

# City of Auburn, Maine

*"Maine's City of Opportunity"*

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Office of the City Clerk

## Council Meeting Agenda Packet September 19, 2011

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](http://www.adobe.com).



# City Council Meeting and Workshop

## September 19, 2011

### Agenda

#### 5:30 p.m. Workshop

- A. Update on City Recycling Program. (Glenn Aho)
- B. Recycling Committee presentation. (Dominique Casavant)
- C. EMA Interlocal Agreement (Phil Crowell)
- D. Ingersoll Arena funding. (Glenn Aho)
- E. Discussion of councilor vacancy. (Council)
- F. Discussion of committee term limits. (Council)

#### 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 – \* September 6, 2011

#### III. Reports

##### Mayor

##### City Councilors

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

##### City Manager

##### August 2011 Financials

#### 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. Councilor's Concerns (if time allows)

#### VI. Unfinished Business

#### VII. New Business

09192011-01 Sign November 8, 2011 Municipal Election Warrants.

09192011-02 Public hearing on a new Liquor License and Special Amusement Permit application for Fire House Grille LLC d/b/a Fire House Grille, 47 Broad Street.

# Auburn City Council Meeting & Workshop

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- 09192011-03 Motion to approve a new Liquor License and Special Amusement Permit for Fire House Grille LLC d/b/a Fire House Grille, 47 Broad Street.
- 09192011-04 Motion to adopt of the most current edition of the National Electrical Code NFPA 70-2011. (First Reading)
- 09192011-05 Resolve adopting the Neighborhood Stabilization Program Grant Acceptance and Development Agreement.
- 09192011-06 Public hearing on an amendment to the City of Auburn Code of Ordinances, Chapter 8 Animals, add section 8-300 Keeping of poultry for personal use and Zoning Text amendment to allow the keeping of chickens in residential zoning districts by amending Chapter 60, Section 60-2 Definitions: Household Pet and Chapter 8- Animals, Article VII-Nondomestic Animals, Division 4- Other Animals, Sec, 8-300 – Keeping of Poultry for Personal Use, to allow for the keeping of chickens in all residential zoning districts.
- 09192011-07 Resolve adopting an amendment to the animal ordinance to allow laying hen's. (Second and Final Reading)
- 09192011-08 Resolve adopting an amendment to the zoning text to allow the keeping of chickens in residential zoning districts by amending Chapter 60, Section 60-2 Definitions: Household Pet and Chapter 8- Animals, Article VII-Nondomestic Animals, Division 4- Other Animals, Sec, 8-300 – Keeping of Laying Hen's for Personal Use, to allow for the keeping of chickens in all residential zoning districts. (Second and Final Reading)
- 09192011-09 Resolve authorizing the City Manager to sign the EMA Interlocal Agreement, possible executive session in accordance with Title 1, Section 405, Subsection 6C.
- 09192011-10 Executive session in accordance with Title 1, Section 405, Subsection 6D, discussion of the Public Works Union contract, possible action.

**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**



## City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: September 19, 2011

Item # A

Author: Roberta Fogg, City Clerk

**Subject: Update on City Recycling Program**

**Information:** City Manager will present an update of the current city recycling program.

**Financial:** unknown.

**Action Requested at this Meeting:** Informational

**Previous Meetings and History:**

**Attachments:** *(in order of appearance in packet)*



## City Council Workshop Information Sheet

City of Auburn

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**Council Workshop Date:** September 19, 2011

**Item #** B

**Author:** Roberta Fogg, City Clerk

**Subject:** Recycling Committee presentation.

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**Information:** Dominique Casavant, Chairman of the Recycling Committee will be present to review their recommendations.

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**Financial:** unknown.

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**Action Requested at this Meeting:** Informational

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**Previous Meetings and History:**

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**Attachments:** *(in order of appearance in packet)*



## City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: September 19, 2011

Item # C

Author: Phillip L. Crowell, Jr., Chief of Police

**Subject:** EMA Interlocal Agreement.

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**Information:** Review / Discuss the proposed 2012 EMA Interlocal Agreement. EMA Director Joanne Potvin will be available for questions.

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**Financial:** None

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**Action Requested at this Meeting:** Review / Discuss proposed 2012 EMA Interlocal Agreement.

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**Previous Meetings and History:** As part of budget deliberations, the Auburn City Council voted to eliminate the EMA line item in the FY12 budget.

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**Attachments:** *(in order of appearance in packet)*

- Proposed 2012 EMA Interlocal Agreement

# INTERLOCAL AGREEMENT

between

**Androscoggin County**

**City of Lewiston**

**City of Auburn**

## I. PREAMBLE

Emergency management, a function of county and local government, is dependent upon leadership of executive officers and efforts of county and municipal departments and agencies to develop, implement and maintain an emergency management program for the well being and safeguarding of their people and property in the event of an emergency/disaster.

In order to provide an effective and comprehensive emergency management program for their citizens, the City of Lewiston and the City of Auburn do hereby agree to adopt and support the following Interlocal Agreement with Androscoggin County.

## II. POLICY

It is the policy of Androscoggin County that all emergency management functions be coordinated to the maximum extent with the comparable functions of the State and Federal governments, including their various departments and agencies, and of the State's counties and localities, and of private agencies so that the most effective preparation and utilization may be made of the County's workforce, resources and facilities for dealing with any emergency/disaster event that may occur.

## III. GENERAL

Emergency management, as defined in Maine Revised Statutes Annotated (M.R.S.A.), Title 37-B, Chapter 13, §703, 2-A shall mean *"the coordination and implementation of an organized effort to mitigate against, prepare for, respond to and recover from a disaster."*

M.R.S.A. Title 37-B, Chapter 13, §781, 2 specifies that *"each county shall maintain a county emergency management agency"* and that it can create regional emergency management agencies (Lewiston and Auburn). Each county agency is responsible for

coordination of emergency management activities and *“a county/regional emergency management agency must receive support from the municipalities within its region.”*

#### **IV. STATEMENT OF PURPOSE**

To consolidate emergency management functions and responsibilities, of the Cities of Lewiston and Auburn, with Androscoggin County Emergency Management Agency for more economical and efficient utilization of existing services, facilities and professional emergency management staff.

#### **V. LEGAL AUTHORITY**

M.R.S.A. Title 37-B, Chapter 13, §§703, 2-A and §§781, 2.

#### **VI. DURATION AND TERMINATION OF THE MEMORANDUM OF AGREEMENT**

This Agreement shall remain in effect until changed or terminated by one or more of the aforementioned governmental entities upon ninety (90) days written notice to the other(s).

#### **VII. DUTIES AND RESPONSIBILITIES**

##### **A. ANDROSCOGGIN COUNTY**

Shall provide the Cities of Lewiston and Auburn full administration and operation of an emergency management program to encompass:

1. Personnel
2. Program Management – to cover the four (4) phases of emergency management
  - Mitigation
  - Preparedness
  - Response
  - Recovery
3. Emergency Operational Planning for
  - Natural Disasters
  - Man-Made Emergencies/Disasters
  - Chemical Emergencies



- Terrorism
  - Pandemic
4. Training and Education
  5. Tests and Exercises
  6. Emergency Resource Management
  7. Alerting and Warning
  8. Coordination of Federal and State Disaster Assistance
  9. Coordination of emergency response and recovery activities

#### ***B. CITIES OF LEWISTON AND AUBURN***

The executives and departmental staffs of both cities shall cooperate and collaborate, with Androscoggin County, for development of necessary emergency operations plans, shall participate in required training and exercises, and shall respond as required to an emergency/disaster event for the protection and safety of their citizens and property.

The Agency shall continue to be identified as the Androscoggin Unified Emergency Management Agency.

### **VIII. BUDGET AND FINANCE**

#### ***A. ANDROSCOGGIN COUNTY***

Shall, annually, appropriate monies not less than required for the performance of its obligations under the terms of this Interlocal Agreement.

The County's annual Emergency Management budget, commencing 1 January 2012 and continuing in all fiscal years thereafter, will include expenses to reimburse the City of Lewiston for apportioned costs for EOC operation/maintenance that include:

- EOC heat (natural gas and fuel oil as back-up) at 25% of the building costs
- EOC electrical power at 25% of the building costs
- EOC water and sewer at 12% of the building costs
- EOC TTY phone line at 100%
- Facility structural repair/maintenance costs (such as generator and HVAC) shared with Lewiston Fire Department but not to exceed 50% of the cost incurred

The County budget will also include provisions to maintain existing communications lines and equipment, previously supported by the Joint EOC budget, as well as internal lighting and plumbing fixtures directly related to the EOC facility. The County will receive 50% reimbursement under the Emergency Management Program Grant, i.e., EMPG, which is the 50/50 matching program.

#### ***B. CITIES OF LEWISTON AND AUBURN***

Shall support the administration and operation of the regionalized (unified) emergency management program through support of the annual County tax levy which will include the usual county-wide apportioned costs for the Emergency Management Agency, and in addition, the county-wide apportioned costs for the Emergency Operations Center (EOC).

The City of Lewiston (Fire Chief and Accounts Payable Division) will continue to forward appropriate invoices to the EMA office as has been practice since 1995. These invoices will cover the EOC share of heating, electricity, water and sewer, the TTY phone line and the occasional "structural repair" invoice for HVAC or generator repair. Invoices will be processed for payment by the County Treasurer's Office with payments forwarded to the Treasurer, City of Lewiston.

#### **IX. PROPERTY**

The Emergency Operations Center (EOC), which is located beneath Lewiston Central Fire Headquarters, at 45 Oak Street, is a specially-designed facility that was constructed to federal specifications, to protect EOC operational staff from the effects of natural and man-made disasters, including nuclear radiation fallout. The EOC was built and furnished, in 1972, during construction of Central Fire Headquarters, with 100% federal funding. The City of Lewiston incurred no cost with the addition of the EOC to Lewiston Central Fire Headquarters.

#### **X. ORGANIZATION AND OPERATIONAL STAFF**

The Androscoggin County Emergency Management Director shall serve in that same official capacity for the City of Lewiston and the City of Auburn.

The Director shall be directly responsible and accountable to the Androscoggin County Commissioners. The Director and remainder of the County Emergency Management Agency staff will coordinate with Lewiston and Auburn executive and department officials as requested and/or required to carry out the day-to-day and emergency activities of the Unified Emergency Management Agency.

The EOC will continue to be identified as the "Joint EOC" for day-to-day planning and training activities as well as for coordination of emergency response and recovery activities resulting from an emergency/disaster event.

Day-to-day management and administration of the emergency management program will be the responsibility of the Agency Director and staff who report directly to the County EMA Director.

Management and coordination of emergency operations, under a declared emergency / disaster, by the County Commissioners and/or either/both of the Cities' executive officials (Lewiston City Administrator / Auburn City Manager) shall be the responsibility of the aforementioned EMA staff plus any additional County, and/or Cities' departments and agencies (key EOC staff) required to respond to and recover from the emergency/disaster event at hand.

A quarterly activity (program) report will be provided to the County Commissioners, Lewiston City Administrator and Auburn City Manager at a time that coincides when the report is due to the Director of the Maine Emergency Management Agency.

## **XI. DUTIES AND RESPONSIBILITIES OF THE EMA DIRECTOR**

- A. Reference Emergency Management Agency Director Job Description on file at the County Building.

Nothing in this Interlocal Agreement shall relieve the County of Androscoggin and the Cities of Lewiston and Auburn of any obligation or responsibility imposed upon them by M.R.S.A. Title 37-B, Chapter 13.

This Interlocal Agreement is accepted and approved by:

Name/Title	Signature	Date
Randall Greenwood, Chairman Androscoggin County Court of Commissioners		
Patricia Fournier, Witness Androscoggin County Clerk		
Ed Barrett, City Administrator City of Lewiston		
Kathleen Montejo, Witness Lewiston City Clerk		
Glenn Aho, City Manager City of Auburn		
Roberta Fogg, Witness Auburn City Clerk/Registrar		



## City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: September 19, 2011

Item # D

Author: Roberta Fogg, City Clerk

**Subject:** Ingersoll Arena funding.

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**Information:** After further review of the Ingersoll Arena's unassigned fund balance, there are not enough funds to finance the \$454,000 renovation projects. The City Manager will review possible funding sources. If, however, the City Council wishes to finance the project by adding to the City's bond package, slated for sale this October, the City Council would need to have the public hearing and both first and second readings on October 3, 2011.

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**Financial:**

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**Action Requested at this Meeting:** Informational

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**Previous Meetings and History:**

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**Attachments:** *(in order of appearance in packet)*



# City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: September 19, 2011

Item # E

Author: Roberta Fogg, City Clerk

**Subject:** Discussion of councilor vacancy.

**Information:** Per Council request.

**Financial:**

**Action Requested at this Meeting:** Informational

**Previous Meetings and History:**

**Attachments:** *(in order of appearance in packet)*

- Committee appointment policy adopted May 2, 2011



**City Council  
Resolve**

**City of Auburn**

**Date:** May 2, 2011  
**Order #** 52-05022011-06

**Title: Resolve establishing a committee appointment policy.**

Be it Resolved by the Auburn City Council that the following be adopted as a policy for managing committee appointments:

1. City Clerk (or designee) will present all applications for committees to the Mayor and City Council upon receipt, by email (paper copies to be distributed upon request).
2. City Clerk will notify Mayor and City Council as soon as possible upon notification of any committee vacancy, by email.
3. Committee applications will remain active for a period of up to six months.
4. City Clerk will place all names on a list of prospective applicants, listed by committee name, number of available openings, date of application and designated with the following information: Applicants name, address, ward, first time application or request for reappointment. Amended \* Paper copies of the applications be provided as part of the package for the vote.
5. Council members are urged to solicit committee applications for balanced ward representation on committees.
6. Applicants list will be presented to the Council, as a communication, at the second meeting of each month.
7. An agenda item will be placed on each agenda titled Committee appointments; noting that the Council ~~may~~ will go into executive session to review committee applications, by a majority vote of the board. Amended \* that going into executive session automatically for discussion.
8. If additional information on any applicant is needed, the Council may request said information from staff or may appoint no more than two council members to complete any necessary review. Such as: talking to applicant(s), review based on applications and number of openings per committee, general qualifications, including but not limited to, limiting the term of committee members; profession; experience; prior attendance; availability; prior appointments; citizenship; Ward representation; and discussions with and recommendations by staff. The information obtained from any such review may be considered confidential in nature, if release might harm the committee applicant's reputation. Amended \* a standing committee be appointed in advance to gather additional information if needed.

**Motion for Acceptance:** Councilor Hayes

**Seconded by:** Councilor Young

**Amendment vote:** 4 Yea's - 3 Nay's - Councilors Farrell, Herrick and Berube.

Motion carried 4-3

**Main motion vote:** 4 Yea's - 3 Nay's - Councilor's Farrell, Herrick and Berube.

Motion carried 4-3

**Action by Council:** May 2, 2011

**Attest:**

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Roberta L. Fogg, City Clerk



# City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: September 19, 2011

Item # F

Author: Roberta Fogg, City Clerk

**Subject:** Discussion of committee term limits.

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**Information:** Per Council request.

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**Financial:**

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**Action Requested at this Meeting:** Informational

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**Previous Meetings and History:**

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**Attachments:** *(in order of appearance in packet)*

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# City Council Meeting and Workshop

## September 6, 2011

### Minutes

**Present:** Mayor Richard Gleason, Councilor's Belinda Gerry, Michael Farrell, Robert Hayes, Daniel Herrick, David Young and Raymond Berube, City Manager Glenn Aho, and City Clerk Roberta Fogg.  
Absent Councilor Daniel Herrick and Councilor Samson.

Councilor Herrick arrived at 5:53pm.

The Council conducted a workshop beginning at 5:30pm on the following items: Adoption of National Electrical Code NFPR 70-2011, latest edition; Municipal Valuation Report; Ingersoll Arena Renovation; Neighborhood Stabilization Program Grant Acceptance and Development Agreement;

**The following workshop items were continued in open session: Fire Department Efficiency Audit and Discussion of councilor request for leave of absence**

Break at 6:53 pm

Back at 7:08 pm

#### **7:00 p.m. City Council Meeting**

Mayor Gleason called the meeting to order at 7:08 p.m. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag.

#### **I. Consent Items**

Councilor Farrell, seconded by Councilor Hayes, moved to approve the consent items: Minutes of August 15, 2011.

Vote: 6 Yea's – 0 Nay's

Motion carried 6-0.

#### **II. Minutes – \* August 15, 2011 - approved**

#### **III. Reports**

**Mayor read his report (see attached to official minutes)** He then read a letter regarding the new location of the law enforcement memorial, which was moved to the intersection of Turner Street and Court Street. He thanked K&K and all donors who contribute materials and labor to this project.

##### **City Councilors**

- **Michael Farrell:** Rec. Adv Bd, Audit, Lake Aub. Watershed Protection Comm. - none
- **Robert Hayes:** Planning Bd, Water, Library, and Railroad - none
- **Daniel Herrick:** MMWAC - none
- **David Young:** School Committee, Cable TV Adv Board – School Committee meeting discussion on where the money from the iPad's came from, being part of the Federal Stimulus money.
- **Raymond Berube:** Sewer, Audit, Airport – no reports, but read a letter from Tracy Roy, former Finance Director. He stated that we need to hire a full time finance director.
- **Belinda Gerry:** LA Transit, Neighborhood Stabilization Program, Auburn Housing – LA Transit Authority fluctuates in ridership; Housing Authority waiting list of 138 for one bedroom, 141 for two bedroom, 50 on three bedroom and 14 on the four bedroom lists or a total of 631 families in or around Auburn looking for housing.

# Auburn City Council Meeting & Workshop

## Minutes of September 6, 2011

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**City Manager Aho** – stated his shock at the letter Councilor Berube read. He stated that he has been meeting with non-union employees the last few weeks. He explained some of the concerns; two types of employees, at-will and just cause employees; and that the any claims or information given to the city are reviewed by the City Solicitor.

Councilor Herrick said that he would like a copy of the investigative report and he wants a copy of the City Manager's file.

City Manager Aho explained that personnel records are confidential, but that he is more than willing to talk to Councilor Herrick. He then reviewed the financial report for July 2011. He stated that the audit is underway and we should have a completed audit in a few months. He reviewed TIF's and explained there are nine TIF's and we are currently working on four. He submitted a memo to the Council regarding delinquent payments by the School Department for workers compensation and building lease expenses. He asked the Council what they want to do, there is a clause in the lease where two Councilors and two School Committee Member to negotiate with a mediator.

Councilor Farrell volunteered.

Councilor Gerry asked about statements that were made during the budget process.

### **July 2011 Financials**

Councilor Young, seconded by Councilor Farrell, moved to accept the July 2011 Financials.

Vote: 6 Yea's – 0 Nay's

Motion carried 6-0.

### **IV. Communications, Presentations and Recognitions - none**

### **V. Open Session**

Larry Morrisette, Po Box 3036 spoke said that he is also running for mayor, but didn't quite make it, but he thanked everyone who voted for him. He asked for a job description for the mayor's position, but was never provided with the material he requested. He said that he was asked by the Boy Scouts who sent him a letter asking for help with a ball field. He asked that the city evaluate the parks, who owns them and who is maintaining them.

Larry Pelletier 129 Second Street asked the City Manager about the Park Avenue trail and where it would be.

City Manager Aho said that the land acquisitions would not be complete until the 20<sup>th</sup>.

Mr. Pelletier asked if the whole trail would be visible from the road.

City Manager Aho said yes it would be.

Andy Titus 17 Lamplighter Circle said that he was pleased that his valuation went up. He spoke about TIF Districts and his concerns about property tax system being unfair. He suggested a committee or group of people to work to see how the tax system works and the TIF system works. He is concerned that there is an automatic system that is not working.

Councilor Farrell explained that he believes that the current Governor and Administration are willing to help us and work with us. He said that he is going to ask Lois Snow-Mello to submit a bill to include foreclosures and short sales in the valuation equation.

City Manager Aho explained the growth penalty and how TIF's shelter tax dollars and how the TIF's are negotiated.

# Auburn City Council Meeting & Workshop

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Tim Doughty 75 Cherryvale Circle stated that he received a letter of clarification regarding a statement of 20% abatement on land granted to Robert Mennealy, he stated that information was give to him from Mr. Mennealy. He stated that he would be applying for property tax abatement this year.

City Manager Aho stated that regardless of what Mr. Mennealy calls it, it was not abatement, it was an adjustment.

Mr. Doughty said that when it comes to the wastewater ordinance, he created it and volunteered to be on City Manager's research committee.

Tizz Crowley University Street resident read a statement regarding the weekly reviews. She asked Councilor Farrell and Mayor Gleason's concerns about her remarks. She stated that all Planning Board minutes are now available on the city web site and she thanked the City Manager. (See written statement attached to the official minutes)

Joe Gray Sopers Mill Road said that this Friday night is Cruise Night at Rollie's Diner and is Kid's night with a petting zoo, hot wheels, fire truck, public works vehicle sponsored by the United New Auburn Social Club from 5:30pm to 8pm and invited everyone to come on out.

### **Workshop Items continued in open session: Fire Department Efficiency Audit:**

Deputy Chief Low stated that this Sunday morning will be an event to commemorating the tenth anniversary the 9-11 attacks beginning at Central Station at 8:45am. He then reviewed the company selected; Matrix Consulting Group from Palo Alto, California with a head quarters in Mass has been selected to conduct the efficiency audit, initial recommendation in about 60 days with a complete report in six months.

### **Discussion of Councilor Request for leave of absence:**

Councilor Berube stated that the Mayor and City Council are governed by the City Charter. He stated that a Councilor will lose their position if they do not attend their committee meetings. This Councilor has only attended 10 to 15% of his committee meetings. He then stated that City Manager is required to hire an Assistant City Manager as specified by the charter.

Councilor Farrell moved to suspend the rules and appropriate \$60,000.00 for the hiring an Assistant City Manager.

City Manager stated that with benefits it would need to be \$90,000.00.

Councilor Berube, seconded by Councilor Farrell, moved to suspend the rules in order to take \$60,000.00 from the general fund to hire an Assistant City Manager.

Vote: 4 Yea's – 2 Nay's

Motion carried 4-2.

Councilor Berube, seconded by Councilor Herrick, moved to amend motion to change dollar amount from \$60,000 to \$100,000 for hiring an Assistant City Manager.

Councilor Herrick stated that he believes there should be an Assistant City Manager as required by the charter.

Councilor Gerry asked if we could delay hiring other positions until after hiring an assistant city manager.

# Auburn City Council Meeting & Workshop

Minutes of September 6, 2011

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City Manager Aho explained that he thinks delaying the hiring of other positions would be detrimental to the city.

## Public input:

Tizz Crowley stated that she agrees with the assistant city manager position. She said we might get through the remainder of this fiscal year by with the \$60,000 amount. She asked the Council would spend the next three months focusing on projects and work together. You need to be more respectful to each other and the process.

Leroy Walker New Auburn resident said that he thinks to start \$60,000 should take care of us for six months. He then thinks we need to go back to the budget process. He asked when we would hire the people missing from the fire department.

Councilor Hayes thinks it is wrong to suspend the rules and take a hasty vote.

Councilor Farrell explained that the Assistant City Manager position was cut by the Council not the City Manager. He discussed problems with discussing personnel issues in public meetings. He asked to cap the Assistant City Manager position at \$75,000.00.

Councilor Gerry stated that she wanted an Assistant City Manager in the budget. She stated that she wants the Council to work together.

Councilor Hayes thinks we have spent too much time on this subject. He thinks this should come back as a workshop item.

Councilor Berube stated that this is not a workshop item, this is in the agenda.

Councilor Hayes, seconded by Councilor Young moved to table.

Vote to table: 2 Yea's – Councilors Hayes and Young – 4 Nay's - Councilor Gerry, Farrell, Herrick and Berube. Motion failed 2-4.

Vote on amendment to change the dollar amount from \$60,000 to \$100,000 for an Assistant City Manager: 3 Yea's – Councilors Gerry, Berube and Young – 3 Nay's - Councilors Farrell, Herrick and Hayes – Mayor voted Nay to break a tie. Motion failed 3-4.

Councilor Farrell, seconded by Councilor Herrick, moved to amend the motion to not exceed \$75,000.00 including payroll expenses and benefits.

Amendment Vote: 4 Yea's – Councilors Gerry, Farrell, Herrick and Berube – 2 Nay's – Councilors Hayes and Young. Motion carried 4-2.

Main Motion Vote: 4 Yea's - Councilors Gerry, Farrell, Herrick and Berube -2 Nay's -Councilor Hayes and Young. Motion carried 4-2.

Councilor Herrick asked about Councilor Samson situation.

Mayor Gleason stated that he will check all Councilors attendance at committee meetings.

Councilors discussed the situation with Councilor Samson's leave of absence request.

## VI. Unfinished Business – none

# Auburn City Council Meeting & Workshop

Minutes of September 6, 2011

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## VII. New Business

**09062011-01 Public hearing on an amendment to the City of Auburn Zoning Ordinance, Chapter 60, Section 60-578.b(7) to modify the use group *Motels* to read *Motels and Hotels* pursuant to Article XVII, Division 2 of the Ordinances of the City of Auburn.**

Mayor Gleason asked for any comments and invited City Planner Cousens to present the proposed amendment.

City Planner Eric Cousens explained the request to amend this use group. Motels were originally excluded because of the concerns with flight paths at the Airport. He explained that height of the building would be looked at for each individual proposal.

Mayor Gleason asked for any comments, hearing none the he closed the hearing.

**09062011-02 Resolve amending the City of Auburn Zoning Ordinance, Chapter 60, Section 60-578.b(7) to modify the use group *Motels* to read *Motels and Hotels* pursuant to Article XVII, Division 2 of the Ordinances of the City of Auburn. (Second and Final Reading)**

Councilor Farrell, seconded by Councilor Hayes, moved resolve # 11-09062011-02 amending the City of Auburn Zoning Ordinance, Chapter 60, Section 60-578.b(7) to modify the use group *Motels* to read *Motels and Hotels* pursuant to Article XVII, Division 2 of the Ordinances of the City of Auburn. (Second and Final Reading)

Roll call vote: 6 Yea's – Councilors Farrell, Hayes, Herrick, Young, Berube and Gerry – 0 Nay's.

Motion carried 6-0.

**09062011-03 Public hearing on an amendment to the City of Auburn Code of Ordinances, Chapter 8 Animals, add section 8-300 Keeping of poultry for personal use and Zoning Text amendment to allow the keeping of chickens in residential zoning districts by amending Chapter 60, Section 60-2 Definitions: Household Pet and Chapter 8- Animals, Article VII-Nondomestic Animals, Division 4- Other Animals, Sec, 8-300 – Keeping of Poultry for Personal Use, to allow for the keeping of chickens in all residential zoning districts.**

Mayor Gleason opened public hearing and invited City Planner Cousens the opportunity to explain the amendment.

City Planner Cousens explained that the Council has discussed chapter 8 animal section, he mentioned the differences. Planning Board recommendation to prohibit poultry on lots less than ½ acre. The proposal be open to laying hens' not generally to poultry which.

Pauline Bernier 180 Mill Street is opposed to poultry in the city. She explained her concerns about rodents.

Joe Gray Sopers Mill Road said that he has 400 chickens and has no rodents that he can find. He addressed some of Mrs. Bernier's concerns. He stated that he agrees with the change in the language to restrict to chickens and not poultry.

Mayor Gleason asked for any comments, hearing none the he closed the hearing.

# Auburn City Council Meeting & Workshop

Minutes of September 6, 2011

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## **09062011-04 Resolve adopting an amendment to the animal ordinance to allow poultry. (Second and Final Reading)**

Councilor Herrick, seconded by Councilor Farrell, moved to accept resolve # 12-09062011-04 to adopt an amendment to the animal ordinance to allow poultry. (Second and Final Reading)

Councilor Gerry asked how residents would complain if there were problems, would it be with the Code Enforcement or Animal Control.

City Planner Cousens explained it might be a combination of both.

Councilor Farrell asked for a cap on the penalty of \$100.00 with no fine for a third offense, but where an owner would lose they right to keep poultry after the fourth offense.

City Planner Cousens explained option A and option B. Planning Board recommendations was to eliminate the ½ acre allowance and a registration process for ½ acre lots and larger and a proration of the number of birds allowed. He asked the council to let him know what changes the Council would like to make.

Councilor Herrick thinks 6 birds per residence is plenty.

Councilor Hayes, seconded by Councilor Herrick, moved to changing the wording of poultry to laying hen.

Amendment vote: 6 Yea's – 0 Nay's

Motion carried 6-0.

Councilor Hayes, seconded by Councilor Young, moved to amend to allow laying hens on ½ to 1 acre lots with simple registration.

Councilor Hayes and Councilor Young withdrew motion

Councilor Hayes, seconded by Councilor Young, moved to amend first reading to the Planning Board recommended ordinance with the change of the definition of poultry to laying hen.

Councilor Herrick is opposed to the registration process and would like to allow 6 laying hens per residence.

Councilor Hayes explained the concerns addressed in the recommended amendments from the Planning Board.

Councilor Farrell asked who would the public call with complaints, the Code Officer or Animal Control.

Amendment vote: 2 Yea's - Councilor Hayes and Young - 4 Nay's – Councilors Farrell, Herrick, Berube and Gerry.

Motion failed 2-4.

Main Motion Roll Call Vote: 5 Yea's – Councilors Farrell, Herrick, Young, Berube and Gerry – 1 Nay – Councilor Hayes.

Motion carried 5-1.

# Auburn City Council Meeting & Workshop

Minutes of September 6, 2011

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**09062011-05 Resolve adopting an amendment to the zoning text to allow the keeping of chickens in residential zoning districts by amending Chapter 60, Section 60-2 Definitions: Household Pet and Chapter 8- Animals, Article VII-Nondomestic Animals, Division 4- Other Animals, Sec, 8-300 – Keeping of Poultry for Personal Use, to allow for the keeping of chickens in all residential zoning districts. (First Reading)**

Councilor Farrell, seconded by Councilor Herrick, moved to accept resolve #13-09062011-05 adopting an amendment to the zoning text to allow the keeping of chickens in residential zoning districts by amending Chapter 60, Section 60-2 Definitions: Household Pet and Chapter 8- Animals, Article VII-Nondomestic Animals, Division 4- Other Animals, Sec, 8-300 – Keeping of Poultry for Personal Use, to allow for the keeping of chickens in all residential zoning districts.

City Planner Cousens asked the language for poultry be amended from Poultry to laying hens.

Councilor Farrell, seconded by Councilor Gerry, moved to amend the definition of poultry to be that of laying hens.

Amendment vote: 6 Yea's – 0 Nay's.

Motion carried 6-0.

Roll call vote on main motion: 6 Yea's – Councilors Farrell, Hayes, Herrick, Young, Berube and Gerry -0 Nay's.

Motion carried 6-0.

## VIII. Open Session

Larry Morrisette, PO Box 3036 stated that the government of today did not write the continental constitution, but they need to defend it. Everyone from the Auburn and Lewiston Mayor to the President are public enemy number one. He wants things changed back to what is good and right for the future generations.

Mayor Gleason read a letter commending the police department.

Councilor Herrick asked about the take a number system that was put into the tax department. He asked if we were going to advertise for a finance director.

City Manager Aho explained that we have an elderly population and this way they can take a number and have a seat to wait for their turn. He then answered questions about the interim Finance Director.

Councilor Herrick asked why we did not received the information from MMA about lawsuits.

City Manager Aho said that when he receives them the Council will receive them.

Councilor Farrell asked about the MMA information if it is dealing with pending suits, how can it be released to the Council.

City Manager Aho explained that it could not be released and MMA will not release that information.

Councilor Farrell said that he does not want to let the school budget issue and asked the Council to act on this.

Mayor Gleason said that the Mayor and available councilors should meet with the head of the school committee and superintendent meet.

Councilor Young said that he just learned about this today at 3pm.

City Manager Aho said that he thinks the School Committee will be discussing this tomorrow night.

Councilor Farrell, Councilor Young and Mayor Gleason would be on the committee to negotiate with the School Department.

# Auburn City Council Meeting & Workshop

Minutes of September 6, 2011

---

Joe Gray Sopers Mill Road spoke about suspending the rules is part of Robert's Rules, it okay to use it once in a while. The Planning Board should either be revamped or gotten rid of because of this type of issue that we have spent months talking about this subject. The Planning Board comments are not based in logic. If the Planning Board can't do their research get rid of them.

Councilor Hayes explained that he is the Mayor's representative to the Planning Board and he has a responsibility to bring those recommendations back to the Council.

Councilor Gerry stated that she doesn't mean any disrespect to CEI when she stated that she stated her support for one plan and not the other. She stated that Auburn hasn't done a comprehensive study of housing inventory and available housing stock.

## IX. Future Agenda/Workshop Items

Councilor Farrell asked to discuss term limits for committees and volunteers to 5 years of consecutive service.

Councilor Berube asked to look into how Lewiston is using of the rain tax money to purchase a vacuum cleaner to clean streets, and the spraying along the streets to control the grass.

Councilor Gerry suggested a term limits and a waiting period for reapplying for committees

Councilor Farrell water district committee members with expired terms?

## X. ADJOURNMENT

Councilor Farrell, seconded by Councilor Young, moved to adjourn the meeting at 9:35pm.  
Vote: 6 Yea's – 0 Nay's. Motion carried 6-0.

A true record

Attested:

  
\_\_\_\_\_  
Roberta L. Fogg, City Clerk



# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services



**TO:** Glenn E. Aho, City Manager  
**FROM:** Maura Halkiotis, Interim Finance Director  
**RE:** August 2011 Financials  
**DATE:** September 7, 2011

The following is a discussion regarding the significant variances found in the City's August financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its second month of the fiscal year 2012. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 16.66% of the annual budget. Please note that many revenues and expenditures tend to be cyclical therefore the distribution throughout the year will not be even.

### **Balance Sheet**

Significant changes to taxes receivable and deferred revenue are the result of the 2011/2012 tax commitment of \$39,915,954.

The net change in fund balance is primarily a result of property tax collections of more than \$2.7 million.

### **Revenues**

Revenues collected through August 31st were \$4.98 million or 9.93% of budget. This is higher than last year by \$1.8 million. Notable revenues include:

**CITY OF AUBURN**  
August 2011 Financials

- A. Property tax collections of \$2.7 million - \$1.3 million more than last year.
- B. \$516,265 was collected in excise tax - up slightly from August 2010.
- C. The City received \$369,692 in "Homestead" exemption reimbursements from the State. This is similar to last year.
- D. Reimbursements from the State (local road assistance) of \$115,349 and the City of Lewiston (hydro) of \$156,537.
- E. State Revenue Sharing of \$545,445 – a 7.4% drop from the same period last year. State Revenue Sharing has been on the decrease for August for the third year in a row.

**Expenditures**

Expenditures for the City were \$3.5 million through August 31<sup>st</sup> or 9.84% of the budget. This was only \$135,241 more than last year. There were no significant variances from budget or the prior year.

**Investments**

Investments as of August 31<sup>st</sup> totaled \$30,042,595 and earned interest in the amount of \$3,088. The average interest rate was .26% compared to .36% for the same period last year.

Respectfully submitted,

Maura Halkiotis  
Interim Finance Director

**CITY OF AUBURN, MAINE**  
**BALANCE SHEET - CITY GENERAL FUND, WC AND UNEMPLOYMENT FUND (NOT INCLUDING SCHOOL)**  
**August 2011**

	<b>UNAUDITED</b>	<b>UNAUDITED</b>	
	<b>August 31</b>	<b>July 31</b>	<b>Increase</b>
<b>ASSETS</b>	<b>2011</b>	<b>2011</b>	<b>(Decrease)</b>
CASH	\$ 17,374,032	\$ 13,479,652	\$ 3,894,380
RECEIVABLES			-
ACCOUNTS RECEIVABLES	1,835,774	1,917,411	(81,637)
TAXES RECEIVABLE-CURRENT	37,129,586	(134,114)	37,263,700
DELINQUENT TAXES	500,314	565,053	(64,738)
TAX LIENS	1,090,683	1,178,026	(87,343)
NET DUE TO/FROM OTHER FUNDS	(4,426,342)	(2,625,838)	(1,800,504)
	<hr/>	<hr/>	
<b>TOTAL ASSETS</b>	<b>\$ 53,504,047</b>	<b>\$ 14,380,189</b>	<b>\$ 39,123,857</b>
 <b>LIABILITIES &amp; FUND BALANCES</b>			
ACCOUNTS PAYABLE	\$ 785,755	\$ 1,332,601	\$ (546,846)
PAYROLL LIABILITIES	(8,276)	(240,619)	232,343
ACCRUED PAYROLL	(10,214)	(10,214)	(0)
STATE FEES PAYABLE	39,940	42,788	(2,847)
ESCROWED AMOUNTS	64,250	64,250	-
DEFERRED REVENUE	38,748,360	1,712,662	37,035,698
	<hr/>	<hr/>	
<b>TOTAL LIABILITIES</b>	<b>\$ 39,619,814</b>	<b>\$ 2,901,467</b>	<b>\$ 36,718,348</b>
FUND BALANCE - UNASSIGNED	\$ 11,969,089	\$ 11,969,089	\$ -
FUND BALANCE - RESTRICTED FOR			\$ -
WORKERS COMP & UNEMPLOYMENT	(684,766)	(684,766)	\$ -
FUND BALANCE - RESTRICTED	1,134,224	1,134,224	\$ -
NET CHANGE IN FUND BALANCE	1,465,685	(939,825)	2,405,510
	<hr/>	<hr/>	
<b>TOTAL FUND BALANCE</b>	<b>\$ 13,884,232</b>	<b>\$ 11,478,722</b>	<b>\$ 2,405,510</b>
	<hr/>	<hr/>	
<b>TOTAL LIABILITIES AND FUND BALANCE</b>	<b>\$ 53,504,047</b>	<b>\$ 14,380,189</b>	<b>\$ 39,123,857</b>

**CITY OF AUBURN, MAINE  
REVENUES - GENERAL FUND COMPARATIVE  
AS OF AUGUST 31, 2011 VS AUGUST 31, 2010**

REVENUE SOURCE	FY 2012 BUDGET	ACTUAL REVENUES THROUGH AUGUST 31	% OF BUDGET	FY 2011 BUDGET	ACTUAL REVENUES THROUGH AUGUST 31	% OF BUDGET
<b>TAXES</b>						
PROPERTY TAX REVENUE-	\$ 41,053,952	\$ 2,707,416	6.59%	\$ 40,447,313	\$ 1,369,058	3.38%
PRIOR YEAR REVENUE	\$ -	\$ 221,915		\$ -	\$ 144,953	
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 488,573	\$ 487,909	99.86%	\$ 480,000	\$ 379,509	79.06%
ALLOWANCE FOR ABATEMENT	\$ -	\$ -		\$ -	\$ -	
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ -	\$ -	
EXCISE	\$ 2,719,000	\$ 516,265	18.99%	\$ 2,806,000	\$ 509,007	18.14%
PENALTIES & INTEREST	\$ 140,000	\$ 12,864	9.19%	\$ 220,000	\$ 11,727	5.33%
<b>TOTAL TAXES</b>	<b>\$ 44,401,525</b>	<b>\$ 3,946,369</b>	<b>8.89%</b>	<b>\$ 43,953,313</b>	<b>\$ 2,414,255</b>	<b>5.49%</b>
<b>LICENSES AND PERMITS</b>						
BUSINESS	\$ 30,000	\$ 11,560	38.53%	\$ 42,800	\$ 7,161	16.73%
NON-BUSINESS	\$ 268,400	\$ 74,269	27.67%	\$ 260,300	\$ 61,443	23.60%
<b>TOTAL LICENSES</b>	<b>\$ 298,400</b>	<b>\$ 85,829</b>	<b>28.76%</b>	<b>\$ 303,100</b>	<b>\$ 68,604</b>	<b>22.63%</b>
<b>INTERGOVERNMENTAL ASSISTANCE</b>						
STATE-LOCAL ROAD ASSISTANCE	\$ 378,000	\$ 115,349	30.52%	\$ 378,000	\$ -	0.00%
STATE REVENUE SHARING	\$ 2,400,000	\$ 545,445	22.73%	\$ 2,421,593	\$ 589,337	24.34%
WELFARE REIMBURSEMENT	\$ 44,955	\$ 8,102	18.02%	\$ 44,955	\$ 6,682	14.86%
OTHER STATE AID	\$ 20,000	\$ 18,451	92.26%	\$ 19,000	\$ -	0.00%
FEMA REIMBURSEMENT	\$ -	\$ -		\$ -	\$ -	
CITY OF LEWISTON	\$ 158,362	\$ 156,537	98.85%	\$ 160,235	\$ -	0.00%
<b>TOTAL INTERGOVERNMENTAL ASSISTANCE</b>	<b>\$ 3,001,317</b>	<b>\$ 843,884</b>	<b>28.12%</b>	<b>\$ 3,023,783</b>	<b>\$ 596,019</b>	<b>19.71%</b>
<b>CHARGE FOR SERVICES</b>						
GENERAL GOVERNMENT	\$ 135,090	\$ 13,789	10.21%	\$ 140,360	\$ 14,031	10.00%
PUBLIC SAFETY	\$ 206,545	\$ 8,844	4.28%	\$ 77,800	\$ 7,059	9.07%
EMS TRANSPORT	\$ -	\$ -		\$ 17,000	\$ -	0.00%
EMS AGREEMENT	\$ 100,000	\$ 10,900	10.90%	\$ 100,000	\$ 19,200	19.20%
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 441,635</b>	<b>\$ 33,533</b>	<b>7.59%</b>	<b>\$ 335,160</b>	<b>\$ 40,290</b>	<b>12.02%</b>
<b>FINES</b>						
PARKING TICKETS & MISC FINES	\$ 55,000	\$ 4,618	8.40%	\$ 55,000	\$ 5,795	10.54%
<b>MISCELLANEOUS</b>						
INVESTMENT INCOME	\$ 60,000	\$ 4,659	7.77%	\$ 70,000	\$ 13,102	18.72%
INTEREST-BOND PROCEEDS	\$ 2,000	\$ -	0.00%	\$ 15,000	\$ -	0.00%
RENTS	\$ 122,000	\$ -	0.00%	\$ 122,000	\$ 2,500	2.05%
UNCLASSIFIED	\$ 7,340	\$ 790	10.76%	\$ 22,947	\$ 3,166	13.80%
SALE OF RECYCLABLES	\$ -	\$ 15,097		\$ -	\$ 18,361	
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 11,050		\$ 40,000	\$ 12,691	31.73%
SALE OF PROPERTY	\$ 20,000	\$ -	0.00%	\$ 50,000	\$ -	0.00%
RECREATION PROGRAMS/ARENA	\$ 33,275	\$ 1,565	4.70%	\$ 38,489	\$ -	0.00%
MMWAC HOST FEES	\$ 197,400	\$ 32,916	16.67%	\$ 197,500	\$ 32,916	16.67%
9-1-1 DEBT SERVICE REIMBURSEMENT	\$ 98,318	\$ -	0.00%	\$ 161,233	\$ -	0.00%
TRANSFER IN: TIF	\$ 324,212	\$ -	0.00%	\$ 407,374	\$ -	0.00%
TRANSFER OUT: TIF	\$ -	\$ -		\$ -	\$ -	
ENERGY EFFICIENCY	\$ 2,600	\$ -	0.00%	\$ 4,000	\$ 588	14.69%
CDBG	\$ 8,000	\$ 1,334	16.68%	\$ 8,000	\$ 1,334	16.68%
UTILITY REIMBURSEMENT	\$ 37,500	\$ 749	2.00%	\$ 28,642	\$ 1,900	6.64%
CITY FUND BALANCE CONTRIBUTION	\$ 1,050,000	\$ -	0.00%	\$ 700,000	\$ -	0.00%
<b>TOTAL MISCELLANEOUS</b>	<b>\$ 1,962,645</b>	<b>\$ 68,159</b>	<b>3.47%</b>	<b>\$ 1,865,185</b>	<b>\$ 86,557</b>	<b>4.64%</b>
<b>TOTAL GENERAL FUND REVENUES</b>	<b>\$ 50,160,522</b>	<b>\$ 4,982,393</b>	<b>9.93%</b>	<b>\$ 49,535,541</b>	<b>\$ 3,211,520</b>	<b>6.48%</b>
<b>SCHOOL REVENUES</b>						
EDUCATION SUBSIDY	\$ 17,942,071	\$ 3,407,455	18.99%	\$ 16,213,174	\$ 2,702,196	16.67%
EDUCATION	\$ 1,358,724	\$ 286,038	21.05%	\$ 3,051,517	\$ 841,882	27.59%
SCHOOL FUND BALANCE CONTRIBUTION	\$ 855,251	\$ -	0.00%	\$ 172,103	\$ -	0.00%
<b>TOTAL SCHOOL</b>	<b>\$ 20,156,046</b>	<b>\$ 3,693,493</b>	<b>18.32%</b>	<b>\$ 19,436,794</b>	<b>\$ 3,544,078</b>	<b>18.23%</b>
<b>GRAND TOTAL REVENUES</b>	<b>\$ 70,316,568</b>	<b>\$ 8,675,886</b>	<b>12.34%</b>	<b>\$ 68,972,335</b>	<b>\$ 6,755,597</b>	<b>9.79%</b>

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - GENERAL FUND COMPARATIVE**  
**AS OF AUGUST 31, 2011 VS AUGUST 31, 2010**

DEPARTMENT	ACTUAL			ACTUAL		
	FY 2012 REVISED BUDGET	EXPENDITURES THROUGH AUGUST 31	% OF BUDGET	FY 2011 BUDGET	EXPENDITURES THROUGH AUGUST 31	% OF BUDGET
<b>ADMINISTRATION</b>						
MAYOR AND COUNCIL	\$ 93,340	\$ 35,850	38.41%	\$ 103,340	\$ 9,189	8.89%
CITY MANAGER	\$ 280,915	\$ 38,900	13.85%	\$ 377,931	\$ 66,889	17.70%
ASSESSING SERVICES	\$ 188,906	\$ 22,240	11.77%	\$ 200,113	\$ 18,120	9.05%
CITY CLERK	\$ 137,422	\$ 14,089	10.25%	\$ 117,812	\$ 13,574	11.52%
FINANCIAL SERVICES	\$ 365,023	\$ 62,912	17.24%	\$ 368,730	\$ 49,468	13.42%
HUMAN RESOURCES	\$ 137,363	\$ 17,995	13.10%	\$ 138,602	\$ 17,711	12.78%
LEGAL SERVICES	\$ 84,284	\$ 15,599	18.51%	\$ 73,000	\$ 10,638	14.57%
CUSTOMER SERVICE	\$ 2,428	\$ 451	18.57%	\$ 2,000	\$ -	0.00%
<b>TOTAL ADMINISTRATION</b>	<b>\$ 1,289,681</b>	<b>\$ 208,036</b>	<b>16.13%</b>	<b>\$ 1,381,528</b>	<b>\$ 185,589</b>	<b>13.43%</b>
<b>COMMUNITY SERVICES</b>						
COMMUNITY SERVICES (IT/ENG)	\$ 649,335	\$ 115,882	17.85%	\$ 713,412	\$ 106,164	14.88%
COMMUNITY PROGRAMS	\$ 12,650	\$ 9,450	74.70%	\$ 12,650	\$ 9,450	74.70%
PLANNING & PERMITTING	\$ 727,756	\$ 96,993	13.33%	\$ 709,023	\$ 99,191	13.99%
PARKS AND RECREATION	\$ 620,217	\$ 70,489	11.37%	\$ 606,333	\$ 69,055	11.39%
HEALTH & SOCIAL SERVICES	\$ 153,811	\$ 23,259	15.12%	\$ 152,252	\$ 19,429	12.76%
PUBLIC LIBRARY	\$ 929,407	\$ 154,901	16.67%	\$ 919,407	\$ 154,623	16.82%
<b>TOTAL COMMUNITY SERVICES</b>	<b>\$ 3,093,176</b>	<b>\$ 470,974</b>	<b>15.23%</b>	<b>\$ 3,113,077</b>	<b>\$ 457,913</b>	<b>2.22%</b>
<b>FISCAL SERVICES</b>						
DEBT SERVICE	\$ 6,810,550	\$ -	0.00%	\$ 6,816,314	\$ -	0.00%
PROPERTY	\$ 680,137	\$ 189,737	27.90%	\$ 649,206	\$ 184,314	28.39%
WORKERS COMPENSATION	\$ 451,890	\$ 49,242	10.90%	\$ 200,000	\$ -	0.00%
WAGES & BENEFITS	\$ 4,209,929	\$ 741,639	17.62%	\$ 4,397,054	\$ 779,367	17.72%
EMERGENCY RESERVE (10108062-670000)	\$ 328,608	\$ -	0.00%	\$ 336,336	\$ -	0.00%
<b>TOTAL FISCAL SERVICES</b>	<b>\$ 12,481,114</b>	<b>\$ 980,618</b>	<b>7.86%</b>	<b>\$ 12,398,910</b>	<b>\$ 963,681</b>	<b>7.77%</b>
<b>PUBLIC SAFETY</b>						
EMERGENCY MGMT AGENCY	\$ 2,903	\$ -	0.00%	\$ 6,760	\$ -	0.00%
FIRE DEPARTMENT	\$ 3,716,161	\$ 523,207	14.08%	\$ 3,549,341	\$ 516,666	14.56%
POLICE DEPARTMENT	\$ 3,315,380	\$ 472,987	14.27%	\$ 3,253,880	\$ 381,685	11.73%
<b>TOTAL PUBLIC SAFETY</b>	<b>\$ 7,034,444</b>	<b>\$ 996,194</b>	<b>14.16%</b>	<b>\$ 6,809,981</b>	<b>\$ 898,351</b>	<b>13.19%</b>
<b>PUBLIC WORKS</b>						
PUBLIC WORKS DEPARTMENT	\$ 4,682,884	\$ 451,839	9.65%	\$ 4,458,060	\$ 513,705	11.52%
WATER AND SEWER	\$ 558,835	\$ 135,231	24.20%	\$ 526,252	\$ 122,906	23.36%
<b>TOTAL PUBLIC WORKS</b>	<b>\$ 5,241,719</b>	<b>\$ 587,070</b>	<b>11.20%</b>	<b>\$ 4,984,312</b>	<b>\$ 636,611</b>	<b>12.77%</b>
<b>INTERGOVERNMENTAL PROGRAMS</b>						
AUBURN-LEWISTON AIRPORT	\$ 106,750	\$ 26,688	25.00%	\$ 139,250	\$ 7,313	5.25%
E911 COMMUNICATION CENTER	\$ 968,347	\$ 242,087	25.00%	\$ 927,500	\$ 232,009	25.01%
LATC-PUBLIC TRANSIT	\$ 207,779	\$ -	0.00%	\$ 176,362	\$ -	0.00%
LAEGC-ECONOMIC COUNCIL	\$ 160,687	\$ -	0.00%	\$ 167,487	\$ -	0.00%
L-A ARTS	\$ 20,160	\$ 5,040	25.00%	\$ 20,161	\$ -	0.00%
TAX SHARING	\$ 288,593	\$ -	0.00%	\$ 293,939	\$ -	0.00%
<b>TOTAL INTERGOVERNMENTAL</b>	<b>\$ 1,752,316</b>	<b>\$ 273,815</b>	<b>15.63%</b>	<b>\$ 1,724,699</b>	<b>\$ 239,322</b>	<b>13.88%</b>
<b>COUNTY TAX</b>						
TIF (10108058-580000)	\$ 1,925,561	\$ -	0.00%	\$ 1,892,352	\$ -	0.00%
OVERLAY	\$ 2,619,142	\$ -	0.00%	\$ 2,500,000	\$ -	0.00%
	\$ 301,604	\$ -	0.00%	\$ -	\$ -	0.00%
<b>TOTAL CITY DEPARTMENTS</b>	<b>\$ 35,738,757</b>	<b>\$ 3,516,707</b>	<b>9.84%</b>	<b>\$ 34,804,859</b>	<b>\$ 3,381,467</b>	<b>9.72%</b>
<b>EDUCATION DEPARTMENT</b>	<b>\$ 34,705,246</b>	<b>\$ 2,110,864</b>	<b>6.08%</b>	<b>\$ 34,167,476</b>	<b>\$ 1,530,568</b>	<b>4.48%</b>
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$ 75,290,310</b>	<b>\$ 5,627,571</b>	<b>7.47%</b>	<b>\$ 73,364,687</b>	<b>\$ 4,912,035</b>	<b>6.70%</b>

CITY OF AUBURN, MAINE  
 INVESTMENT SCHEDULE  
 AS OF AUGUST 31, 2011

INVESTMENT	FUND	BALANCE		INTEREST RATE	WEIGHTED AVG YIELD
		AUGUST 31, 2011	JULY 31, 2011		
BANKNORTH MNY MKT	24-1242924 GENERAL FUND	\$ 55,116.24	\$ 55,104.54	0.25%	
BANKNORTH MNY MKT	24-1745910 SWEEP ACCOUNT	\$ 4,970,000.00	\$ 4,970,000.00	0.25%	
BANKNORTH MNY MKT	24-1745944 GF-WORKERS COMP	\$ 49,148.37	\$ 49,144.20	0.10%	
BANKNORTH CD	7033 GF-UNEMPLOYMENT	\$ 66,639.18	\$ 66,625.03	0.25%	
BANKNORTH MNY MKT	24-1809302 SPECIAL REVENUE	\$ 102,404.84	\$ 102,396.14	2.64%	
BANKNORTH MNY MKT	24-1745902 SWEEP ACCOUNT	\$ 52,351.60	\$ 52,340.49	0.25%	
BANKNORTH MNY MKT	24-1745895 SR-PERMIT PARKING	\$ 1,695,000.00	\$ 1,695,000.00	0.25%	
BANKNORTH MNY MKT	24-1745895 SR-TIF	\$ 197,216.43	\$ 197,174.56	0.25%	
BANKNORTH MNY MKT	24-1746819 SWEEP ACCOUNT	\$ 54,575.99	\$ 54,564.40	0.25%	
BANKNORTH MNY MKT	24-1746819 CAPITAL PROJECTS	\$ 2,745,000.00	\$ 2,745,000.00	0.25%	
BANKNORTH MNY MKT	24-1746877 SWEEP ACCOUNT	\$ 12,920,734.21	\$ 12,917,991.35	0.25%	
BANKNORTH MNY MKT	6895 SCHOOL	\$ 5,950,000.00	\$ 5,950,000.00	0.25%	
BANKNORTH MNY MKT	242-6181513 SCHOOL	\$ 120,224.51	\$ 120,198.99	0.25%	
BANKNORTH MNY MKT	24-1745928 ICE ARENA	\$ 33,148.77	\$ 33,145.95	2.96%	
BANKNORTH MNY MKT		\$ 983,967.87	\$ 983,758.99	0.25%	
BANKNORTH MNY MKT		\$ 47,066.83	\$ 47,062.83	0.10%	
<b>GRAND TOTAL</b>		<b>\$ 30,042,594.84</b>	<b>\$ 30,039,507.47</b>		<b>0.26%</b>



# City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** September 19, 2011

**Item #** 09192011-01

**Author:** Roberta L. Fogg, City Clerk

**Subject:** Sign the November 8, 2011 Municipal Election Warrant.

**Information:** City Council is required to sign the Municipal Election Warrant for the candidate election that will take place on November 8, 2011.

Voting at the following polling places:

Polls will be open from 7am to 8pm, all locations.

- Ward 1 Washburn School
- Ward 2 Auburn Middle School
- Ward 3 Auburn Hall
- Ward 4 Fairview School
- Ward 5 Sherwood Heights School

**Financial:**

**Action Requested at this Meeting:** Motion to sign the November 9, 2011 Municipal Election Warrant.

**Previous Meetings and History:**

**Attachments:** *(in order of appearance in packet)*

- Sample Municipal Election Warrant.

# Sample

**CITY OF AUBURN  
ELECTION WARRANT  
MUNICIPAL ELECTION  
NOVEMBER 8, 2011**

**Androscoggin County**

**State of Maine**

To \_\_\_\_\_, a constable for the City of Auburn, County of Androscoggin:

GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the City of Auburn in said county, qualified by law to vote in municipal affairs of the election described in this Warrant.

To the voters of the City of Auburn, Ward 1: You are hereby notified that a Municipal Election will be held at the time and place indicated below for the purpose of voting on the following items:

Ward 1 – Washburn School, 35 Lake Auburn Avenue

Polls open at 7:00 a.m. and close at 8:00 p.m.

- A person may register to vote on or before Election Day. (Persons must show identification and proof of residency)
- Pursuant to Title 21-A, ss759(7), absentee ballots will be processed at the polling place beginning at 8:00 a.m.

Municipal Offices to be voted on:

- 1 - Mayor
- 1 - Councilor, Ward 1
- 2 - Councilors, At-Large
- 1- School Committee Member, Ward 1
- 2- School Committee Members, At-Large

Dated: September 19, 2011

\_\_\_\_\_  
Michael Farrell, Councilor Ward 1

\_\_\_\_\_  
Robert Hayes, Councilor Ward 2

\_\_\_\_\_  
Daniel Herrick, Councilor Ward 3

\_\_\_\_\_  
David Young, Councilor Ward 4

\_\_\_\_\_  
Raymond Berube, Councilor Ward 5

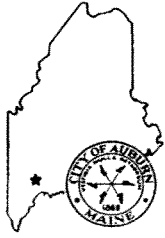
\_\_\_\_\_  
Belinda Gerry, Councilor At-Large

\_\_\_\_\_  
Eric Samson, Councilor At-Large

(Majority of Municipal Officers)

A True Copy    ATTEST: \_\_\_\_\_  
Roberta L. Fogg, City Clerk





## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** September 19, 2011

**Item #** 09192011-02

**Author:** Roberta L. Fogg, City Clerk

**Subject: Public Hearing on a new liquor license application and special amusement permit by Fire House Grille, LLC d/b/a Fire House Grille, 47 Broad Street.**

**Information:** A public hearing is required by state statutes and city code of ordinances on all new liquor license and special amusement applications. This is the public opportunity to comment on an application by Fire House Grille, LLC d/b/a Fire House Grill located at 47 Broad Street, formerly Andy's Baked Beans.

**Financial:** n/a

**Action Requested at this Meeting: No Council Action required. Mayor Seeks public comments only.**  
**Why?** This item allows for specific public comment on this subject to be entered into the public record.

**Previous Meetings and History:**

**Attachments:** *(in order of appearance in packet)*

- Public Hearing Advertisement

**CITY OF AUBURN  
PUBLIC NOTICE**

A public hearing will be held on Monday, September 19, 2011 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License and Special Amusement Permit Applications for:

**Fire House Grille LLC. d/b/a Fire House Grille  
47 Broad Street, Auburn, Maine**

All interested persons may appear to show cause, if any they may have, why this license should not be granted.

Venise –

Please publish in paper dated September 12, 2011 – one time.

Please provide proof and estimate of cost.

Thank you,  
Roberta



## City Council Agenda Information Sheet

City of Auburn

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**Council Meeting Date:** September 19, 2011

**Item #** 09192011-03

**Author:** Roberta L. Fogg, City Clerk

**Subject: Motion to approve the liquor license and special amusement permit by Fire House Grille, LLC d/b/a Fire House Grille, 47 Broad Street.**

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**Information:** This is a new business located at 47 Broad Street, formerly Andy's Baked Beans. They are planning to open the then end of September.

The business will be inspected and reviewed by the Police, Fire, Planning and Permitting and Tax Collector's Departments prior to any licenses being issued.

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**Financial:** n/a

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**Action Requested at this Meeting:** Motion to approve the liquor license and special amusement permit by Fire House Grille, LLC d/b/a Fire House Grille at 47 Broad Street, pending staff approval and provided they are in compliance with all State, Federal and Local laws, rules and regulations.

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**Previous Meetings and History:** n/a

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**Attachments:** *(in order of appearance in packet)*

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## City Council Agenda Information Sheet

City of Auburn

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**Council Meeting Date:** September 19, 2011

**Item #** 09192011-04

**Author:** Charlie DeAngelis, City Electrician

**Subject: Motion to adopt of the most current edition of the National Electrical Code NFPA 70-2011.  
(First Reading)**

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**Information:** The National Electrical Code (NEC) provides practical safeguarding of persons and property from hazards arising from the use of electricity. The NEC is updated every 3 years and considered to be the foundation for electrical safety. The new edition must be officially adopted prior to being implemented as the current edition in the City. The National Electrical Code is Part 70 of a set of codes and standards set forth by the National Fire Protection Association (NFPA). It is comprised of a set of rules that when properly applied are intended to provide safe installation of electrical wiring and equipment. This standard governs the use of electrical wire, cable, and fixtures, and electrical and optical communications cable installed in buildings in the USA.

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**Financial:**

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**Action Requested at this Meeting:** Motion to adopt the most recent edition (2011-NFPA 70) The National Electrical Code. (First Reading)

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**Previous Meetings and History:** The State of Maine Adopted NFPA 70-2011 edition on July 19<sup>th</sup>, 2011. Municipalities are required to enforce the states adopted edition as their minimum standard for electrical installations. This request was disused in a workshop on September 6<sup>th</sup>, 2011.

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**Attachments:**

- State of Maine Electrician's Examining Board notice of adoption

**Chapter 120: ELECTRICAL INSTALLATION STANDARDS**

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**SUMMARY:** This chapter establishes the effective dates of the current edition of the National Electrical Code to which all installations must conform.

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1. All installations of electrical equipment commencing on or after July 1, 2011 must comply with the 2011 edition of the National Electrical Code, National Fire Protection standard #70, as well as with all applicable statutes or rules of the State and all applicable ordinances, orders, rules and regulations of local municipalities.
2. The Board hereby adopts and incorporates into this chapter by reference The National Electrical Code, National Fire Protection Association standard #70, (2011 edition) with the following exceptions:
  - A-1. The Board adopts Article 200.6(D) with the following amendment:

**200.6 Means of Identifying Grounded Conductors.**

- (D) Grounded Conductors of Different Systems.** Where grounded conductors of different systems are installed in the same raceway, cable, box, auxiliary gutter, or other type of enclosure, each grounded conductor shall be identified by system. Identification that distinguishes each system grounded conductor shall be permitted by one of the following means:
- (1) One system grounded conductor shall have an outer covering conforming to 200.6(A) or (B).
  - (2) The grounded conductor(s) of other systems shall have a different outer covering conforming to 200.6(A) or 200.6(B) or by an outer covering of white or gray with a readily distinguishable colored strip other than green running along the insulation.
  - (3) Other and different means of identification as allowed by 200.6(A) or (B) that will distinguish each system grounded conductor.

The means of identification ~~shall be documented in a manner that is readily available~~ or shall be permanently posted where the conductors of different systems originate.

- A. The Board adopts Article 210.5(C)(3) with the following amendment:

**210.5 Identification for Branch Circuits.**

- (C) **Identification of Ungrounded Conductors.** Ungrounded conductors shall be identified in accordance with 210.5(C)(1), (2) and (3).

- (3) **Posting of Identification Means.** The method utilized for conductors originating within each branch-circuit panelboard or similar branch-circuit distribution equipment ~~shall be documented in a manner that is readily available~~ or shall be permanently posted at each branch-circuit panelboard or similar branch-circuit distribution equipment.

- B. *[exception deleted]*

- C. The Board adopts Article 215.12(C) with the following amendment:

**215.12 Identification of Feeders.**

- (C) **Ungrounded Conductors.** Where the premises wiring system has feeders supplied from more than one nominal voltage system, each ungrounded conductor of a feeder shall be identified by phase or line and system at all termination, connection, and splice points. The means of identification shall be permitted to be by separate color coding, marking tape, tagging, or other approved means. The method utilized for conductors originating within each feeder panelboard or similar feeder distribution equipment ~~shall be documented in a manner that is readily available~~ or shall be permanently posted at each feeder panelboard or similar feeder distribution equipment.

- D. The Board adopts Article 334.10(3) with the following amendment:

**334.10 Uses Permitted.**

- (3) Other structures permitted to be of Types III, IV, and V construction except as prohibited in 334.12. ~~Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.~~

- E. The Board does not adopt Article 334.12(A)(2), **Uses Not Permitted.**

- F. *[exception deleted]*

- G. The Board adopts Article 338.12(B) (1) and (2) with the following amendment:

**338.12 Uses Not Permitted.**

**(B) Underground Service-Entrance Cable.**

- (1) For interior wiring of branch circuits and feeders originating and terminating within the same building.
- (2) For aboveground installations except where USE cable emerges from the ground and is terminated in an enclosure at ~~an outdoor~~ a location acceptable to the Authority Having Jurisdiction and the cable is protected in accordance with 300.5(D).

H. *[exception deleted]*

I. *[exception deleted]*

J. *[exception deleted]*

K. *[exception deleted]*

L. *[exception deleted]*

M. *[exception deleted]*

N. *[exception deleted]*

O. *[exception deleted]*

P. *[exception deleted]*

Q. *[exception deleted]*

- R. The Board adopts Article 702.4(B)(2) with the following amendment:

**702.4 Capacity and Rating**

**(B) System Capacity.**

- (2) **Automatic Transfer Equipment.** For other than single-family dwellings, where automatic transfer equipment is used, an optional standby system shall comply with (2)(a) or (2)(b).

3. Copies of the National Electrical Code, National Fire Protection Association standard #70 may be purchased from:

National Fire Protection Association  
1 Batterymarch Park, P.O. Box 9101  
Quincy, MA 02269-9101  
Telephone: 1-800-344-3555

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STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1153 and 1153-A

EFFECTIVE DATE:

February 16, 1986

AMENDED:

January 10, 1988  
December 27, 1989  
March 27, 1993  
June 10, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):

November 2, 1996

AMENDED:

July 15, 2000

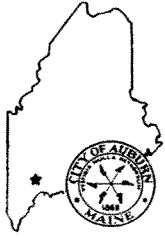
REPEALED AND REPLACED:

August 28, 2002  
August 20, 2005 – filing 2005-328

AMENDED:

September 1, 2008 – filing 2008-361  
July 19, 2011 – filing 2011-239





## City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** September 19, 2011

**Item #** 09192011-05

**Author:** Reine Mynahan, Community Development Director

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### **Subject: Neighborhood Stabilization Program Grant Acceptance and Development Agreement**

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**Information:** The Community Development Department was successful in being awarded a State of Maine Neighborhood Stabilization Program Grant (NSP-3). The purpose of the grant is to stabilize neighborhoods whose viability has been damaged by the economic effects of properties that have been abandoned. The grant will provide funds to redevelop an abandoned building at 261 Main Street. This project was identified in the NSP-3 application from Maine Department of Economic and Community Development to the Department of Housing and Urban Development.

The grant amount is \$850,000, \$5,000 of which will cover the Community Development administrative costs and \$845,000 which will be sub-granted to Coastal Enterprises Inc. (CEI) for the redevelopment. CEI will convert the Main Street building to 5 town house units. The first floor will be used for parking, and the housing units will be constructed above the first floor. The anticipated development cost is \$1,250,000. Program income from this activity, approximately \$100,000, will provide a resource to undertake another project once all units are sold.

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**Financial:** NSP grant is \$850,000 and the Development Agreement will subgrant \$845,000 to Coastal Enterprises, Inc.

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**Action Requested at this Meeting:** Acceptance of grant and execution of Development Agreement with Coastal Enterprises Inc.

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**Previous Meetings and History:** The project was reviewed by the City Council on September 6, 2011.

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**Attachments:** *(in order of appearance in packet)*

- Resolve adopting Neighborhood Stabilization Program Grant and Development Agreement



**City Council  
Resolve**

**City of Auburn**

**Date:** September 19, 2011  
**Order #** 14-09192011-05

**Title: Acceptance of Neighborhood Stabilization Grant and Execute Development Agreement with Coastal Enterprises Inc.**

Be it Resolved by the Auburn City Council to approve acceptance of the Community Development Block Grant Neighborhood Stabilization Program funds in the amount of \$850,000; authorize the City Manager to accept said grant funds, make such assurances, assume such responsibilities, and exercise such authority as are necessary and reasonable to implement such program; approve the Neighborhood Stabilization Program Development Agreement between the City of Auburn and Coastal Enterprises Inc. to support development of affordable housing at 261 Main Street; and authorize the City Manager to execute and deliver the Development Agreement and any other documents necessary in connection with the transaction.

**Motion for Acceptance:** Councilor

**Seconded by:** Councilor

**Vote:**

**Action by Council:** September 19, 2011

**Attest:**

\_\_\_\_\_  
Roberta L. Fogg, City Clerk



# City Council Agenda Information Sheet

City of Auburn

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**Council Meeting Date:** September 19, 2011

**Item #** 09192011-06

**Author:** Eric Cousens, City Planner

**Subject:** Public hearing on an amendment to the City of Auburn Code of Ordinances, Chapter 8 Animals, add section 8-300 Keeping of laying hens for personal use and Zoning Text amendment to allow the keeping of laying hens in residential zoning districts by amending Chapter 60, Section 60-2 Definitions: Household Pet.

---

**Information:** The draft ordinances have been updated based on a Council vote to limit poultry to laying hens only. The proposed ordinance will add the flexibility of keeping laying hens in residential zones, accessory to a single family dwelling.

City Planner Eric Cousens requests the opportunity to present background information

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**Financial:** N/A

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**Action Requested at this Meeting:** No Council Action required. Mayor Seeks public comments only. This item allows for specific public comment on this subject to be entered into the public record.

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**Previous Meetings and History:** April 4, 2011 workshop, June 6, 2011 Workshop and meeting, September 6, 2011 meeting. July 12 and August 9, 2011 Planning Board Meetings.

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**Attachments:** *(in order of appearance in packet)*

- Public hearing ad
- Updated draft ordinance text dated September 6, 2011.

**City of Auburn  
Public Hearing  
September 19, 2011**

The City Council will hold a public hearing at 7 pm in the Council Chambers at Auburn Hall, 60 Court Street, Auburn, Maine 04210 on September 19, 2011 to consider the following:

Zoning Text Amendment to allow the keeping of chickens in residential zoning districts by amending Chapter 60, Section 60-2 Definitions: Household Pet and Chapter 8-Animals, Article VII-Nondomestic Animals, Division 4- Other Animals, Sec, 8-300 – Keeping of Poultry for Personal Use, to allow for the keeping of chickens in all residential zoning districts.

This additional public hearing is to consider changes made at the September 6, 2011 City Council meeting including changing the word poultry to be more specific to laying hens.

For more information contact Eric Cousens @ 333-6601 x 1154

**To be printed in the Lewiston Sun Journal on Thursday, September 8, 2011 and on Monday, September 12, 2011.**

## Chapter 8 Original Draft Language

Auburn, Maine, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 8 - ANIMALS >> ARTICLE VII - NONDOMESTIC ANIMALS >> DIVISION 4. - OTHER ANIMALS >>

### DIVISION 4. - OTHER ANIMALS

Sec. 8-298. - Keeping of—Fowl, rabbits and guinea pigs.

Sec. 8-299. - Same—Bees.

### Sec. 8-298. - Keeping of—Fowl, rabbits and guinea pigs.

Fowl, rabbits and guinea pigs must be kept indoors, or if outdoors, in a secure pen or enclosure. Litter and droppings from these animals must be collected and disposed of in accordance with the provisions of section 8-72, disposal of excrement in general, shall specifically apply to the disposal of excrement of fowl, rabbits, and guinea pigs; provided, however, that the provisions of this section and section 8-72 shall not apply to ducks or other waterfowl inhabiting natural or manmade watercourses or bodies of water.

*(Ord. of 10-1-2007(2), § 14-31*

### Sec. 8-299. - Same—Bees.

All persons within the property of the city shall adhere to the statutes of the state as described in 7 M.R.S.A. chs. 521 through 531, as well as:

- (1) No person shall have no more than two colonies on one-quarter acre or less;
- (2) No person shall have no more than four colonies on one-quarter to one-half acre;
- (3) No person shall have no more than six colonies on one-half to one acre;
- (4) No person shall have no more than eight colonies on a tract of land greater than one acre;
- (5) All colonies' hives shall be located a minimum of 100 feet from any inhabited dwelling other than that of the person keeping such bees; and
- (6) There is adequate source of water available at all times to the bees on the owner's property.

*(Ord. of 10-1-2007(2), § 14-32*

**State law reference—** Honeybee industry, 7 M.R.S.A. § 2701 et seq.

### Sec. 8-300. - Keeping of Laying Hens for personal use.

Deleted: Poultry

The purpose of this section is to authorize and to provide standards for the keeping of laying hens in the rear or side yard of a single-family detached residence or school. Laying hens means female chickens kept for the production of eggs. It is intended to enable residents to keep laying hens on a non-commercial basis, throughout the City while limiting the potentially adverse impacts on surrounding neighbors. This section shall not apply to allowed agricultural uses.

- (1) Number of laying hens allowed. The maximum number of laying hens allowed is based on the total lot size the resident(s) uses to house the poultry:
  - (a) On lots less than .49 acres in area a maximum of six (6) laying hens shall be allowed.
  - (b) On .5 acre or larger lots, twelve (12) laying hens per acre prorated based on actual lot size for a total maximum of thirty-six (36) laying hens per single-family detached residence.
  - (c) The keeping of roosters is expressly prohibited.

- (2) Laying hens require an enclosure and/or fenced area. Each keeper of laying hens is required to have an enclosed area to house and control said hens. If such enclosure is permanently affixed to the ground it shall meet all requirements for accessory structures set out in Chapter 60 - Zoning Ordinance, including those for setbacks and location. Hens shall be kept only in the rear or side yard and must be kept on the property of the owner. Free ranging is allowed if the animals remain on the hen owner's lot or if the impacted abutter(s) have given the owner permission to allow the animals to be on their property.
- (3) Personal use only. The keeping of laying hens pursuant to this chapter is for non-commercial, personal use only. Non-commercial keeping of hens shall be defined as no sales on the premises.
- (4) Nuisance prohibited. The keeping of laying hens authorized under this chapter shall not create a nuisance as defined by chapter 8-56 of this ordinance. The keeping of hens shall be conducted in a manner that does not disturb the use or enjoyment of adjacent properties. Odor generated shall not be perceptible at the property boundaries, and noise generated shall not disturb people of reasonable sensitivity at the property boundaries.

Chapter 60 - ZONING  
ARTICLE I. - IN GENERAL

Sec. 60-2. - Definitions.

*Household pet* means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot; including laying hens, but not including any other animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

- (1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or
- (2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.



# City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** September 19, 2011

**Item #** 09192011-07

**Author:** Eric Cousens, City Planner

**Subject:** Resolve adopting an amendment to the animal ordinance to allow poultry. (Second and Final Reading)

**Information:** The Public hearing on this item summarized this proposal and provided a copy of the proposed text. The Council held a first reading on Chapter 8 - ANIMALS ARTICLE VII. - NONDOMESTIC ANIMALS, DIVISION 4. - OTHER ANIMALS at the June 6, 2011 meeting. Staff has updated the ordinance language based direction from the City Council to limit the allowance for poultry to laying hens only.

**Financial:** N/A

**Action Requested at this Meeting:** Motion to approve the resolve adopting an amendment to the animal ordinance to allow poultry. (Second and Final Reading)

**Previous Meetings and History:** April 4, 2011 workshop, June 6, 2011 Workshop and Meeting and September 6, 2011 Meeting. July 12 and August 9, 2011 Planning Board Meetings.

**Attachments:** *(in order of appearance in packet)*

- Resolve





**City Council  
Resolve**

**City of Auburn**

**Date: September 19, 2011  
Order # 12-09192011-07**

**Title: Resolve adopting an amendment to the animal ordinance to allow poultry. (Second and Final Reading)**

Be It Resolved by the Auburn City Council that City Of Auburn Zoning Ordinance, Chapter ANIMALS ARTICLE VII. - NONDOMESTIC ANIMALS, DIVISION 4. - OTHER ANIMALS be amended as follows:

**Options:**

- A. As approved at the First Reading and shown on the attached document titled: Chapter 8 Original Draft Language.
- B. As shown on the attached document titled: Planning Board Recommended Ordinance (This will likely require that both Chapter 8 and 60 appear together on the September 19 agenda for final reading and approval)

Amendment: Change from Poultry to Laying Hen's.  
See attached language.

**Motion for Acceptance:** Councilor Herrick

**Seconded by:** Councilor Farrell

**Roll Call Vote:** 5 Yea's – Councilor Farrell, Herrick, Young, Berube and Gerry – 1 Nay – Councilor Hayes.

Motion carried 5-1.

**Action by Council:** September 6, 2011

**Motion to Amend:** Councilor Hayes

**Seconded by:** Councilor Herrick

**Vote:** 6 Yea's – 0 Nay's

Motion carried 6-0.

**Action by Council:** September 6, 2011

**Motion for Acceptance:** Councilor

**Seconded by:** Councilor

**Vote:**

**Action by Council:** September 19, 2011

**Attest:**

\_\_\_\_\_  
Roberta L. Fogg, City Clerk



# City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 19, 2011

Item # 09192011-08

Author: Eric Cousens, City Planner

**Subject:** Resolve adopting an amendment to the zoning text to allow the keeping of laying hens in residential zoning districts by amending Chapter 60, Section 60-2 Definitions: Household Pet (Second and final Reading)

**Information:** The Public hearing on this item summarized this proposal and provided a copy of the proposed text. The zoning portion of this amendment is in front of the Council for the second time and has been updated based on the Council vote to allow only laying hens, not all poultry, in all residential districts. The limits and requirements are located in Chapter 8 –Animals.

**Financial:** N/A

**Action Requested at this Meeting:** Motion to adopt the resolve amending the zoning text to allow the keeping of laying hens in residential zoning districts by amending Chapter 60, Section 60-2 Definitions and vote to approve the second and final reading.

**Previous Meetings and History:** April 4, 2011 workshop, June 6, 2011 Workshop and Meeting and September 6, 2011 meeting. July 12 and August 9, 2011 Planning Board Meetings.

**Attachments:** *(in order of appearance in packet)*

- Resolve



**City Council  
Resolve**

**City of Auburn**

**Date: September 19, 2011  
Order # 13-09192011-08**

**Title: Resolve adopting an amendment to the zoning text to allow the keeping of chickens in residential zoning districts by amending Chapter 60, Section 60-2 Definitions: Household Pet and Chapter 8- Animals, Article VII-Nondomestic Animals, Division 4- Other Animals, Sec, 8-300 – Keeping of Poultry for Personal Use, to allow for the keeping of chickens in all residential zoning districts.**

Be It Resolved by the Auburn City Council that City Of Auburn Zoning Ordinance, Chapter 60, Sec. 60-2. – Definitions be amended as follows:

*Household pet* means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot; but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

- (1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or
- (2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Amendment: Change from Poultry to Laying Hen's

**Motion for Acceptance:** Councilor Farrell

**Seconded by:** Councilor Herrick

**Roll Call Vote:** 6 Yea's – Councilor Farrell, Hayes, Herrick, Young, Berube and Gerry – 0 Nay's.  
Motion carried 6-0.

**Action by Council:** September 6, 2011

**Motion to Amend:** Councilor Farrell

**Seconded by:** Councilor Gerry

**Vote:** 6 Yea's – 0 Nay's.

Motion carried 6-0.

**Action by Council:** September 6, 2011

**Motion for Acceptance:** Councilor

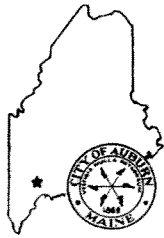
**Seconded by:** Councilor

**Vote:**

**Action by Council:** September 19, 2011

**Attest:**

\_\_\_\_\_  
Roberta L. Fogg, City Clerk



# City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** September 19, 2011

**Item #** 09192011-09

**Author:** Phillip L. Crowell, Jr., Chief of Police

**Subject:** Resolve authorizing the City Manager to sign the EMA Interlocal Agreement.

**Information:** Review / Discuss the proposed 2012 EMA Interlocal Agreement. EMA Director Joanne Potvin will be available for questions.

Possible executive session in accordance with Title 1, Section 405, Subsection 6C, negotiations.

**Financial:** None

**Action Requested at this Meeting:** Motion to approve the resolve authorizing City Manager Aho to sign the 2012 EMA Interlocal Agreement.

**Previous Meetings and History:** As part of budget deliberations, the Auburn City Council voted to eliminate the EMA line item in the FY12 budget.

**Attachments:** *(in order of appearance in packet)*

- Resolve
- EMA Interlocal Agreement
- Signature page to be signed by City Manager Aho and witnessed by City Clerk Fogg



**City Council  
Resolve**

**City of Auburn**

**Date:** September 19, 2011  
**Order #** 15-09192011-09

**Title: EMA Interlocal Agreement**

The City of Auburn shall support the administration and operation of the regionalized (unified) emergency management program through support of the annual County tax levy which will include the usual county-wide apportioned costs for the Emergency Management Agency, and in addition, the county-wide apportioned costs for the Emergency Operations Center (EOC).

The executives and departmental staff of Auburn shall cooperate and collaborate, with Androscoggin County and the City of Lewiston, for development of necessary emergency operations plans, shall participate in required training and exercises, and shall respond as required to an emergency/disaster event for the protection and safety of their citizens and property.

WHEREFORE, the City of Auburn does hereby accept and approve the Interlocal Agreement between Androscoggin County, City of Lewiston and City of Auburn.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Glenn E. Aho, City Manager  
City of Auburn

**Motion for Acceptance:** Councilor

**Seconded by:** Councilor

**Vote:**

**Action by Council:** September 19, 2011

**Attest:** \_\_\_\_\_

Roberta L. Fogg, City Clerk

# INTERLOCAL AGREEMENT

between

**Androscoggin County**

**City of Lewiston**

**City of Auburn**

## I. PREAMBLE

Emergency management, a function of county and local government, is dependent upon leadership of executive officers and efforts of county and municipal departments and agencies to develop, implement and maintain an emergency management program for the well being and safeguarding of their people and property in the event of an emergency/disaster.

In order to provide an effective and comprehensive emergency management program for their citizens, the City of Lewiston and the City of Auburn do hereby agree to adopt and support the following Interlocal Agreement with Androscoggin County.

## II. POLICY

It is the policy of Androscoggin County that all emergency management functions be coordinated to the maximum extent with the comparable functions of the State and Federal governments, including their various departments and agencies, and of the State's counties and localities, and of private agencies so that the most effective preparation and utilization may be made of the County's workforce, resources and facilities for dealing with any emergency/disaster event that may occur.

## III. GENERAL

Emergency management, as defined in Maine Revised Statutes Annotated (M.R.S.A.), Title 37-B, Chapter 13, §703, 2-A shall mean "*the coordination and implementation of an organized effort to mitigate against, prepare for, respond to and recover from a disaster.*"

M.R.S.A. Title 37-B, Chapter 13, §781, 2 specifies that "*each county shall maintain a county emergency management agency*" and that it can create regional emergency management agencies (Lewiston and Auburn). Each county agency is responsible for

coordination of emergency management activities and *“a county/regional emergency management agency must receive support from the municipalities within its region.”*

#### **IV. STATEMENT OF PURPOSE**

To consolidate emergency management functions and responsibilities, of the Cities of Lewiston and Auburn, with Androscoggin County Emergency Management Agency for more economical and efficient utilization of existing services, facilities and professional emergency management staff.

#### **V. LEGAL AUTHORITY**

M.R.S.A. Title 37-B, Chapter 13, §§703, 2-A and §§781, 2.

#### **VI. DURATION AND TERMINATION OF THE MEMORANDUM OF AGREEMENT**

This Agreement shall remain in effect until changed or terminated by one or more of the aforementioned governmental entities upon ninety (90) days written notice to the other(s).

#### **VII. DUTIES AND RESPONSIBILITIES**

##### ***A. ANDROSCOGGIN COUNTY***

Shall provide the Cities of Lewiston and Auburn full administration and operation of an emergency management program to encompass:

1. Personnel
2. Program Management – to cover the four (4) phases of emergency management
  - Mitigation
  - Preparedness
  - Response
  - Recovery
3. Emergency Operational Planning for
  - Natural Disasters
  - Man-Made Emergencies/Disasters
  - Chemical Emergencies

- Terrorism
  - Pandemic
4. Training and Education
  5. Tests and Exercises
  6. Emergency Resource Management
  7. Alerting and Warning
  8. Coordination of Federal and State Disaster Assistance
  9. Coordination of emergency response and recovery activities

#### ***B. CITIES OF LEWISTON AND AUBURN***

The executives and departmental staffs of both cities shall cooperate and collaborate, with Androscoggin County, for development of necessary emergency operations plans, shall participate in required training and exercises, and shall respond as required to an emergency/disaster event for the protection and safety of their citizens and property.

The Agency shall continue to be identified as the Androscoggin Unified Emergency Management Agency.

### **VIII. BUDGET AND FINANCE**

#### ***A. ANDROSCOGGIN COUNTY***

Shall, annually, appropriate monies not less than required for the performance of its obligations under the terms of this Interlocal Agreement.

The County's annual Emergency Management budget, commencing 1 January 2012 and continuing in all fiscal years thereafter, will include expenses to reimburse the City of Lewiston for apportioned costs for EOC operation/maintenance that include:

- EOC heat (natural gas and fuel oil as back-up) at 25% of the building costs
- EOC electrical power at 25% of the building costs
- EOC water and sewer at 12% of the building costs
- EOC TTY phone line at 100%
- Facility structural repair/maintenance costs (such as generator and HVAC) shared with Lewiston Fire Department but not to exceed 50% of the cost incurred



The County budget will also include provisions to maintain existing communications lines and equipment, previously supported by the Joint EOC budget, as well as internal lighting and plumbing fixtures directly related to the EOC facility. The County will receive 50% reimbursement under the Emergency Management Program Grant, i.e., EMPG, which is the 50/50 matching program.

#### ***B. CITIES OF LEWISTON AND AUBURN***

Shall support the administration and operation of the regionalized (unified) emergency management program through support of the annual County tax levy which will include the usual county-wide apportioned costs for the Emergency Management Agency, and in addition, the county-wide apportioned costs for the Emergency Operations Center (EOC).

The City of Lewiston (Fire Chief and Accounts Payable Division) will continue to forward appropriate invoices to the EMA office as has been practice since 1995. These invoices will cover the EOC share of heating, electricity, water and sewer, the TTY phone line and the occasional "structural repair" invoice for HVAC or generator repair. Invoices will be processed for payment by the County Treasurer's Office with payments forwarded to the Treasurer, City of Lewiston.

### **IX. PROPERTY**

The Emergency Operations Center (EOC), which is located beneath Lewiston Central Fire Headquarters, at 45 Oak Street, is a specially-designed facility that was constructed to federal specifications, to protect EOC operational staff from the effects of natural and man-made disasters, including nuclear radiation fallout. The EOC was built and furnished, in 1972, during construction of Central Fire Headquarters, with 100% federal funding. The City of Lewiston incurred no cost with the addition of the EOC to Lewiston Central Fire Headquarters.

### **X. ORGANIZATION AND OPERATIONAL STAFF**

The Androscoggin County Emergency Management Director shall serve in that same official capacity for the City of Lewiston and the City of Auburn.

The Director shall be directly responsible and accountable to the Androscoggin County Commissioners. The Director and remainder of the County Emergency Management Agency staff will coordinate with Lewiston and Auburn executive and department officials as requested and/or required to carry out the day-to-day and emergency activities of the Unified Emergency Management Agency.

The EOC will continue to be identified as the "Joint EOC" for day-to-day planning and training activities as well as for coordination of emergency response and recovery activities resulting from an emergency/disaster event.

Day-to-day management and administration of the emergency management program will be the responsibility of the Agency Director and staff who report directly to the County EMA Director.

Management and coordination of emergency operations, under a declared emergency / disaster, by the County Commissioners and/or either/both of the Cities' executive officials (Lewiston City Administrator / Auburn City Manager) shall be the responsibility of the aforementioned EMA staff plus any additional County, and/or Cities' departments and agencies (key EOC staff) required to respond to and recover from the emergency/disaster event at hand.

A quarterly activity (program) report will be provided to the County Commissioners, Lewiston City Administrator and Auburn City Manager at a time that coincides when the report is due to the Director of the Maine Emergency Management Agency.

## **XI. DUTIES AND RESPONSIBILITIES OF THE EMA DIRECTOR**

- A. Reference Emergency Management Agency Director Job Description on file at the County Building.

Nothing in this Interlocal Agreement shall relieve the County of Androscoggin and the Cities of Lewiston and Auburn of any obligation or responsibility imposed upon them by M.R.S.A. Title 37-B, Chapter 13.

This Interlocal Agreement is accepted and approved by:

Name/Title	Signature	Date
Randall Greenwood, Chairman Androscoggin County Court of Commissioners		
Patricia Fournier, Witness Androscoggin County Clerk		
Ed Barrett, City Administrator City of Lewiston		
Kathleen Montejo, Witness Lewiston City Clerk		
Glenn Aho, City Manager City of Auburn		
Roberta Fogg, Witness Auburn City Clerk/Registrar		



# City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** September 19, 2011

**Item #** 09192011-10

**Author:** Roberta L. Fogg, City Clerk

**Subject:** Executive session in accordance with Title 1, Section 405, Subsection 6D, discussion of the Public Works Union contract.

**Information:** Executive session in accordance with Title 1, Section 405, subsection 6D, discussion of the Public Works Union contract.

**Financial:** N/A

**Action Requested at this Meeting:** Yes - Motion to enter executive session in accordance with Title 1, Section 405, Subsection 6E, to discuss a legal matter.

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

**Attachments:** *(in order of appearance in packet)*

- Confidential draft copy of the Public Works Union Contract will be sent under separate cover.