information Sheet

Council Meeting Date 1-5-2010

Agenda Item No. 5

SUBJECT:

RESOLVE – ADOPTION OF THE CITIZEN PARTICIPATION PLAN

INFORMATION:

In the next few months, the Community Development Department will be developing a Consolidated Plan. The plan will describe priorities for addressing documented needs, and will define strategies and activities linked to these priorities. The planning process will build on participation by people who are most likely to be affected by the Community Development Program. The Citizen Participation Plan describes how the public will be engaged in meetings through a Citizen’s Advisory Committee, a Community Development Loan Committee, and other opportunities for public participation, the assistance that will be provided for persons/agencies formulating proposals, the response to complaints, and the process for amending the Consolidated Plan.

City Council Workshop December 21, 2009

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: January 5, 2010

TITLE: **RESOLVE – ADOPTION OF THE CITIZEN PARTICIPATION PLAN**

Be It Resolved by the Auburn City Council that the Citizen Participation Plan be adopted as recommended by the Community Development Staff. A copy of the plan is attached to, and hereby made a part of this resolve.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

CITY OF AUBURN CITIZEN PARTICIPATION PLAN 2010-2015

1. INTRODUCTION

The City of Auburn received an “entitlement” designation for Community Development Block Grant funds in 1974. These funds are used for a number of loan programs to promote housing and economic development. Funds are also used for public facilities and infrastructure, and for social services. In 2001, Auburn and Lewiston formed a consortium with Auburn as the lead agency to receive HOME Investment Partnerships Program funds. The consortium was formed to meet the funding threshold for HOME funds.

The Department of Housing and Urban Development (HUD) requires recipients of its grant funds to prepare formal plans as a condition of receiving federal funds. These plans are intended to encourage communities to allocate federal resources to address local needs and market conditions.

In the next few months the City will be developing a Consolidated Plan (ConPlan). The ConPlan is a fact-based analysis of local housing needs that reflects the incidence and severity of housing problems among different segments of the population. The ConPlan articulates priorities for addressing the needs that have been documented and defines strategies and activities linked to these priorities. Community representatives and housing practitioners will have opportunities to help shape the development of priorities and strategies. The process is intended to assist with coordination among relevant agencies in both planning and implementation. The City works closely with Auburn Housing Authority (AHA) on housing matters.

Section 104(a) of the Housing and Community Development Act of 1974 requires that the City of Auburn follow a Citizen Participation Plan. In order to comply with HUD regulations, the Community Development Department has prepared the following plan which outlines the process through which citizens will be informed of and involved in the Community Development Program. The Community Development Program involves funding of both the Community Development Block Grant and HOME Investment Partnerships (HOME) Program.

The Citizen’s Participation Plan is an effort to create a collaborative process whereby citizens assist in developing a vision for community development housing actions. The City Council will consider both public comments and recommendations of the Citizen’s Advisory Committee (CAC) in making decisions to allocate Community Development and HOME resources.

To affirmatively encourage citizen participation, the following plan elements shall be implemented in the execution of the Community Development Program.

2. GOAL

The goal of the Citizen Participation Plan is to provide Auburn citizens with an opportunity to participate in various processes of the Community Development Program. Citizen participation shall be conducted in an open manner with appropriate and timely dissemination of information pertinent to all plans and programs. The emphasis of this Citizen Participation Plan is to involve persons who are most likely to be affected by and utilize the Community Development Program, especially persons of low income, persons with special needs, and persons living in target areas.

3. OBJECTIVES

The objectives of the Citizen Participation Plan are to:

- Encourage citizen participation with particular emphasis on participation by persons who are of low income, special needs, and persons who live in or own property in a target area;
- Provide citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed and actual use of funds;
- Provide technical assistance to groups or representative of persons of low income that request such assistance in developing proposals with the level and type of assistance to be determined by the City;
- Obtain citizen views and answer questions at all stages of the Community Development process including development of needs, review of proposed activities and review of program performance;
- Provide for a timely written answer to complaints and grievances; and
- Provide for meeting the needs of non-English speaking residents and persons with special needs for accessibility or communication assistance at public meetings where a significant number of people are expected to participate.

4. PUBLIC PARTICIPATION

A. NOTICES OF PUBLIC MEETINGS

Public meetings are held to obtain views of citizens and public agencies with respect to the Community Development Program. Meeting notices will be published in the local newspaper prior to meetings.

At least 30 days before adoption by the City Council, a summary of the proposed Consolidated Plan and Annual Action Plan will be published on the City's web site to give citizens an opportunity to review and comment on the plan. The summary will describe the general contents of the Consolidated Plan. The public notice will indicate the location where copies can be examined or how to find it on the web site.

A public notice will be placed in a local newspaper announcing the availability of the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER provides a review of program progress and performance of the Community Development Block Grant Program.

B. AVAILABILITY OF PUBLIC DOCUMENTS

Documents will be available at the Community Development Department for perusal in an effort to provide readily accessible information to citizens. Historical records will be available for the previous five-year period. Documents that will be available are:

- Residential Anti-displacement and Relocation Assistance Plan and Affordable Rent Policy;
- Urban Conditions Study;
- Citizen Participation Plan;
- Community Development Block Grant Regulations;
- Environmental Review Records;
- Consolidated Annual Performance and Evaluation Report;
- Guidelines of various programs funded with Community Development and HOME Investment Partnerships Program funds; and
- Consolidated Plan and Annual Action Plans.

C. CITIZENS ADVISORY COMMITTEE

A Citizen's Advisory Committee will be created to assist in developing the Consolidated Plan. The committee will remain a standing committee for 5 years. Community Development staff shall solicit members and will attempt to achieve the following representation: one person who lives in the each of the target areas Union Street Target Area, Downtown Target Area, and the New Auburn Target Area; a home owner who has participated in the City's homebuyer program; two persons who are low income renters (preferably tenants living in public housing or in Section 8 subsidized housing); a representative of or persons who with special needs; a representative from the Community Development Loan Committee; a City Councilor; a representative from Lewiston-Auburn Alliance for Services to the Homeless; a representative of Auburn Housing Authority; a realtor; a non-profit or for-profit housing developer, and an Auburn landlord. At the first meeting, CAC members shall elect a chairperson amongst them to serve as facilitator of meetings, to serve as spokesperson, and to act as liaison with Community Development staff.

1) CAC Meetings:

a) Consolidated Plan

In year 2010, the CAC will be involved in assisting with development of the 5-year Consolidated Plan by considering needs and resources, and prioritizing goals and objectives.

b) Annual Action Plan

In the subsequent four years, the CAC will review the annual Consolidated Annual Action Plan for conformance with the Consolidated Plan.

c) Consolidated Annual Performance and Evaluation Report (CAPER)

At the end of each program year, a performance report will be prepared. The CAC will meet after completion of the CAPER to consider progress in meeting the stated goals and objectives of the Consolidated Plan. The CAC will also review program performance, effectiveness, and evaluation.

2) Consolidated Plan Considerations:

During the study process, the CAC will consider data on housing needs to establish priorities. The CAC will consider the needs of extremely low-income, low-income, moderate-income, and middle income families; renters and owners; persons who are elderly, disabled, persons with HIV/AIDS and their families; single persons, large families, public housing residents, families on the public housing or section 8 tenant-based waiting list, and homeless; consider specific problems such as cost-burden, severe cost-burden, substandard housing and overcrowding.

D. COMMUNITY DEVELOPMENT LOAN COMMITTEE

Review of loans by the Community Development Loan Committee shall be another means of obtaining citizen participation, particularly by persons who are low income and persons who live in target areas. There shall be nine persons residing in Auburn appointed by the City Council to the Community Development Loan Committee, two of which are low-income persons and two who own property in target areas. Names of persons wishing to serve may be submitted to the City Council by soliciting involvement from a) clients who have participated in one of the Community Development Programs, b) persons living in federally subsidized housing, or c) persons who live in one of the target areas.

E. OTHER PUBLIC PARTICIPATION

Community Development staff shall solicit input from citizens who may be affected by Community Development projects to give them an opportunity to express their views concerning

problems, suggestions and alternatives to the proposed projects. Public meetings will be held where there is an elevator to accommodate handicapped or elderly persons and will be held at a time that is convenient to most people.

Information to be presented to citizens may include:

- amount of Community Development Block Grant funding to be received;
- eligible activities;
- general program requirements;
- previous years' use of funds;
- projected use of funds;
- time schedule for submitting the Consolidated Plan;
- amount of funds that will benefit very low, low, and low-moderate income persons; and plans to minimize displacement of persons and to assist persons.

F. PUBLIC HEARINGS

Public hearings shall be held by the City Council and shall serve as additional forums for citizens to convey their views on community development and housing needs, and to respond to proposed budget. Public hearing shall be held as follows:

1) Consolidated Plan - A public hearing will be held prior to adoption of the Consolidated Plan.

2) Consolidated Annual Action Plan - A public hearing will be held prior to adoption of each Consolidated Annual Action Plan.

3) Amendments - A public hearing will be held prior to adoption of any substantial amendments to the Consolidated Plan and Annual Action Plans.

G. CONSIDERATION OF COMMENTS

A summary of comments will be attached to the appropriate document and submitted to the City Council before an action is taken. The City Council shall consider comments of the CAC or others prior to final adoption of the Consolidated Plan or Annual Action Plan.

H. RESPONSE TO PROPOSALS/COMMENTS

A staff member of the Community Development Department will respond to citizen comments or proposals. For every written proposal or comment, there will be a written response with reasons stated for whatever action the City has taken on the proposal. Oral proposals will receive oral responses, though they may be in writing.

5. SPECIAL CONSIDERATIONS

A. ACCOMMODATIONS

Where French is the primary language of a significant number of persons living in Auburn, a French-speaking person will be available at Auburn Hall who will provide assistance to translate basic program information. If non-English speaking persons are expected to attend a meeting, arrangements will be made to have a translator present.

Persons with special needs for mobility, hearing and visual impairments will be required to contact the Community Development Department in advance so that arrangements can be made to provide adequate communication assistance.

B. TECHNICAL ASSISTANCE

Staff will provide direct assistance to low-income persons or their representative when forming proposals for Community Development activities. The level and type of assistance will be determined by Community Development staff and may not necessarily include the provision of funds to any person, group, or agency.

Staff will provide direct assistance to low income persons in their effort to progress through the various program processes. For the Rehabilitation Program, assistance will include preparing a loan application, submitting financial information, providing advice for soliciting bids, or upon request securing bids for a property owner, comparing and evaluating bids for conformance to required work, assisting to schedule rehabilitation work, managing the escrow account, performing inspections to ensure quality work, acting as liaison between the contractor and property owner for complaints and resolving a variety of other problems. For the homebuyer programs, assistance will include preparing a loan application, submitting financial information, providing pre-qualification for housing affordability, credit counseling, and guiding the home purchase.

Staff will provide counseling to tenants who are in jeopardy of being displaced because of a federally funded project and provide relocation assistance to those who are being displaced. Tenants will be assisted when required to file relocation claim forms and to secure comparable housing that is decent, safe and sanitary.

Staff will make a credit counseling referral to low-income households to assist them become homeowners.

6. COMPLAINTS AND GRIEVANCES

Citizens who have objections or complaints about the Community Development or HOME Programs may submit a written complaint to:

Community Development Block Grant Program
City of Auburn
60 Court Street, Suite 344
Auburn, ME 04210
Attention: Community Development Administrator

The complaint should include the date, name, address, telephone number of the complainant, convenient hour to reach that person by telephone, nature of the complaint and location. The complaint may also be given orally. The person initiating the complaint will schedule a meeting with the Community Development Administrator and a formal complaint will be formulated from the interview that will be signed by the complainant.

There will be a written response, within 15 days of receipt, to the complainant. The response will indicate the ultimate disposition of the complaint.

7. AMENDMENTS TO CONSOLIDATED PLAN

Auburn will amend its Consolidated Plan whenever it makes one of the following decisions

- to change a goal, priority, or activity of the Consolidated Plan;
- to carry out an activity using funds from any program covered by the Consolidated Plan (including program income) not previously covered in the Consolidated Annual Action Plan; or
- to change the purpose, scope, location, or beneficiaries of an activity included in the Consolidated Annual Action Plan.

a) Minor Amendment

A minor amendment will be approved by the City Manager.

b) Substantial Amendment

A substantial amendment must be authorized by the City Council and submitted to the U. S. Department of Housing and Urban Development. A substantial amendment is defined as a change that exceeds 10% of the amount of annual Community Development or HOME Program budget (which includes the annual allocation, reprogrammed funds and program income) for the year in which the amendment is being considered. A public notice of the change will be published 30 days before adoption of an amendment by the City Council. An additional public hearing for a program amendment will be held in advance of a City Council vote.

City Council

Agenda Information Sheet

Council Meeting Date: 1/05/10

Agenda Item No. 6

SUBJECT:

RESOLVE - ACCEPTANCE OF OWL LANE AS A CITY STREET

INFORMATION:

Owl Lane is a rural design street, 730'± in length, with a cul-de-sac turnaround. It is located off the northerly side of Outlook Drive approximately 400' easterly of Pownal Road. Owl Lane was laid out in the Eagle Ridge Subdivision, approved by the Auburn Planning Board, April 12, 2005. The Engineering Division has inspected the construction. The street has been constructed to design standards with the following approved modification:

- Iron rods, which are now the industry standard for the land surveying profession to monument property boundaries, were used to monument the right of way.
- Guard rail is wood plank for a more aesthetic appearance.

City Council Workshop – December 21, 2009

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of this resolve.

REQUESTED ACTION:

Motion for passage of the resolve

VOTE:

CITY OF AUBURN

CITY COUNCIL, AUBURN, MAINE

DATE: January 5, 2010

TITLE: ORDER – ACCEPTANCE OF OWL LANE AS A CITY STREET

Be It Resolved by the Auburn City Council that Owl Lane, as laid out and depicted on a plan entitled “Eagle Ridge Subdivision”, dated April, 2005 and recorded at the Androscoggin County Registry of Deeds in Book of Plans 44, Page 168, be accepted as a City Street.

Said Owl Lane being sixty (60) feet in width and extending from Outlook Drive northerly and northwesterly seven hundred thirty (730) feet, more or less, to and including the cul-de-sac at the end.

Motion for acceptance:

Seconded by:

Vote:

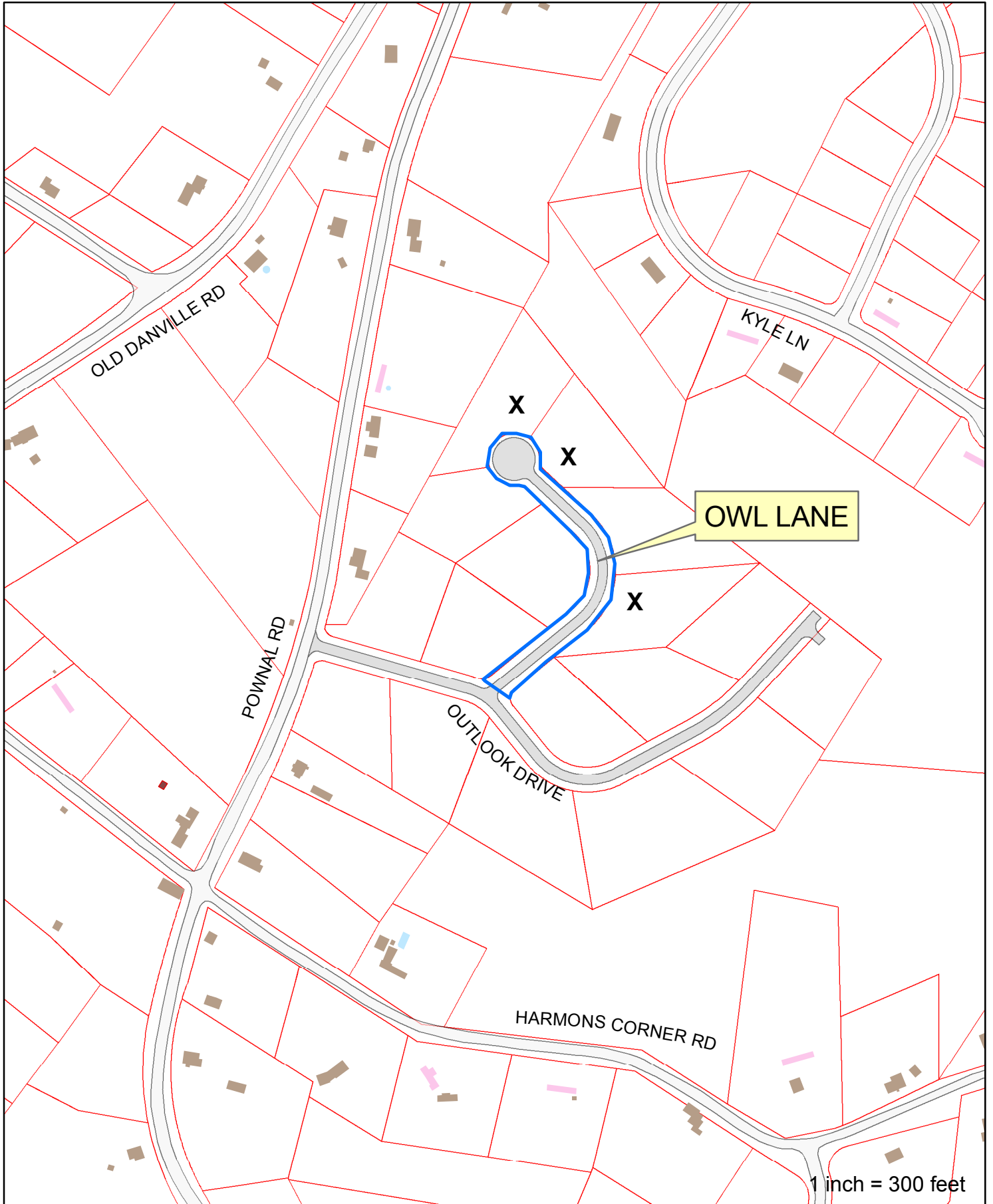
Action by Council:

Date:

ATTEST:

CITY CLERK

OWL LANE



City Council

Agenda Information Sheet

Council Meeting Date 1/5/2010 **Agenda Item No.** 7

SUBJECT:

RESOLVE – AUTHORIZE CITY MANAGER TO DISPOSE OF TAX ACQUIRED PROPERTY

INFORMATION:

The following is an excerpt from the City of Auburn Policy Regarding the Acquisition and Disposition of Tax Acquired Property:

Section 4.1 Sale to the Prior Owner. The City will first offer tax acquired property to the prior owner, it shall be offered upon the following conditions: Upon acquiring a property, the Tax Collector shall notify the prior owner that they have thirty (30) days within which to inform the City if they intend to redeem the foreclosed property. To redeem the property, the prior owner must pay all taxes assessed and unpaid, all interest on those unpaid taxes, all costs associated with the lien and foreclosure process and the estimated next fiscal year's property taxes if the redemption occurs after April 1st. If the prior owner has not entered into a payment plan or has not redeemed the property within sixty (60) days of the date of notification by the City, the City will proceed with the disposition in accordance with this policy. Nothing in this policy shall be construed to create any entitlement of reconveyance.

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: January 5, 2010

TITLE: RESOLVE – AUTHORIZE CITY MANAGER TO DISPOSE OF TAX ACQUIRED PROPERTY

Be It Resolved by the Auburn City Council that the City Manager is hereby authorized to dispose of the attached list of Tax Acquired Property.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

LIST OF TAX ACQUIRED PROPERTIES

PARCEL	PROP LOC NO	PROP STREET
347-016-000-000	175	ANDREW DR
213-017-000-002	40	MINE RD
219-108-000-000	64	SHERIDAN AV
213-007-000-000	256	HATCH RD
240-055-000-000	64	HIGHLAND AV
277-030-001-000	712	PARK AV
156-028-000-000		HOTEL RD
115-004-000-000	51	JORDAN SCHOOL RD
190-004-001-000	81	IPSWICH ST
190-004-002-000	87	IPSWICH ST
190-004-007-000	132	IPSWICH ST
190-004-005-000	123	IPSWICH ST
190-004-006-000	133	IPSWICH ST
190-004-008-000	118	IPSWICH ST
190-004-009-000	108	IPSWICH ST
190-004-003-000	101	IPSWICH ST
190-004-004-000	111	IPSWICH ST
190-004-010-000	80	IPSWICH ST
190-004-011-000		LAFAYETTE ST
191-057-000-000	73	PAUL ST
312-002-000-123	23	GAGE LN
250-309-000-000	5	GAMAGE AV
261-041-000-000	215	NORTH RIVER RD
133-069-000-064	31	HARVEST HILL LN
261-053-000-005	155	CENTER ST
249-128-000-000	34	DAVIS AV
271-023-001-000		CENTER ST
249-033-001-000	0	GILLANDER AV