



City Council Meeting and Workshop

September 22, 2014

Agenda

5:30 P.M. Workshop

- A. Options on Assessor/Assessing Dept (Howard Kroll) (45 minutes)
- B. Discussion regarding labor negotiations pursuant to 1 M.R.S.A. Section 405(6)(D). (45 minutes)

7:00 P.M. City Council Meeting

Roll call votes will begin with Councilor LaFontaine

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.

- 1. **Resolve 09-09222014***
Supporting the Recreational Trail Grant

- II. **Minutes** – September 8, 2014 Regular Council Meeting

III. Reports

Mayor's Report

City Councilors' Reports

City Manager Report

Finance Director, Jill Eastman - August 2014 Monthly Finance Report

IV. Communications, Presentations and Recognitions

- Police Department Promotions
- Police Department Swearing in Officers
- Proclamation for Polish Fire Officer Cadet Norbert Janik
- Swearing in four new Firefighters
- Swearing in of New Lieutenants, Captain and Battalion Chief
- Introduction and swearing in of EMS Director.

- V. **Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*. Time limit for open sessions, by ordinance, is 45 minutes.

VI. Unfinished Business

- 2. **Ordinance 06-08182014**
Adopting the most current edition of the National electrical Code NFPA 70-2014. Public hearing and second reading.

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3. Ordinance 07-09082014

Adopting the zoning ordinance amendment (Taylor Pond). Public hearing and first reading.

VII. New Business

4. Resolve 10-09222014

Supporting the creation of a Finance Committee.

5. Ordinance 08-09222014

Adopting the 2013 Maine Food Code.

6. Order 78-09222014

Approving the renewal of an Auto Graveyard/Junk yard at Bucks Auto, 249 Merrow Road. Public Hearing.

7. Order 79-09222014

Approving the renewal of an Auto Graveyard/Junk yard at Morris Auto, 940 Washington Street. Public Hearing.

8. Order 80-09222014

Approving the renewal of an Auto Graveyard/Junk yard at M & P Auto, 227 Merrow Road. Public Hearing.

9. Order 81-09222014

Approving the renewal of an Auto Graveyard/Junk yard at Randy's Auto Parts, 899 Broad Street. Public Hearing.

10. Order 82-09222014

Approving the renewal of an Auto Graveyard/Junk yard at Isodore T. Miller Co., 78-79 Hotel Road. Public Hearing.

11. Order 83-09222014

Approving the renewal of an Auto Graveyard/Junk yard at Prolerized New England Company, 522 Washington Street. N. Public Hearing.

VIII. Executive Session

- Discussion regarding Minot Avenue Development pursuant to 1 M.R.S.A Section 405(6)(C)

IX. 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*.

X. Adjournment

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor

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must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: 22 Sep 14

Item A

Author: Howard Kroll

Subject: Assessing Department Options

Information:

The City Manager has consulted with Don Jutton of MRI & Associates regarding our Assessing Department and what is the best method to implement a departmental structure that meets the needs of the City, customer service for our citizens and statutory requirements as set forth by the State.

During our discussions and initial consultation it was apparent that a much wider scope might be in order due to the rapidly approaching retirement of key City of Lewiston Assessing Department Personnel and their future Assessing Department needs.

Don Jutton is recommending that we look at combining the 2 (two) Assessing Departments into one that serves both municipalities. As you know this has been recommended numerous times in the past.

MRI will have until 30 April 2015 to report back their findings and final recommendation.

The 2008 Joint Services Commission Report recommended to combine the 2 departments and as you know never happened. What did happen and I am happy to report is that Auburn did reduce its costs for Assessing by nearly \$100,000 from FY08 budget to FY15 budget.

To avoid a repeat in history I would like to discuss with you what Auburn's options are for Assessing. We can look at combining but again there has to be mutual agreement versus one winner/one loser. It is inevitable one is going to feel like they got the worse end of the deal. Our options will included but not be limited to (1) FTE only model, (2) FTE with a combination of outsourcing particular tasks such as quarterly reviews and or inspections for example, (3) Outsourcing the entire department to a private firm, (4) Combining the Auburn and Lewiston Assessing Department and sharing the staffing resources across the 2 cities and (5) seek potential options at a County level such as Cumberland County who has recently funded an Assessing Department that has contracted services with the Towns of Falmouth, Cumberland and Yarmouth.

Pro's & Con's:

PRO'S

- (1) More efficient department.
- (2) Better customer service
- (3) Coordination of efforts with Lewiston (if they are interested) to further demonstrate our commitment to providing professional services
- (4) More professional personnel that can be shared across the 2 Cities

**Agenda items are not limited to these categories.*

CON'S

- (1) Unknown costs if we decided to merge or agree to a hybrid model
- (2) If we were to merge we would have 2 different Assessing Software packages- need to share 1 software
- (3) Fear of loss of control
- (4) Employee impacts- unknown- are we staffed appropriately at the current level?
- (5) Coordinate of work plans- how are they different
- (6) Coordination of budget planning
- (7) Which community is going to utilize the service above the budgeted time

Financial:

NONE at this time- Assessing Department budgets may or may not be effected

Action Requested at this Meeting:

INFORMATIONAL ONLY

Previous Meetings and History:

NONE

Attachments:

- (1) Original MRI Agreement
- (2) Proposed AMENDED MRI Agreement
- (3) Excerpts from the Maine Municipal Association (MMA) Municipal Officers manual and Assessor manual regarding Assessor position
- (4) 36 M.R.S.A. § 327-Minimum Assessing Standards
- (5) Joint Commission Report on Assessing Department 2008
- (6) FY2008 Assessing Department Budget
- (7) FY2015 Assessing Department Budget
- (8) Email from MRI to Auburn and Lewiston City Manager/Administrator seeking amendment to contract

**Agenda items are not limited to these categories.*



PROFESSIONAL SERVICES AGREEMENT

I. PARTIES TO THE AGREEMENT

This Agreement, dated _____, is to retain professional consulting services for the **City of Auburn, Maine (the Client)**, to be provided by **Municipal Resources, Inc. (MRI)**, and is lawfully entered into between the Client, by its authorized representative, Clinton Deschene, City Manager, and MRI, by its authorized representative, Donald R. Jutton, President.

II. SCOPE OF WORK

MRI will assign Joseph W. Lessard and Donald R. Jutton to support the City's efforts to identify, explore, and evaluate alternative approaches to providing the most cost effective and sustainable structure for performing and managing the essential aspects of the City's Tax Assessing Operations and to assist as requested with developing a transition plan and implementation strategy.

The primary areas of focus, along with potential cross variations that may evolve during research and discussion, include:

- A. Maintaining an in-house staffing model with realigned roles and responsibilities so that there is better and more efficient allocation of staff talent/cost based upon current and projected work volume.
- B. Outsourcing some or all of the assessing functions to competent, capable private contractors or public sector organizations in the Lewiston/Auburn region.
- C. Working with other municipalities and/or the county to develop a regional assessing operation model capable of accommodating the needs of multiple communities and taking advantage of the inherent efficiencies and economies of scale associated with operating at a more expensive level.

III. FEES AND CHARGES

Our services for this project will be provided on a time and expense basis, with the understanding that billings for professional services will not exceed **\$5,000.00**, without specific written authorization.

Fees and charges for MRI services performed will be invoiced monthly. MRI will provide a detailed, itemized description of the services provided and expenses incurred. Payments will be made within thirty (30) days of receipt of the invoice unless otherwise agreed. Invoices not paid within thirty (30) days will accrue interest at the rate of 1.5% per month.

Fees for professional services will be calculated at the appropriate billable hourly rate for personnel assigned, as follows:

Donald R. Jutton	\$140.00/hour
Joseph W. Lessard	\$100.00/hours
Clerical	\$ 40.00/hour

Travel time will be billed at 50% of the normal hourly rate and will be charged after the first ½ hour of travel to, and the first ½ hour of travel from, the Client's location.

Mileage will be billed at the current IRS per mile travel rate.

In the event that the work schedule requires overnight accommodations at the Client's location, the MRI consultant will be reimbursed actual cost of accommodations plus \$35 for meal expense.

IV. MRI PERSONNEL IN CHARGE

Donald R. Jutton, President, will serve as Principal-In-Charge of this engagement, coordinating activities, interfacing directly with the Client, and participating throughout the engagement as required. Joseph W. Lessard will serve as Lead Consultant on this project. Team members will be assigned and participate upon request of the Client.

Gail H. Schillinger will serve as the Communication Liaison between the Client and MRI to expedite the flow of project information, to record and properly direct Client inquiries regarding the project, and to ensure that problems or issues that may arise during the engagement are addressed and resolved expeditiously. Please feel free to contact Ms. Schillinger regarding any matter related to this project at:

Gail H. Schillinger
Communication Liaison
Municipal Resources, Inc.

120 Daniel Webster Highway
Meredith, NH 03253
(603) 279-0352, x-303
(866) 501-0352, x-303 TOLL FREE
gschillinger@municipalresources.com

Communications or correspondence related to any problems, issues, or changes required for this project shall be directed to the Client at the following address:

Clinton Deschene
City Manager
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6600
cdeschene@auburnmaine.gov

V. TERM

This agreement shall remain in force and effect through completion of the assignment.

THIS AGREEMENT IS SUBJECT TO THE PROVISIONS CONTAINED IN ADDENDUM I, ATTACHED HERETO AND INCORPORATED HEREWITH.

ACCEPTED AND AGREED

THE CITY OF AUBURN, ME

MUNICIPAL RESOURCES, INC.

Clinton Deschene, City Manager

Date: _____

Donald R. Jutton, President

Date: 6/25/14

ADDENDUM I

A. MUTUAL REPRESENTATIONS

MRI represents to the Client it is a duly constituted corporation under the laws of the State of New Hampshire and is authorized to do business in the State of Maine as a professional services corporation.

MRI has in force and effect general commercial liability and errors and omissions insurance coverage to protect the Client from accidents which MRI or its authorized representatives may cause to persons or property or from professional errors or omissions when performing under this agreement.

MRI has no liens or encumbrances which would adversely affect the ability of MRI to perform as stipulated under this agreement, its terms, and conditions.

The Client represents to MRI that sufficient funds have been appropriated so it may retain and compensate MRI for the services provided for herein.

The Client's representative is authorized to enter into this agreement on behalf of the Client.

The Client is aware of no action, contemplated action, liability or other encumbrance which would limit or otherwise preclude the Client from freely entering into this agreement and compensating MRI for the services provided.

B. NOTICE OF CHANGE OF PERSONNEL

Except as otherwise provided below, the MRI consultants assigned to any scope of work or project will remain throughout the duration of that specific scope of work or project. MRI retains the right, upon 30 days written notice, to remove from the project any of its consultants whom it believes can no longer suitably perform under its obligations to this agreement or any Supplement to it.

The Client, upon 30 days written notice, may request MRI to replace any of its consultants with another qualified representative.

C. ADMINISTRATION OF AGREEMENT MODIFICATIONS

In all cases where this agreement is modified or expanded a written Supplemental Scope of Work (Supplement) must be prepared which clearly defines the services to be provided and details the billing rates or amounts to be charged by MRI and paid by the Client. Supplements must be executed by the authorized representatives of the respective parties prior to any billable work being undertaken. The Supplement(s) shall identify:

- The MRI officer or principal responsible for the successful delivery of services and/or project completion and the client's contracting official(s) or officer(s);
- The specific details of the work to be performed;
- The MRI personnel to be assigned;
- The basis upon which MRI services are being retained, including the normal hourly rate(s), cost reduction considerations or the agreed upon fee(s) for the personnel assigned and/or the services provided;
- The Client's contact person responsible for administering the Supplement, activities or project and the associated reporting requirements; and
- Any special or other conditions such as time deadlines, special reporting requirements, budget limitations, or other similar constraints.

D. NON-SOLICITATION

The Client agrees that, for a period of one-year following the completion of the terms of this Agreement, they shall not, directly or indirectly, hire, solicit, or otherwise encourage any MRI personnel or affiliates assigned to this Agreement, to leave MRI's employment.

In the alternative, if the client should wish to hire any MRI personnel or affiliate assigned to this Agreement it agrees to compensate MRI with payment in the amount of 25% of that person's first year's total compensation package.

Initialed for Client: _____
 Date: _____

Initialed for MRI: _____
 Date: 4/25/16 _____



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Clinton Deschene, City Manager

Donald R. Jutton, President

Date: _____

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Initialed for Client: _____
Date: _____

Initialed for MRI: _____
Date: _____

MAINE MUNICIPAL ASSOCIATION
ASSESSOR MANUAL
CHAPTER 1
PAGE 4

Creation, Qualification, and Liability of Assessors

Creation, Qualification, and Liability of Assessors

Generally

The local property tax is the “life blood” of Maine municipalities. It is absolutely essential to the legal assessment and collection of property taxes that the municipality’s tax assessor(s) be properly placed in office.

Before an assessor can make a valid assessment or take any other legal action, the assessor must be legally elected or appointed and sworn into office. A tax assessed by a “de facto” assessor (one who does not meet these requirements) is void and uncollectible, even if the assessor who is invalidly elected or appointed or is not sworn into office is only one member of a board of assessors. *Inhabitants of Springfield v. Butterfield*, 98 Me. 155, 56 A.581 (1903); *Inhabitants of Otisfield v. Scribner*, 129 Me. 311, 151 A.670 (1930).

The election, appointment, duties and conduct of assessors in towns and cities are governed by Titles 30-A and 36 of the Maine Revised Statutes Annotated. According to 30-A M.R.S.A. § 2526, a board of assessors in Maine cannot consist of fewer than three people, although cities and towns may choose to have a single assessor instead of a board. As a result of 30-A M.R.S.A. § 7006, which states that laws relating to election, appointment, qualification, duties, powers, compensation, liabilities and penalties for official neglect and misconduct of town officials apply to plantations and their officers except when otherwise provided, plantation assessors generally are governed by the same laws that apply to assessors in towns.

A few municipalities in Maine have been designated as “primary assessing areas.” 36 M.R.S.A. § 303.

Establishing the Board or Single Assessor

In Cities. Unless the city charter provides otherwise, the assessors of cities and their assistants shall be chosen on the second Monday in March each year. Their term of office is one year from the election date, and they continue in office until a successor is chosen and qualified in their place. 30-A M.R.S.A. § 2552. *City of Bath v. Reed*, 78 Me. 276, 4 A.688 (1886); *State v. Weeks*, 67 Me. 60, 63 (1877). The municipal officers of a city may authorize the assessors to appoint additional assistant assessors in addition to the number of assistant assessors elected or appointed under the provisions of any city charter. However, the employment of those additional assistant assessors may not extend beyond the end of the municipal year during which they were appointed. 30-A M.R.S.A. § 2552.

Generally, the provisions of the city's charter govern the election and qualification of assessors of cities. Notwithstanding the provisions of any city charter to the contrary, a city council may by ordinance provide for a single assessor whose powers and duties shall be the same as for towns, and who shall be appointed for a term not exceeding five years. 30-A M.R.S.A. § 2552.

MAINE MUNICIPAL ASSOCIATION **MUNICIPAL OFFICERS MANUAL** **PAGE 67** **ASSESSOR**

ASSESSORS

A municipality may vote to have a board of three, five, or seven elected assessors or a single, State-certified assessor (36 M.R.S.A. § 327) appointed by the municipal officers (30-A M.R.S.A. § 2526 (5)). If a municipality has not created a board of assessors or single assessor, the municipal officers shall be the assessors (36 M.R.S.A. § 703). Also, where a municipality has created a board of assessors but has not elected a full board, the municipal officers shall serve as the board of assessors (30-A M.R.S.A. § 2526 (5)(C)). Historically, and in many of Maine's municipalities today, the municipal officers also serve as the board of assessors.

For many boards of municipal officers who undertake the entire assessing function, the assessing chore is by far the most time-consuming task associated with being a municipal officer. A relatively recent trend in even the smallest towns is to contract out the appraising work to a professional property value appraiser, commonly called an "assessors' agent." This almost always is done when it comes time for the municipality to perform a revaluation, and many municipalities continue with a professional appraiser for an annual

maintenance service, particularly for new property valuations. It is important to remember that the professional land appraiser employed by the municipality for the purpose of appraising property values is not the municipality's assessor unless the town has followed the statutory procedures to change from a board of assessors to a single assessor and the municipal officers have expressly appointed someone to that position (*30-A M.R.S.A. § 2526*). The private appraiser under contract only provides information to the assessors which they may or may not use in determining the actual assessment and levy of the property tax. For this reason, it is important for the municipal officers to understand the methods used by the appraiser if they are also the assessors.

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As previously noted, the municipal officers (not in their capacity as assessors) have power under 36 M.R.S.A. § 841 (1) and (2) to grant property tax abatements based on a legal or constitutional challenge to an assessment, poverty, or infirmity, or on the uncollectability of the tax after two years. For more information about the abatement proceedings, see MMA's *Assessors Manual* and MMA's "Poverty Tax Abatement" Information Packet.

A variety of other assessing issues are covered in detail in MMA's *Assessors Manual*, as well as in materials available from the Maine Revenue Services' Property Tax Division. See Appendix 5 for "Demystifying Assessing," *Maine Townsman*, February 1996, and other related materials.

Maine Revised Statutes

Title 36: TAXATION

Chapter 102: PROPERTY TAX ADMINISTRATION

§327. MINIMUM ASSESSING STANDARDS

All municipalities whether they choose to remain as single municipal assessing units or choose to be designated as a primary assessing area, either as a primary single unit or a member of a primary district, shall achieve the following minimum assessing standards: [1975, c. 545, §13 (NEW) .]

1. Minimum assessment ratios. A 50% minimum assessment ratio by 1977; a 60% minimum assessment ratio by 1978; and a 70% minimum assessment ratio by 1979 and thereafter. Notwithstanding this subsection, a municipality should not have an assessment ratio at an amount greater than 110% of its just value;

[1993, c. 249, §1 (AMD); 1993, c. 249, §2 (AFF) .]

2. Maximum rating of assessment. A maximum rating of assessment quality of 30 by 1977; a maximum rating of assessment quality of 25 by 1978; a maximum rating of assessment quality of 20 by 1979 and thereafter;

[1975, c. 545, §13 (NEW) .]

3. Employment of assessor. Any municipal assessing unit may employ a part-time, non-certified assessor or contract with a firm or organization that provides assessing services; when any municipal assessing unit or primary assessing area employs a full-time, professional assessor, this assessor must be certified by the Bureau of Revenue Services as a professionally trained assessor. The bureau shall publish, for the information of the municipalities, a listing of certified assessors and assessing firms or organizations.

[2001, c. 583, §10 (AMD) .]

SECTION HISTORY

1975, c. 545, §13 (NEW). 1993, c. 249, §1 (AMD). 1993, c. 249, §2 (AFF). 1997, c. 526, §14 (AMD). 2001, c. 583, §10 (AMD).

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PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--

Citizens Commission on Lewiston-Auburn Cooperation

415 Lisbon Street
Lewiston, Maine 04240

December 19, 2008

Honorable Laurent F. Gilbert, Sr., Mayor of the City of Lewiston
Honorable John Jenkins, Mayor of the City of Auburn
City Councilors of the City of Auburn
City Councilors of the City of Lewiston

Re: Recommendations concerning consolidation of assessing and computer systems

Gentlemen and Ladies:

We are pleased to report the Citizens Commission has completed its work on two substantial projects.

Enclosed please find a copy of our resolution recommending that you consolidate the assessing departments of Auburn and Lewiston and a copy of the December 11, 2008 memo from our consultant, Kay Rand, which contains the details of the recommendation.

Also enclosed is a copy of our resolution recommending that you adopt a common system of computer software for administration of the Twin Cities. We are checking with your managers to determine whether you have copies of the Berry Dunn, McNeil and Parker consulting report which is the basis of the recommendation. If not we will see to it that you receive those copies.

As you know, these recommendations are the product of months of investigation and work by the Commission and its consultants in close cooperation with the managers and staff of both cities. After careful analysis we are of the unanimous opinion that these recommendations are in the best interests of the citizens and taxpayers of the cities of Lewiston and Auburn.

In doing our work we accumulated a substantial body of information and analysis. Before you consider these proposals, we want to pass on to you what we learned in a manner respectful of your busy schedules. To this end we propose to host a joint public workshop session of the two Councils with the Commission. The date tentatively chosen in consultation with your managers is January 31, 2009.

Our job is to study and make recommendations of ways to make municipal government more efficient and less costly. We will continue that work. We look forward to your confirmation of the proposed workshop and are at your service to answer any questions you may have.

Sincerely,

s/Peter M. Garcia
Peter M. Garcia, Co-Chair

s/Bette Swett-Thibault
Bette Swett-Thibeault, Co-Chair

Cc: Commission Members
Glenn Aho
James Bennett

Enclosures:
Assessing recommendation
Assessing memo December 12, 2008
Computer systems recommendation

Citizens Commission on Lewiston-Auburn Cooperation

RESOLUTION, in Support of Creating a Shared Assessing Service between the Cities of Lewiston and Auburn

Whereas, the Citizens Commission on Lewiston-Auburn Cooperation (Commission) is charged by the respective City Councils of Lewiston and Auburn to identify areas of municipal service delivery and operations where new or enhanced cooperative or collaborative efforts will provide improved service, reduced costs, productivity efficiencies and effectiveness; and,

Whereas, the City Councils of both cities further resolved to have the Commission investigate the assessing offices as the priority service for potential collaboration; and,

Whereas, the Commission has carefully considered four options for consolidation of assessing services: 1) create a Primary Assessing District; 2) merge the two assessing departments through contract or interlocal agreement; 3) keep the departments separate but share the costs and services of the administration in the assessing departments; and 4) create a regional assessor for all of the municipalities in Androscoggin County and transfer the assessing function to county government; and,

Whereas, in weighing the advantages and disadvantages of all four options, the Commission has extensively reviewed issues related to governance, cost-sharing and appeals as well as a comprehensive list of operational issues such as personnel policies, salary schedules and assessing policies and procedures; and,

Whereas, the Commission has carefully considered the input it has received over numerous meetings from the assessors and managers of both cities, the chairman of the Androscoggin County Commissioners and other Androscoggin County municipal officials; and,

Whereas, the Commission is satisfied that if the Cities adopt the recommendation set out below, savings in personnel costs alone will exceed \$50,000 per year for the City of Lewiston and \$90,000 per year for the City of Auburn and further satisfied that such adoption will result in improvements in assessing service, and probably further savings as the merged assessing department develops increased

capability through an integrated and more robust approach to service delivery; now therefore

Be it Resolved, that the Commission recommend to the Lewiston City Council and the Auburn City Council that the two step, phased-in merger process contained in the December 11, 2008 memorandum from Bernstein Shur Government Solutions (see attached) be considered for adoption, with instructions given to city administrative officials to prepare a plan and timeline for implementation.

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BERNSTEIN SHUR
Government Solutions

207 622-9671 main
207 626-0200 facsimile
bsgs.bernsteinshur.com

146 Capitol Street
PO Box 5057
Augusta, ME 04332-5057

Memorandum

To: Citizens Commission on Lewiston and Auburn Cooperation
Cc: Joe Grube; Cheryl Dubois
From: Kay Rand
Date: December 11, 2008
Re: Revised Recommendation of Two-Phased Merger of Lewiston and Auburn
Assessing Departments

Overall Recommendation: A Two Step, Phased In Merger Process

Phase One: Create a shared assessing service between the cities of Lewiston and Auburn as soon as practicable. The combined service will be a shared pool of assessing resources for the two cities; no single physical office space will need to be created. No employees, files or office furniture will need to be moved to facilitate a shared office environment.

Implementation Steps

1. Create an interlocal agreement between the two cities to create and use one assessing service and to create one Board of Assessment Review. The interlocal agreement should address, minimally, 1) cost-sharing and the timetable for phasing in the sharing of costs 2) delegation of statutory assessing obligations of each municipality to the shared assessing service; 3) appeals and the creation of a single board of assessment review; and 4) related governance issues.
2. The combined department will be comprised of 8.5 employees: 1 chief assessor; 1 deputy assessor; 5 appraisers; 1.5 administrative assistants. The office will be right-sized through attrition – the first step will be to examine existing equivalent vacancies throughout the entire municipal operation as appropriate transfers for one of the existing administrative assistants and one of the existing appraisers. If an appropriate transfer position does not exist, the office will get right-sized to the 8.5 employees as vacancies occur within the assessing operation or in other appropriate locations of the two municipal operations.

The Auburn City Manager will be the top administrative authority responsible for management of the shared assessing service but the shared assessing service, as much as practicable, should be managed collaboratively by the city managers.

3. Tax commitments should remain separated, with the Lewiston assessor signing the commitment in Lewiston and the Auburn assessor signing the commitment in Auburn.
4. Budget issues will need to be resolved in the interlocal agreement, it may be necessary to keep budgets separate for the transition year. An appropriate cost-sharing of the shared service, based on state valuation and/or # of parcels, is 60% Lewiston and 40% Auburn. To avoid dramatic swings in the budget for either city in either direction, consideration should be given to creating a base amount that will be shared 50/50; with the 60/40 split limited to only a portion of the assessing service budget. This sharing arrangement will need to get phased in to prevent one city or another from experiencing increased costs, as it is unknown where the savings from vacancies will occur. Once the office is right-sized, cost-sharing should begin.
5. For the shared service, designate Joe Grube to be the chief assessor, Cheryl Dubois as deputy assessor. In the interlocal agreement, the Lewiston assessor would maintain supervisory responsibility for the Lewiston tax commitment and budget issues; and vice versa for the Auburn assessor. Joe and Cheryl will be jointly responsible for coordinating work assignments and schedules for the shared office and preparing budget recommendations for the shared assessing service.
6. Lewiston employees would maintain their employment relationship with the City of Lewiston for purposes of salary and benefits and vice versa. Once the office is right-sized to 8.5 employees and as vacancies are created, new employees will be employed by the City in which the vacancy occurs.
 - a. The arrangements described above may need to be negotiated with both bargaining units in Lewiston.
 - b. Comparable experience and comparable work should receive comparable compensation. Within eighteen months of creating the shared office, a common salary schedule and benefit package should be designed for the shared assessing service with a schedule for implementation that may need to be phased in over a longer period of time.
7. Berry, Dunn, McNeil and Parker has recommended that Auburn convert to Lewiston's assessing software package. This recommendation should be embraced and a schedule developed for conversion.
8. Develop a common set of assessing practices (depreciation schedule, egs.) and create a cross-training schedule so that all appraisers in the shared service can perform services in either assessing jurisdiction.

Projected Cost Savings

There are currently 10.5 employees in both assessing departments (6 in Lewiston; 4.5 in Auburn).

Downsizing to 8.5 employees is most likely to first create savings on the Lewiston side – using attrition to eliminate one administrative assistant and one appraiser position. Based on salary and benefit information that I've been provided, these savings are calculated to be \$137,464, a few thousand shy of the \$140,000 originally forecasted. The actual number could increase or decrease, depending on the vacancy that is created.

Once the office is downsized through attrition, costs will be generally shared on a 60/40 Lewiston/Auburn split. The following table compares today's costs for the individual assessing department in each city, compared to the costs for the shared office based on this ratio.

TABLE: COMPARING COSTS FOR INDIVIDUAL ASSESSING DEPARTMENTS AND SHARED ASSESSING DEPARTMENT

	CURRENT COSTS	PROJECTED COSTS
LEWISTON	\$420,471	\$370,725
AUBURN	\$337,404	\$247,150

On-going, the personnel savings to Lewiston will be approximately \$50,000/year and the personnel savings to Auburn will be approximately \$90,000/year.

Phase Two: Reach out to other municipalities in Androscoggin County to offer assessing services through the shared L/A Assessing Service and further pursue the development of a county-wide assessing service, housed at Androscoggin County, Androscoggin Valley Council of Governments or through the shared L/A Assessing Service.

A regionalized assessing service to more municipalities will result in additional and more significant savings. See Final Report of L-A Commission on Joint Services, p. 17, "Cost reduction to both municipalities will be realized through delivery of assessment certification and other assessment services to outlying communities."

The goal of every assessing department is equal apportionment of the tax burden among taxpaying entities. In addition to cost savings, the shared L/A Assessing Service will also offer municipalities the reputation that each city has already achieved separately for its focus on taxpayer equity.

Even providing assessing services to one additional municipality will create more costs savings for Lewiston and Auburn, even if it requires the hiring of an additional appraiser.

Implementation Steps

9. Reach out to other municipalities in Androscoggin County to determine interest in using the merged L/A Assessing Department as the overseer of assessing services for the entire county. Lisbon is ready for these conversations and other municipalities are interested in at least having the conversation (Greene, Poland).
10. Collaborate methodically and strategically with Androscoggin County and AVCOG to analyze options for developing a county-wide assessing service.
11. Pursue enabling legislation to enable the preferred county-wide assessing entity (Androscoggin County, the L/A Assessing Service or Androscoggin Valley Council of Governments) to perform assessing services for all interested Androscoggin County towns, eliminating the need for interlocal agreements.

Citizens Commission on Lewiston-Auburn Cooperation

RESOLUTION, in Support of Pursuing Common Applications in Information Technology (IT) Infrastructure

Whereas, the Citizens Commission on Lewiston-Auburn Cooperation (Commission) is charged by the respective City Councils of Lewiston and Auburn to identify areas of municipal service delivery and operations where new or enhanced cooperative or collaborative efforts will provide improved service, reduced costs, productivity efficiencies and effectiveness; and,

Whereas, integration of Lewiston's and Auburn's information technology systems is an essential precondition to expanding cooperation in virtually every municipal service area; and,

Whereas, the Commission contracted with the firm of Berry, Dunn, McNeil & Parker (BDMP), to conduct an independent and objective review of the two cities' current IT infrastructure and business applications and to recommend a common platform for each business application and IT service area to be used by both cities; and,

Whereas, in a report dated October 23, 2008, entitled "Report of Application Consolidation Recommendations (Analysis and Development for Common Applications in the IT Infrastructure)", BDMP makes recommendations in 12 areas, that when fully implemented, will yield a consolidated IT environment that will enable increased collaboration and will result in both capital and operational savings; and,

Whereas, the Commission has extensively reviewed each recommendation with the IT experts from both cities; and,

Be it Resolved, that the Commission advise the Lewiston City Council and the Auburn City Council that the recommendations contained in the report be implemented in accordance with a timeline determined by the IT directors and Managers of both cities working collaboratively.

**Citizens Commission on
Lewiston Auburn Cooperation**

**Operational Issues Related to
Merger of Assessing Departments**

June 19, 2008

Identifying the Employing Entity

Issue: Create a new employer (i.e. a Primary Assessing District, the Lewiston Auburn Assessing District) or choose one city or the other to be the employer

Next Step: Continue to analyze the operational issues to determine whether one city as employers makes more fiscal sense; then compare to the costs of a new employer (a Primary Assessing District)

Collective Bargaining

Issue: Lewiston's assessing department employees (all except for Chief Assessor) are members of a union (MSEA or AFSCME). Generally, changes to working conditions need to be negotiated. Impacts to working conditions may also need to be negotiated.

Next Step: HR Director/City Administrator need to closely review bargaining agreements to identify all the issues impacted by a merger. Union bargaining agents need to be updated; process for resolving union issue needs to be agreed to, likely with the involvement of the Maine Labor Relations Board.

Personnel Policies

Issue: Lewiston and Auburn have different policies affecting employee benefits and working conditions.

- Paid Holidays
- Vacation Accrual
- Sick Leave Accrual
- Retirement programs
- Health Insurance Costs and Coverages
- Educational reimbursement
- Bereavement Leave
- Health Promotion Programs
- Safety Incentives
- Use of municipal vehicle/personal vehicle reimbursement rates
- Life Insurance
- Deferred compensation programs/city contributions
- Clothing Allowance
- Call back/Overtime provisions
- Income Protection Acting Pay

Next Steps: Work with HR directors to better understand differences

Salary Schedules

Issue: Lewiston and Auburn have different pay scales for assessor; appraisers; administrative assistant

Next Steps: Analyze options and costs for creating a merged pay scale

Policies and Procedures

- Issue: Identify procedural differences between the two assessing offices, for example:
- Different depreciation schedules for personal property accounts
 - Lewiston's use of specialists; Auburn's use of cross-training

Next Steps: Work with assessors to identify all the procedural issues and recommend a common approach for the merged office

Space

Issue: The assessing department will grow to 10.5 positions initially; is there space in one city hall or the other to accommodate the merged office? What costs will be incurred to ready the space?

Next Step: Work with two assessors to analyze space needs and options

Operating Systems

Issue: Cities use different assessing software packages; telephone system is compatible; MIS systems are being analyzed

Next Steps: Work with assessors to analyze two assessing software packages to recommend appropriate conversion

Creating a Single Organizational Chart

Issue: The organizational chart for the merged office calls for 1 chief; 1 deputy; 2 administrative assistants; 5.5 appraisers.

Current staffing of the two offices: 2 chief assessors; 6 appraisers; 2.5 administrative assistants

Next Steps: Recommendation that the chief assessor be the assessor of whichever city hosts the merged office, the other becomes the deputy; reduction in appraisers and administrative support eventually through attrition

Insurances

Issue: Employees are covered by a number of important insurance policies: workers compensation; health insurance; unemployment; general liability

Next Steps: Ensure that coverages can be transferred and are not disrupted by merger

Timeline for Merger

Issue: Merge offices after software conversion (likely to take 2 years) or merge ASAP and continue to run the two systems for 2 years

Next Steps: Work with assessors to analyze the two options and prepare recommendation

**CITY OF AUBURN
COMPARATIVE BUDGET & EXPENDITURE REQUEST**

Line Code & Description	FY 2007		FY 2008				
	FY 2007 Original Budget	FY 2007 Projected Actual	FY 2008 Dept Request	FY 2008 City Mgr Request	FY 2008 Council Adopted	FY 2008 \$ Diff	FY 2008 % Diff
0135 - ASSESSING SERVICES							
051100 REGULAR SALARIES	236,051	242,998	248,055	248,055	248,055	12,004	5.09%
051118 LONGEVITY BONUS	0	0	800	800	800	800	0.00%
053300 TRAINING & TUITION	2,300	2,300	2,300	2,100	2,100	-200	-8.70%
053400 PS - GEN/PROFESSIONAL	2,000	2,000	700	700	700	-1,300	-65.00%
053414 PS - RECORDING FEE	1,950	1,950	1,950	1,800	1,800	-150	-7.69%
054302 REPAIRS - VEHICLES	1,000	1,000	500	0	0	-1,000	-100.00%
055320 COMM - TELEPHONE	400	300	440	440	440	40	10.00%
055500 REPORTS, PRINTING, & BINDING	270	232	480	280	280	10	3.70%
055810 TRAVEL - MILEAGE	200	214	200	200	200	0	0.00%
056000 OFFICE SUPPLIES	500	500	500	500	500	0	0.00%
056048 MV SUP - GAS & OIL	500	300	500	500	500	0	0.00%
057320 CIP-VEHICLES	0	0	20,000	10,000	10,000	10,000	0.00%
058100 DUES & SUBSCRIPTIONS	900	940	2,200	2,200	2,200	1,300	144.44%
ASSESSING SERVICES TOTALS	246,071	252,734	278,625	267,575	267,575	21,504	8.74%

CITY OF AUBURN
FY 2015 EXPENDITURES
COMPARISON FY14 AND FY15 BUDGETS

CLASSIFICATION	COUNCIL		DEPARTMENT	MANAGER	COUNCIL	Increase (Decrease) from Prior Year Budget	Percentage of Increase (Decrease)
	ADOPTED BUDGET FY 13-14	PROJECTED FY 14-15	PROPOSED BUDGET FY 14-15	PROPOSED BUDGET FY 14-15	ADOPTED BUDGET FY 14-15		
Administration							
Assessing	172,277	173,245	191,970	177,320	177,320	5,043	2.93%
City Clerk	162,045	171,080	194,214	170,243	164,593	2,548	1.57%
City Manager	238,903	237,313	319,505	270,750	280,750	41,847	17.52%
Economic Development	318,933	119,705	385,755	359,500	359,500	40,567	12.72%
Finance	405,976	409,215	418,675	428,315	427,815	21,839	5.38%
Human Resources	139,566	137,778	139,578	139,578	139,578	12	0.01%
ICT	395,350	374,853	422,979	418,329	413,829	18,479	4.67%
Legal Services	100,000	80,000	85,000	65,000	65,000	(35,000)	-35.00%
Mayor & Council	71,079	72,065	78,532	78,532	78,532	7,453	10.49%
Total Administration	2,004,129	1,775,254	2,236,208	2,107,567	2,106,917	102,788	5.13%
Community Services							
Health & Social Services							
Administration	83,557	83,557	86,972	86,972	86,972	3,415	4.09%
Assistance	105,982	161,684	144,381	144,381	105,982	0	0.00%
Planning & Permitting	775,230	795,030	915,544	804,494	804,494	29,264	3.77%
Public Library	927,237	927,237	942,407	941,192	941,192	13,955	1.51%
Total Community Services	1,892,006	1,967,508	2,089,304	1,977,039	1,938,640	46,634	2.46%
Fiscal Services							
Debt Service	6,321,584	6,301,531	6,263,936	6,263,936	6,263,936	(57,648)	-0.91%
Emergency Reserve	375,289	0	375,289	375,289	375,289	0	0.00%
Facilities	715,667	678,552	729,870	698,335	698,335	(17,332)	-2.42%
Transfer to TIF	2,555,723	2,584,032	2,584,032	2,584,032	2,584,032	28,309	1.11%
Fringe Benefits	4,397,585	4,500,000	4,945,117	4,945,117	4,915,117	517,532	11.77%
Workers' Compensation	431,446	415,000	468,081	468,081	468,081	36,635	8.49%
Total Fiscal Services	14,797,294	14,479,115	15,366,325	15,334,790	15,304,790	507,496	3.43%
Public Safety							
Fire	4,024,789	4,113,156	4,300,126	4,120,633	4,047,633	22,844	0.57%
Fire EMS Transport	0	0	0	0	635,468	635,468	0.00%
Police	3,589,583	3,324,191	3,958,119	3,884,183	3,738,108	148,525	4.14%
Total Public Safety	7,614,372	7,437,347	8,258,245	8,004,816	8,421,209	806,837	10.60%
Public Works							
Public Services	5,577,954	5,521,226	5,890,448	5,780,179	5,785,879	207,925	3.73%
Water & Sewer	558,835	558,835	599,013	599,013	599,013	40,178	7.19%
Total Public Works	6,136,789	6,080,061	6,489,461	6,379,192	6,384,892	248,103	4.04%
Capital Improvement Projects							
City Clerk (see Clerk Budget)	18,500		0	0	0	(18,500)	-100.00%
Engineering-Paving			100,000	0	0	0	0.00%

Howard Kroll

From: Clint Deschene
Sent: Friday, September 12, 2014 11:37 AM
To: Howard Kroll
Subject: FW: Assessing
Attachments: Contract Auburn ME Assessing Dept Study REVISED FINAL 07-31-14.doc

Clinton Deschene
Auburn City Manager
(207)333-6601 ext. 1212

Please be advised that email communications sent to or received from City employees are subject to the Freedom of Access Act and may become part of public record or shared with the media.

From: Don Jutton [<mailto:djutton@mrigov.com>]
Sent: Friday, August 22, 2014 4:09 PM
To: Clint Deschene; Ed Barrett (ebarrett@lewistonmaine.gov)
Cc: Joe Lessard; Christian Pearsall
Subject: Assessing

Gentlemen:

As discussed on Wednesday, MRI has been retained by Auburn to review the organizational and operational structure for Tax Assessing office of the City and to help identify and evaluate alternative approaches that might result in greater efficiency and / or cost avoidance for the long term. In light of the potential retirements that are anticipated in the Lewiston Assessing office in the near term it might be an opportune to expand the scope of study to incorporate a detailed assessment of the Lewiston Assessing operation with the intent of identifying and evaluating a consolidated operating model that could be mutually beneficial. We can expand and modify the scope to include Lewiston's operation for an additional \$4000 which will result in a report for a consolidated approach as well as observations and recommendations focused on each operation independently to help inform a discussion of the consolidated model and for guidance with other decisions if such a model is not politically viable.

I've attached the Auburn Agreement for easy access and review.

Let me know if you have questions or need clarification.

Best

Don Jutton
Municipal Resources
603-279-0352 X 305
Cell: 603-387-9729



City Council Information Sheet

City of Auburn

Council Meeting Date: 09/22/2014

Subject: Executive Session

Information: Discussion regarding Labor Negotiations, pursuant to 1 M.R.S.A. Section 405(6)(D).

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

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 22, 2014

Resolve 09-09222014

Author: Doug Greene, City Planner

Subject: Resolution to apply for Recreational Trails Grant-Barker Mill Trail Extension

Information: The Council is being asked to support a resolution to apply for a Recreational Trails Grant to extend the Barker Mill Trail along Mill Street down to the intersection at South Main Street. This trail section is part of a larger trail system for Auburn and when completed will connect New Auburn to the Barker Mill Trail along the Little Androscoggin River. Future connections will create a larger loop of trails connecting schools, parks and conserved land for the entire community to enjoy.

The proposed project will widen the existing sidewalk from the intersection of Mill and South Main from 4 feet to 6 feet, add new fencing, create a new section of trail in front of and connecting to the Barker Mill Arms Apartments, and create a parking lot and trailhead at the beginning of the Barker Mill Trail.

Pro's & Con's: Pro's-This section of trail will connect New Auburn, residents of the Barker Mill Arms Apartment to the Barker Mill Trail. The proposed parking lot/trailhead will add a convenient place for residents and visitors to come and utilize the beautiful trail along the Little Androscoggin River. The trail will create an opportunity for healthy living, access to natural resources, social interaction and community improvement. The trail is part of a larger plan of interconnected trails throughout Auburn and Lewiston.

Con's-A portion of the proposed trail is in the area of the Barker Dam penstock, which is leaking. The leaking can be mitigated by perforated drain pipes. The City will be required to maintain the trail.

Financial: The project would require a local match (20 %) of \$8,547 for a total state award of \$34,189. This is a reimbursement grant and the funding for the local match is requested to be included in the City's 2015-16 budget.

Action Requested at this Meeting: Vote to move the resolution forward for a second reading.

Previous Meetings and History: This resolution was presented to Council at their workshop on September 8, 2014.

Attachments:

1. Resolve 09-09222014
2. Detail of Barker Mill from ALT to GW Plan
3. Barker Mill Rec Trail Grant Small Map
4. Barker Trail Extension Estimate
5. Barker Mill Power Point
6. Rec Trails Grant Memo

**Agenda items are not limited to these categories.*

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 09-09222014

RESOLVED, that

WHEREAS, the Barker Mill Trail is an integral part of a larger trail system in Auburn, and

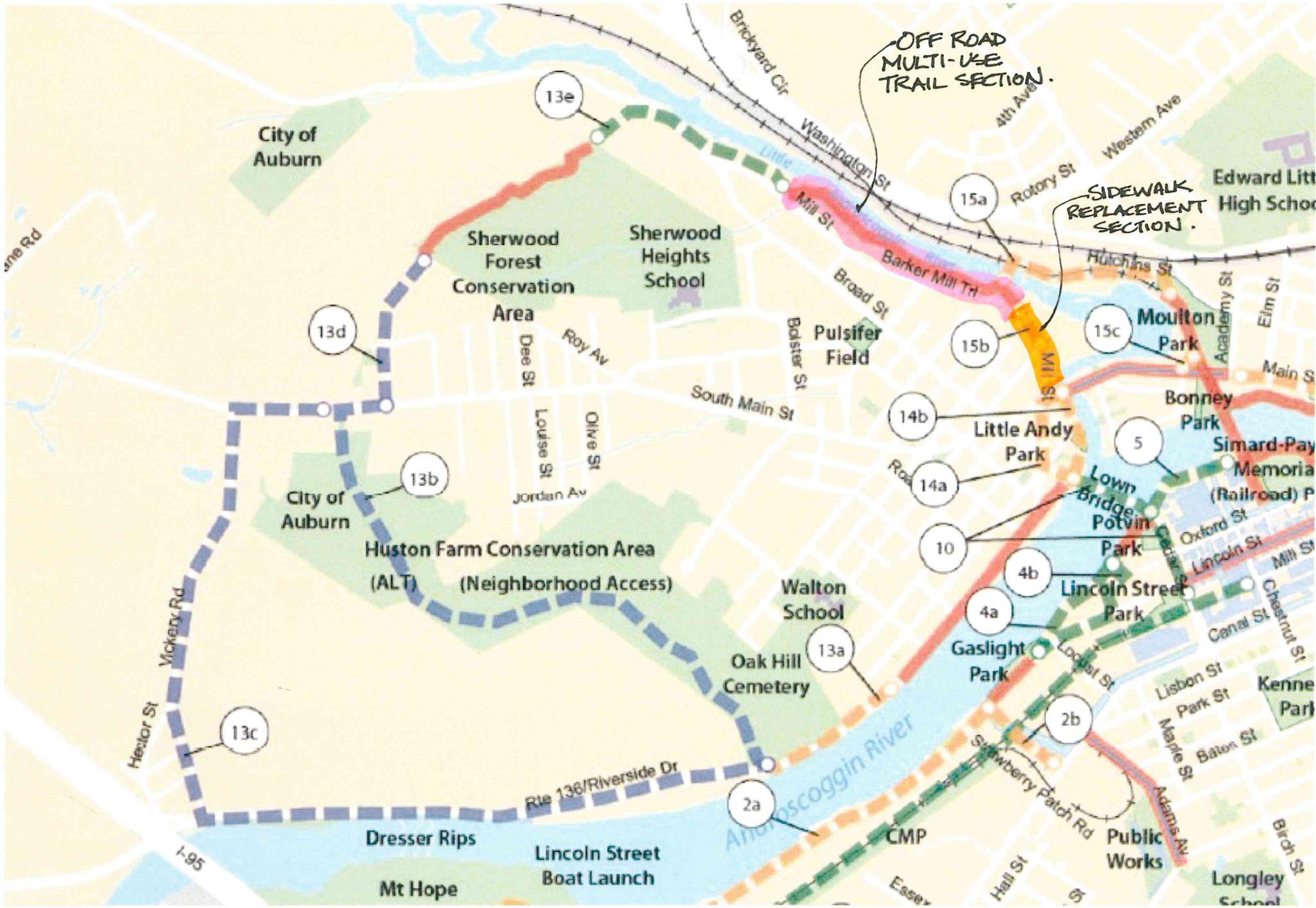
WHEREAS, the Barker Mill Trail is recommended to be implemented in the 2010 Comprehensive Plan, the New Auburn Master Plan, the New Auburn Village Center and Transportation Plan and the Androscoggin River Greenway Plan (Androscoggin Land Trust), and

WHEREAS, the Barker Mill Trail is currently incomplete and the construction of the missing component in New Auburn will provide additional recreational opportunities, healthy exercise and social benefits to the community, and

WHEREAS, the State of Maine Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands has opened a new round of the Recreational Trails Grant Program.

THEREFORE, the Auburn City Council hereby authorizes the Department of Planning and Development to apply for the Recreational Trail Development Grant from the Bureau of Parks and Lands for the construction of the Barker Mill Trail Extension.

BARKER MILL GREENWAY TRAIL PROPOSAL





Section1- Widen sidewalk to 6 feet, replace fence, paint cross walk at street entrances, add seating area.

Section2- Construct new 6 feet trail, Re-construct walkway to Barker Mill Arms Apt.

Section3- Continue 6 feet trail to start of Barker Mill Trail, add signage and parking area/trailhead.

Recreational Trails Grant Barker Mill Trail Extension



0 25 50 100 150 200 Feet

Barker Mill Trail Extension Estimate*

* Preliminary cost estimate

Section 1: Main Street to Barker Arms entrance

Length (ft) 385
Width (ft) 6

Item	Quantity	U/M	Unit Price	Total
Common Excavation	29	CY	\$35	\$998
Type A Gravel	43	CY	\$50	\$2,139
Hot Mix Asphalt	28	TON	\$150	\$4,235
Loam & Seed	257	SY	\$10	\$2,567
				<u>\$9,939</u>

Replace existing Fencing

Length (ft) 136

Item	Quantity	U/M	Unit Price	Total
4' x 8' panels	17		\$230	\$3,910
3" x 3 " x 7' posts	18		\$80	\$1,440
Installation				\$2,675
				<u>\$8,025</u>

Section 2: Barker Arms entrance to Dam control entrance

Length (ft) 310
Width (ft) 6

Item	Quantity	U/M	Unit Price	Total
Common Excavation	80	CY	\$15	\$1,206
Type A Gravel	121	CY	\$30	\$3,617
Hot Mix Asphalt	23	TON	\$150	\$3,410
Loam & Seed	207	SY	\$10	\$2,067
				<u>\$10,300</u>

River View/ Seating Area

300 s.f.

Item	Quantity	U/M	Unit Price	Total
Common Excavation	5	CY	\$15	\$75
Type A Gravel	10	CY	\$30	\$300
Hot Mix Asphalt	3	TON	\$150	\$450
Eight foot Bench	2		\$600	\$1,200
w/ Installation				\$600
				<u>\$2,625</u>

Section 3: Proposed Trailhead Area

Dam control entrance improvement

Length (ft)	30
Width (ft)	20

Item	Quantity	U/M	Unit Price	Total
Common Excavation	8	CY	\$35	\$272
Type A Gravel	12	CY	\$50	\$583
Hot Mix Asphalt	7	TON	\$150	\$1,100
				<u>\$1,956</u>

Dam control parking area improvement

Length (ft)	100
Width (ft)	20

Item	Quantity	U/M	Unit Price	Total
Common Excavation	26	CY	\$35	\$907
Type A Gravel	39	CY	\$50	\$1,944
				<u>\$2,851</u>

Trailhead improvement

Length (ft)	20
Width (ft)	10

Item	Quantity	U/M	Unit Price	Total
Common Excavation	5	CY	\$75	\$389
Type A Gravel	8	CY	\$100	\$778
Hot Mix Asphalt	2	TON	\$200	\$489
Sign				\$1,500
				<u>\$3,156</u>

Total	\$38,852
10% Contingency	\$3,885
Grand Total	<u>\$42,737</u>

State Share 80%	\$34,189.60
Local Share 20%	\$8,547.40

Barker Mill Trail Extension

Recreational Trails Grant

RECREATIONAL TRAILS GRANT

Request to Council to approve
Resolution to Submit Grant
Application

Figure 1: Little Andy Downtown Connector Location Map

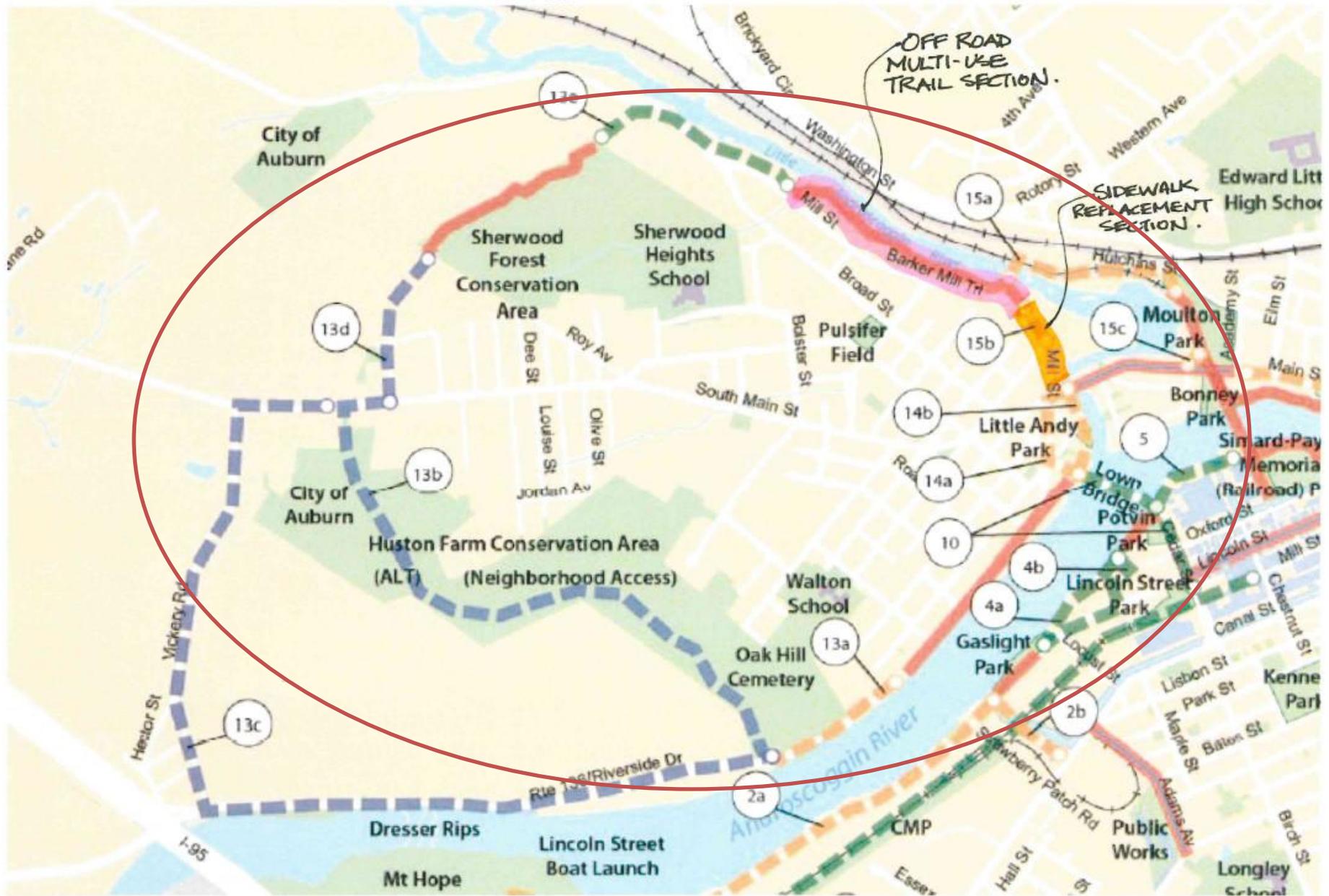


LITTLE ANDY CONNECTOR

Area of Barker Mill Trail Extension

The New Auburn Little Andy Connector Proposal from 2013.

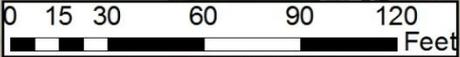
BARKER MILL GREENWAY TRAIL PROPOSAL

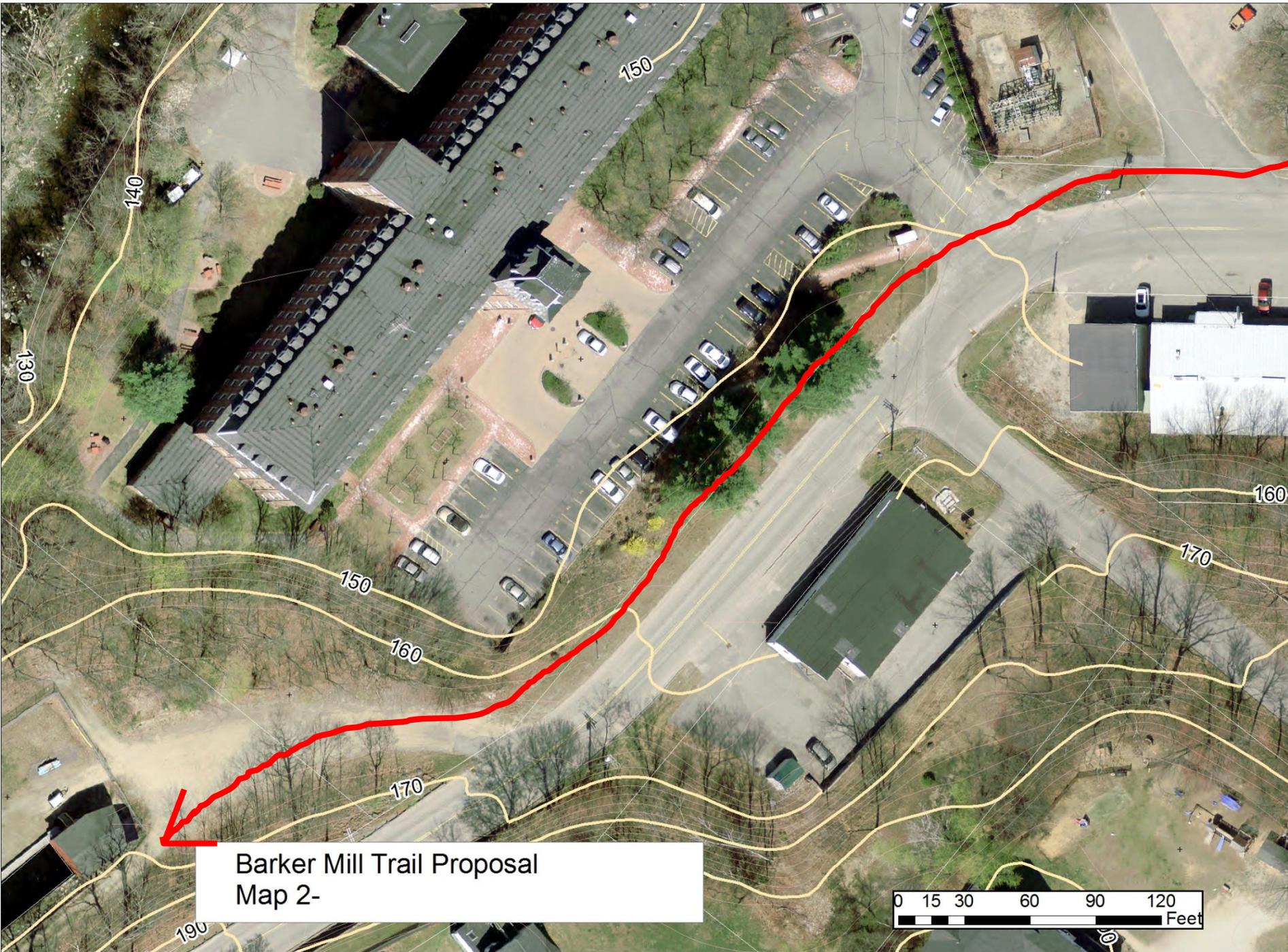


Proposed "loop" trail system connecting parks, trails, schools and open space.

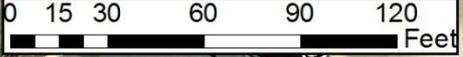


Barker Mill Trail Proposal
Map 1-





Barker Mill Trail Proposal
Map 2-





Start of Barker Mill Trail Extension-
Corner of South Main and Mill Street



Widen sidewalk to 6 feet

Replace Fence



Widen sidewalk to 6 feet

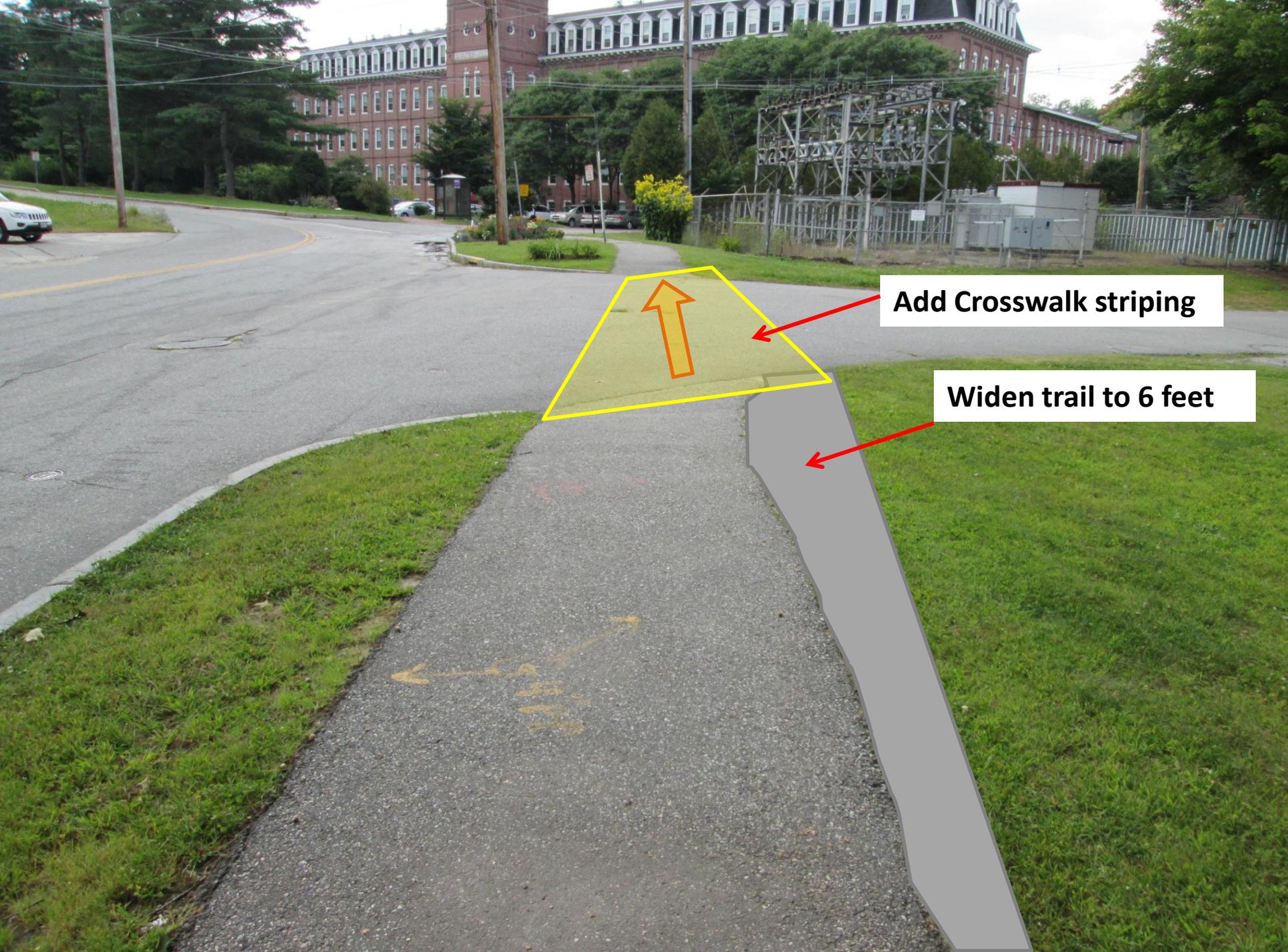




**Sitting area with
benches to view river.**

**Clear limbs for sitting area
view of Little Andy.**





Add Crosswalk striping

Widen trail to 6 feet

Divert or fix Penstock leak

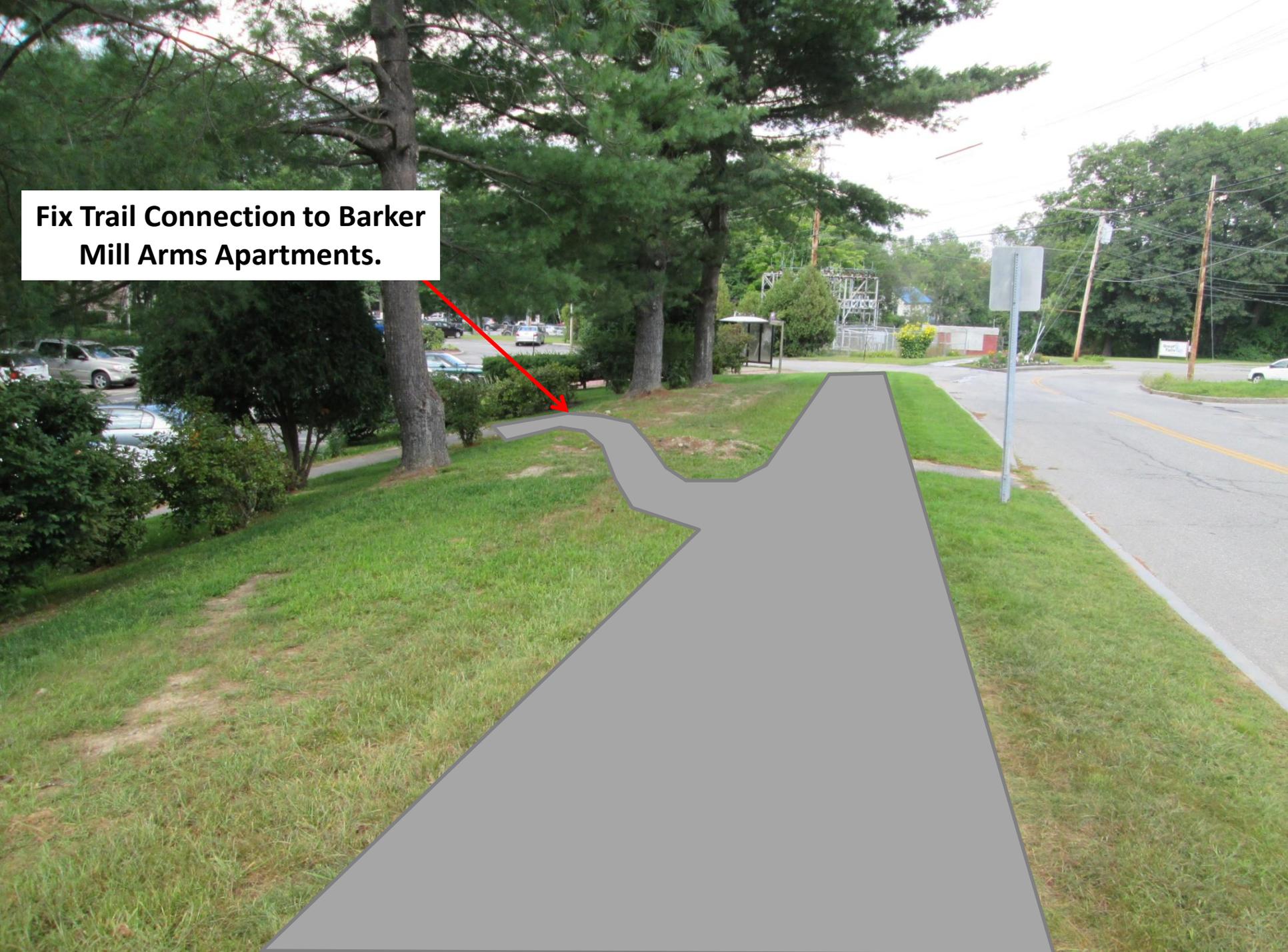
Widen trail to 6 feet



New trail construction



**Fix Trail Connection to Barker
Mill Arms Apartments.**



**NO PARKING
THIS**

**Parking Area and Beginning
of Barker Mill Trail**



New Trail

A gravel path leads from the foreground towards a red barn and a fenced-in area. A red arrow points from a text box to a specific spot on the path. The left side of the path is bordered by dense green trees and foliage. The right side features a chain-link fence and a grassy area. The sky is bright and overcast.

**Trail extension connects to
Barker Mill Trail here.**

Trailhead and Parking Area

Grant Summary

Budget- Maximum award is \$35,000 from State plus 20% (\$8,750) local match = \$43,750 total maximum award

Preliminary Budget is	\$38,852
with 10% contingency	<u>\$ 3,885</u>
TOTAL PROPOSED	\$42,737

STATE SHARE (80%) -	\$34,189.60
LOCAL SHARE (20%) -	<u>\$ 8,547.40</u>
TOTAL GRANT-	\$42,737.00

Timeframe- Grant is due November 14, 2014
Anticipated construction time- 1 month (Spring 2015)
Work must be completed in 2 years.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning and Development

To: Auburn City Council

From: Douglas M. Greene, AICP, RLA; City Planner 

Date: September 17, 2014

RE: Recreational Trails Grant Questions

Questions were raised at the Council Workshop on September 8th on the Barker Mill Trail Extension project that I would like to address in this memo.

1. Why was this project chosen instead of another trail project?

Answer: This project, if completed, will connect the existing Barker Mill Trail to the planned Greenway of New Auburn. This project is recommended in the 2010 Comprehensive Plan, the New Auburn Master Plan, the AVCOG Bike and Ped Plan and the New Auburn Transportation and Village Center Plan. The Planning Staff evaluated all the potential trail projects (sections) that could be completed with a \$35,000 budget and this project not only fit into the budget limitations of the Recreational Trails Grant award limit of \$35,000 but also created the greatest impact in connectivity and access to population concentrations.

2. Will the project be on public Right of Way or will easements or agreements be needed to build the trail on private property?

Answer: The majority of the trail project will be on public Right of Way. There are 2 areas that may need easements and/or agreements. The first area (sitting area w/ benches) is on the Great Falls Property LLC at 121 Mill Street and the other being the proposed trailhead/ parking area that is partly on Auburn Housing Authority property (141 Mill Street) and the Ruth M. Frank Revocable Trust property next to the Barker Mill Dam. The Housing Authority is agreeable to the parking and trailhead on their property. Approvals are actively being sought from the other property owners.

3. Will the Penstock leaking be fixed before any construction occurs?

Answer: Kruger Energy, the operators of the Barker Dam, have been asked to fix the leaking penstock. To date, no commitment or timeframe has been made. A coordinated effort by the City may be helpful in encouraging Kruger Energy to fix the penstock. The area currently leaking could be fixed by a diversion pipe.

4. What is the "bigger picture" trail plan for New Auburn and the rest of the City?

Answer: The completion of this section of the Little Andy Greenway will connect the existing Barker Mill Trail to the planned New Auburn Greenway. An attached map shows a plan for a larger trail loop that will connect the Little Andy Greenway to the New Auburn Greenway, to

Sherwood Heights School, Sherwood Forest Conservation Area, Huston Farm Conservation Area and Oak Hill Cemetery. That loop could then connect to the Riverwalk via sidewalks and bike lanes on South Main Street to Bonnie Park, the Riverwalk and across the pedestrian bridge into Lewiston's trail system.

5. Where will the funding come from for the local match?

Answer: The preliminary budget is \$40,757 (attached), this would require a match of \$8,151.40 and include state funding of \$32,605.60. This is a reimbursement grant and the funding for the local match of \$8,151.40 is requested to be included in the City's 2015-16 budget.

6. Who will be responsible for trail maintenance?

Answer: The City Department of Public Services will be responsible for the day to day maintenance of the new section of trail. Many communities have developed non-profit trail groups or advocates to share in trail maintenance duties. The Androscoggin Land Trust has a volunteer group that currently does trail maintenance on the Barker Mill Trail and a discussion is underway to expand their efforts to include this trail extension. Other volunteer groups from Wal-Mart and other businesses have participated in annual clean-ups.

7. When would this project be built?

Answer: The grant, if awarded, would have 2 years to be built. If funding were allocated by the City Council in next year's budget, construction could be done late summer of 2015. That timeframe will also allow for Kruger Energy to make the appropriate repairs to the penstock.

IN COUNCIL REGULAR MEETING SEPTEMBER 08, 2014 VOL. 34 PAGE 59

Mayor Pro Tempore, Mary J. Lafontaine called the meeting to order at 7:03 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Mayor LaBonté had an excused absence. All Councilors were present.

I. Consent Items

1. Order 70-09082014*

Adopting the revised Board and Committee Appointment Process.

Item number one (Order 70-09082014) was moved from the consent agenda and placed under unfinished business.

2. Order 71-09082014*

Accepting the transfer of Forfeiture Asset (Jeremy Klein-Golden).

3. Order 72-09082014*

Accepting the transfer of Forfeiture Asset (William Tardif).

A motion was made by Councilor Lee and seconded by Councilor Gerry to accept consent items #2 & #3 as presented. Passage 7-0.

II. Minutes

August 18, 2014 Regular Council Meeting.

Motion was made by Councilor Hayes and Seconded by Councilor Lee to accept the minutes of August 18, 2014. Councilor Crowley wanted it noted that due to the absence of Councilor Young, Councilor Crowley started the roll call vote. Passage 6-0 with change.

August 25, Special Council Meeting

Motion was made by Councilor Walker and Seconded by Councilor Hayes to accept the minutes of August 25, 2014. Councilor Crowley wanted to strike that Councilor LaFontaine was not present due to an excused absence. Councilor LaFontaine was present during the meeting. Passage 6-0 with change.

III. Reports

City Manager Report –City Manager wanted it noted that there was a correction made to the Bells of St. Louis. There was a \$12,000.00 purchase and sales executed, not the initial \$8,000.00. Approximately \$600.00 in donations has been received.

City Committee Reports – Councilor Gerry reported (LATC), Councilor Hayes reported (Airport & Railroad), Councilor Lee (Economic Development), Councilor LaFontaine reported (School Committee and Public Library), Councilor Young reported (Great Falls TV), Councilor Crowley reported (Water & Sewer), Councilor Walker reported

(MMWAC), Councilor Gerry reported (Auburn Housing) and Councilor Crowley reported (Recreation Advisory Committee).

City Councilor Reports – Councilor Hayes reported, Councilor Crowley reported, Councilor LaFontaine reported and Councilor Gerry reported.

IV. Communications, Presentations and Recognitions

Proclamation – Constitution Week, September 17-23, read by Councilor Lee

Proclamation - Diaper Week, September 8-14, read by Councilor Lee

New Auburn Plan – Presentation was given in July. Copy of plan is in CD form. Plan now includes New Auburn Village Study.

V. Open Session

- Katy Grondin, Superintendant of Auburn School Department and resident - On October 08, 2014 there will be an Auburn Education Planning Conference. Invitations will be sent out. Participation is limited to the first 100 that RSVP.
- Jim Dock, 40 Fern Street on Ingersoll Arena Repurposing. Expressed need of having indoor athletic facilities for soccer, lacross, field hockey, etc. Encourages moving project forward.
- Ben Michaud, Lewiston on Ingersoll Arena Repurposing. Expressed need for having indoor athletic facility.
- Bonnie Hersey, 357 Merrow Road. Commented on Lewiston/Auburn transportation and looking at extending services to include trips to the malls in Portland and or Augusta and providing transportation to various appointments.
- Angela Simond, 74 Lake Auburn Ave. Commented on sidewalk conditions. Sidewalks have large cracks making it unsafe for wheelchair users, bike users and pedestrians that have to use walkers.
- Elaine Cahoon, Auburn. Commented public transportation and the possibility of buses advertising for businesses in an effort to increase revenue.
- Dan Herrick, 470 Hatch Road. Commented on an issue with a piece of property he purchased on Hatch Road that is being taxed as a residence but is permitted for a shed.
- Joe Gray, Sopers Mill Road. Commented on the Real Estate Tax error.

VI. Unfinished Business

1. Order 61-07072014

Authorizing issuance of General Obligation Bonds and a tax levy therefore. Second reading. *Passage requires an affirmative vote of 5 Councilors.*

Motion was made by Councilor Lee and seconded by Councilor Hayes authorizing issuance of General Obligation Bonds and a tax levy therefore.

After discussion, Councilor Lee called the question. Motion failed 3-4 (Councilors Walker, Gerry, and Crowley opposed). A roll call vote was taken.

Motion was made by Councilor Walker to reconsider the vote and seconded by Councilor Hayes. Motion passed 6-1 (Councilor Crowley opposed).

Motion was made by Councilor Walker to consider amending order 61-07072014 in the amount of \$7,200,000.00 and seconded by Councilor Lee. The proposed amendments are as follows: Engineering/Retaining walls was increased to \$100,000.00 for the purpose of the New Auburn Greenway (Phase I); Parks, Festival Plaza Canopies was decreased to \$35,000.00; Recreation, Repurpose Ingersoll Arena was decreased to \$250,000.00; Contingency was reduced to \$51, 518.00; School Department was reduced to \$2,081,365.00. Motion with amendment passed 5-2 (Councilor Crowley and Gerry opposed).

2. Ordinance 06-08182014

Adopting the most current edition of the National Electrical Code NFPA 70-2014.
Second Reading.

Motion was made by Councilor Lee and seconded by Councilor Hayes to adopt the most current edition of the National Electrical Code NFPA 70-2014.

Motion was made by Councilor Crowley and seconded by Councilor Gerry to table until National Electrical Code NFPA 70-2014 is set. Motion passed 4-3 (Councilor Hayes, Lafontaine, and Young opposed).

3. Order 70-09082014* Consent item moved to Unfinished Business

Motion was made by Councilor Crowley and seconded by Councilor Gerry to table until the October 5, 2014 meeting. Motion failed 3-4 (Councilor Young, Hayes, Lafontaine, and Lee opposed).

Motion was made by Councilor Hayes and seconded by Councilor Lee to accept Order 70-09082014 adopting the revised Board and Committee Appointment Process.

Motion was made by Councilor Walker and seconded by Councilor Crowley to change appointment selections for Appoint Selection Committee from Mayor to Council. Motion failed 3-4 (Councilor Young, Hayes, Lafontaine, and Lee opposed).

Mayor Pro Tempore, Mary J. Lafontaine brought Council back to original motion to accept Order 70-09082014 adopting the revised Board and Committee Appointment Process. Motion passed 4-3 (Councilor Crowley, Walker, and Gerry opposed).

VII. New Business

4. Order 73-09082014

Accepting the transfer of Forfeiture Asset (Darnell Robinson)

Motion was made by Councilor Lee and seconded by Councilor Hayes to accept the transfer of Forfeiture Asset (Darnell Robinson). Motion passed 7-0.

5. Order 76-09082014

Authorize the City Manager to execute a First Amendment to the Auburn/Lewiston (AL) Consortium Mutual Cooperation Agreement.

Motion was made by Councilor Hayes and seconded by Councilor Gerry to execute a First Amendment to the Auburn/Lewiston (AL) Consortium Mutual Cooperation Agreement. Motion passed 6-1 (Councilor Walker opposed).

6. Order 77-09082014

Authorize the Mayor Labonte to sign the letter to the U.S. Department of Housing and Urban Development requesting a grant reduction.

Motion was made by Councilor Hayes and seconded by Councilor Gerry to authorize Mayor Labonte to sign the letter to the U.S. Department of Housing and Urban Development. Motion passed 6-1 (Councilor Walker opposed).

7. Ordinance 07-09082014

Adopt the zoning ordinance changes (Taylor Pond). Public Hearing and first reading.

Motion was made by Councilor Hayes and seconded by Councilor Walker to open Public Hearing and first reading of Ordinance 07-09082014 . Eric Cousens, Director of Planning and Permitting informed Council that the Public Hearing was not intended to happen on the first reading, it will be held on the second reading.

Motion was made by Councilor Young and seconded by Councilor Crowley to table first reading and Public Hearing to the September 22, 2014 City Council Meeting. Motion passed 6-1 (Councilor Walker opposed).

8. Order 74-09082014

Approving the TIF Credit Enhancement Agreement

Motion was made by Councilor Lee and seconded by Councilor Gerry to authorize the City Manager to execute all documents needed to create a tax increment finance (TIF) relationship with Auburn Housing Development Corporation (AHDC). The attached credit enhancement agreement (CEA) will pledge 75% of the new captured assessed value and resulting tax revenue back to the project at 62 Spring St. to ensure long-term

affordability. The general fund will continue to receive the same tax revenues that have been historically contributed from this property. Motion passed 7-0. A roll call vote was taken.

Motion made by Councilor Gerry and seconded by Councilor Walker to rescind motion to approve Order 74-09082014 in order to hold a Public Hearing.

Mayor Pro Tempore, Mary J. Lafontaine opened the meeting to a public hearing.

- Joe Gray, Soper's Mill Road asked for clarification to have a better understanding of how TIF benefits Auburn.

Mayor Pro Tempore, Mary J. Lafontaine brought the motion back to the table to approve Order 74-09082014. Passage 6-1 (Councilor Crowley opposed). A roll call vote was taken

VIII. Open Session – the last open session was taken out of order and placed before the Executive Session. No one from the public spoke.

XI. Executive Session

- Discussion regarding economic development pursuant to 1 M.R.S.A. Section 405(6)(C).

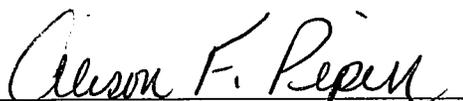
Motion was made by Councilor Lee and seconded by Councilor Walker to enter into executive session. Passage 6-1 (Councilor Crowley opposed). Time 9:15 P.M.
Council was declared out of executive session at 9:28 P.M.

- Discussion regarding economic development pursuant to 1 M.R.S.A. Section 405(6)(C).

Motion was made by Councilor Walker and seconded by Councilor Lee to enter into executive session. Passage 6-1 (Councilor Crowley and Gerry opposed). Time 9:28 P.M.
Council was declared out of executive session at 9:43 P.M.

X. Adjournment – Motion was made by Councilor LaFontaine and seconded by Councilor Young to adjourn, with all Councilors present were in favor (Councilors Crowley and Gerry were out of the room), time 9:43 P.M.

A True Copy.

ATTEST 
Alison F. Pepin, Deputy City Clerk

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services



TO: Clinton Deschene, City Manager

FROM: Jill Eastman, Finance Director

REF: August 2014 Financial Report

DATE: September 12, 2013

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 current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 16.66% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Balance Sheet

The following are significant variances from July:

- A. Taxes Receivable-Current and Deferred Revenue have both increased due to the tax commitment being posted in August. These two accounts are directly related to each other.

Revenues

Revenues, for the City, collected through August 31st were \$2,065,170, or 3.8%, of the budget, which is lower than last year at this time by 0.1%. The accounts listed below are noteworthy.

- A. Excise taxes of \$601,991-up \$7,436 over last year.

B. State Revenue Sharing for the month of August is 12.6% or \$207,789. The city received \$127,350 this month compared to \$111,311 FY14. Percentage of budget this year is 8.16% less than last year at the end of August.

C. Property Taxes for August are \$304,984 as compared to \$252,606 last year.

Expenditures

City expenditures through August 31st were \$6,501,597, or 17.17%, of the budget as compared to last year at \$8,657,022, or 23.95%. Noteworthy variances are:

- A. Debt Service is zero this year compared to \$6,321,584. Last year these payments were posted in August.
- B. County Tax is at \$2,046,879. Last year County tax was zero. Due to a timing difference, this year the check was cut in August.

Investments

This section contains an investment schedule as of August 31st with a comparison to July 31st. Currently the City's funds are earning an average interest rate of .19%, which is the same as last July.

Respectfully submitted,



Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND, WC AND UNEMPLOYMENT FUND
AS of August 2014, July 2014, and June 2013

	UNAUDITED August 31 2014	UNAUDITED July 31 2014	Increase (Decrease)	AUDITED JUNE 30 2013
ASSETS				
CASH	\$ 3,027,169	\$ 3,398,415	\$ (371,245)	\$ 15,074,324
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	827,557	1,249,695	(422,138)	1,218,554
TAXES RECEIVABLE-CURRENT	41,281,111	(2,052)	41,283,163	107,929
DELINQUENT TAXES	663,697	663,511	186	486,160
TAX LIENS	1,087,927	1,249,707	(161,780)	1,415,461
NET DUE TO/FROM OTHER FUNDS	9,205,125	8,892,849	312,276	470,312
TOTAL ASSETS	\$ 56,092,587	\$ 15,452,124	\$ 40,640,463	\$ 18,772,740
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	\$ (2,411,627)	\$ (865,602)	\$ (1,546,025)	\$ (670,227)
PAYROLL LIABILITIES	(276,445)	(568,715)	292,270	(501)
ACCRUED PAYROLL	(895,756)	(2,099,680)	1,203,924	(2,274,075)
STATE FEES PAYABLE	(52,656)	(23,277)	(29,378)	-
ESCROWED AMOUNTS	(43,526)	(43,526)	-	(41,865)
DEFERRED REVENUE	(42,720,213)	(1,903,868)	(40,816,345)	(1,822,839)
TOTAL LIABILITIES	\$ (46,400,223)	\$ (5,504,669)	\$ (40,895,553)	\$ (4,809,507)
FUND BALANCE - UNASSIGNED	\$ (8,601,412)	\$ (8,856,502)	255,090	\$ (12,378,441)
FUND BALANCE - RESTRICTED FOR WORKERS COMP & UNEMPLOYMENT	776,017	776,017	-	684,766
FUND BALANCE - RESTRICTED	(1,866,970)	(1,866,970)	-	(2,269,558)
TOTAL FUND BALANCE	\$ (9,692,365)	\$ (9,947,455)	255,090	\$ (13,963,233)
TOTAL LIABILITIES AND FUND BALANCE	\$ (56,092,587)	\$ (15,452,124)	\$ (40,640,463)	\$ (18,772,740)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH August 31, 2014 VS August 31, 2013

REVENUE SOURCE	FY 2015 BUDGET	ACTUAL REVENUES THRU AUG 2014	% OF BUDGET	FY 2014 BUDGET	ACTUAL REVENUES THRU AUG 2013	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	\$ 43,055,996	\$ 304,984	0.71%	\$ 42,844,641	\$ 252,606	0.59%	\$ 52,378
PRIOR YEAR REVENUE	\$ -	\$ 304,840		\$ -	\$ 217,927		\$ 86,913
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 495,000	\$ 383,752	77.53%	\$ 482,575	\$ 371,573	77.00%	\$ 12,179
ALLOWANCE FOR ABATEMENT	\$ -	\$ -		\$ -	\$ -		\$ -
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ -	\$ -		\$ -
EXCISE	\$ 3,185,000	\$ 601,991	18.90%	\$ 3,068,500	\$ 594,555	19.38%	\$ 7,436
PENALTIES & INTEREST	\$ 145,000	\$ 16,721	11.53%	\$ 140,000	\$ 13,748	9.82%	\$ 2,973
TOTAL TAXES	\$ 46,880,996	\$ 1,612,288	3.44%	\$ 46,535,716	\$ 1,450,409	3.12%	\$ 161,879
LICENSES AND PERMITS							
BUSINESS	\$ 48,300	\$ 7,460	15.45%	\$ 47,300	\$ 7,110	15.03%	\$ 350
NON-BUSINESS	\$ 339,300	\$ 77,261	22.77%	\$ 338,300	\$ 93,733	27.71%	\$ (16,472)
TOTAL LICENSES	\$ 387,600	\$ 84,721	21.86%	\$ 385,600	\$ 100,843	26.15%	\$ (16,122)
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	\$ 440,000	\$ -	0.00%	\$ 440,000	\$ -	0.00%	\$ -
STATE REVENUE SHARING	\$ 1,649,470	\$ 207,789	12.60%	\$ 1,649,470	\$ 342,494	20.76%	\$ (134,705)
WELFARE REIMBURSEMENT	\$ 70,000	\$ 4,680	6.69%	\$ 53,000	\$ -	0.00%	\$ 4,680
OTHER STATE AID	\$ 22,000	\$ -	0.00%	\$ 22,000	\$ -	0.00%	\$ -
CITY OF LEWISTON	\$ 155,000	\$ -	0.00%	\$ 155,000	\$ -	0.00%	\$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 2,336,470	\$ 212,469	9.09%	\$ 2,319,470	\$ 342,494	14.77%	\$ (130,025)
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	\$ 132,040	\$ 18,430	13.96%	\$ 140,240	\$ 13,570	9.68%	\$ 4,860
PUBLIC SAFETY	\$ 485,703	\$ 59,432	12.24%	\$ 366,152	\$ 19,317	5.28%	\$ 40,115
EMS AGREEMENT	\$ 987,551	\$ -	0.00%	\$ 100,000	\$ 16,667	16.67%	\$ (16,667)
TOTAL CHARGE FOR SERVICES	\$ 1,605,294	\$ 77,861	4.85%	\$ 606,392	\$ 49,554	8.17%	\$ 28,307
FINES							
PARKING TICKETS & MISC FINES	\$ 26,000	\$ 6,561	25.24%	\$ 40,000	\$ 3,240	8.10%	\$ 3,321
MISCELLANEOUS							
INVESTMENT INCOME	\$ 10,000	\$ 52	0.52%	\$ 20,000	\$ 63	0.32%	\$ (11)
INTEREST-BOND PROCEEDS	\$ 2,000	\$ -	0.00%	\$ 2,000	\$ -	0.00%	\$ -
RENTS	\$ 122,000	\$ -	0.00%	\$ 122,000	\$ -	0.00%	\$ -
UNCLASSIFIED	\$ 20,000	\$ 26,096	130.48%	\$ 17,500	\$ 37,223	212.70%	\$ (11,127)
SALE OF RECYCLABLES	\$ -	\$ -		\$ 4,800	\$ -	0.00%	\$ -
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 10,072		\$ -	\$ 10,478		\$ (407)
SALE OF PROPERTY	\$ 20,000	\$ 500	2.50%	\$ 20,000	\$ 6,760	33.80%	\$ (6,260)
RECREATION PROGRAMS/ARENA	\$ -	\$ -		\$ -	\$ -		\$ -
MMWAC HOST FEES	\$ 206,000	\$ 34,299	16.65%	\$ 204,000	\$ 33,651	16.50%	\$ 648
9-1-1 DEBT SERVICE REIMBURSEMENT	\$ -	\$ -		\$ -	\$ -	0.00%	\$ -
TRANSFER IN: TIF	\$ 500,000	\$ -	0.00%	\$ 520,000	\$ -	0.00%	\$ -
TRANSFER IN: POLICE	\$ 20,000	\$ -	0.00%	\$ -	\$ -		\$ -
TRANSFER IN: PARKING PROGRAM	\$ 55,000	\$ -	0.00%	\$ -	\$ -		\$ -
TRANSFER IN: PD DRUG MONEY	\$ 45,000	\$ -	0.00%	\$ -	\$ -		\$ -
TRANSFER IN: REC SPEC REVENUE	\$ 41,720	\$ -	0.00%	\$ -	\$ -		\$ -
TRANSFER IN: SPECIAL REVENUE	\$ 290,000	\$ -	0.00%	\$ -	\$ -		\$ -
ENERGY EFFICIENCY	\$ -	\$ -		\$ 2,000	\$ 279	13.95%	\$ (279)
CDBG	\$ 58,000	\$ -	0.00%	\$ 58,000	\$ -	0.00%	\$ -
UTILITY REIMBURSEMENT	\$ 37,500	\$ 251	0.67%	\$ 37,500	\$ 3,757	10.02%	\$ (3,506)
CITY FUND BALANCE CONTRIBUTION	\$ 1,350,000	\$ -	0.00%	\$ 1,350,000	\$ -	0.00%	\$ -
TOTAL MISCELLANEOUS	\$ 2,777,220	\$ 71,270	2.57%	\$ 2,357,800	\$ 92,211	3.91%	\$ (20,941)
TOTAL GENERAL FUND REVENUES	\$ 54,013,580	\$ 2,065,170	3.82%	\$ 52,244,978	\$ 2,038,751	3.90%	\$ 26,419
SCHOOL REVENUES							
EDUCATION SUBSIDY	\$ 20,411,239	\$ 1,607,611	7.88%	\$ 17,942,071	\$ 1,581,335	8.81%	\$ 26,276
EDUCATION	\$ 774,572	\$ 59,850	7.73%	\$ 1,358,724	\$ 30,340	2.23%	\$ 29,510
SCHOOL FUND BALANCE CONTRIBUTION	\$ 906,882	\$ -	0.00%	\$ 855,251	\$ -	0.00%	\$ -
TOTAL SCHOOL	\$ 22,092,693	\$ 1,667,461	7.55%	\$ 20,156,046	\$ 1,611,675	8.00%	\$ 55,786
GRAND TOTAL REVENUES	\$ 76,106,273	\$ 3,732,631	4.90%	\$ 72,401,024	\$ 3,650,426	5.04%	\$ 82,205

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH August 31, 2014 VS August 31, 2013

DEPARTMENT	FY 2015 BUDGET	Unaudited EXP THRU AUG 2014	% OF BUDGET	FY 2014 BUDGET	Unaudited EXP THRU AUG 2013	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	\$ 78,532	\$ 20,269	25.81%	\$ 71,079	\$ 11,376	16.00%	\$ 8,893
CITY MANAGER	\$ 280,750	\$ 42,852	15.26%	\$ 238,903	\$ 36,518	15.29%	\$ 6,334
ECONOMIC DEVELOPMENT	\$ 359,500	\$ 48,211	13.41%	\$ 318,933	\$ 83,893	26.30%	\$ (35,682)
ASSESSING SERVICES	\$ 177,320	\$ 31,506	17.77%	\$ 172,277	\$ 26,349	15.29%	\$ 5,157
CITY CLERK	\$ 164,593	\$ 21,357	12.98%	\$ 162,045	\$ 21,772	13.44%	\$ (415)
FINANCIAL SERVICES	\$ 427,815	\$ 62,769	14.67%	\$ 405,976	\$ 59,498	14.66%	\$ 3,271
HUMAN RESOURCES	\$ 139,578	\$ 19,718	14.13%	\$ 139,566	\$ 19,126	13.70%	\$ 592
INFORMATION COMMUNICATION TECHNOLOGY	\$ 413,829	\$ 79,382	19.18%	\$ 395,350	\$ 79,899	20.21%	\$ (517)
LEGAL SERVICES	\$ 65,000	\$ 1,442	2.22%	\$ 100,000	-	0.00%	\$ 1,442
TOTAL ADMINISTRATION	\$ 2,106,917	\$ 327,506	15.54%	\$ 2,004,129	\$ 338,431	16.89%	\$ (10,925)
COMMUNITY SERVICES							
PLANNING & PERMITTING	\$ 902,494	\$ 118,202	13.10%	\$ 775,230	\$ 110,521	14.26%	\$ 7,681
HEALTH & SOCIAL SERVICES	\$ 192,954	\$ 25,659	13.30%	\$ 189,539	\$ 36,921	19.48%	\$ (11,262)
PUBLIC LIBRARY	\$ 960,692	\$ 238,174	24.79%	\$ 946,737	\$ 157,717	16.66%	\$ 80,457
TOTAL COMMUNITY SERVICES	\$ 2,056,140	\$ 382,035	18.58%	\$ 2,759,028	\$ 305,159	11.06%	\$ 76,876
FISCAL SERVICES							
DEBT SERVICE	\$ 6,263,936	\$ -	0.00%	\$ 6,321,584	\$ 4,708,560	74.48%	\$ (4,708,560)
FACILITIES	\$ 698,335	\$ 147,571	21.13%	\$ 715,667	\$ 178,642	24.96%	\$ (31,071)
WORKERS COMPENSATION	\$ 468,081	\$ -	0.00%	\$ 431,446	-	0.00%	\$ -
WAGES & BENEFITS	\$ 4,737,117	\$ 801,361	16.92%	\$ 4,397,585	\$ 844,522	19.20%	\$ (43,161)
EMERGENCY RESERVE (10108062-670000)	\$ 375,289	\$ -	0.00%	\$ 375,289	-	0.00%	\$ -
TOTAL FISCAL SERVICES	\$ 12,542,758	\$ 948,932	7.57%	\$ 12,241,571	\$ 5,731,724	46.82%	\$ (4,782,792)
PUBLIC SAFETY							
FIRE DEPARTMENT	\$ 4,057,633	\$ 674,785	16.63%	\$ 4,024,789	\$ 618,338	15.36%	\$ 56,447
FIRE EMS	\$ 635,468	\$ 329,356	51.83%	-	-	-	\$ 329,356
POLICE DEPARTMENT	\$ 3,738,108	\$ 520,352	13.92%	\$ 3,589,583	\$ 487,788	13.59%	\$ 32,564
TOTAL PUBLIC SAFETY	\$ 8,431,209	\$ 1,524,493	18.08%	\$ 7,614,372	\$ 1,106,126	14.53%	\$ 418,367
PUBLIC WORKS							
PUBLIC SERVICES DEPARTMENT	\$ 5,806,379	\$ 773,869	13.33%	\$ 5,577,954	\$ 689,779	12.37%	\$ 84,090
WATER AND SEWER	\$ 599,013	\$ 146,628	24.48%	\$ 558,835	\$ 135,231	24.20%	\$ 11,397
TOTAL PUBLIC WORKS	\$ 6,405,392	\$ 920,497	14.37%	\$ 5,289,267	\$ 825,010	15.60%	\$ 95,487
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	\$ 105,000	\$ 26,250	25.00%	\$ 105,000	\$ 52,500	50.00%	\$ (26,250)
E911 COMMUNICATION CENTER	\$ 1,067,249	\$ 325,005	30.45%	\$ 1,036,409	\$ 260,725	25.16%	\$ 64,280
LATC-PUBLIC TRANSIT	\$ 235,373	\$ -	0.00%	\$ 235,496	-	0.00%	\$ -
LAEGC-ECONOMIC COUNCIL	\$ -	\$ -	-	\$ -	-	-	\$ -
LA ARTS	\$ 17,000	\$ -	0.00%	\$ -	-	-	\$ -
TAX SHARING	\$ 270,000	\$ -	0.00%	\$ 270,000	\$ 37,347	13.83%	\$ (37,347)
TOTAL INTERGOVERNMENTAL	\$ 1,694,622	\$ 351,255	20.73%	\$ 1,646,905	\$ 350,572	21.29%	\$ 683
COUNTY TAX							
TIF (10108058-580000)	\$ 2,046,880	\$ 2,046,879	100.00%	\$ 2,029,513	-	0.00%	\$ 2,046,879
OVERLAY	\$ 2,584,032	\$ -	0.00%	\$ 2,555,723	-	0.00%	\$ -
	\$ -	\$ -	-	\$ -	-	0.00%	\$ -
TOTAL CITY DEPARTMENTS	\$ 37,867,950	\$ 6,501,597	17.17%	\$ 36,140,508	\$ 8,657,022	23.95%	\$ (2,155,425)
EDUCATION DEPARTMENT							
	\$ 38,241,323	\$ 1,314,883	3.44%	\$ 37,128,028	\$ 1,058,868	2.85%	\$ 256,015
TOTAL GENERAL FUND EXPENDITURES	\$ 76,109,273	\$ 7,816,480	10.27%	\$ 73,268,536	\$ 9,715,890	13.26%	\$ (1,899,410)

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF August 31, 2014**

INVESTMENT	FUND	BALANCE August 31, 2014	BALANCE July 31, 2014	INTEREST RATE	WEIGHTED AVG YIELD
BANKNORTH MNY MKT	24-1242924 GENERAL FUND	\$ 55,425.13	\$ 55,418.07	0.15%	
BANKNORTH MNY MKT	24-1745910 GF-WORKERS COMP	\$ 49,287.57	\$ 49,284.22	0.08%	
BANKNORTH MNY MKT	24-1745944 GF-UNEMPLOYMENT	\$ 67,012.66	\$ 67,004.12	0.15%	
BANKNORTH CD	7033 GF-UNEMPLOYMENT	\$ 102,404.84	\$ 102,404.84	0.15%	
BANKNORTH MNY MKT	24-1809302 SPECIAL REVENUE	\$ 52,645.00	\$ 52,638.29	0.15%	
BANKNORTH MNY MKT	24-1745902 SR-PERMIT PARKING	\$ 198,321.69	\$ 198,296.43	0.15%	
BANKNORTH MNY MKT	24-1745895 SR-TIF	\$ 1,119,681.97	\$ 1,119,539.34	0.15%	
BANKNORTH MNY MKT	24-1746819 CAPITAL PROJECTS	\$ 4,777,191.68	\$ 11,776,180.47	0.20%	
BANKNORTH MNY MKT	24-1745928 ICE ARENA	\$ 249,708.41	\$ 249,676.60	0.15%	
GRAND TOTAL		\$ 6,671,678.95	\$ 13,670,442.38		0.19%

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Clinton Deschene, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for August 31, 2014



Attached you will find a Statement of Net Assets and a Statement of Activities for the Ingersoll Arena and the Norway Savings Bank Arena as of August 31, 2014.

INGERSOLL ARENA

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets.

Current Assets:

As of the end of August 2014 the total current assets of Ingersoll were \$244,715. These consisted of cash and cash equivalents of \$249,677, and an interfund payable of \$4,962, which means that Ingersoll owes the General Fund \$4,962, so net cash available to Ingersoll is \$239,753 at the end of August.

Noncurrent Assets:

Ingersoll's noncurrent assets are the building, equipment and any building and land improvements, less depreciation. There will be an adjustment to the equipment, since some of this has been transferred to Norway Savings Bank Arena. The total value of the noncurrent assets as of August 31, 2014 were \$547,423.

Liabilities:

Ingersoll had no liabilities as of August 31, 2014.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

There have been no operating revenues for Ingersoll Arena in August 2014.

The operating expenses for Ingersoll Arena through August 2014, were \$1,764. These expenses are for utilities and minor repairs.

As of August 2014 Ingersoll Arena has an operating loss of \$1,764.

As of August 31, 2014 Ingersoll Arena has a decrease in net assets of \$1,764.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets.

Current Assets:

As of the end of August 2014 the total current assets of Norway Savings Bank Arena were \$46,061. These consisted of cash and cash equivalents of \$91,281, accounts receivable of \$430 and an interfund payable of \$45,650, which means that Norway owes the General Fund \$45,650 at the end of August.

Noncurrent Assets:

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). There was an adjustment to the equipment to account for equipment that was transferred from Ingersoll Arena. The total value of the noncurrent assets as of August 31, 2014 were \$239,332.

Liabilities:

Norway Arena had accounts payable of \$45,012 as of August 31, 2014.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through August 2014 are \$109,439. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through August 2014 were \$220,816. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance. July 1st Norway began to pay the monthly rent payment on the arena of \$42,207 to Slap Shot LLC. The September rent payment was posted in August in order to have the check available for September 1st.

As of August 2014 Norway Arena has an operating loss of \$111,377.

As of August 31, 2014 Norway Arena has a decrease in net assets of \$111,377.

CITY OF AUBURN, MAINE
Statement of Net Assets
Proprietary Funds
August 31, 2014

Business-type Activities - Enterprise Funds

	Ingersoll	Norway Savings	Combined
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 249,677	\$ 91,281	\$ 340,958
Interfund receivables	\$ (4,962)	\$ (45,650)	(50,612)
Accounts receivable	-	430	430
Total current assets	244,715	46,061	290,776
Noncurrent assets:			
Capital assets:			
Buildings	18,584	35,905	54,489
Equipment	672,279	285,813	958,092
Land improvements	718,311		718,311
Less accumulated depreciation	(861,751)	(82,386)	(944,137)
Total noncurrent assets	547,423	239,332	786,755
Total assets	792,138	285,393	1,077,531
LIABILITIES			
Accounts payable		\$ 45,012	45,012
Total liabilities	-	45,012	45,012
NET ASSETS			
Invested in capital assets	\$ 547,423	\$ 239,332	786,755
Unrestricted	\$ 244,715	\$ 1,049	245,764
Total net assets	\$ 792,138	\$ 240,381	\$ 1,032,519

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Proprietary Funds
Business-type Activities - Enterprise Funds
Statement of Activities
August 31, 2014

	Ingersoll Ice Arena	Norway Savings Arena	Total
Operating revenues:			
Charges for services	\$ -	\$ 109,439	\$ 109,439
Operating expenses:			
Personnel	-	38,715	38,715
Supplies	-	10,142	10,142
Utilities	1,488	32,979	34,467
Repairs and maintenance	276	2,090	2,366
Rent		126,621	126,621
Depreciation	-	-	-
Capital expenses		-	-
Other expenses	-	10,269	10,269
Total operating expenses	1,764	220,816	222,580
Operating gain (loss)	(1,764)	(111,377)	(113,141)
Nonoperating revenue (expense):			
Interest income	-	-	-
Interest expense (debt service)	-	-	-
Total nonoperating expense	-	-	-
Gain before transfer	(1,764)	(111,377)	(113,141)
Transfers out	-	-	
Change in net assets	(1,764)	(111,377)	(113,141)
Total net assets, July 1	793,902	351,758	1,145,660
Total net assets, August 31, 2014	\$ 792,138	\$ 240,381	\$ 1,032,519



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Executive Assistant

To: Clint Deschene, City Manager
From: Phillip L. Crowell, Jr., Chief of Police
Date: August 27, 2014
Re: September 22, 2014 - City Council Meeting – Badge Pinning Ceremony

At the September 22, 2014 City Council meeting, I would like to officially pin the badges of our newest Auburn Police Department officers as well as recognize those officers who have been promoted during the last year. The officers include:

	MCJA GRADUATION	NEW HIRE	PROMOTION
Officer Katherine D. Avery	12/20/2013		
Officer David K. Brown		12/12/2013 - Lateral from Sabattus	
Officer Joseph M. Correia	12/20/2013		
Officer Nicholas J. Kyllonen	12/20/2013		
Officer Krista M. Lee	5/28/2013		
Officer Joseph T. Miville	12/20/2013		
Officer Gregory S. Pealaterere		1/9/2014 - Lateral from Alaska	
Lieutenant Laurie L. Woodhead			Promotion to Lieutenant on 9/09/2013
Sergeant Christopher A. Hatfield			Promotion to Sergeant on 9/10/2013
Corporal Eric J. Bell			Promotion to Corporal on 9/10/2013
Corporal Marshall W. McCamish			Promotion to Corporal on 9/10/2013

USA – Poland IN-FIRENET Project



The Poland – USA IN-FIRENET Project was initiated more than 10 years ago as a one month professional development study visit with fire officer candidates from the Main School of the Fire Service (SGSP) in Warsaw, Poland. The Main School is the National Fire Service Academy of Poland for officer training, similar to our military academies of West Point (US Army) or Annapolis (Navy), etc. Graduates of the programs at the Main School receive either an undergraduate degree (4 year), or graduate degree (5 year), in Fire Engineering or Civil Security Protection. The purpose of the study visit is to provide some experience of the American fire service or emergency management to SGSP officer candidates which they can use as they approach the completion of their education program at the school, and when placed in the field after graduation. Officer candidates in the program typically have completed all but their final year in the academy. In order to be eligible to participate in the program candidates must pass a rigorous English language test and be at the top of their class academically. Each year, since inception, 5- 12 cadets have been placed in either career or combination US fire departments and emergency management organizations across the country.

The arrangements for the visit are fairly simple since the inception of the program. The Main School covers the expense of getting the students to and from the closest international airport to the placement department. The placement host department is responsible for housing and meal expenses for the student during the one month visit. If the student is housed in a fire station, the cost for the month will usually be minimal. The Main School offers to host a representative from the placement department, under similar arrangements for a return study visit in Poland, if desired. Reports received from each of the participating departments and feedback from the students and the Main School indicate that this program continues to be a resounding success. This student visit program continues to provide excellent opportunities to help future leaders of the Polish Fire and Emergency Management service, in a new democracy, gain some insight on our country, fire departments, fire fighters and culture. The program also provides US fire fighters the opportunity to learn more about the Polish Fire and Emergency Management services.

Poland was the first country to break away from the former Soviet Union in the early 1980's. They continue to make tremendous progress over the past 30 years in establishing a democratic form of government in the country. The Main School (SGSP) is a "world class" university and the education provided to their officer candidates is equal to, or better than, similar programs here in the United States. Both Poland and the United States also have a long history of mutual support that goes back to their active support of our independence from England in the 1770's, to the United States being the first nation to officially recognize Poland after their break from the Soviet Union.

For additional information or to volunteer to be a host fire department, please contact:

Chief Bill Peterson (Ret.)
USA-Poland INFIRENET Coordinator
wppfdtx@aol.com
(407) 201-8933

AUBURN FIRE DEPARTMENT



FIRE DEPARTMENT HEADQUARTERS

550 MINOT AVENUE
AUBURN, ME 04210-4332
Tel. 207 333-6633 x 4
FAX 207 784-3283

July 16, 2014

General Ryszard Dąbrowa
Rektor-Komendant SGSP
The Main School of the Fire Service
01-629 Warszawa
Ul. J. Skowackiego 52/54
Poland

Dear General Dabrowa,

On behalf of the Auburn Fire Department in Auburn, Maine, United States of America, I am pleased to extend this official invitation for the participation of Cadet Officer Norbert Janik from the Main School of the Fire Service in Warsaw, Poland, in a four-week officer internship program. The purpose of this program is to enhance professional development for our City and Department, as well as for our colleagues in the Polish fire service. Specifically, while visiting Auburn, Cadet Janik will gain experience and exposure to the variety of community safety practices and programs of the American fire service, with the ultimate goal of developing similar programs in Poland.

Specific focus areas will include:

- organizational structure of the Auburn Fire Department
- response practices of the Auburn Fire Department
- state, regional, and local incident command and management training
- fire equipment/apparatus design, function and operation
- fire prevention/engineering activities
- fire/emergency management planning
- public fire and life safety education
- scheduled fire station and training activities
- observing Auburnfire fighters and paramedics during emergency response.

While Cadet Janik is in Auburn, we will meet his housing, food, and transportation needs.

By copy of this invitation, I am advising U.S. Embassy Warsaw Consul General Lisa Piascik of our desire to participate in this worthwhile internship endeavor, and am requesting any assistance she may provide in accomplishing our common goal.

We look forward to hearing from you and working with your organization and Cadet Janik. Should you have any questions regarding this matter please do not hesitate to contact me via telephone at 972-529-0704, facsimile at 207-784-3283, or email at froma@auburnmaine.gov.

Sincerely,

A handwritten signature in cursive script that reads "Frank Roma". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Frank Roma
Fire Chief
Auburn Fire Department

cc: The Honorable Charles Luoma-Overstreet
Consul General
U.S. Embassy Warsaw
Al. Ujazdowskie 29/31
00-540 Warsaw
POLAND

OFFICE OF THE MAYOR AND CITY COUNCIL

CITY OF AUBURN



PROCLAMATION

Recognizing Cadet Officer Norbert Janik of the Main School of the Fire Service located in Warsaw Poland for his internship with the Auburn Fire Department

WHEREAS, Cadet Officer Janik of the Main Fire School of Warsaw Poland, through a highly competitive process, has earned the opportunity to intern with the Auburn Fire Department for the month of September, 2014 as sponsored by the International Fire and Rescue Network;

WHEREAS, Cadet Officer Janik has shown a willingness and desire to participate in the activities of the Auburn Fire Department and learn about and experience the culture and customs of the City of Auburn and the State of Maine and;

WHEREAS, Cadet Officer Janik will be visiting with the fire departments in Poland, Lewiston, Portland and Boston Massachusetts as a part of his internship and exposure to the fire service in these United States of America, and;

WHEREAS, Cadet Officer Janik is one of five other such Cadet Officers interning in fire departments in the states of Colorado, , Illinois, Florida and Texas, and;

WHEREAS, Cadet Officer Janik is only the second such Cadet Officer to be offered an internship by a fire department in the State of Maine and the New England region;

NOW, THEREFORE, the Auburn City Council, on behalf of the Citizens of the City of Auburn herewith recognizes and welcomes Cadet Officer Norbert Janik to the City of Auburn and the State of Maine!

IN WITNESS WHEREOF, I have hereunto

Set my hand and caused the Seal of the

City of Auburn, Maine

to be fixed this 22nd day of September, 2014

Mayor Jonathan P. LaBonté



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 22, 2014

Ordinance 06-08182014

Author: Charlie DeAngelis, City Electrician

Item(s) checked below represent the subject matter related to this workshop item.

Comprehensive Plan Work Plan Budget Ordinance/Charter Other Business* Council Goals**

**If Council Goals please specify type: Safety Economic Development Citizen Engagement

Subject: Adoption of the most current edition of the National Electrical Code NFPA 70-2014.

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 of electrical safety. The new edition must be officially adopted prior to being implemented as the current edition in the City. The National Electrical Code (NFPA 70) is part of a set of codes and standards set forth by the National Fire Protection Association. 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, fixtures, and communication cable installed in buildings throughout the United States and worldwide.

Financial:

Action Requested at this Meeting: Second reading to adopt the most recent edition (2014-NFPA 70) The National Electrical Code.

Previous Meetings and History: Presented at the 8/4/2014 Council Workshop and passage of first reading on 8/18/2014.

Attachments:

Adoption of the 2014 National Electrical Code

Top twelve changes for the 2014 NEC

Adoption of the 2014 NEC

The importance of adopting the latest edition of the National Electrical Code

Electrical inspections are a vital public safety function

Ordinance 06-08182014

*Agenda items are not limited to these categories.

Adoption of the 2014 NEC NFPA 70

The National Fire Protection Association (NFPA) has been the developer and publisher of [NFPA 70®](#), [National Electrical Code®](#) (NEC®) since 1911. The *NEC* is widely used throughout the world for the built environment, establishing the standard for safe electrical installations. The *NEC* is adopted by various levels of government in all 50 U.S. states and is adopted state-wide in many.

Adopting the latest edition of the NEC

By adopting the current edition of the *NEC*, you provide your constituents with:

- an electrical code that has kept pace and with changes and updates in electrical safety technology, methods, and products.
- an electrical code that has responded a timely manner to industry and societal needs, i.e., ensuring minimum safety requirements are in place for wind and solar energies and making certain that expanding electric vehicle charging infrastructure will meet the demands of the industry and public safety.
- an electrical code that coordinates with other NFPA codes and standards as well as model codes and standards developed by other organizations.
- an electrical code that facilitates the implementation of a document that is up to date with current industry technology and methods.
- an electrical code that provides state and local licensing authorities with the ability to implement current and relevant requirements into licensing examinations and continuing education requirements.
- an electrical code that allows consumers to derive the benefit of electrical installations incorporating equipment and methods that provide the latest advancements in electrical safety.
- an electrical code that does not pose a barrier to implementation of new technologies.
- an electrical code that recognizes the latest electrical products and does not create a barrier for equipment manufacturers

-

Top 12 Noteworthy Changes for the 2014 National Electrical Code (NEC)

According to the National Fire Protection Association (NFPA), there were 3745 proposals submitted to NFPA recommending changes for the 2014 *NEC*. In addition to these proposals, there were 1625 comments submitted concerning the NEC Code-Making Panels' responses to these proposals. Below are some of the more noteworthy changes that occurred in the 2014 edition of the *NEC*.

1. Revision: 600 Volts to 1000 Volts Threshold
2. New Articles
 - Article 393 Low Voltage Suspended Ceiling Power Distribution
 - Article 646 Modular Data Centers
 - Article 728 Fire Resistive Cable Systems
 - Article 750 Energy Management Systems
3. Definition:
Readily Accessible
Capable of being reached quickly for operation, renewal or inspection without requiring those concerned to use a tool, to climb over, remove obstacle or other.
4. 210.8 GFCI Protection for Dwelling Unit Laundry Areas and Commercial Garages
 - Dwelling unit laundry areas will now require GFCI protection for all 125-volt, single-phase, 15- and 20 amp receptacles in laundry rooms.
 - GFCI protection required for all 125 volt single phase 15 and 20 ampere receptacles installed in all commercial, non dwelling unit garages, service bays and similar areas.
 - Not only garages where electrical diagnostic equipment electrical hand tools, or portable lighting equipment are to be used.
5. 210.8(D) GFCI for Kitchen Dishwasher Branch Circuit.
GFCI protection shall be provided for outlets that supply dishwashers installed in dwelling units. This includes receptacles and hardwired (All GFCI's must be readily accessible).
6. 210.12 AFCI Protection for Dwelling Units now required in kitchen, laundry and dormitories. Receptacle AFCI's can be used under certain conditions.
7. 300.38 Raceways in Wet Locations Above Grade.

A new section was added to Part II (over 1000 volts, nominal) of Article 300 to indicate that the interior of raceways installed in wet locations above grade are now

considered to be a wet location. This will bring aboveground installation requirements for over 1000 volts consistent with the requirements in 300.9 for 1000 volts and under.

8. 310.15(B)(3)(c), Exception and Table 310.15(B)(3)(c) Raceways and Cables Exposed to Sunlight on Rooftops.

A new exception was also added that will allow the employment of Type XHHW-2 conductors, which is a thermoset insulated conductor, to be installed in raceways or cables on rooftops without having to apply an ambient temperature adjustment correction factor for these conductors.

9. Revision: 406.9(B)(1) Extra-Duty Covers at 15- and 20-Ampere Receptacles at Wet Locations.
10. Revision/New: 445.11 Marking at Generators to indicate if the neutral is bonded to the frame.
11. 517.18(B); 517.19(B); and 517.19(C) Health Care Facilities – Number of Receptacles.
12. New: 690.12 Rapid Shutdown of PV Systems on Buildings.

These are just a few of the changes that have been incorporated into the new 2014 *NEC*.

The Importance of Adopting the Latest Edition Of the National Electrical Code®

The undersigned members of the Electrical Code Coalition support direct adoption of the latest edition of the *National Electrical Code*. Direct adoption means that it is not adopted through a building code or other standard, but is directly adopted through direct legislative or administrative action. Direct action ensures that the requirements are not dependent on a code that is unrelated or only peripherally related.

The latest edition represents the latest technological advances. The NEC is revised every three years. Each edition goes through an extensive public vetting process to ensure that it meets technical and societal needs for minimum electrical safety.

Building inspection departments are evaluated by the Insurance Services Office (ISO) based on use of up to-date Codes and Standards. Adoption of the latest edition of the NEC can result in lower insurance premiums for property owners in a jurisdiction.

The National Electrical Code is responsive. The Code is revised every three years to ensure that the requirements take into account the latest in technology and safety. This ANSI-based consensus process includes expertise from installers, inspectors, electric utilities, testing laboratories, manufacturers and others.

Industry training programs and industry magazines and other resources support the current edition. When the new edition is released, all of the industry resources switch their focus to the new edition. All of the trade magazines and industry web sites want to provide up-to-date information.

Electricians and electrical inspectors trained and working to the current edition have increased opportunities. Uniform adoption of the latest edition NEC across jurisdictions will help open up opportunities for electricians, contractors, and inspectors to work in various jurisdictions since they will all have been trained to the same technologically current, safety oriented code.

The Electrical Code Coalition: An Industry Coalition Supporting Qualified Electrical Inspectors



Thomas R. Kuhn, President
Edison Electric Institute



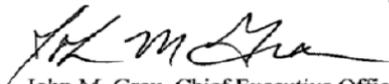
Larry Mullins, Executive Vice President and CEO
Independent Electrical Contractors



David E. Clements, CEO and Executive Director
International Association of Electrical Inspectors



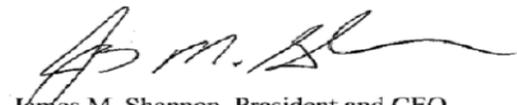
Edwin D. Hill, International President
International Brotherhood of Electrical
Workers



John M. Grau, Chief Executive Officer
National Electrical Contractors Association



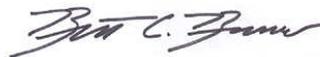
Evan R. Gaddis, President and CEO
National Electrical Manufacturer's Association



James M. Shannon, President and CEO
National Fire Protection Association®



Keith Williams, President and CEO
Underwriters Laboratories Inc.



Brett Brenner, President
Electrical Safety Foundation Intl. (ESFI)

Electrical Inspections Are A Vital Public Safety Function

Inspections Can Save Lives and Property: Inspections by qualified electrical inspectors reduce the potential for fire and shock hazards due to incorrectly installed electrical products and systems covered by the National Electrical Code®, save lives, and reduce property damage that may result from unsafe electrical installations.

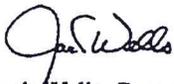
Inspections Mean Compliance with Laws: Most states and localities require electrical installations to comply with the National Electrical Code®, to protect public safety. Electrical inspections help confirm that electrical wiring and systems are installed “according to Code.”

Inspections Check for Safe Products: Most states and localities require electrical products to be “listed” by recognized product safety certification organizations. Electrical inspections help confirm that properly certified products meeting U.S. safety standards are installed.

Inspections Confirm that Qualified Installers are on the Job: Electrical inspections protect against untrained or careless installers. Too often, unqualified installers perform unsafe electrical installations, and may also use products that don’t meet national safety requirements or local laws and codes.

Inspections Can Help Lower Insurance Premiums: Property insurance premiums are generally lower in areas with strong building codes enforced by professional inspectors. That’s because qualified electrical inspections help protect lives and property.

The Inspection Initiative: An Industry Coalition Supporting Qualified Electrical Inspections



Jack Wells, Pass & Seymour/Legrand
Chairman, The Inspection Initiative



G. Thomas Castino, President and CEO
Underwriters Laboratories Inc.



Philip H. Cox, Executive Director
International Association of Electrical Inspectors



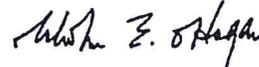
George D. Miller, President
National Fire Protection Association



John M. Grau, Executive Vice President
National Electrical Contractors Association



Jack Barry, International President
International Brotherhood of Electrical Workers



Malcolm O'Hagan, President
National Electrical Manufacturers Association



Thomas R. Kuhn, President
Edison Electric Institute

Electrical Code Adoption 2014 – Additional information and clarification for the September 22, 2014 Meeting

This information is both a clarification as well as additional information to clarify the 2014 Code Adoption by NFPA and the State of Maine and references made regarding AFCI and GFCI devices. The City Electricians goal is help educate and assist the citizens of Auburn towards a safe and affordable electrical installation and provide installers with the latest technologies to achieve that goal.

Code adoption:

The National Electrical code NFPA 70 was adopted by NFPA in Quincy Ma. August 2013. The 2014 edition replaced the 2011 edition and has been in it's final form since August 2013.

The State of Maine voted to adopt the 2014 edition (NFPA 70- 2014) at the July Examining Board meeting.

State wide as of August 20th 2014 inspections and permitting reference the 2014 edition.

In order for municipalities to utilize the most current edition of the NEC city ordinance must reflect the adoption of the most current standard (NFPA 70 - 2014).

Staff has looked into the question raised by Councilor Crowley stating that the 2014 code was still out for public comment until October or November and changes could still be made, so how could we adopt a code that is not yet written and finalized? The Code has been finalized for over a year as noted above, however, NFPA has started work on the 2017 addition and there is an open public comment period on that future version of the code. I suspect that the question was related to the 2017 code as staff has not found any other information related to this.

-What are AFCI's and GFCI's-

To help councilors better understand comments mentioned regarding Arc fault circuit interrupters(AFCI's) and ground fault circuit interrupters (GFCI's) The City Electrician has included helpful links for a simple explanation.

AFCI devices are not new and have been installed in previous code cycles since 1999. AFCI's protect from fires associated with interior wiring of a dwelling. <http://www.afcisafety.org/>

GFCI's – ground fault circuit interrupters have been a requirement for specific installations since 1968. GFCI's protect people from electrocution with water related installations.

<https://www.youtube.com/watch?v=K555qzFPSCE>

Copy of August 29 Email from City Electrician that was forwarded to Council in Early September:

I wanted to follow up on some questions that were asked during the first reading of the 2014 NEC. I understand and have sympathy with individuals regarding the cost of new codes and standards. With that said I am providing a little background information to help citizen realize that in reality many of the new requirements actually lower the cost of installation and still allows for a safe installation. We need to keep in mind that the NFPA 70 is the bare minimum installation requirements for any electrical

Electrical Code Adoption 2014 – Additional information and clarification for the September 22, 2014 Meeting

installation worldwide. Many installations go far above this standard. Also for each new requirement NFPA performs a cost analysis study for the change as well. The list below are a few changes to the 2014 NEC that actually provide less expensive installation methods than the previous 2011 NEC.

2014 NEC changes that reduce installation costs: **The highlighted information would be cost savings utilizing the 2014 NEC for dwelling applications.**

210.52(E)(1) on outdoor receptacle access (could result in one or maybe two less outlets depending on number and location of porches and decks)

220.12 Exception-ability to use energy code lighting load parameters instead of NEC values (this is significant in commercial construction)

250.121 Exception permission to use one conductor as EGC & GEC.

310.15(B)(3)(c) use of XHHW-2 insulation exempts installation on rooftop from temperature adder (probably not a big deal in Maine, but an example none the less)

404.2(C) relief provided on having a neutral at each switch location

547.5(F) permission to use insulated aluminum conductor as an underground EGC

555.15(C) permission to use insulated aluminum conductor as an underground EGC

680.42(B) relief provided on perimeter equipotential bonding

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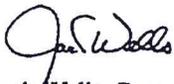
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The Inspection Initiative: An Industry Coalition Supporting Qualified Electrical Inspections



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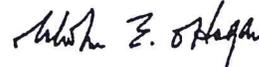
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International Brotherhood of Electrical Workers



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National Electrical Manufacturers Association



Thomas R. Kuhn, President
Edison Electric Institute

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 06-08182014

ORDERED, that the Code of Ordinances, section 12-96 hereby be amended as follows;

Sec. 12-96. National Electrical Code adopted

The city hereby adopts a certain electrical code known as the National Electrical Code recommended by the National Fire Protection Association and being particularly the ~~2008~~2014 edition.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 22, 2014

Ordinance 07-09082014

Author: Douglas M. Greene, City Planner

Subject: Re-zoning request in the Taylor Pond Area

Information: A citizen based petition was submitted to the Planning Office requesting a rezoning of properties in the Southwest area of Taylor Pond as recommended in the 2010 Comprehensive Plan. The rezoning will change the current zoning of Low Density County Residential to Urban Residential. This area has built up over many years in small summer camps but has been zoned Low Density County Residential (LDCR) which had a 3 acre minimum lot size and fairly large building setbacks. This area is also served by sanitary sewers which also can facilitate smaller lots.

The main reasons the 2010 Comprehensive Plan recommended this change are:

1. The change is consistent with the Comprehensive Plan in areas that are served by public sewers.
2. The zone change will make more of the lots in the area more conforming than the existing zoning.
3. The change will allow for the redevelopment of seasonal homes into year round homes with setbacks that are smaller than currently allowed.
4. The zone change will make the homes in the area of the proposed zone change more consistent with existing development patterns in the area.

Pro's & Con's: Pro's- Rezoning these properties will allow the owners to renovate, expand and improve their properties, which will add value and increase tax revenues. Con's- None

Financial: No direct financial impacts. Long term impact should be positive with higher assessments due to improvements to residences and structures.

Action Requested at this Meeting: Positive action to move this item to a public hearing and 1st reading.

Previous Meetings and History:

1. 2010 Comprehensive Plan process over 2 year period with recommendation to change the future land use in this area.
2. Planning Board recommends approval to the City Council of the zone change on July 8, 2014 meeting.

Attachments:

1. Citizen petition for Zone Change (ZOMA 1194).
2. Staff Report to Planning Board from July 8, 2014 meeting.
3. Map from 2010 Comprehensive Plan with recommended change to Taylor Pond area.
4. Map of existing zoning in the Taylor Pond area.
5. Map of proposed zoning (as reviewed by the Planning Board at the 7/8 meeting).
6. Map of revised zoning based on Planning Board action at the 7/8 meeting.
7. Map of Environmental Constraints.
8. Minutes of the July 8, 2014 Planning Board Meeting
9. Public Hearing Ad
10. Planning Board Recommendation Report
11. Taylor Pond Zone Change Memo
12. Taylor Pond Zone Change Report
13. Ordinance 07-09082014

**Agenda items are not limited to these categories.*

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Zoning Map and the City of Auburn Comprehensive Plan, Future Land Use Map in the area of Pond View and Ledgeview Drives from from Low Density Country Residential to Urban Residence as outlined in black on the attached map. The parcels or portions of parcels listed on the attached property list as outlined in black would be changed as noted above. The change is consistent with the Comprehensive Plan in areas that are served by public sewer and will make more of the lots conforming than are conforming under the existing zoning. The change will allow for redevelopment of seasonal homes into year round homes with setbacks that are smaller than currently allowed and more consistent with existing development patterns.

SIGNATURE	PRINTED NAME	ADDRESS
Arnold Adams	Arnold Adams	183 Broad St
Carolyn Adams	Carolyn Adams	183 Broad St, Aub.
Jay Arnold	Jay Arnold	10 Dunham St Aub.
Timothy J. Earle	Timothy J. Earle	212 Lake Street
Kathy J. Brooks	KEDDY J. BROOKS	53 Sixth St., Auburn
Lisa Latuelippe	Lisa Latuelippe	20 Lafayette Street, Auburn
Ray Ouellette	RAY OUELLETTE	63 Littlefield Rd
Robert Stalford	Robert Stalford	29 Madison St
Zachary S. Earle	Zachary S. Earle	212 Lake St
Roger L. Bixette	Roger L. Bixette	83 Broadview Ave
Kyan Bixette	KYAN BIXETTE	86 Broadview Ave
Stevan J. Damien	Stevan J. Damien	703 So Witham Rd
Diane D. Damien	Diane D. Damien	1278 Powal Rd
Claudette Jordan	CLAUDETTE JORDAN	454 Fletcher Rd
Tom Freitas	Tom Freitas	53 Howe St Aub
Mark Eustis	Mark Eustis	137 Riverside Dr. Auburn
Adam West	Adam West	32 Amherst St Auburn
Richard Speer	Richard Speer	566 N. Auburn Rd, Aub.
Cindy Ross	CINDY ROSS	420 Mill St Aub
Kim Brooks	Kim Brooks	30 Barton Ave Aub
Sandra Brown	Sandra Brown	773 Court St Aub.
Maurice Pelletier	Maurice Pelletier	191 Peland Springs Rd Auburn
Ernest H. Chau	Ernest H. Chau	39 Penley Corn Rd Aub.
* Carmille Bernard	CARMILLE BERNARD	448 Youngs Corner Rd Aub.
Lester Perry	Lester Perry	27 Miami Ave Aub ME.
Jay Bishop	JAY Bishop	901 Lakeshore Drive Aub.
Daniel J. Rodrigue	Daniel J. Rodrigue	259 Gamage Ave Aub.
* Ronald Basten	RONALD BASTEN	53 6th St. Aub
Elwin Sizeland	Elwin Sizeland	30 Fairview Ct Aub
Donald R. Mailhot	DONALD R. MAILHOT	185 BROAD ST. AUB
Lisa A. Mailhot	LISA A. MAILHOT	185 Broad St Aub

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SIGNATURE	PRINTED NAME	ADDRESS
	Darlene Whitley	257 S. Main St. Auburn ME
	David Arnold	78 Coachman AVE AUB ME
	CHERYL A. ARNOLD	26 OLD CARRIAGE AUB ME
	TRENET. THERIAULT	95 LEDGEVIEW COVE AUB ME
	ROLAND V. MAILHOT	134 LEDGEVIEW COVE AUB ME
	PATRICIA D. MAILHOT	134 Ledgeview COVE AUB ME
	JACQUELINE C. DOWLING	161 Pond View Drive Auburn
	JAMES DOWLING	161 Pond View Dr Auburn
	PAULINE MORISSETTE	545 Garfield Rd. Auburn
	BRENDA JOLY	167 Pond View Drive
	KEVIN D. JOLY	167 Pond View Drive
	YOLANDE GAY	195 WEST ST. AUBURN
	EDMOND L. GAY	195 W. ST. AUBURN
	LOUISE C. FORGUES	157 POND VIEW DR. AUBURN
	Anne Pontbriand	493 Garfield Rd Auburn
	Annette Chénard	61 Cason Ln. Auburn
	CLAUDETTE WINSLOW	61 CAROLINA, AUBURN
	Colinne F. Clouture	61 CAROLINA AUBURN
	Robert H. Tremblay	134 Pond View Dr. Auburn
	MARC D. TREMBLAY	134 Pond View Drive Auburn
	Theresa Tremblay	134 Pond View Dr.
	Stephen Bouchard	14 Pond Crest Lane Auburn
	MIGNONNE MAILHOT	147 Pond View Dr. Auburn
	Marie Steele	42 Terrace Rd. Auburn
	DAVE STEELE	1159 Hotel Rd, Auburn
	GEORGE C. LANGLIER	56 LAURIER ST. LEWISTON ME Taylor Pond

June 1, 2014
To: ERIC Cousens

From: Claire Mailhot
135 Pond View Drive

ERIC,

Please find attached the list of Auburn voters who support the rezoning in the area of Pond View and Ledger View Drives from Low Density Country Residential to Urban Residence.

In addition to listed voters I have gotten signatures of home owners on Pond View and Ledger View who live in Leiston and have seasonal cottages, and other lake residents.

Thank you for your many efforts to clarify building issues and your rapid response.

Sincerely,

Claire Mailhot

tel 650-591-4351 (CA)

650-724-3403 (CA-wk)

784-1879 (cottage)



60 Court Street
Auburn, Maine 04210
Tel: (207) 333-6601 ext. 1158
Fax: (207) 333-6625

RECEIPT

BILL TO:

Claire Mailhot
509 Starboard Dr
Redwood City, CA 94065

Receipt Number: TRC-005960-04-06-2014

Date: 06/04/2014

Amount**PRIMARY FEES**

Invoice Number: 5534

Map Amendment	\$400.00
Advertising - ZO/MA	\$300.00

PAYMENTS RECEIVED

Date	Payment Method	Check Number	Amount Received
06/04/2014	Check	10602	\$700.00
	Total Payment		\$700.00
	Change Due		\$0.00

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Development

PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA
City Planner

Re: ZOMA 1194- 2014: Taylor Pond Area Zoning Map Amendment

Date: July 8, 2014

I. PROPOSAL- A citizen based petition was submitted to the Planning Office requesting a rezoning (Zoning Map Amendment) of properties in the Southwest area of Taylor Pond as recommended in the 2010 Comprehensive Plan. The 2010 Comprehensive Plan recommends the Moderate Density Neighborhood Conservation land use designation for the area of Pond View Road and Ledgeview Road. (**Attachment 1**) The rezoning would change the current zoning of Low Density County Residential to Urban Residential. (**Attachment 2**)

This area has built up over many years in small summer camps but has been zoned Low Density County Residential (LDCR) (**Attachment 3**), which had a 3 acre minimum lot size and fairly large building setbacks. This area is also served by sanitary sewers which also can facilitate smaller lots.

The main reasons the 2010 Comprehensive Plan recommended this change is:

1. The change is consistent with the Comprehensive Plan in areas that are served by public sewers.
2. The zone change will make more of the lots in the area more conforming than the existing zoning.
3. The change will allow for the redevelopment of seasonal homes into year round homes with setbacks that are smaller than currently allowed.
4. The zone change will make the homes in the area of the proposed zone change more consistent with existing development patterns in the area.

ZONE CHANGE IMPACTS: The proposed zone change affects 35 properties. (**Attachment 4**) Half of the properties are under a quarter of an acre.

COMPARISON OF ZONES: One of the reasons for the zone change is number 3 listed above: *"The change will allow for the redevelopment of seasonal homes into year round homes with*

setbacks that are smaller than currently allowed.” The chart below compares some basic size and dimensional differences between the current zoning Low Density Country Residential (LDCR) and the proposed zoning of Urban Residential (UR).

Zoning District\Dimensional Req.	Min. Lot Size	Lot Width	Lot Depth	Front Yard	Rear Yard	Side Yard	Density
Low Density Country Residential	3 ac.	325 ft.	200 ft.	50 ft.	50 ft.	15 ft.	1 du/3 ac.
Urban Residential	10,000 s.f.	100 ft.	100 ft.	25 ft.	25 ft.	5 ft.	4 du/ 1 ac.

These dimensional differences show how the proposed zoning will provide additional area for property owners to make conversions of camps into year round residences.

DENSITY: Questions have been directed to the Planning Staff asking about potential new subdivisions and/or increased densities in the area proposed for rezoning. There are limited opportunities to subdivide based on the environmental conditions of the area. **Attachment 5** is a map showing a 250’ Shoreland protection buffer, Resource Protection Areas, Protected Resource Areas and **Attachment 6**, a map showing wetlands in the areas. Based on the composite overlaying of these restrictions, potential for future subdivisions are extremely limited and would have to pass thorough scrutiny by the Planning Staff or Planning Board.

ENVIRONMENTAL IMPACTS: Questions were also raised about possible environmental impact the zone change might create. Attachments 3 and 4 illustrate the extensive environmental overlays that cover close to 90% of the proposed zone change. None of these overlays are changing with the zone change request. It is the staff’s opinion that the zone change will not have negative environmental impacts, most importantly to Taylor Pond.

II. DEPARTMENT REVIEW-

- a. Police- No Comments
- b. Auburn Water and Sewer- No Comments
- c. Fire Department- No Comments
- d. Engineering- No Comments

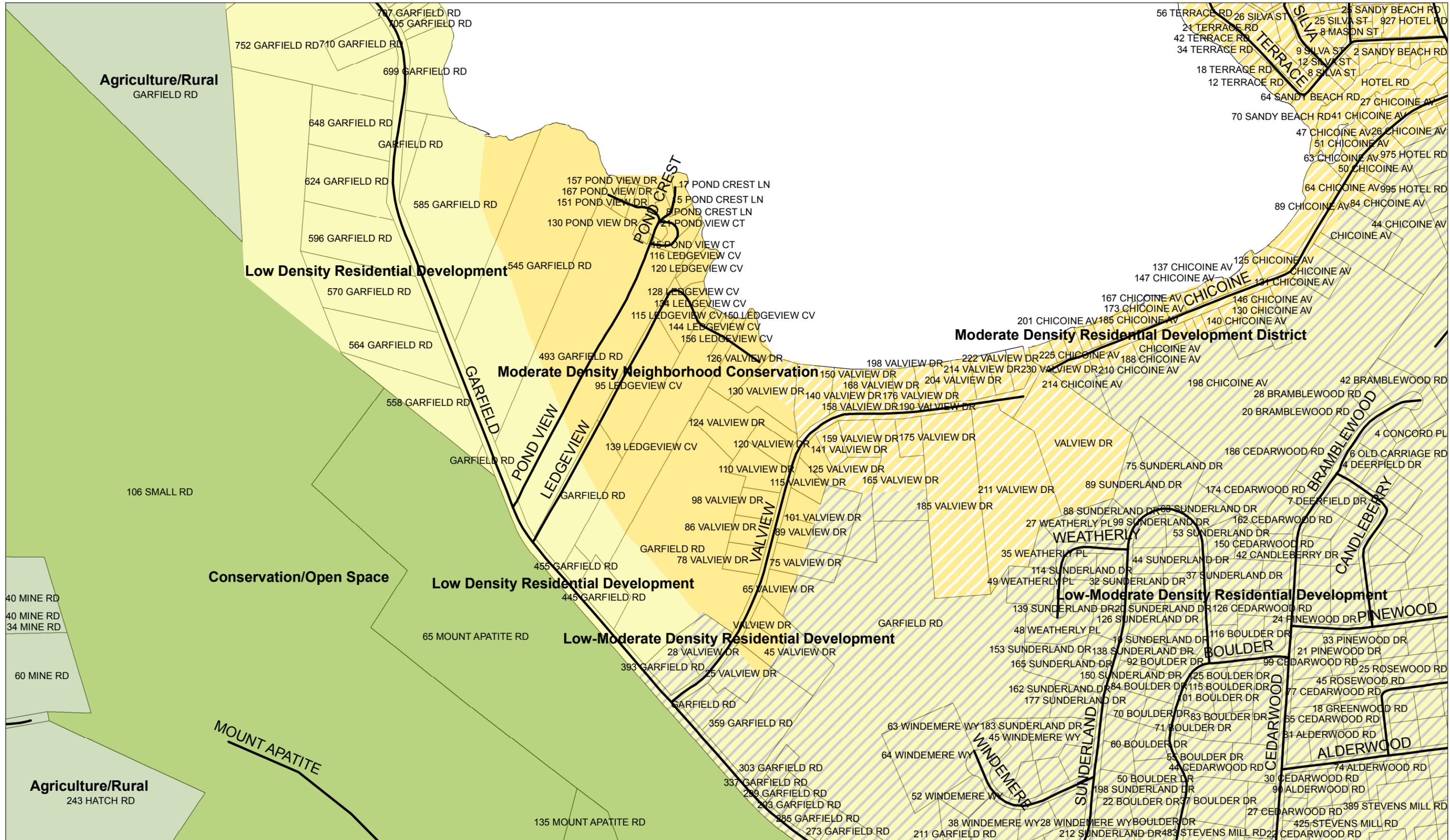
III. PLANNING BOARD ACTION- The Planning Board is being asked to review the application and related materials and to consider making either a positive or negative recommendation, with findings, that will be sent to the Auburn City Council for a work session and public hearing, and then 2 reading (votes) on the zone change.

IV. STAFF RECOMMENDATION- The Staff reviewed the 2010 Comprehensive Plan, the Zoning Ordinance and GIS mapping data and recommends **APPROVAL** of ZOMA-1194-2014 with the following findings:

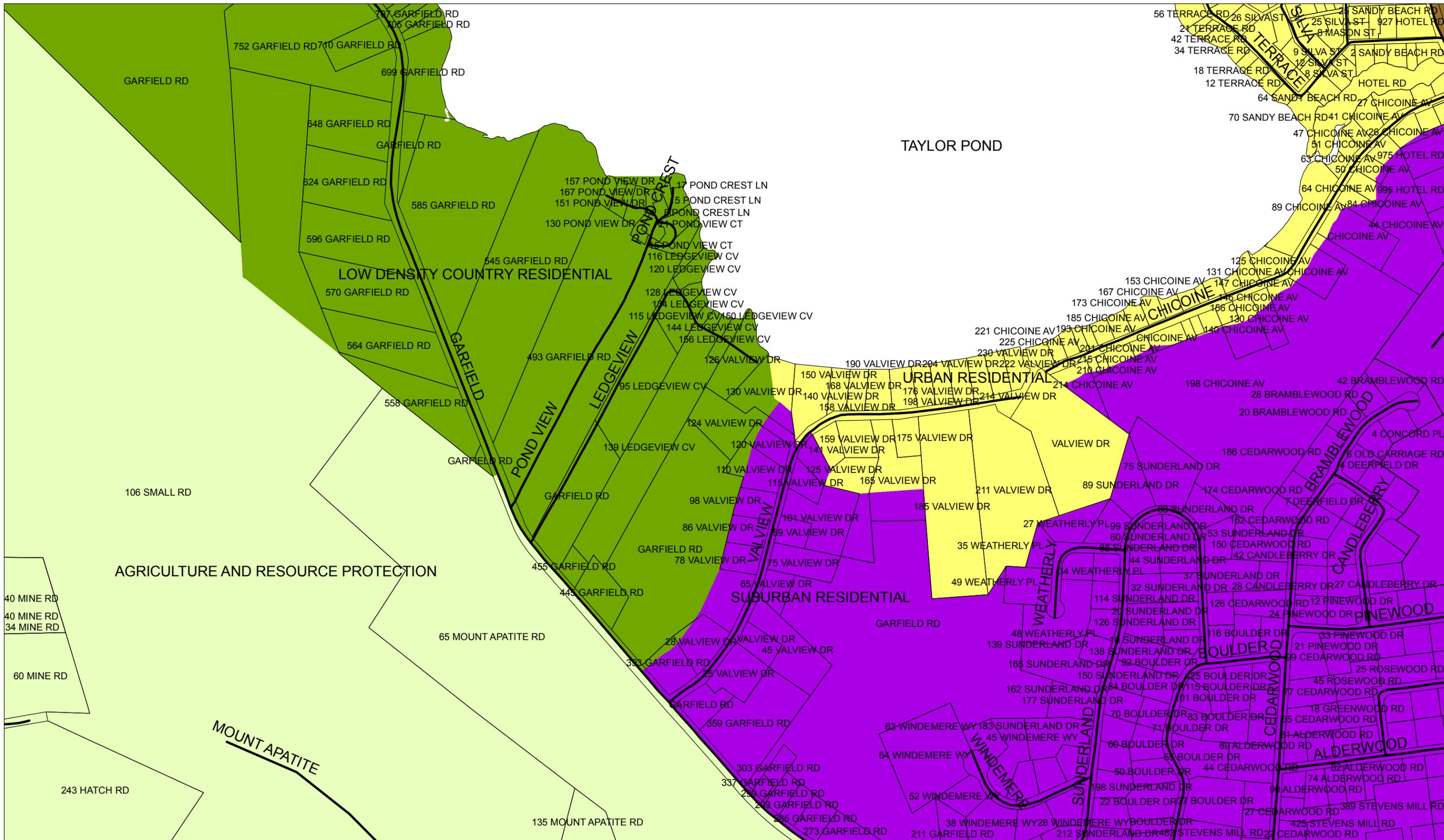
1. The zone change to Urban Residential District from Low Density Country Residential District is consistent with the Moderate Density Neighborhood Conservation District Land Use Recommendations as depicted in the 2010 Comprehensive Plan Future Land Use Map.
2. The Urban Residential District is consistent with the definition of Moderate Density Neighborhood Conservation District as defined in the 2010 Comprehensive Plan.
3. The zone change is consistent with the 2010 Comprehensive Plan's policy of encouraging smaller lot development in areas that are served by public sewers.
4. The zone change will make more of the lots in the area more conforming than the existing zoning.
5. The zone change is consistent with the 2010 Comprehensive Plan's policy to allow for the redevelopment of seasonal homes into year round homes by providing setbacks that are smaller than currently allowed in the Low Density Country Residential District.
6. The zone change will make the homes in the area of the proposed zone change more consistent with existing development patterns in the area.


Douglas M. Greene, A.I.C.P., R.L.A.
City Planner

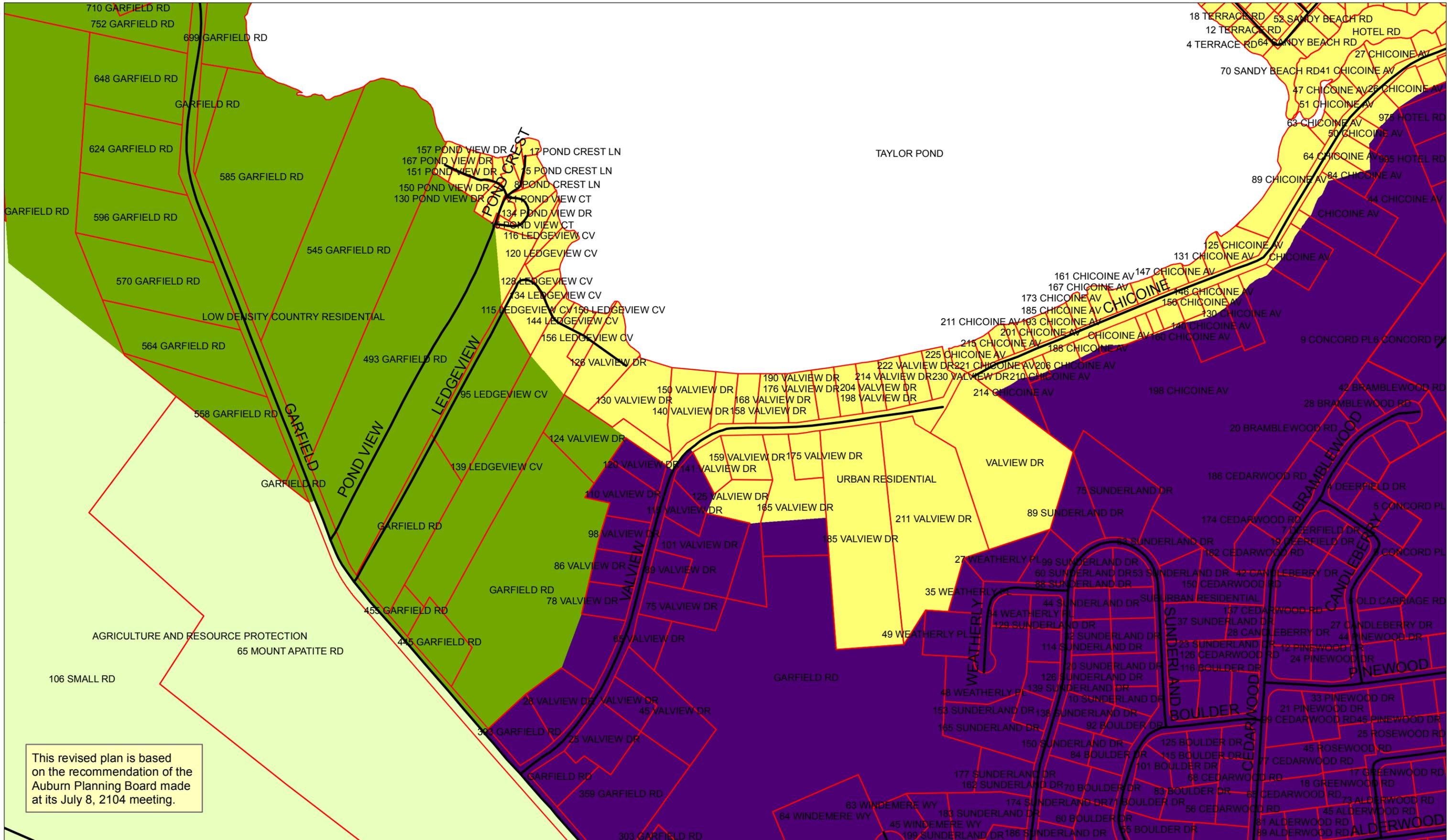
ZOMA- 1194: 2010 Comprehensive Plan Recommendation



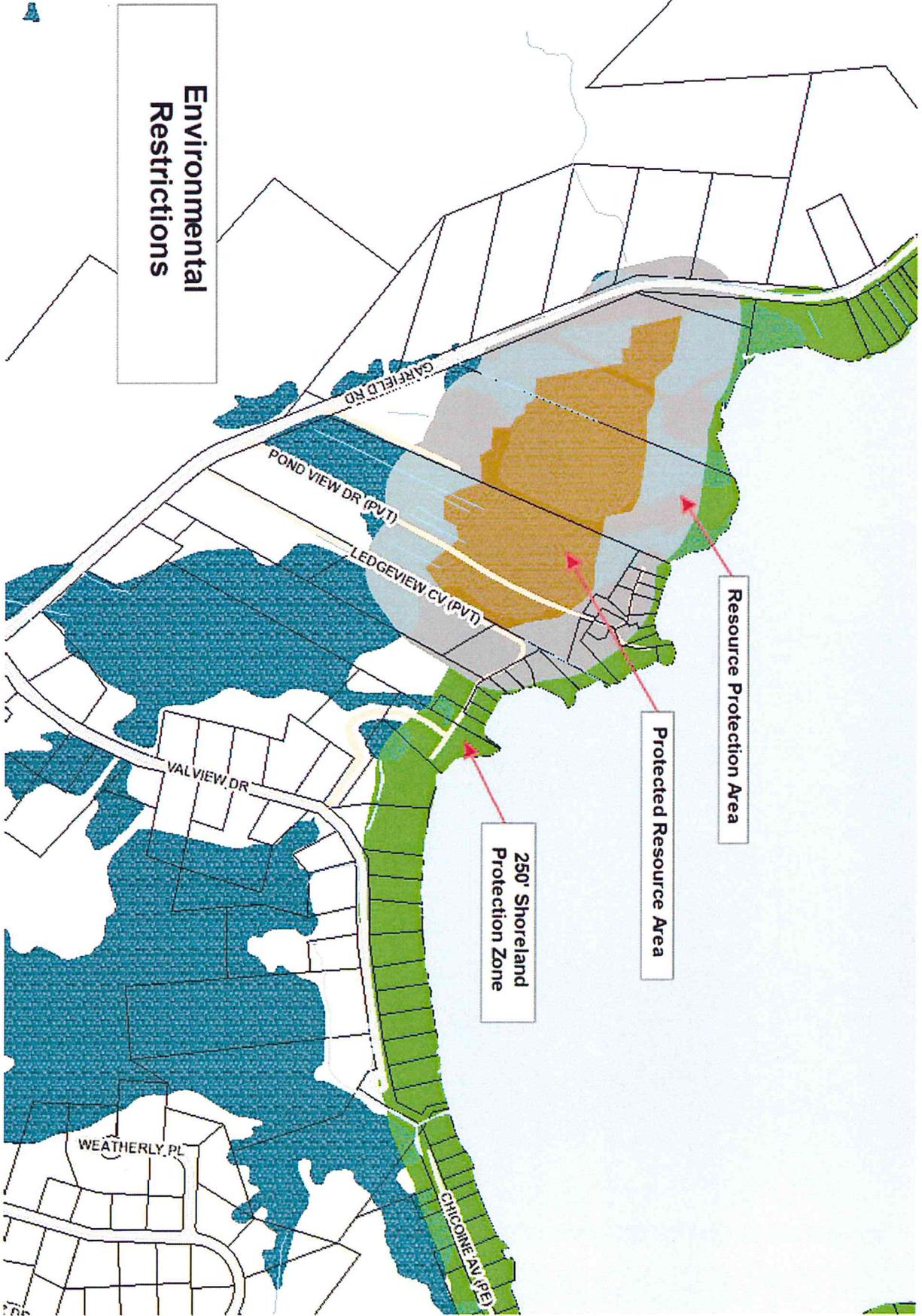
ZOMA- 1194 "Pond View Zone Change" Existing Zoning



ZOMA- 1194: "Pond View Zone Change" Revised



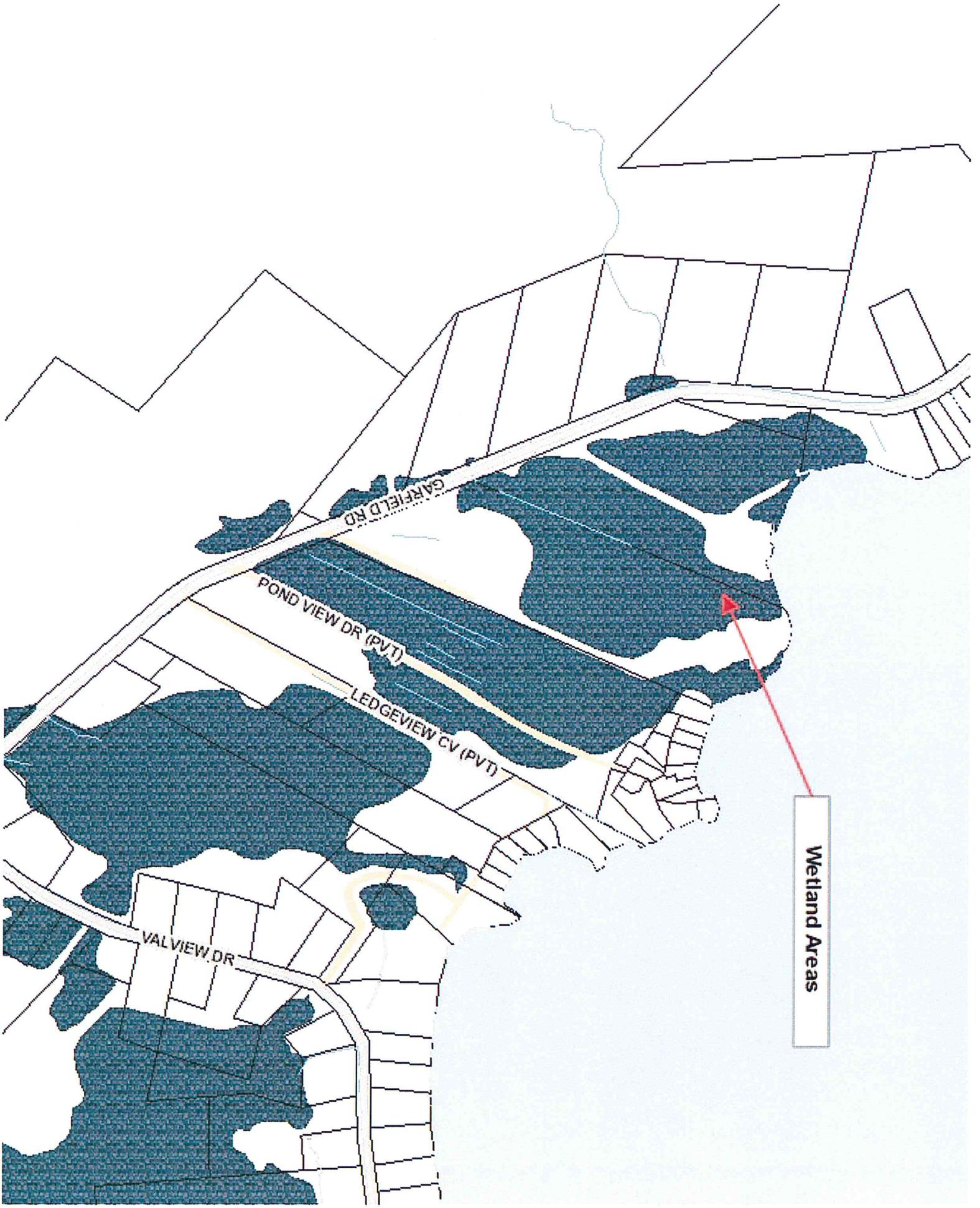
**Environmental
Restrictions**



Resource Protection Area

Protected Resource Area

250' Shoreland
Protection Zone



Wetland Areas

Auburn Planning Board Meeting Minutes

July 8, 2014

Roll Call

Full Members present: Evan Cyr, Emily Mottram, Robert Bowyer Presiding, Dan Philbrick and Marc Tardif.

Associate Members present: Kenneth Bellefleur

Associate Members absent: Mia Poliquin Pross

Also present representing City staff: Eric Cousens, Deputy Director of Planning & Development and Douglas Greene, City Planner.

(02:10 on DVD)

Chairperson Bowyer called the meeting to order at 6:00 pm. He said there were 2 vacancies on the Board; therefore, Ken Bellefleur's member status would be elevated to full member status for tonight's meeting. He then explained the procedure that is followed for public hearings.

Public Hearings:

Public hearing on a proposal by Snowden Consulting Engineers, Inc., an agent for Pine Tree Holdings, aka. Hammond Tractor for a special exception and site plan review for property located at 1525 Minot Avenue, in order to construct a new 21,600 sf. retail building and 24,000 sf. of self storage units, pursuant to Chapter 60, Sections 60-525 (b) (14); 60-1301 and 60-1336 of the City of Auburn Ordinances.

(06:50 on DVD)

Douglas Greene went over the staff report and presented slides via PowerPoint.

(15:45 on DVD)

Chairperson Bowyer asked what was the City's general policy about accepting streets in new commercial/industrial developments. He also asked if the City were to accept the street and if it were to be built to City standards, what is the prescribed right-of-way width and does the cross section of the proposed construction conform to City standards.

(19:45 on DVD)

Gary Hammond, owner of Hammond Tractor and Boyd Snowden acting agent from Snowden Consulting Engineers spoke about the project. Mr. Snowden stated the plan was to construct the road to City standards but not necessarily request acceptance from the City at this time.

Open Public Input

A motion was made by Emily Mottram and seconded by Dan Philbrick to close the public input part of the meeting. After a vote of 6-0-0, the motion carried.

(22:53 on DVD)

A motion was made by Dan Philbrick and seconded by Ken Bellefleur to approve the special exception and site plan review for property located at 1525 Minot Avenue, in order to construct a new 21,600 sf. retail building and 24,000 sf. of self storage units, pursuant to Chapter 60, Sections 60-525 (b) (14); 60-1301 and 60-1336 of the City of Auburn Ordinances.

After a vote of 6-0-0, the motion carried.

Public hearing on a proposal to amend the City Of Auburn Zoning Map in the area Pond View Road and Taylor Pond from Low Density Country Residential District (LDCR) to Urban Residential District (UR). The proposed change includes the following properties: 493, 545, & 585 Garfield Rd., 0 Garfield Rd (PID- 225-009), 0 Garfield Rd. (PID-226-004), 95, 115, 116, 120, 128, 134, 138, 139, 144, 150, & 156 Ledgeview Cv., 8, 14, 15, & 17 Pond Crest Ln., 15, 21, & 21 Pond View Ct., 130, 134, 135, 147, 150, 151, 157, 160, 161, & 167 Pond View Dr., 124, 126, and 130 Valview Dr. pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

Eric Cousens went over the staff report and explained the various maps that he presented via PowerPoint.

(35:30 on DVD)

Emily Mottram stated she had a client that currently owned one of the properties affected by the zone change but said the zone change did not affect what they were doing on the property. Chairperson Bowyer asked if the Board members felt there was any potential conflict of interest with Emily participating and all replied they did not feel there was any conflict so Emily could participate.

Chairperson Bowyer asked beyond zoning, what other City ordinances or codes might come into play when seasonal buildings are being converted to year round homes. Eric replied there are several environmental protections in place that staff believes would prevent any negative environmental impact from allowing reduced setbacks with the zone change and mentioned the following:

- Taylor Pond Overlay District requires that for a conversion from seasonal to a year round residence that they connect to City sewer.
- Phosphorus standards requires that if they expand the footprint of the building by more than 575 sq ft or the driveway by more than 1,500 sq ft that they hire a design professional to do the calculations to figure out if the run-off will exceed their allowance for phosphorus.
- Shoreland zoning requires that any building within 100 ft of the water is not expanded by more than 30% by floor area or volume.
- At the State level we have rules/standards for impacting any wetland and soil disturbance prohibitions within 75 feet of the pond unless special circumstances requires soil disturbance where they can get a permit for up to 25 feet of the water.

(41:22 on DVD)

Evan Cyr added that there are also technical standards for construction spelled out in the building, electrical and plumbing codes.

Open Public Input

(44:35 on DVD)

Dana Little, resident of 585 Garfield Road and President of Taylor Pond Association said he was concerned about the quality of the water, especially phosphorus run-off. He said he was not here to oppose this but wanted to make certain environmental impacts were minimized as this pond is very vulnerable. He mentioned Sabattus Pond as an example of what can happen if regulations are lax. He said he's seen a lot of illegal development around Taylor Pond such as someone building a road where it wasn't supposed to be built, people cutting down trees and establishing lawns where there weren't any lawns before. He spoke about the various programs that the Taylor Pond Association offered to area homeowners. He asked City staff if this change would affect taxes in the area. Eric replied no it wouldn't and explained how the Assessors use neighborhood codes.

Ken Bellefleur asked if he had any suggestions. Mr. Little suggested that we enforce current regulations and add to the regulations that people establish buffer zones of 10 to 20 feet between the house and the pond.

A discussion ensued regarding buffer zones, phosphorus run-off, expansion and development around the pond.

(52:45 on DVD)

Donald Mailhot, co-owner of 147 Pondview Drive, gave a brief family history and explained the reasons behind the petition. He said he favors the petition but with careful planning.

Marc Tardif asked Mr. Mailhot how he felt about a vegetative buffer being an added condition. He replied he didn't believe there was any place in that area that would allow for any expansion and suspects that the majority of people are aware of potential issues with run-off.

Jacqueline Dowling of 161 Pondview Drive said it took over 3 years to turn her camp into a year-round home because of all of the rules and regulations and inspections that were done during the process. For that reason, she said she didn't think the little setback issue that is on the table is going to make that much difference because the land is already built up with no more room left to build more. She said it's only to let people make improvements so is in favor of the proposal.

(01:01:48 on DVD)

Marion Rausch of 86 Valview Drive mentioned an email that she had written for the Board members. She spoke about when rules were broken, the fines were paid but people weren't made to undo what they did wrong so many people in the area are worried that this will continue. She went to the map and pointed out where the zone change should end to avoid new development.

Raymond Bedette of 130 Valview Drive said he agrees with previous comments to make a very narrow strip to allow people to do what they want with their camps. But as a past President of the Auburn Water District and past member of the Lewiston Auburn Watershed, he said he has seen many undevelopable properties get in through loopholes and added that we should do everything

we can to protect those areas. He said he was opposed to this as proposed but said there was a compromised position of a narrow Urban Residential band that accomplishes what people want to accomplish but does not open up the back land for future development.

Barbara Mitchell of 179 West Shore Road said it makes sense as a protection to ask for a buffer for any expansion and said she agreed with Mr. Bedette and Ms. Rausch about keeping this to a narrow band and keeping the back land zoned as LDCR. She asked why the illegal road was never rectified. Eric replied that stabilization measures did rectify the situation and fines were paid to Maine DEP. He said it was permissible but they should have obtained permits before they did the work, then they would have known what they could and couldn't do at that time instead of having to undo some things.

(01:09:42 on DVD)

Marc Tardif asked if more lots could be added on that road/driveway if this was approved. Eric replied there was a potential for 2 lots on that driveway right now as it existed and said he didn't think this proposal would change that. He added that one lot has frontage on Valview and the other on Ledgeview.

James Dowling of 161 Pondview Drive stated the size of your lot will dictate what you can build on that lot. He said he was in favor of the proposal and said the wetlands controlled most of the area so it was very limited.

Eric was asked how he felt about the suggested rezoning of just a narrow band instead of including the back land. Eric replied where you actually draw that line is a bit arbitrary. As long as you include the areas that are densely developed and are served by City sewer, then it accomplishes most of the goals of the Comp Plan. He said he doesn't think it would be bad to take that approach but just a little bit different than what was petitioned for and a little bit different than what the Comprehensive Plan recommended.

(01:16:50 on DVD)

Dana Little explained what a buffer zone entailed. He stated the cheapest is just not mowing the lawn all the way and allowing some trees and shrubs to grow up. He mentioned various techniques people could use to reduce run-off.

James Beaulieu of 98 Valview Drive stated he was not in favor of the original petition as it was written but was in favor of just the narrow strip being rezoned as suggested.

A motion was made by Ken Bellefleur and seconded by Evan Cyr to close the public input part of the meeting. After a vote of 6-0-0, the motion carried.

(01:21:39 on DVD)

Chairperson Bowyer explained to members of the audience that it is only the City Council who can amend the zoning map and the Planning Board's role is to make a recommendation to them which is not binding.

A motion was made by Evan Cyr and seconded by Ken Bellefleur to approve a reduced area for zone change from LDCR to UR to extend 250 feet from the high water mark of Taylor Pond

from 130 Valview Drive to extend to 167 Pondview Drive to include an extension to the rear of those parcels that are affected by the zone change.

After a vote of 6-0-0, the motion carried.

Evan Cyr reiterated that the Planning Board does not have the power to actually create this zone change; we simply forward a positive or negative opinion to the City Council. He recommended to members of the audience who asked for buffer zones to contact the City Council since they would be making the final decision.

Chairperson Bowyer explained how notifications to the public were made for City Council meetings.

(01:26:08 on DVD)

Chairperson Bowyer declared a brief recess at 7:29 pm and called the meeting back to order at 7:36 pm.

Minutes

A request to approve the June 10, 2014 meeting minutes was made by staff.

Chairperson Bowyer stated the following errors in the June 10, 2014 meeting minutes:

- on the last page, should have read: “Robert Gagnon was not seeking re-appointment” (not Chairperson Bowyer),
- references to Minot Road should read: Minot Avenue,
- on the first page, it should read: “that it could be easier to acquire land” (not that it would be easier), and
- when referencing a City Councilor, the title City Councilor should be used before their name.

A motion was made by Evan Cyr and seconded by Ken Bellefleur to approve the June 10, 2014 meeting minutes with corrections. After a vote of 6-0-0, the motion carried.

MISC. BUSINESS:

Chairperson Bowyer stated that last night, the City Council acted to elevate the status of the 2 Associate members of the Planning Board, Ken Bellefleur and Mia Poliquin Pross to Full member status with their term expiring on January 1, 2017. He also mentioned that 2 new Associate members, Nathan Hamlyn and Elaine Wickman were appointed by the City Council.

(01:32:45 on DVD)

OLD BUSINESS:

Douglas said he would send everyone Evan’s comments on the PB By-Laws in time for the next meeting.

There was a discussion regarding the Community Little Theater’s future plans and low income tax credits.

ADJOURNMENT

A motion was made by Marc Tardif and seconded by Evan Cyr to adjourn. After a vote of 6-0-0, the motion carried. Meeting was adjourned at 7:49 pm.

LEGAL NOTICE

City of Auburn

The Auburn City Council will hold a Public Hearing on **Monday, September 22, 2014** at **7:00 p.m.** in the Council Chambers at Auburn Hall, 60 Court Street, Auburn, Maine to consider the following:

A proposal to amend the City Of Auburn Zoning Map in the area Pond View Road and Taylor Pond from Low Density Country Residential District (LDCR) to Urban Residential District (UR). The proposed change includes the following properties: 493 Garfield Rd., 545 Garfield Rd., 585 Garfield Rd., Garfield Road (PID- 225-009), Garfield Rd. (PID-226-004), 95 Ledgeview Cv., 115 Ledgeview Cv., 116 Ledgeview Cv., 120 Ledgeview Cv., 128 Ledgeview Cv., 134 Ledgeview Cv., 138 Ledgeview Cv., 139 Ledgeview Cv., 144 Ledgeview Cv., 150 Ledgeview Cv., 156 Ledgeview Cv., 8 Pond Crest Ln., 14 Pond Crest Ln., 15 Pond Crest Ln., 17 Pond Crest Ln., 15 Pond View Ct., 21 Pond View Ct., 21 Pond View Ct., 130 Pond View Dr., 134 Pond View Dr., 135 Pond View Dr., 147 Pond View Dr., 150 Pond View Dr., 151 Pond View Dr., 157 Pond View Dr., 160 Pond View Dr., 161 Pond View Dr., 167 Pond View Dr., 124 Valview Dr., 126 Valview Dr. and 130 Valview Dr. pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

For maps or more information contact Douglas Greene @ 333-6601 ext. 1156 or dgreene@auburnmaine.gov.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Development

PLANNING BOARD RECCOMENDATION REPORT FOR:

ZOMA- 1194-2014

Taylor Pond Area Zone Change

I. Background-

On July 8, 2014, the Auburn Planning Board considered a citizen based petition for a zone change in the Taylor Pond Area. This area has built up over many years in small summer camps but has been zoned Low Density County Residential (LDCR), which has a 3 acre minimum lot size and fairly large building setbacks. This area is also served by sanitary sewers which also can facilitate smaller lots.

II. Basis and Justification for Zone Change-

The 2010 Comprehensive Plan recommends the Moderate Density Neighborhood Conservation land use designation for the area of Pond View Road and Ledgeview Road. The rezoning would change the current zoning of Low Density County Residential to Urban Residential (UR).

The main reasons the 2010 Comprehensive Plan recommended this change is:

1. The change is consistent with the Comprehensive Plan in areas that are served by public sewers.
2. The zone change will make more of the lots in the area more conforming than the existing zoning.
3. The change will allow for the redevelopment of seasonal homes into year round homes with setbacks that are smaller than currently allowed.
4. The zone change will make the homes in the area of the proposed zone change more consistent with existing development patterns in the area.

III. Public Hearing Testimony-

A number of residents in the area testified at the Planning Board meeting with the majority of comments being:

- Concern for the environment, specifically, negative impacts on Taylor Pond.
- Concern the zone change would allow new subdivisions and more density in the area.
- The proposed zone change area was larger than necessary.
- Consider adding a requirements for additional phosphorus buffer areas for any expansion of building or impervious areas.

IV. Deliberation by Planning Board-

The Planning Staff displayed maps that showed the various environmental overlays that are already in place and that the zone change would change or lessen the protection offered by the overlays.

The Staff said that only one or two lots splits would be possible in the area of the zone change. The Staff supported the idea of reducing the area of the zone change from LDCR to UR to be similar to the existing UR area along Taylor Pond to the east.

The Planning Board asked the staff again about any negative impacts by the rezoning to the environmental protection (overlays) in place. Staff said they did not believe the rezoning would be environmentally detrimental. In addition, the Staff said while they supported the concept of requiring more buffering for any development activity near the pond, that would take a zoning text amendment to change the Shoreland Overlay Ordinance.

V. Final Action by the Planning Board-

Following the deliberations and discussion with the Staff, a motion was made by Evan Cyr and seconded by Ken Bellefleur to send a recommendation of approval to the City Council of a reduced area for the zone change from LDCR to UR to extend 250 feet from the high water mark of Taylor Pond from 130 Valview Drive to extend to 167 Pondview Drive to include an extension to the rear of those parcels that are affected by the zone change.

After a vote of 6-0-0, the motion carried.

Robert A. Bowyer
Robert Bowyer, Chairman
Auburn Planning Board

Date: September 9, 2014

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning and Development

To: Auburn City Council

From: Doug Greene, AICP, RLA; City Planner 

Date: September 17, 2014

RE: Taylor Pond Zone Change Updates

In response to the questions raised at the September 8, 2014 Council meeting, I would like to offer the following updated information for the Taylor Pond area zone change. (ZOMA 1194)

1. Regulations in place to prevent negative environmental impacts-

The staff evaluated the area of the proposed zoned change for any potential or unintended negative environmental impacts. There are several environmental protections in place that will prevent any negative environmental impacts resulting from the zone change from Low Density Country Residential (LDCR) to Urban Residential (UR) which will allow reduced setbacks and smaller lot size.

- Taylor Pond Overlay District requires that for a conversion from seasonal to a year round residence that they connect to City sewer.
- Phosphorus Control Ordinance standards requires that any expansion of a building footprint by more than 575 sq ft or the driveway by more than 1,500 sq ft that they hire a design professional to do the calculations to figure out if the run-off will exceed their allowance for phosphorus. If it is determined that it will exceed the allowance then they must modify the project to include treatment of the runoff or reduce the size of the proposed building until it meets the requirements.
- Shoreland zoning requires that any building within 100 ft of the water is not expanded by more than 30% by floor area or volume. Shoreland zoning also has requirements for preserving existing trees and maximum impervious surface limits.
- State Department of Environmental Protection rules/standards prohibit any wetland and soil disturbance prohibitions within 75 feet of the pond unless special circumstances requires soil disturbance where they can get a permit for up to 25 feet of the water with appropriate erosion and sediment control requirements.
- Protected Resource Areas and Resource Protection Areas- A map analysis of the proposed zone change showed large areas of Protected Resources (wildlife habitat) and Resource Protection Areas (buffer area). Development is prohibited in these areas and the current proposal reduced the zone change area in recognition of this.
- The Floodplain Overlay District protects against development within the 100 year flood plain areas adjacent to the shoreline of Taylor Pond.

2. **Planning Board Report-** The Planning Board Report for ZOMA-1194 is attached.

3. **Planning Board Minutes-** The Planning Board minutes from the July 8, 2014 meeting were approved, with corrections at their September 9, 2014 meeting and are attached.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 07-09082014

BE IT ORDERED, that the City of Auburn amend the Official Zoning Map in the Southwest area of Taylor Pond, from Low Density Country Residential District (LDCR) to Urban Residential (UR) including land extend 250 feet from the high water mark of Taylor Pond from 130 Valview Drive and extend to 167 Pondview Drive on the parcels at: 493 Garfield Rd., 545 Garfield Rd., 585 Garfield Rd., Garfield Road (PID- 225-009), Garfield Rd. (PID-226-004), 95 Ledgeview Cv., 115 Ledgeview Cv., 116 Ledgeview Cv., 120 Ledgeview Cv., 128 Ledgeview Cv., 134 Ledgeview Cv., 138 Ledgeview Cv., 139 Ledgeview Cv., 144 Ledgeview Cv., 150 Ledgeview Cv., 156 Ledgeview Cv., 8 Pond Crest Ln., 14 Pond Crest Ln., 15 Pond Crest Ln., 17 Pond Crest Ln., 15 Pond View Ct., 21 Pond View Ct., 21 Pond View Ct., 130 Pond View Dr., 134 Pond View Dr., 135 Pond View Dr., 147 Pond View Dr., 150 Pond View Dr., 151 Pond View Dr., 157 Pond View Dr., 160 Pond View Dr., 161 Pond View Dr., 167 Pond View Dr., 124 Valview Dr., 126 Valview Dr. and 130 Valview Dr. pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn and as revised by the Auburn Planning Board at their meeting of July 8, 2014 and as depicted on the attached map.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 22, 2014

Resolve 10-09222014

Author: Jill M. Eastman, Finance Director

Subject: Creation of a Finance Committee

Information: This item was discussed at the workshop on September 8, 2014.

Pro's & Con's:

Financial: N/A

Action Requested at this Meeting: Approve Resolve

Previous Meetings and History: Workshop on September 8, 2014

Attachments:

Resolve 10-09222014

Memo (updated after workshop discussion)

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 10-09222014

RESOLVE, Supporting the concept of a City of Auburn Finance Committee

WHEREAS, the 2012 management letter from the Auditors recommended the City create a Finance Committee; and

WHEREAS, a Finance Committee can act as a liaison between the Finance Director, City Council and citizens of the City of Auburn; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUBURN, that the City Council supports the concept of a City of Auburn Finance Committee with the mission, purpose and structure as outlined on the attached Committee description.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUBURN, that the City Council proposes that the municipal revenue sharing be reinstated to what it should be according to the law, before any expansion of any unnecessary State programs; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUBURN, that the City Council hereby expresses its strong opposition to the State not meeting its legal obligation to the municipality; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUBURN, that the City Council proposes that the State of Maine recalibrate the Revenue Sharing Program to account for the increased costs associated with being a Service Center Community;

BE IT FURTHER RESOLVED, that the City Clerk is directed to provide copies of this RESOLVE to the members of the Legislature representing the City of Auburn, members of the Appropriations and Taxation Committees, the Governor, the Speaker of the House, the President of the Senate and the Legislative leadership

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TO: Clint Deschene, City Manager
FROM: Jill Eastman, Finance Director
DATE: September 17, 2014
SUBJECT: Finance Committee



The following memo is intended to outline recommendations for structure and responsibilities for a Finance Committee. It is recommended that the committee be made up of 4 full members(3 voting, 1 non-voting) and one alternate member, the 2 Councilors on the audit committee and the citizen member of the audit committee, the Finance Director as a non-voting member and another citizen as the alternate. The Finance Committee would be an extension of the Audit Committee (without School appointees).

Finance Committee

1. As an advisory body of the City Council on finance within the City, the Finance Committee holds a public monthly meeting to review the monthly financial report prepared by the Finance Director.
2. Prior to the monthly meeting, generally held the second Thursday of each month at 5:30 PM at the City Building, the Finance Director will provide the monthly financial report to the Finance Committee.
3. Additional meetings may be required to review bids if necessary.

Duties of the Finance Committee

1. The review of monthly financial reports with the Finance Director.
2. The review of any bid awards that the Finance Director and/or City Manager choose to use an exception to authorize the award, (not including any bids related to or governed by Federal or State mandates).
3. The review and recommendation to the full council of any new or amended financial policies.

City of Auburn Finance Committee Member

Position Title: Finance Committee Member

Selection: Appointment to the Audit Committee by the Mayor

Term: 2 year term concurrent with Councilor's term in office

Accountable to: Auburn City Council

Function

To review with the Finance Director monthly financial reports, bids that would be awarded by exception (not including any bids related to or governed by Federal or State mandates), and review and make recommendations on new or amended financial policies. To serve as a liaison between the Finance Director, the City Council and the citizens of Auburn.

Responsibilities

1. To attend meetings regularly or notify the Chairperson or Finance Director in advance of absence.
2. To adequately review information and prepare for meetings.
3. To consult and offer advice to the City Council regarding financial policies and procedures.

Time Commitment

The Finance Committee meetings will generally be held on the second Thursday of each month at 5:30 PM at Auburn Hall. The meetings should last no more than one 1/2 hour. Various special meeting may be held throughout the year if needed.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 22, 2014

Ordinance 08-09222014

Cristy Bourget, Code Compliance Officer

Author: Eric Cousens, Director of Planning & Development

Subject: State Mandated amendment to Chapter 14, Article II- Licenses, Section 14-26. Compliance with state and local law and rules required.

Information: The Maine Center for Disease Control (CDC) and the Maine Department of Health & Human Services (DHHS) has requested the City specifically adopt these rules by ordinance. The reference to State Statutes that we have relied on in the past is not as specific as it could be and may allow for legal argument in an enforcement case. The CDC and DHHS via a memorandum of agreement with the City have granted the City delegated authority to conduct eating and lodging establishment inspections on behalf of the State of Maine for many years. This change will allow us to continue the licensing and inspection of eating and lodging establishments in Auburn.

Pro's & Con's:

Pros- Allows for local inspections of eating and lodging establishments at annual intervals instead of 2-5 year intervals, if we were to rely on the State. This makes The City of Auburn consistent with the state laws and regulations.

Financial: None

Action Requested at this Meeting: Vote to accept the first reading and hold a public hearing.

Previous Meetings and History: None

Attachments:

- State of Maine Food Code 2013
- Substantive Changes for Maine Food Code Rulemaking
- Chapter 14 Business Licenses and Permits Article II Section 14-26
- Public Hearing
- Ordinance 08-09222014

**Agenda items are not limited to these categories.*

SUBSTANTIVE CHANGES FOR
MAINE FOOD CODE RULEMAKING
10-144 CMR 200 & 01-011 CMR 331

GENERAL CHANGES THROUGHOUT MAINE FOOD CODE:

1. Both the Department of Health & Human Resources Health Inspection Program (DHHS HIP) and Department of Agriculture, Conservation and Forestry (DACF) agreed to specify that DACF oversees Food Establishments and DHHS HIP oversees Eating Establishments, to reflect Maine statute and make it clearer to the regulated community and the regulators. Therefore, throughout the Maine Food Code, sections now refer to both Eating Establishments and Food Establishments. Both types will be specified, rather than the 2001 Maine Food Code and 2009 Federal Food Code, which refers to all establishments as Food Establishments.
2. Dates and editions were added to any referenced laws or materials providing guidance to the regulation of eating or food establishments, as a result of recommendations from the AAGs representing DHHS HIP and DACF.

CHAPTER 1 DEFINITIONS:

1. The following definitions were added for consistency with the 2009 U.S. Model Food Code:
 - Balut
 - Casing
 - Commingle
 - Conditional Employee
 - Counter-Mounted
Equipment
 - Critical Limit
 - Cut Leafy Greens
 - Dealer
 - Disclosure
 - Egg
 - Egg Product
 - *E. Coli*
 - Exclude
 - FDA
 - Handwashing Sink
 - Major Food Allergen
 - Mechanically Tenderized
 - Non-Continuous Cooking
 - Ratite
 - Ready-to-Eat Food
 - Reminder
 - Re-Service
 - Restrict
 - Restricted Egg
 - Risk
 - Shiga-Toxin Producing *E. coli*
2. The following definitions were added for consistency with Maine Statute & Rules:
 - Bulk Food
 - Certified Food Protection Manager (CFPM)
 - Eating Establishment
 - Health Inspector
 - Health Practitioner
 - Service Animal

- Sporting-Recreational Camp
3. The definition of “Bed & Breakfast” was expanded to more accurately capture those B&B’s that are regulated by DHHS HIP.
 4. Definition of “Food Establishment” was changed to reflect the definition within Maine statute at 22 M.R.S. §2152(4-A).
 5. The definition of “Imminent Health Hazard” was expanded to list specific instances when an imminent health hazard is presented.
 6. The definition of “Potentially Hazardous Food” was changed, to be consistent with the 2009 Federal Model Food Code.
 7. In the definition of “Poultry”, the 2001 Maine Food Code stated that poultry did not include ratites. This exclusion was reversed to show that poultry does include ratites, to reflect the 2009 Federal Model Food Code.
 8. The definition of “Restricted Use Pesticide” was expanded to include a reference to the 2011 federal regulation at 40 CFR 152.175. Maine’s Pesticide Control Board recommended that the requirement for Pesticides classified for restricted use reflect Maine law and be limited to use by, or under, the direct supervision of a certified applicator. 22 M.R.S. §1471-C (23) was amended in 2011.
 9. The definition of “Service Animal” was expanded to reflect Maine statute regarding restrictions of service animals at Eating Establishments in Maine. (See 5 M.R.S. §4553(9-E)(Amended 2011) and 17 M.R.S. §3966, which was also amended in 2011).
 10. “Temporary Food Establishment” definition was changed to “Temporary Eating Establishment” to name the appropriate type of establishment regulated by DHHS HIP.

CHAPTER 2 MANAGEMENT & PERSONNEL:

The following were added, in order to maintain consistency with the 2009 U.S. Model Food Code and 2011 U.S. Model Food Code Supplement:

- Certified Food Protection Manager: Sections 2-102.12 & 2-102.20.
- Responsibilities of Person In Charge for Ill Employees (Restrictions and Exclusions): Sections 2-201.11, 2-201.12 & 2-201.13;
- Cleaning Procedures: Section 2-301.12
- Responding to Contamination Events: Section 2-5.

CHAPTER 3 FOOD:

1. The following sections were incorporated from the 2009 U.S. Model Food Code & 2011 U.S. Model Food Code Supplement:
 - Juice Treated at 3-202.110
 - Food Employee contact with bare hands 3-301.11(E)
 - Heat Temperature of Food Table 3-401.11
 - Non-Continuous Cooking of Raw Animal Foods 3-401.14
 - Date Marking of Ready-to-Eat Potentially Hazardous Foods 3-501.17
 - Time as Public Health Control 3-501.19
 - Reduced Oxygen Packaging, Criteria 3-502.12
 - Juice Criteria 3-801.11
2. Section 3-201.13 Fluid Milk and Milk Products and 3-202.14 Eggs and Milk Products, Pasteurized were updated to more accurately refer to the appropriate Maine statutes governing DCF's regulation of milk and milk products. Instead of the outdated 7 M.R.S. §§ 2910 & 2904-A, the proposed reference in Section 3-201.13 is 22 M.R.S. §2902-B, Sub-§§ 3 & 5, which was amended in 2005. And in Section 3-202.14, the proposed changes more accurately capture when pasteurized milk products may be served according to Maine law.
3. Wild Mushrooms language was added into 3-201.16, in accordance with Maine statute and what is currently in effect regarding wild mushroom regulation. Part A is reserved for when there is a Wild Mushroom Harvesting Certification Program established under 22 M.R.S §2175.
4. Missing sections that were mistakenly omitted and should have been included, were added in the 2001 Maine Food Code:
 - Section 3-801.11 (G) added, which states that food may be reserved (except in 3-801.11(H)), under the conditions in 3-306.16; and
 - Section 3-801.11 (H) added, which gives a list of when food may not be reserved (i.e. mainly patients in quarantine or medical isolation).

CHAPTER 4 EQUIPMENT, UTENSILS, AND LINENS:

1. The language limiting lead use in 4-101.13 was removed, because it was determined that the restrictions were intended for manufacturers and distributors.
2. Major Federal Model Food Code additions were added into the following sections:
 - Auto-Dispensing of Detergents & Sanitizers Section 4-204.117;
 - Warewashing Cleaning Section 4-301.12; and
 - Warewashing Equipment, Sanitizers & Sanitizer Concentration Range Table Section 4-501.114.

3. Subsection (E) was added to 4-204.13, which was inadvertently omitted. Subsection (E) addresses dispensing equipment of liquid Food and ice requirements.

CHAPTER 5 WATER, PLUMBING, AND WASTE:

1. Sampling requirements were revised to be consistent with the Maine Rules Relating to Drinking Water (10-144 CMR 231) at Maine Food Code, Section 5-1.
2. Federal Model Food Code language was added for Backflow Prevention Device, Carbonator Section 5-203.15.

CHAPTER 6 PHYSICAL FACILITIES:

The requirement for the minimum number of toilets and urinals in Section 6-302.10 was revised.

CHAPTER 7 POISONOUS OR TOXIC MATERIALS:

1. Major additional language was added, to be consistent with the 2009 Federal Model Food Code and 2011 Federal Model Food Code Supplement:
 - Chemicals Section 7-204; and
 - Drying Agents, Criteria, Section 7-204.14
2. Section 7-202.12 (C) was added for compliance with Maine Board of Pesticide laws.

CHAPTER 8 COMPLIANCE AND ENFORCEMENT:

Language was added regarding inspection frequency, based on changes to Maine statute (22 M.R.S. §2497).

- Eating Establishment Inspections will occur minimally every 2 years, with more frequent inspections occurring, if the inspector deems it necessary as a result of various risk factors, Section 8-401.10;
- Aggrieved parties are allowed 30 days to appeal agency decisions, rather than 10 days. This change was intended to comply with the Maine Administrative Procedures Act.

PART II - CODE OF ORDINANCES
Chapter 14 - BUSINESS LICENSES AND PERMITS

ARTICLE II. LICENSES

ARTICLE II. LICENSES

[Sec. 14-26. Compliance with state and local law and rules required.](#)

[Sec. 14-27. Penalty.](#)

[Sec. 14-28. License for each location required.](#)

[Sec. 14-29. Written application to be on approved form; submitted with appropriate fee.](#)

[Sec. 14-30. Business beginning after application date.](#)

[Sec. 14-31. Fees; waiver.](#)

[Sec. 14-32. Applicants required to furnish information.](#)

[Sec. 14-33. Investigation of applicants.](#)

[Sec. 14-34. Certification from city officials.](#)

[Sec. 14-35. Hearing before city council; notice.](#)

[Sec. 14-36. Inspection of applicant's premises and merchandise.](#)

[Sec. 14-37. Disapproval by city officials; appeal to city council.](#)

[Sec. 14-38. Grounds and procedure for denial of license applications; exceptions.](#)

[Sec. 14-39. Appeal.](#)

[Sec. 14-40. Issuance of licenses.](#)

[Sec. 14-41. Display of licenses.](#)

[Sec. 14-42. Change of location of licensed business.](#)

[Sec. 14-43. Nontransferability.](#)

[Sec. 14-44. Duration of licenses; expiration date.](#)

[Sec. 14-45. Effective date.](#)

[Sec. 14-46. Responsibilities of licensee.](#)

[Sec. 14-47. City officials to notify police of violators; prosecutions.](#)

[Sec. 14-48. Suspensions and revocations; hearings.](#)

[Sec. 14-49. Exemptions from license requirement or fees.](#)

[Secs. 14-50—14-71. Reserved.](#)

Sec. 14-26. Compliance with state and local law and rules required.

- (a) Except as otherwise provided, no person shall engage in any business or activity, nor maintain any equipment or device, for which a license or permit is required, without having first complied with all applicable rules and regulations and having paid the proper fee and obtained a license therefore.

PART II - CODE OF ORDINANCES
Chapter 14 - BUSINESS LICENSES AND PERMITS

ARTICLE II. LICENSES

- (b) Specifically, all licensees and applicants for licenses are required to comply with state statutes and rules, city ordinances and rules and regulations of city departments which pertain to the business or activity for which a license is desired. State rules include and are not limited to:
- (1) State of Maine Food Code 200413 as adopted by the Maine Department of Health and Human Services, Health Inspection Program 10-144 CMR 200 & Department of Agriculture, Conservation and Forestry 01-01 CMR 331, last amended: October 1, 2013-
~~(2) CMR 200 and the Maine Department of Agriculture, Food and Rural Resources 01-001 CMR 331, May 1, 2001.~~
 - (32) Rules Relating to Lodging Establishments, Department of Health and Human Services, Maine Center for Disease Control and Prevention, Division of Environmental Health 10-144 CMR 206, January 1, 2003.
 - (43) Rules relating to the Administration and Enforcement of Establishments Licensed by the Health Inspection Program, Department of Health and Human Services, Maine Center for Disease Control Prevention, Division of Environmental Health Inspection Program 10-144 CMR Chapter 201, last Amended on October 7, 2012.

(Ord. No. 38-02072011-05, att. § 24-26, 2-7-2011; Ord. No. 07-12172012, § 24-36(a), 1-7-2013)

Sec. 14-27. Penalty.

The violation of any provision of this division shall be punished by a civil penalty, payable to the city, of not less than \$100.00 and not more than \$2,500.00 for each offense, based on the severity of the offense and number of occurrences. Each act of violation and every day upon which any such violation occurs shall constitute a new and separate offense. In addition to such penalty, if the court finds for the city, the city shall recover its costs of suit, including reasonable experts' fees, reasonable attorneys' fees and reasonable and necessary investigative costs.

(Ord. No. 38-02072011-05, att. § 24-27, 2-7-2011)

Sec. 14-28. License for each location required.

A license is required for each place or premises where a business regulated by this chapter, or any part thereof, including storage, is conducted. No licensee shall engage in such business in any manner at any place without first obtaining such license. The provisions of this section shall not apply to the following licenses, except that a separate license shall be required for each cart, vehicle, conveyance or other carrier employed by such licensees: peddler, solicitor, sound amplification and taxicab.

(Ord. No. 38-02072011-05, att. § 24-28, 2-7-2011)

Sec. 14-29. Written application to be on approved form; submitted with appropriate fee.

Except when otherwise provided by the ordinances of the city, every application for a license shall be made in writing to the city clerk or designee upon a form to be provided by the clerk. Such application shall be signed by the applicant. The proper fee shall be paid to the clerk at the time of filing the application.

(Ord. No. 38-02072011-05, att. § 24-29, 2-7-2011)

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ARTICLE II. LICENSES

Sec. 14-30. Business beginning after application date.

The license fee for any business shall be due and payable before such business is begun, provided, that when the licensee begins such business after the expiration of six months of the current license year, then such licensee shall be required to pay one-half the applicable yearly license fee prescribed, except as provisions otherwise require payment of the full license fee.

(Ord. No. 38-02072011-05, att. § 24-30, 2-7-2011)

Sec. 14-31. Fees; waiver.

The fees for business licenses shall be paid by the owner or his agent in accordance with the business fee schedule established by the city council. The city council is the only authority allowed to waive fees prescribed by ordinance. An application for waiver of any fees must be presented in writing to the city clerk to be brought to the city council at its next available meeting.

(Ord. No. 38-02072011-05, att. §§ 24-31, 2-7-2011)

Sec. 14-32. Applicants required to furnish information.

- (a) Every applicant for a license shall furnish to the city the following information:
- (1) Complete and exact name under which the business is proposed to be operated;
 - (2) If the business is proposed to be operated by an individual under any assumed name, the name of such individual and his address;
 - (3) If the business is a partnership, the name and address of each partner;
 - (4) If the business is a corporation, the name and address of the officers of the corporation, and the location of the principal office;
 - (5) Nature of the business for which a license is desired;
 - (6) Proposed physical location; and
 - (7) Proof of ownership or legitimate interest in property where business is to be conducted.
- (b) In addition to the foregoing, the applicant shall furnish to the city clerk or designee such other information as may be required by him in order to enable him to determine the proper classification of the applicant and the appropriate license fee and any other associated costs directly related to the application for a license, such as, but not limited to, the costs of public hearing ads and background check.

(Ord. No. 38-02072011-05, att. § 24-32, 2-7-2011)

Sec. 14-33. Investigation of applicants.

Wherever his approval is required or upon the request of the city clerk, the police chief may cause an investigation of any applicant for a license to be conducted prior to approval of such application for a license or permit.

(Ord. No. 38-02072011-05, att. § 24-33, 2-7-2011)

PART II - CODE OF ORDINANCES
Chapter 14 - BUSINESS LICENSES AND PERMITS

ARTICLE II. LICENSES

Sec. 14-34. Certification from city officials.

- (a) Before an applicant receives a license, the city clerk shall submit the application for certification to the code enforcement officer, fire chief, police chief and city treasurer or their designee.
- (b) Each city official has the authority to use back ground investigations, city records and any other means necessary to review each application in the course of the approval or denial process.
- (c) The code enforcement officer shall inspect the premises to determine whether the facilities are sanitary and in compliance with the provisions of land use regulations, building standards and codes as well as all state and city rules and regulations for the type of business activities intended to be conducted.
- (d) The fire chief shall determine whether the premises are free of a health safety and fire hazards and in compliance with all applicable standards.
- (e) The police chief shall certify that the applicant has not had a history of complaints or problems on the proposed business, applicants, owners or managers; where the approval of the license would be adverse to the public health, safety and welfare of the citizens of the city.
- (f) The city treasurer shall certify that all taxes and any monies due to the city have been paid or are current.
- (g) In any case where the city requires the approval of the building inspector, code enforcement officer, police chief, fire chief or any other city official prior to issuance of the license, it shall be the duty of the city clerk or designee to notify in writing the officials whose approvals are required.
- (h) The officials so notified, or their duly delegated representatives, shall approve or disapprove the application without delay and shall note their approval or disapproval thereon, stating the reasons for any disapproval.

(Ord. No. 38-02072011-05, att. § 24-34, 2-7-2011; Ord. No. 07-12172012, § 24-36, 1-7-2013)

Sec. 14-35. Hearing before city council; notice.

When required by the city council, a hearing will be held at which time the council shall decide whether to approve or disapprove any application for a license or permit. It shall be the duty of the city clerk or designee to notify the applicant of the time and place of the hearing. Such notice shall be mailed by the city clerk, postage prepaid, to the applicant at his last known address at least 48 hours prior to the date set for such hearing.

(Ord. No. 38-02072011-05, att. § 24-34, 2-7-2011; Ord. No. 07-12172012, § 24-36, 1-7-2013)

Sec. 14-36. Inspection of applicant's premises and merchandise.

Whenever required by state law, the ordinances of the city, the regulations of any city department, or upon the request of the city clerk, an inspection may be made of the applicant's premises or merchandise by the city assessors, police chief, fire chief, code enforcement officer, building inspector or other duly authorized city official prior to approval of any application for a license or permit. In addition, the premises or merchandise of every licensee shall be subject to such inspection at any time during the current license year; and the results of such inspections may be grounds for the suspension or revocation of any license issued by the city.

(Ord. No. 38-02072011-05, att. § 24-35, 2-7-2011)

PART II - CODE OF ORDINANCES
Chapter 14 - BUSINESS LICENSES AND PERMITS

ARTICLE II. LICENSES

Sec. 14-37. Disapproval by city officials; appeal to city council.

- (a) In any case where the city requires the approval of the building inspector, code enforcement officer, police chief, fire chief or any other city official prior to issuance of the license, it shall be the duty of the city clerk or designee to notify in writing the officials whose approvals are required.
- (b) The officials so notified, or their duly delegated representatives, shall approve or disapprove the application without delay and shall note their approval or disapproval thereon, stating the reasons for any disapproval. When required by the city council, a hearing will be held at which time the council shall decide whether to approve or disapprove any application for a license or permit. It shall be the duty of the city clerk or designee to notify the applicant of the time and place of the hearing. Such notice shall be mailed by the city clerk, postage prepaid, to the applicant at his last known address at least 48 hours prior to the date set for such hearing.
- (c) The decision and order of the council on such hearing shall be final and conclusive.

(Ord. No. 38-02072011-05, att. § 24-36, 2-7-2011)

Sec. 14-38. Grounds and procedure for denial of license applications; exceptions.

- (a) Except as otherwise specifically provided in this section, a license under this chapter shall be denied if the council makes a finding that:
 - (1) The applicant is a corporation that is not licensed to do business in the state;
 - (2) The applicant is a corporation, of which, at any time during the previous five years, a principal officer, or a person having an actual or beneficial ownership interest or management authority therein has been convicted of (a) any Class A, Class B, or Class C crime, or (b) a crime committed under the laws of the United States of America or of any other state or territory thereof, that is punishable (whether or not such punishment was actually imposed) by a sentence at least as harsh as that that is authorized for the commission of a Class C crime under state law; provided that such conviction was for an offense that is rationally related to the regulation of the business sought to be licensed;
 - (3) The applicant has been convicted of (a) any Class A, Class B or Class C crime, or (b) a crime committed under the laws of the United States of America or of any other state or territory thereof, that is punishable (whether or not such punishment was actually imposed) by a sentence at least as harsh as that that is authorized for the commission of a Class C crime under Maine law; provided that such conviction was for an offense that is rationally related to the regulation of the business sought to be licensed;
 - (4) The applicant has had his business license revoked within the five years preceding the date of the application;
 - (5) The applicant is a corporation, person or other business entity which does or will employ a person (a) who will be substantially in the ownership or management of the business and the employee's business license has been revoked within the five years preceding the application; or (b) who was a principal of any corporation whose business license has been revoked within the five years preceding the application;
 - (6) The applicant is a corporation, person or other business entity of which any person is a principal who will be substantially involved in the ownership or management of the business and the principal's business license has been revoked within the five years preceding the application;
 - (7) The proposed licensed premises or its use fails to comply with zoning or other land use ordinances;

PART II - CODE OF ORDINANCES
Chapter 14 - BUSINESS LICENSES AND PERMITS

ARTICLE II. LICENSES

- (8) The proposed licensed premises or its use fails to comply with any municipal ordinance or regulation;
- (9) There exist on or about the premises proposed to be licensed conditions such as waste disposal violations, health or safety violations or other such conditions that unreasonably disturb, interfere with, or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use or enjoy their property in a reasonable manner;
- (10) The applicant has knowingly furnished false or misleading information on his application.
- (b) No license or permit shall be issued by the city clerk or designee following a hearing at which the city council has disapproved any application for such license. In addition, the city clerk or designee shall deny a license or permit to any person whose application was disapproved by any city official whose approval was required.
- (c) No license or permit shall be issued to any person who is indebted to the city upon any claim, tax or account that is more than 60 days delinquent. The city treasurer shall be responsible for making available to the city clerk or designee and any other license-issuing officers such information as is essential for compliance with this section.
- (d) In case an application is disapproved, the city clerk or designee shall then notify the applicant in writing of such denial and shall refund the fee paid in. The city clerk or designee shall also notify the city council of such action at the next regularly scheduled meeting of the city council.
- (e) In the event that the council, in an exercise of its sound discretion, determines that there exist extenuating circumstances with respect to the grounds for denial of a license or that the circumstances giving rise to the denial can be ameliorated by the imposition of conditions or limitations to the grant of a license, the council may, notwithstanding the grounds set forth in this section, grant a license to the applicant upon such conditions as the council in an exercise of its sound discretion deems to be just and appropriate.

(Ord. No. 38-02072011-05, att. §§ 24-36, 24-37, 2-7-2011; Ord. No. 07-12172012, § 24-36, 24-37, 1-7-2013)

Sec. 14-39. Appeal.

- (a) Except as otherwise provided, appeals shall be made by filing a written notice of appeal with the office of the city clerk or designee within 30 days of the date of any such denial to the council in writing, whereupon a hearing will be scheduled, at which time the applicant shall have the right to be heard. It shall be the duty of the city clerk or designee to notify such applicants who have appealed, of the time and place of the hearing.
- (b) Such notice shall be mailed by the city clerk, postage prepaid, to the applicant at the address furnished on the application form at least 48 hours prior to the date set for hearing. The city council may, at that time, approve any application previously denied by the affirmative vote of five or more members of the council.

(Ord. No. 38-02072011-05, att. § 24-37, 2-7-2011)

Sec. 14-40. Issuance of licenses.

Except where the ordinances of the city require a license to be signed by some other official or where otherwise provided for by the city council, the city clerk or designee shall issue all licenses for which an application has been submitted and approved.

(Ord. No. 38-02072011-05, att. § 24-38, 2-7-2011)

PART II - CODE OF ORDINANCES
Chapter 14 - BUSINESS LICENSES AND PERMITS

ARTICLE II. LICENSES

Sec. 14-41. Display of licenses.

Every license shall be kept prominently displayed at the place of business of the licensee named in the license, or, in the case of equipment licenses, the license shall be affixed to such machines or equipment as required to allow such license to be inspected at any time by any proper city official.

(Ord. No. 38-02072011-05, att. § 24-39, 2-7-2011)

Sec. 14-42. Change of location of licensed business.

No license issued in accordance with the provisions of this chapter for the conduct of any business at a fixed place designated in the license issued therefore shall be valid for the conduct of such business at any place other than that designated in such license.

(Ord. No. 38-02072011-05, att. § 24-40, 2-7-2011)

Sec. 14-43. Nontransferability.

Every license issued by the city shall be a personal privilege and shall not be assignable or transferable.

(Ord. No. 38-02072011-05, att. § 24-41, 2-7-2011)

Sec. 14-44. Duration of licenses; expiration date.

All licenses, except when otherwise provided, shall be for 12 months' duration and shall expire on the last day of the expiration month according to the following schedule:

Type of License	Term of License	Expiration
Adult Amusement Device	One Year	June
Automobile Graveyard	One Year	October
Beano/Bingo	Six Months, Or Up To Three Years Maximum	December
Bowling/Pool	One Year	Coincides With Food License
Circus/Traveling Amusement Show	Per Day	Per Event
Coin-Operated Device	One Year	June
Exhibition/Performance /Show	Per Day	Per Event

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Flea Market	30 Days, 60 Days, 90 Days, Or One Year	Per Event
Food Service Establishment Class A—E, G	One Year	One Year From Date Of Issuance
Food Service Establishment Class F	Up To 30 Days	Per Event
Itinerant Vendor	30 Days, 60 Days, 90 Days, Or One Year	Per Event
Junk Collector/ Pawnbroker/Secondhand Dealer	One Year	Date Of Issuance
Mass Gathering/Event	Per Day	Per Event
Massage Establishment	One Year	Date Of Issuance
Motion Picture Theater	One Year	January
Outpatient Addiction Treatment Clinic	One Year	Date Of Issuance
Peddler	Up To 30 Days	Per Event
Roller Skating Rink	One Year	April
Roving Diner/Mobile Food Vendor	3 Months, 6 Months, One Year	April
Special Amusement	One Year	Coincides With Liquor License
Tattoo	One Year	Date Of Issuance
Taxicab/Taxicab Driver	One Year	December

(Ord. No. 38-02072011-05, att. § 24-43, 2-7-2011)

PART II - CODE OF ORDINANCES
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ARTICLE II. LICENSES

Sec. 14-45. Effective date.

Unless otherwise provided upon issuance of the license, the effective date of all licenses shall be the date of issuance.

(Ord. No. 38-02072011-05, att. § 24-44, 2-7-2011)

Sec. 14-46. Responsibilities of licensee.

It shall be the responsibility of the licensee of establishments regulated by this chapter to make certain that all rules and regulations prescribed by this chapter and state law are complied with, and each licensee shall cooperate fully with city officials to enforce such regulations.

(Ord. No. 38-02072011-05, att. § 24-45, 2-7-2011)

Sec. 14-47. City officials to notify police of violators; prosecutions.

Any city official having knowledge of any person operating any business or activity regulated by this chapter without the required license, or violating any state or local regulations, shall furnish the police chief the name of such person. It shall be the duty of the police chief to commence proceedings against the offenders of this chapter.

(Ord. No. 38-02072011-05, att. § 24-46, 2-7-2011)

Sec. 14-48. Suspensions and revocations; hearings.

- (a) Where provided, duly authorized city officials; police chief, fire chief or code enforcement officer; shall have the power to temporarily suspend licenses, upon written notification of violation, for a period of up to five calendar days, when the continued operation of the licensed business or activity presents a danger to the health, safety or general welfare of the public. This temporary suspension can be revoked when the licensed business rectifies the deficiencies which presented the danger.
- (b) Any license issued by the city may be suspended or revoked by the city council and any license fees retained by the city, upon a finding by the council that the licensee has violated the ordinances of the city or the laws of the State, or has willfully or persistently failed to comply with any applicable rules and regulations. Any action to suspend or revoke a license may be commenced upon the initiative of the council, upon the recommendation of any city official charged with approving, inspecting or otherwise regulating the licensee's business or activity, or upon complaint from any resident of the city.
- (c) Prior to suspending or revoking a license, the city council shall hold a hearing at the regular meeting of the council or a special meeting thereof called for that purpose. At such a meeting, the licensee shall have the right to be heard. Notice of the hearing for suspension or revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed by the city clerk, postage prepaid, to the licensee at his last known address at least 48 hours prior to the date set for hearing. The decision and order of the city council at such hearings shall be final and conclusive.

(Ord. No. 38-02072011-05, att. § 24-47, 2-7-2011)

PART II - CODE OF ORDINANCES
Chapter 14 - BUSINESS LICENSES AND PERMITS

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Sec. 14-49. Exemptions from license requirement or fees.

- (a) Persons acting pursuant to an order or process of a court of competent jurisdiction and persons acting in accordance with their powers and duties as public officers, such as sheriffs and marshals, shall not be required to secure a local license.
- (b) Orphanages and public and private hospitals, as defined in the laws of the State, shall not be required to secure a local business license to operate a children's home or day care facility.
- (c) Persons selling, exclusively, farm, dairy, orchard or fish products of their own production shall not be required to obtain a local license.
- (d) No charge shall be made for the issuance of a solicitor's license, blasting permit or chimney cleaner permit; however, persons traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street selling magazines or other merchandise by sample, list or catalogue for future delivery shall be required to obtain a local itinerant vendor/peddler's license.
- (e) Persons licensed in accordance with state law to maintain an automobile graveyard or junkyard shall not be required to obtain a local license to also operate as a junk collector.
- (f) Persons who use their own homes to provide foster care to children shall not be required to obtain a local license.
- (g) Public or private school cafeterias and nursing homes shall not be required to obtain a local food service establishment license.

(Ord. No. 38-02072011-05, att. § 24-48, 2-7-2011)

Secs. 14-50—14-71. Reserved.

LEGAL NOTICE

City of Auburn

The Auburn City Council will hold a Public Hearing on **Monday, September 22, 2014** at **7:00 p.m.** in the Council Chambers at Auburn Hall, 60 Court Street, Auburn, Maine to consider the following:

Adoption of the State of Maine Food Code 2013. State Mandated amendment to Chapter 14, Article II- Licenses, Section 14-26. Compliance with state and local law and rules required.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 08-09222014

BE IT ORDERED, that the Auburn City Council amend to Chapter 14, Article II- Licenses, Section 14-26. Compliance with state and local law and rules required of the City of Auburn Ordinances to adopt the Maine Food Code 2013 by reference.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 22, 2014

Order 78-09222014

Author: Alison F. Pepin, License Specialist

Subject: Automobile Graveyard/Junkyard permit renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Applications and payments have been received in the City Clerk's Office. A public hearing and Council approval is required. The public hearing will be held on the September 22, 2014 City Council Meeting. These facilities have been inspected by the Code Enforcement Office. The Fire Department has approved.

Buck's Auto, 249 Merrow Road

Randy's Auto Parts, 899 Broad Street

M&P Auto, 227 Merrow Road

Isadore T. Miller Co., a Division of Schnitzer NE, 78 & 80 Old Hotel Road

Prolerized New England Company, LLC, 522 Washington St. N

Morris Auto Mart, 940 Washington St. N

Pro's & Con's: n/a

Financial: n/a

Action Requested at this Meeting: Workshop discussion on September 08, 2014. Public hearing and recommend approval.

Previous Meetings and History: Annual Renewal

Attachments:

- Applications
- Inspection Memo from Eric Cousens
- 30-A §3753
- 30-A §3754
- 30-A §3756
- Public Hearing Ad
- Order

**City of Auburn
Public Hearing**

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Auburn on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on Monday, September 22, 2014, in the Council Chambers, Auburn Hall, 60 Court Street at 7:00 P.M. or as soon thereafter as it may be heard. All interested persons may appear and will be given the opportunity to be heard before final action is taken on said applications.

Prolerized New England – 522 Washington St. N

Isadore T. Miller – 79 & 80 Old Hotel Rd.

Randy's Auto Parts – 899 Broad St.

M & P Auto, Inc. – 227 Merrow Rd.

Morris Auto Mart – 940 Washington ST. N

Buck's Auto -249 Merrow Rd.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 78-09222014

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Buck's Auto, 227 Merrow Road.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 22, 2014

Order 79-09222014

Author: Alison F. Pepin, License Specialist

Subject: Automobile Graveyard/Junkyard permit renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Applications and payments have been received in the City Clerk's Office. A public hearing and Council approval is required. The public hearing will be held on the September 22, 2014 City Council Meeting. These facilities have been inspected by the Code Enforcement Office. The Fire Department has approved.

Buck's Auto, 249 Merrow Road

Randy's Auto Parts, 899 Broad Street

M&P Auto, 227 Merrow Road

Isadore T. Miller Co., a Division of Schnitzer NE, 78 & 80 Old Hotel Road

Prolerized New England Company, LLC, 522 Washington St. N

Morris Auto Mart, 940 Washington St. N

Pro's & Con's: n/a

Financial: n/a

Action Requested at this Meeting: Workshop discussion on September 08, 2014. Public hearing and recommend approval.

Previous Meetings and History: Annual Renewal

Attachments:

- Applications
- Inspection Memo from Eric Cousens
- 30-A §3753
- 30-A §3754
- 30-A §3756
- Public Hearing Ad
- Order

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 79-09222014

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Morris Auto Parts, 940 Washington Street North.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 22, 2014

Order 80-09222014

Author: Alison F. Pepin, License Specialist

Subject: Automobile Graveyard/Junkyard permit renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Applications and payments have been received in the City Clerk's Office. A public hearing and Council approval is required. The public hearing will be held on the September 22, 2014 City Council Meeting. These facilities have been inspected by the Code Enforcement Office. The Fire Department has approved.

Buck's Auto, 249 Merrow Road

Randy's Auto Parts, 899 Broad Street

M&P Auto, 227 Merrow Road

Isadore T. Miller Co., a Division of Schnitzer NE, 78 & 80 Old Hotel Road

Prolerized New England Company, LLC, 522 Washington St. N

Morris Auto Mart, 940 Washington St. N

Pro's & Con's: n/a

Financial: n/a

Action Requested at this Meeting: Workshop discussion on September 08, 2014. Public hearing and recommend approval.

Previous Meetings and History: Annual Renewal

Attachments:

- Applications
- Inspection Memo from Eric Cousens
- 30-A §3753
- 30-A §3754
- 30-A §3756
- Public Hearing Ad
- Order

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 80-09222014

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for M & P Auto, 227 Merrow Road.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 22, 2014

Order 81-09222014

Author: Alison F. Pepin, License Specialist

Subject: Automobile Graveyard/Junkyard permit renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Applications and payments have been received in the City Clerk's Office. A public hearing and Council approval is required. The public hearing will be held on the September 22, 2014 City Council Meeting. These facilities have been inspected by the Code Enforcement Office. The Fire Department has approved.

Buck's Auto, 249 Merrow Road

Randy's Auto Parts, 899 Broad Street

M&P Auto, 227 Merrow Road

Isadore T. Miller Co., a Division of Schnitzer NE, 78 & 80 Old Hotel Road

Prolerized New England Company, LLC, 522 Washington St. N

Morris Auto Mart, 940 Washington St. N

Pro's & Con's: n/a

Financial: n/a

Action Requested at this Meeting: Workshop discussion on September 08, 2014. Public hearing and recommend approval.

Previous Meetings and History: Annual Renewal

Attachments:

- Applications
- Inspection Memo from Eric Cousens
- 30-A §3753
- 30-A §3754
- 30-A §3756
- Public Hearing Ad
- Order

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 81-09222014

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Randy's Auto Parts, 899 Broad Street.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 22, 2014

Order 82-09222014

Author: Alison F. Pepin, License Specialist

Subject: Automobile Graveyard/Junkyard permit renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Applications and payments have been received in the City Clerk's Office. A public hearing and Council approval is required. The public hearing will be held on the September 22, 2014 City Council Meeting. These facilities have been inspected by the Code Enforcement Office. The Fire Department has approved.

Buck's Auto, 249 Merrow Road

Randy's Auto Parts, 899 Broad Street

M&P Auto, 227 Merrow Road

Isadore T. Miller Co., a Division of Schnitzer NE, 78 & 80 Old Hotel Road

Prolerized New England Company, LLC, 522 Washington St. N

Morris Auto Mart, 940 Washington St. N

Pro's & Con's: n/a

Financial: n/a

Action Requested at this Meeting: Workshop discussion on September 08, 2014. Public hearing and recommend approval.

Previous Meetings and History: Annual Renewal

Attachments:

- Applications
- Inspection Memo from Eric Cousens
- 30-A §3753
- 30-A §3754
- 30-A §3756
- Public Hearing Ad
- Order

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 82-09222014

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Isadore T. Miller, a Division of Schnitzer NE, 78 & 80 Old Hotel Road.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: September 22, 2014

Order 83-09222014

Author: Alison F. Pepin, License Specialist

Subject: Automobile Graveyard/Junkyard permit renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Applications and payments have been received in the City Clerk's Office. A public hearing and Council approval is required. The public hearing will be held on the September 22, 2014 City Council Meeting. These facilities have been inspected by the Code Enforcement Office. The Fire Department has approved.

Buck's Auto, 249 Merrow Road

Randy's Auto Parts, 899 Broad Street

M&P Auto, 227 Merrow Road

Isadore T. Miller Co., a Division of Schnitzer NE, 78 & 80 Old Hotel Road

Prolerized New England Company, LLC, 522 Washington St. N

Morris Auto Mart, 940 Washington St. N

Pro's & Con's: n/a

Financial: n/a

Action Requested at this Meeting: Workshop discussion on September 08, 2014. Public hearing and recommend approval.

Previous Meetings and History: Annual Renewal

Attachments:

- Applications
- Inspection Memo from Eric Cousens
- 30-A §3753
- 30-A §3754
- 30-A §3756
- Public Hearing Ad
- Order

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 83-09222014

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC, 522 Washington Street North.



City Council Information Sheet

City of Auburn

Council Meeting Date: 09/22/2014

Subject: Executive Session

Information: Discussion regarding Minot Avenue Development, pursuant to 1 M.R.S.A. Section 405(6)(C).

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

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.